THE MOOT COURT LECTURE SERIES

Lecture by

THE HONORABLE JUDGE FRANK M. COFFIN
Chief Judge of the First Circuit of
the United States Court of Appeals

on

THE JUDGE AS ADVOCATE'S CONSUMER: ON READING BRIEFS AND HEARING ARGUMENT

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Ladies and gentlemen, I will try to fill the rest of this hour with what I hope will be of interest to you. It's not going to be a traditional how-to-do or don't-do talk. I have deliberately tried to couch it in terms of what I do when I read briefs, and what I do and how I react when I hear arguments. Let me say at the outset that I can sympathize with all of you who have just been through your first briefs -- I understand that first-year students have just finished work on their briefs and the oral argument lies ahead. When I was in law school, this was my extracurricular activity. I headed up our board of advisors and had the effrontery to write a booklet called Introduction to Advocacy, and blush when I think of the gall that I must have had to sound forth at that stage. As a lawyer, I've enjoyed appellate advocacy probably more than any other single sport. And as a judge, I enjoy the oral argument as one of the few times I can leave my ivory tower and see how people look and act and what lawyers are really like. What I will do is talk in the first portion of this hour on briefs, and then I'll stop, and if any of you have some questions, we will take time at that point. Then I will go into oral argument, and hopefully there will be some time for questions, or comments, after that.

So here I am speaking to you as the advocate's consumer. When you write a brief, you have in mind a finely honed, tailored, finished product, and you probably envisage that as being all alone in splendid isolation --- a judge coming at it and seeing nothing else in the room but that brief gleaming in its brilliance. The truth is that in real life that brief is hidden in several huge piles of from thirty to forty sets of briefs. Because we have argument the first of every month, so two weeks or ten days from the end of the month the briefs come into my chambers and will fill this bench a foot high, counting the records. And so my first job is to read all of these briefs before argument, but to read them very lightly, obviously. Skimming them; sometimes doing very little more than skimming the table of contents. My clerks will read them with more care because I can divide them up, and each clerk will have a third of the briefs. Before I go to argument, the clerks and I will have several hours of seminar discussion on each case, and I will pick up from them ideas which hopefully I can use in the oral argument as the basis for questioning counsel.

When I read, therefore, your brief and the thirty or forty others, I feel a mixture of two feelings equally strong. One is tedium, and the other is discomfort. That is, it is a chore that I will do usually at night, and it's not the fault of the briefwriter that I am not at my most alert at that time. Nevertheless, from the point of view of the advocate, to the extent that you can make your briefs as short as possible, and as well written and as punchy as possible, that is to your advantage. So, keep in mind that the first time your consumer sees your brief is probably going to be after a fairly heavy meal at night when he would much rather be doing something else, and the eyelids tend to droop.

Discomfort is also a quality because if I read the appellant's brief and if it's well written, I know that appellant has got the best of the deal; I'm for him. I have no discomfort then. It's only when I read the appellee's brief, if it's well done, then I say, "Oh, my God, he may be right too!" Then I'm in a profound state of discomfort which usually lasts until I finally see which way I'm going to come down, and that may not be until I'm well into writing the opinion. It may even be after I've written one draft and feel that it does not do the job.

I have four categories that I tend to separate cases into, and these categories will determine the role which my reading will do for me. The categories are phrased in terms of two general qualities: understandability -- these cases range from the very simple to the very complex -- and difficulty -- these would range from the frivolous case to the very substantial case.

So, these two qualities interplay, and my first category of briefs would be the simple-and-

insubstantial case. We will have a number of these even though we try to screen them out and not slate them for oral argument. But, if a case is in this category, reading is very important because that's probably the only time I'll read those briefs. And if the issue is simple, easily understood, and if a quick reading of the six or eight or ten-page brief will indicate that the issue is really an insubstantial one, then I've done all I need to do on that particular case.

The second category is a simple case, easy to understand; maybe a single-issue case, but a substantial case nevertheless. That is, the issue is a respectable one. There too, reading the briefs is easily done, even after dinner, at my preargument session. I'll spend eight to ten minutes looking through those briefs, and I can grasp the issue. I won't know what the answer is, but at least I will feel that I can understand the case. So I will invest the time in reading those briefs.

