No. 23-1072

In the Supreme Court of the United States

ALI HAMZA AHMAD SULIMAN AL BAHLUL,

Petitioner,

v.

UNITED STATES,

Respondent.

On Petition for a Writ of Certiorari to the United States Court of Appeals for the District of Columbia Circuit

---

BRIEF OF AMICI CURIAE JAMES J. ALFINI, CHARLES GARDNER GEYH, BRUCE A. GREEN, RENEE KNAKE JEFFERSON, JAMES J. SAMPLE, JEFFREY STEMPEL, KEITH SWISHER AND PENNY WHITE IN SUPPORT OF PETITIONER

Bruce A. Green
FORDHAM SCHOOL OF LAW
150 West 62nd Street
New York, NY 10023
(212) 636-6851
bgreen@law.fordham.edu

Meghan S. Skelton
Counsel of Record
SKELTONLAW, LLC
P.O. Box 308
Cabin John, MD 20818
(240) 425-2280
meghan@skelton.law

May 2, 2024 *Counsel for Amici Curiae*

SUPREME COURT PRESS ♦ (888) 958-5705 ♦ BOSTON, MASSACHUSETTS

TABLE OF CONTENTS

Page

TABLE OF AUTHORITIES ii

INTEREST OF THE AMICI CURIAE 1

SUMMARY OF THE ARGUMENT 2

ARGUMENT 4

I. The Court should grant the petition to promote the public perception of judicial impartiality and to ensure that judges adhere to the text of 28 U.S.C. § 455, the disqualification statute. 4

A. The decision below sends a message to judges that they need not prioritize the public's perception of judicial impartiality when deciding disqualification motions..... 6

B. Section 455(b) does not supersede 455(a)... 10

C. The need for recusal here was even more compelling than in *Williams v. Pennsylvania*, where the judge's failure to recuse in similar circumstances violated due process. 13

D. This Court should grant review because the issues presented in the petition carry nationwide significance on the critical issue of the public perception of fairness in the judicial system. 14

CONCLUSION 16

APPENDIX 17

List of Amici Curiae App.1a

TABLE OF AUTHORITIES

Page

CASES

Baker & Hostetler LLP v. Dep't of Commerce, 471 F.3d 1355 (D.C. Cir. 2006) 7, 8

Caperton v. A.T. Massey Coal Co., 556 U.S. 868 (2009) 12

In re Code of Judicial Conduct, 643 So. 2d. 1037 (Fla. 1994) 15

In re Murchinson, 349 U.S. 133 (1955) 14

Jayafi v. Bush, Sup. Ct. No. 05-2104, Supplemental Petition for a Writ of Habeas Corpus (D.D.C., Dec. 14, 2005). 7, 8

Liljeberg v. Health Services Acquisition Corp., 486 U.S. 847 (1988) 6, 11

Liteky v. United States, 510 U.S. 540 (1994) 13

Williams v. Pennsylvania, 136 S. Ct. 1899 (2016) 6, 8, 13, 14

STATUTES

28 U.S.C. § 455..... 1, 2, 3, 4, 5, 10, 11, 12, 14

28 U.S.C. § 455(a) 3, 4, 7, 10, 11

28 U.S.C. § 455(b) 3, 4, 7, 10, 11, 15

28 U.S.C. § 455(b)(3) 7

JUDICIAL RULES

Sup. Ct. R. 37.2 1

Sup. Ct. R. 37.6 1

LEGISLATIVE MATERIALS

H. Rep. No. 93-1453 (1974)..... 12

S. Rep. No. 93-419 (1973) 12

OTHER AUTHORITIES

American Bar Association,
Model Code of Judicial Ethics and its Canons (2011)..... 12, 14, 15

Andreas Kappes, et al.,
Confirmation Bias in the Utilization of Other's Opinion Strength, 23 NATURE NEUROSCIENCE 130 (2020) 14

Charles G. Geyh, James J. Alfini & James J. Sample, JUDICIAL CONDUCT AND ETHICS (6th ed. 2020)..... 1, 11, 12

Gregory Katsas,
Questionnaire for Judicial Nominees, U.S. Senate Judiciary Committee (2017) (available at https://perma.cc/XEU6-PM3L). 8

Gregory Katsas,
Testimony, Committee on the Judiciary, House of Representatives, No. 110-152, June 26, 2007 (GPO 2009) 8, 9

Robert J. Martineau,
Enforcement of the Code of Judicial Conduct, 1972 UTAH L. REV. 410 (1972)..... 15

INTEREST OF THE AMICI CURIAE

Amici Curiae[1] are current or emeritus law professors who have devoted a significant part of their teaching and scholarship to the subject of U.S. judicial ethics. Collectively, their professional and scholarly writings addressing judges' ethical conduct include a leading treatise (Charles G. Geyh, James J. Alfini & James J. Sample, JUDICIAL CONDUCT AND ETHICS (6th ed. 2020)) and multiple law review articles. Among the subjects addressed in the *amici's* relevant teaching and writings is judicial disqualification, including the central principle of judicial disqualification rules and law that judges must recuse themselves when their impartiality might reasonably be questioned.

