

# THE JOURNAL OF APPELLATE PRACTICE AND PROCESS

---

## FIRST ARGUMENTS AT THE SUPREME COURT OF THE UNITED STATES

### PREFACE

I practiced law for sixteen years, spending much of that time as a member of my firm's appellate-practice group. And though I never said so out loud, I always hoped I'd argue at the Supreme Court. That never happened, and now of course it's clear I'll never go. But I've learned at last how it feels to walk into that courtroom for your first argument.

It stops your heart.

And now I know that anything can happen once you're there. You'll face the one question you didn't anticipate, the question you dismissed as irrelevant, or the one to which the only possible answer is unlikely to satisfy anyone on the Court. Perhaps an exchange with one of the Justices will give you a chance to make your strongest points. Or maybe the questions will come so quickly that you'll be unable to address them all.

You'll be surprised by how small the courtroom is and how close you stand to the bench. You'll be impressed—perhaps intimidated—by the majesty of the setting. You'll be amazed to have ended up there, and you'll be grateful to those who helped you along the way. You'll hope that you're adequately prepared. You'll be eager. You'll be ready. You'll be scared. Maybe you'll say a prayer. And then you'll take comfort in the blessed familiarity of the words with which your argument begins.

You'll end up in a conversation with the Court, a challenging conversation that taxes all of your intellectual resources, a conversation of which you'll try to make your theory of the case a recurring theme. You'll be either optimistic or disappointed when the argument is over, but you're almost certain to be surprised when you learn that your time is up. And you'll probably wonder how anyone standing at that podium ever had time to watch the clock.

I know all this because I've spent months with the essays that follow. Some are funny, some poignant. Some are terse and pointed, some meander. Some are impressionistic, while others are replete with dates and times, issues, facts, and quirky bits of law. The writers came to the Court from a variety of backgrounds, and have had a range of legal and life experiences. Despite their differences, however, they all speak a single truth: A first argument at the United States Supreme Court is an important event indeed.

So turn the page. Pick an essay at random. Read.

NBM  
Little Rock  
May 1, 2003