The third category is the complex and opaque case. That is where the facts are rather complex. It may be a narcotics conspiracy, with more characters in it than you can quickly grasp. The statement of facts will give you how the undercover agent came into the picture and what the various confrontations with the agent and the coconspirators were, but I'm not going to be able to see the factual situation very clearly. And if one of the issues is whether there was sufficient evidence to support a jury verdict, I will know that I can come to a conclusion only after I and my clerks have gone through the trial transcript. With such a case I probably will not spend too much time reading that brief before argument.

Then the final category is the heavy case. It may be a heavy case because of the facts. Most patent cases are that way, and I will realize that I cannot read those briefs with sufficient care to get a clear picture of the facts. But I will expect from counsel at argument that, if nothing else is accomplished, counsel will at least tell me what the gadget is like that is the subject of the patent controversy. More likely, the heavy case will be a case -- not more likely, but as likely -- it will be a case where I can understand the issue, but it's a new issue. It may be a case involving abortion or welfare which might be a new frontier kind of case where our circuit has not taken a position, and I will know that that's going to be a very important issue, and I'll begin to worry about it. My chief object there will be to try to devise questions to ask of counsel that will put us ahead of the game.

Well, so much for the categories of cases.

When I look through these briefs at my first reading, what do I look for, apart from figuring out broadly what category they're in? The first thing I look for, sort of automatically, is jurisdiction. Sometimes counsel don't brief the point, and sometimes it's embarrassing to hold oral argument, and then after all the counsel have gone home, you realize that there just is not appellate jurisdiction to deal with the case. And you wish you had known about it earlier so that you could have had some colloquy with counsel. At least counsel might have said, "Well, your Honor, could I file a supplemental brief?" and you'd be perhaps better served if they could do that. So, I advise all of you, in real practice, to be sure that you are in the right court and that you have the right to be in the appellate court. In other words, that there has indeed been a final order appealed from or the right kind of interlocutory order that you can appeal from.

A second thing I try to get from briefs is understanding, just simple understanding, as to what the whole case is about. Surprisingly, frequently judges will read a set of briefs and will come away from that reading with the idea that there are two cases involved because what the appellant is talking about doesn't remotely resemble what the appellee is talking about. If a court has that attitude, counsel does a disservice to the client because the court then has to go to the decision below. When he reads the trial judge's opinion, if there is an opinion, or an agency decision, he can then at least see what the issues are and what led to the controversy. Instead,

counsel should make both those clear.

A third task is to scent weaknesses. Here I suppose, what I'm really talking about is the finely developed judicial nose. I guess it comes from experience. You can just tell -- there are certain hallmarks of weaknesses. Some of them are fairly benign weaknesses that don't really hurt anything, but they're regrettable and they don't forward the client's case. I am talking about such things as dullness; lengthy sentences; inactive verbs; jargon words and banal expressions; poor paragraphing; misspelling; lack of organization; an obsequious tone; or just as bad, righteous anger; or snide innuendo implying that opposing counsel have recklessly, if not intentionally, misled the court; and finally, a patronizing tone. These won't ruin a case, but certainly don't go far to helping your client win.

There are signs of malignancy that are worse, and they are really serious. Such things as these are what I refer to: The omission of a key fact. The setting forth of facts in a twisted way so that it looks like a perfectly smashing case, until you go to the record and realize that the facts aren't quite as they are reproduced. Or there may be very little order to the facts, and there may be a very prolix statement of facts, so the judge says, "Well, this is so without structure and order, and so many words, that I have a faint feeling that counsel just might be trying to snow me and convince me that where there is so much smoke there must be a little fire, when in fact sometimes there is not even a glowing coal."

Then there is a similar defect, the failure to deal with an issue. It's very aggravating to read an appellant's brief with, say, seven issues, and the appellee just demolishes six of them, but doesn't say a word about the seventh. That really causes a great big question mark to be raised.

Then there is a similar error, the bland approach. Appellant has made an argument that really cuts pretty deep, and you read the appellee's brief, and the appellee is saying, "Oh yes, the appellant has said this, but of course there is nothing to this." When that approach is made you are afraid that there is a lot to that.