In studying the rules and laws such as 28 U.S.C. § 455 that incorporate this principle, and in teaching and writing about it, *amici* have endeavored to develop and convey appropriate, well-grounded understandings and interpretations of when judicial recusal is required. Based on their academic study of judicial ethics generally and judicial disqualification in particular, *amici* have a well-informed view of the importance of reviewing and reversing the decision below, to promote public

---

[1] Pursuant to Rule 37.6, *amici* affirm that no counsel for a party authored this brief in whole or in part, and that no person, other than amici or their counsel, made a monetary contribution to fund its preparation and submission. Pursuant to Rule 37.2, *amici* notified counsel for all parties of the intent to file this brief more than ten days before filing. The arguments included herein are those of the individual *amicus*, and not those of the institutions where they hold appointments. Institution affiliation is listed for identification purposes only.

confidence in the impartiality of the judiciary by restoring the principle that judges must refrain from sitting as judges when their impartiality might reasonably be questioned.

Individual *amici curiae* are identified and described in the attached Appendix.

SUMMARY OF THE ARGUMENT

Petitioner has been detained in Guantanamo Bay since 2002. But this petition does not raise issues specific to Guantanamo, military commissions, or evidentiary issues surrounding torture. Instead, this petition raises the question whether the public can be confident that judges can decide disputes impartially, including the hardest, most fraught cases. The issue here applies to all federal litigation: whether a judge can read a portion of the text of 28 U.S.C. § 455 out of the statute and add exceptions to the rest of the text that do not exist.

Petitioner asked the court below to review his military commission conviction and life sentence. Judge Gregory Katsas sat on the panel, although as a senior Justice Department official, he personally litigated against petitioner and other similarly situated Guantanamo detainees. As a Justice Department attorney, Judge Katsas urged federal courts to ensure that petitioner's prosecution would proceed. Judge Katsas signed pleadings in petitioner's habeas case, and publicly stated before Congress that petitioner's life sentence was a "good result." Nevertheless, Judge Katsas denied petitioner's motion seeking his recusal and affirmed his conviction and sentence.

The decision below would lead the public to believe that judges can decide cases even if, objectively, their appearance of impartiality could be questioned. The message this decision sends would greatly harm the public perception of the fairness of the judiciary.

Here, the D.C. Circuit's reading of Section 455–a distinctly minority approach among the federal appellate courts–essentially eliminates Section 455(a) from the law in cases that are potentially, but not quite, covered by Section (b). In effect, this minority view means that even if it is beyond question–as here–that a judge's "impartiality might reasonably be questioned" based on the entirety of the facts and circumstances, the judge may sit on a case because the facts are close to, but fall just outside the boundaries of Section 455(b). This interpretation is not suggested by the language of Section 455. Nor is it supported by the provision's legislative history.

The Court should review this case because it has national and potentially international implications for how the public views the fairness of U.S. courts. Public confidence in the judiciary depends on the perception that judges are impartial. This case is of exceptional importance because it provides the Court with the opportunity to remind judges and the public that a judicial system is only as strong as the integrity and appearance of impartiality of its judges. Granting review here, and ultimately reversing the decision below, will ensure that judges hew more closely to the text of 28 U.S.C. § 455 and give appropriate consideration to maintaining the appearance of impartiality.

ARGUMENT

I. The Court should grant the petition to promote the public perception of judicial impartiality and to ensure that judges adhere to the text of 28 U.S.C. § 455, the disqualification statute.

Public confidence in the judiciary requires confidence in judges' impartiality – in cases that may evoke strong passions no less than in cases of little moment. Public confidence requires that a judge avoid deciding cases when "his impartiality might reasonably be questioned." 28 U.S.C. § 455(a). The D.C. Circuit's interpretation of the recusal law essentially deletes this key, overarching standard in a large class of cases to which it would otherwise apply. This interpretation will have significance not only in the D.C. Circuit, where many important cases are heard, but in state courts throughout the country, because the federal standard is based on the same provision of the ABA *Model Code of Judicial Conduct* from which states draw their own recusal provisions.