Next, dealing with authorities, if a leading case is missing. Sometimes, believe it or not, an attorney will rely on a case and has just not shepardized it. This happened at one of my earlier oral arguments as judge, when one of my colleagues had shepardized the case and said, "Well, Mr. So-and-So, have you checked the subsequent history of that case? Wasn't it overruled by such-and-such a case?" Well, I'm sure that this is something that will not happen to this group, but it has been known to happen. I like to see -- if an appellant has relied upon a series of cases -- I like to see those cases dealt with by the appellee. Some appellees will say, "Well, I've read those cases and they are not on point," and will expect us to know that. It's much more effective if every case found in the appellant's brief is also found, if only briefly, in the appellee's brief.

I've talked about scenting weaknesses. Perhaps the most important thing I can say about scenting strengths -- and this is perhaps the single message that I, and I suspect other lecturers on advocacy would tell you -- is that when I see a brief which lays right out before me the most vulnerable position of that side and then deals with it, that to me is effective advocacy. That doesn't mean that the advocate is going to win, but he has a better chance of winning than if he tries to brush that essential weakness under the rug. If you just come out saying, "I want to approach first the argument that," and then deal with it, and show that the case that stands for that proposition should be overruled or that it has no policy behind it, and the time for rethinking the matter is at hand, this is good advocacy.

Well, I've talked about checking jurisdiction, getting a better understanding, and scenting weaknesses. A fourth thing I look for is identifying the standard of review, which could be, if it's an agency, simply: Was the agency within its jurisdiction? Or it could be: Was its action

capricious? Or if it's a judge: Was that judge clearly erroneous on the facts, or was it legal error? If it's an equal protection argument, are you looking for a compelling interest or a substantial relationship, or a rational connection? I won't try to lecture on various standards of review. My point is that it's a good thing for the advocate to give some thought to this issue so that he or she can tell the court what its standard of review ought to be. Many times the court will ask the question, and the advocate hasn't begun to think of the issue.

Finally, what I look for in a brief is a sense of policy. Sometimes this is impossible. Sometimes the question is pure law. It may be silly law, but it's law that you are bound to follow. It may be a statute; it may be a Supreme Court decision. But, if there is room for movement, if the question is novel, if the authorities are divided, or if the statute is ambiguous, then policy is a legitimate thing to think about. I am impressed by advocates who can tell me, "Not only are the authorities this way, may it please the Court, but this is why it makes sense." Then conversely we will ask advocates, "If we hold for you, what about this next case that will come down the pike? Isn't that going to be a bad result even though it might be a good result in this case?" Counsel should be prepared to say why on the whole, considering this from the point of view of a neutral principle, why a decision for him makes sense in terms of policy.

At the conclusion of reading the briefs, or perhaps in our seminar, one thing I do is to refine certain tasks for my clerks. Either looking up the key case or checking the record for a critical piece of testimony to see whether the attorney below took an exception or made an objection. Did that attorney preserve the point? You'd be surprised how many briefs in practice brief various issues which make perfectly splendid arguments, and the only thing is that the attorney below just did not preserve the point.

Finally, as I think about a case from the brief, it isn't just the result I consider, but also whether it will be a broad result or a narrow result; whether it's a case where a warning to judges concerning their future charging instructions is needed; whether a warning to prosecutors is needed. There are various, multiple objectives that are served by a brief.

Well, just to wrap up this part of our session's lessons for the advocate, if we had a Federal Trade Commission that represented judges as consumers, the FTC would try for a consent decree which would try to persuade advocates to write a brief of minimum length, to concentrate on the jugular where you're most vulnerable, to deal even though briefly with every case of the opponent's, to state the facts fairly and accurately with citations to the records, to try to link the argument to good policy, to help the court distinguish from awkward results, to be selective in citing cases, and of course finally, not to call counsel names or be thin skinned or petulant. So much for the reading of briefs. Have you any questions or comments at this point? . . . All right.

[No questions were raised at this point, the consensus being to leave all for the end.]

Some of the things that I've already said bear on oral argument: the instinct for the jugular, facing your vulnerable point. Of course, know the record below. I would say in general, as other lecturers will tell you, a good oral advocate is one who does have a command of the record. I guess the best example -- I have seen many highly paid lawyers in big law firms do miserable jobs. They didn't try the case. Maybe a junior tried the case, and so the big-shot does it on appeal, and he doesn't know the record, and he does a miserable disservice to his client. Probably one of the best jobs I've seen done, not surprisingly, is that of Edward Bennett Williams with a tax case. He didn't try it below, but he had done the bone labor to go through this thick, dull record, and he knew the facts as well as if he had tried the case. And that's the

reason why he's where he is today.

Flexibility is important. An attitude that's both informal and respectful. And something I would call controlled earnestness. That is not something that makes every point a matter of life and death, but a feeling that you radiate to the court that you have a sense of conviction about the case. It is an ineffable quality. Without it, the most eloquent speaker doesn't impress the court, and with it, I've seen attorneys bumble, stammer, and read their argument, but be effective because they had this ability to say to the court, "Look, I believe in this case; this is important, and you fellows better do the right thing."

I thought the best thing I could do on oral argument -- rather than being general -- is to give you a few impressions of a term of court, how oral arguments seem to me as I've jotted down thoughts shortly after.

For example, this was a criminal case. "Appellant's counsel was a former Assistant U.S. Attorney who should know better. He insisted on squandering his time by rehearsing the facts exhaustively. When I interjected early on that we had all read the briefs, he nodded understandingly, and impervious to the suggestion, continued his plodding narrative. He naturally ran out of time before he had finished, and he spoke after his time ran out, irritating at least one of my colleagues to distraction. Government counsel was composed and bland and didn't need to be anything else. The case looked easy from reading the briefs and oral argument merely confirmed a first impression."

I would say that more and more we are by force of circumstance restricting counsel to fifteen or twenty minutes for an argument. I was shocked when I first went on the bench to know that we weren't giving an hour to each side. We were giving a half hour. I thought this was hideously unfair. The longer I'm in the business, the more I think that more can be accomplished in fifteen minutes than most lawyers, than many lawyers, think; that a good, hard-hitting fifteen or twenty minute argument will do much more than an hour or forty-five minutes.

Here was a labor-management case. "The counsel for the company was direct and convincing on the issues he dealt with. He did not touch on his weakest issue. The lawyer for the board, the labor board, spoke too rapidly and monotonously, throwing away good arguments by merely noting them and passing on to something else before we had really grasped the point. I struggled to keep alert. There wasn't time enough to explore the issue ignored by the company. The appeal which should have been an easy affirmance for the board, became a close question because of lackadaisical argument. If the board finally won, it was only after the court spent much more time than should have been necessary. In retrospect, we should have intervened more aggressively in our questions."

Another labor-management case. The issue was whether hospital management had discharged nurses because of an anti-union motive. The facts were unusually one sided, and this is an incredible case. We called it the Yellow Bird Express. In this case a patient in a hospital, who had jaundice and who later died, had a wife who was a supervisor in the hospital. The nurses were up to highjinxs. They dressed up the poor patient in various odd and bizarre bits of clothing and called the little portable bed that he was on the Yellow Bird Express as they wheeled him to the operating room. The poor man ultimately died, and the nurses got the sack."The lawyer for the hospital wisely discussed the facts in low key, letting them speak for themselves. He also forcefully attacked the legal standard used by the board. The board's lawyer, a seasoned veteran, having neither the law nor the facts on her side, had only coolness to rely upon. With remarkable sang-froid, she remarked that of course there was sufficient evidence to support the board's decision and that the proper legal standard had been supplied." I must say that

she went down like a soldier. I think at the end of the arguments, later on that morning, there was another labor board case, and I think we said to the other attorney that when the attorney on this earlier case went back to Washington, please recommend to her superior that she get a bronze star for valor.

Then there was a hideously complex public utility case. "The parties were expert, and they presented charts to us that looked very well thoughtout. But, in their preparation, they ignored a procedural issue that had bothered us and that was: the possible untimeliness of the appeal. Oral argument gave us a chance to focus attention on this issue which indeed did prove to be the case and was dispositive. But we would not have felt comfortable in relying on it unless we had given all parties a chance to say all they wished. And this, unlike the earlier case I mentioned, was a case where preargument discussion with clerks had revealed this hidden issue that we could then talk about and argue.

Here was a criminal case with excellent counsel, one a young woman and the other a young man. "The colloquy between court and counsel was electric, rapid-fire, and relevant. I suppose the result will not be different than that we would have reached after a mediocre argument, but we feel completely informed and sophisticated about the case. We shall write a better opinion in a shorter time, with less investment of our own resources because of the help of these counsel."

Then there was a civil case. "Appellant's lawyer is trying to persuade us to extend a rule to cover his case. Both lawyers are all a court could ask, but appellant has no answer to the question 'where, if we find for him, we can find a rational basis for drawing a line to exclude the obviously absurd case.' This was, as it should have been, the entire focus of argument."

Then there was another labor case. "The company's attorney is a smoothie. He speaks well and his brief is, as usual, meticulously detailed. A visiting judge might well be impressed, but my expectancy has been conditioned by experience. As usual he is sweeping his big problem under the rug."

Then here's a case that illustrates something that young attorneys are apt to fall into, a pitfall. It was a complex civil rights case with many parties, with different rules of law applicable to each: questions of standing and applicability of 1983 or 1981 or 1985. "The appellant's lawyer was crisp and succinct, obviously in command, but too crisp, too succinct. He expected too much of us. He expected us to be into the case as much as he was." One error is to go through the facts when the court says they've read the briefs, and the facts are not too complex. The court doesn't need to be told the second time. But this error that I'm talking about now is your assuming that the court is a group of geniuses. "The content of his argument, if one were to read it unhurriedly, might have been impressive, but we have solved only part of it." In short, the lawyer misused oral argument expecting it to do what only reading and reflection could do.

The last case that I will give you has to do with bearing and a sense of controlled earnestness I mentioned earlier. This was a very sophisticated challenge to the grand jury questioning of a witness. "The appellant's lawyer wove an intricate tapestry of argument, but he didn't radiate a sense of felt injustice. He made his points as if to say, 'There, try to handle this one!' He was at once daring us to disagree with him and was amused at our predicament. I wonder if a communicated conviction in the rightness of his case would have won us over, possibly." I could go on, but that would be cumulative.

I just want to conclude by giving you my answers to the critical question: What good does it do to be a good advocate if as judges say, "We arrive at the right result whether good counsel or bad counsel appeared before us?" The judges sometimes say that. If that's what they

say, why should you be a good advocate? Well, number one, it helps us to do a better job in less time. That's small comfort for you, it's great comfort for us and helps the system work. There are sometimes when cases are in even balance -- when it does help you win your case -- when reasonable people could act either way.

A third reason is that, and it's an important one, if you are a good advocate, you're not going to lose a good case. And believe me, it is possible to lose a good case.

Fourthly, it may not have anything to do with your client winning or losing, but often times you can influence the court in its approach. You can see to it that it's a narrow decision, or a broad decision. Or you can help state dictum. It may not do you too much good right now, but if you're labor lawyer for either the board or the company, you know that in the future you will have less trouble down the road than if it were a very broad decision. If you're a prosecutor or a defense counsel, it's important in future cases that the law be structured at least as you think it should be.

Finally, good advocacy makes a difference because it's not just the finding -- the affirming or reversing of an issue of liability -- but more and more these days it's a question of remedy. An effective advocate who has thought about it can do a lot to influence the court as it wrestles with the question of remedy. Obviously this subject could keep us all day, but I promised to give you a few minutes to yourself. So, have you any questions? Yes . . .

QUESTION-AND-ANSWER SESSION

Student: Does humor ever have a place in oral advocacy?
Judge Coffin: Yes, certainly. I think it does. It is, however, a weapon to be used with some circumspection. You want to be sure that the court is in a position to enjoy a good laugh. Judges themselves are often tempted to be humorous, but it's good to count to several thousand before we allow ourselves to be. For example, I don't want to be humorous in a case where a person's freedom is at stake. A case with a prisoner or criminal defendant is not a place for humor, either from the judges or from the counsel in oral argument. But if it's a case with one wealthy corporation suing another, in that case I figure a good joke is not out of line.

Student: Given the short time for argument, would it be better if there were just questions from the bench based on close points in the case?
Judge Coffin: Yes, it would be. That's the ideal. The ideal fifteen minute argument would be in a case where the judges have been so thoroughly prepared that they know exactly what they want to ask. I wish I could say that I was always in that position, but I'm not. So what you have to do is to say to yourself, "The court has assigned me fifteen to twenty minutes, or a half hour, so if the court just hasn't read these briefs or hasn't absorbed them, or if they got up on the wrong side of the bed and don't ask any questions, I want to cover what I think would make a good argument. On the other hand, if they have done a lot of work and if they have a lot of things on their minds, then I'm going to be flexible, and I'm going to respond to those questions." With this caveat, that the court's questions are not always necessarily the questions they should be asking. You will know your case better than they will, so you will have to do the delicate thing of answering their questions, but getting back onto your charted course as soon and as politely as you can. It may seem impossible, but you ought to make the effort. I've seen counsel operate on the theory that the court can do no wrong:"so if they are asking questions, I'm just going to answer them." But you risk loosing control of the whole argument, and you wind up without having gotten to that key issue which ultimately, you will realize, you should have been discussing. You've got quite a job. You have three things to think about: what to do if there are no questions, what to do if there are good questions, and what to do if there are bad questions.

Student: In what percentage of cases has oral argument actually changed your mind personally and made a difference to you? And how do you think that this varies among judges or cases?
Judge Coffin: I've thought about this, and this is not a statistically verifiable figure, but out of say thirty cases a term there will be at least a couple. Maybe there will be at least one where the result is different. There will be two or three more where there is a difference in terms of breadth of approach or of remedy, or of some of these other things I've talked about. That may not sound like much to you, but I think it's quite alot. Have in mind that all these judges have read these briefs, at least on most courts, and that they come into an argument with a prefixed idea. Then to have the oral advocate send them out of the courtroom into the conference with a completely different attitude, even to have one a month, or one among twenty-five or thirty, is something. Of course, the significant changes in approach in the other cases are important. I speak for our court; this is not my individual experience. The three of us will come out, and more often than not we will say, "We have completely changed around on this point because of the oral argument." There are several reasons for this. Sometimes the brief was written in an uninspired moment by that lawyer, or maybe the brief was written by an uninspired member of his firm. Then the

lawyer gets cranked up for oral argument and really does a spectacular job. So it's not surprising that the result would be different. If he'd written a spectacular brief, maybe that would have been different. But then it's amazing how a fact will appear that either has been absent from the briefs or has been underplayed, yet be perfectly controlling when you put it in context.

Student: You mentioned the use of charts in appellate advocacy in the public utilities case, and you mentioned the importance of explaining what a piece of equipment was in a patent case. To what extent is the use of exhibits proper in appellate argument?
Judge Coffin: I think they are perfectly proper. We have blackboards and chart display boards available. Counsel know that this is proper. If they have any doubt about it, they speak to the clerk. Sometimes it can be overdone. We had one patent case where the attorney thought that he would demonstrate that even simple ideas on occasion can be patentable. So he took out an egg from a brown paper bag, and he was going to do the Columbus trick: standing an egg up on one end. He came up to the clerk's desk,and he tapped the egg on the desk. Nothing happened. So he tapped it again, and couldn't even crack the shell enough so that the egg could stand up. And finally of course, (splat), it went all over. It was one of the greatest shows I have ever seen. That's what I call injecting humor into the proceedings.

Student: To what extent is it appropriate to point out errors in your opponent's brief?
Judge Coffin: It's very appropriate as long as they're not nit-picking errors. That's fair game. If a case has been miscited, or particularly, if a fact has been miscited, I'd say you have an obligation to do that. The only thing that I would urge caution on is not to waste time on trivia. A lot of attorneys think that if they pick another brief to pieces and take every possible thing apart, or if they respond to all the pejorative adjectives, that they are scoring points. That's why I said that you shouldn't be thin-skinned. Overlook a certain amount of trivia. But on anything that's important, it's important for you to show the court that at least you are careful in your use of cases and in your use of the record.

Student: If you're the appellee in a case with three issues, and the appellant has just gone up and has been grilled by the court on the first issue, and if the court raised all the criticisms of his position that you yourself raised in appellant's brief, and you really think that the court bought your line, is there any point in returning to that issue when it's your turn to stand up and talk?
Judge Coffin: I think that you've got to be careful in how you handle it. Some attorneys will say "I couldn't agree more with Your Honors that such-and-such is true." The court is apt to say, "Now look, we ask questions, but that doesn't necessarily indicate how we feel. Don't misinterpret our questions of your opponent as agreement with your stand." You have to handle it a little differently and say, "Listening to the colloquy between Your Honors and my Brother, I think all the points have been covered. Unless there are any further questions I propose that we go to issue number two."

Finally, a couple of little don'ts. Young lawyers who are court appointed on appeal, who didn't try the case, sometimes they think they are making great points by saying, "Your Honors, I did not have anything to do with this horribly mangled trial below." That's not a very good gambit.

Well, I guess we're reaching the end of our time.

Students: Thank you, Judge Coffin. [Applause!]