The text of the recusal statute, 28 U.S.C. § 455, identifies when judges must disqualify themselves. First, Section 455(a) states that "Any justice, judge, or magistrate judge of the United States shall disqualify himself in any proceeding in which his impartiality might reasonably be questioned." Next, Section 455(b) states that a judge "shall also disqualify himself under the following circumstances:" and lists several specific situations regarding actual bias, relationship with

parties or counsel, prior employment, and financial interest in the outcome.[2]

---

[2] Section 455 states in its entirety:

(a) Any justice, judge, or magistrate judge of the United States shall disqualify himself in any proceeding in which his impartiality might reasonably be questioned.

(b) He shall also disqualify himself under the following circumstances:

(1) Where he has a personal bias or prejudice concerning a party, or personal knowledge of disputed evidentiary facts concerning the proceeding;

(2) Where in private practice he served as lawyer in the matter in controversy, or a lawyer with whom he previously practiced law served during such association as a lawyer concerning the matter, or the judge or such lawyer has been a material witness concerning it;

(3) Where he has served in governmental employment and in such capacity participated as counsel, adviser or material witness concerning the proceeding or expressed an opinion concerning the merits of the particular case in controversy;

(4) He knows that he, individually or as a fiduciary, or his spouse or minor child residing in his household, has a financial interest in the subject matter in controversy or in a party to the proceeding, or any other interest that could be substantially affected by the outcome of the proceeding;

(5) He or his spouse, or a person within the third degree of relationship to either of them, or the spouse of such a person:

(i) Is a party to the proceeding, or an officer, director, or trustee of a party;

(ii) Is acting as a lawyer in the proceeding;

For the public to maintain faith in the judicial system, "justice must satisfy the appearance of justice." *Liljeberg v. Health Services Acquisition Corp.*, 486 U.S. 847, 864 (1988). Requiring judges to maintain the appearance of impartiality "is not some artificial attempt to mask imperfection in the judicial process, but rather an essential means of ensuring the reality of fair adjudication. Both the appearance and reality of impartial justice are necessary to the public legitimacy of judicial pronouncements and thus to the rule of law itself." *Williams v. Pennsylvania*, 136 S. Ct. 1899, 1909 (2016). "An independent, fair, and impartial judiciary is indispensable to our system of justice." *Model Code of Judicial Conduct*, Pmbl. (2011).

A. The decision below sends a message to judges that they need not prioritize the public's perception of judicial impartiality when deciding disqualification motions.

When petitioner learned that Judge Katsas was assigned to the panel to review his conviction and sentence, he sought Judge Katsas's disqualification. Not only was Judge Katsas's prior representation of petitioner's opponent disqualifying in itself, but his advocacy in support of petitioner's trial and Guantanamo in general would cause a reasonable person to question his impartiality.

(iii) Is known by the judge to have an interest that could be substantially affected by the outcome of the proceeding;

(iv) Is to the judge's knowledge likely to be a material witness in the proceeding.

Nevertheless, Judge Katsas denied petitioner's recusal motion, stating that he had appeared as petitioner's opposing counsel in petitioner's habeas case, not the prosecution giving rise to the direct appeal he was preparing to decide. (Pet App. 4a.) He opined, "This proceeding is not that one, and it involves no direct, collateral, or any other review of that case." (Pet App. 4a.) Judge Katsas interpreted the word "proceeding," in Section 455(b)(3) in the narrowest possible terms and concluded that it did not require him to disqualify himself. Moreover, he concluded that, since "Section 455(b)(3) specifically addressed when a judge must recuse based on past government service," and since that section "'draw[s] the recusal lines,'" he would not "lightly use" Section 455(a)'s more general "catch all provision" to "shift the lines specifically drawn in section 455(b)." (Pet. App. at 6a-7a (quoting *Baker & Hostetler LLP v. Dep't of Commerce*, 471 F.3d 1355, 1357 (D.C. Cir. 2006) (Opinion of Kavanaugh, J.)).

But to a reasonable member of the public, Judge Katsas's impartiality could be questioned. Over the course of multiple years and within the public eye, Judge Katsas devoted years of his professional life and reputation to opposing petitioner.

Petitioner was charged by military commission first in 2004 and again in 2008. He filed a habeas petition in 2005 seeking to enjoin his prosecution. *Jayafi v. Bush*, No. 05-2104, Supplemental Petition for a Writ of Habeas Corpus (D.D.C., Dec. 14, 2005). He raised multiple arguments, including that the tribunal lacked jurisdiction to try him because it was improperly constituted and convened by an individual who was improperly appointed (*id.* at 14-15); that his detention was illegal because he was being charged for an offense

that did not exist when he was captured and thus was *ex post facto (id.* at 16); and that the government was using evidence derived from torture against him (*id.* at 8, 31-32). Petitioner also attached factual support as exhibits to his pleadings. (*Id.* at Ex. 2-3.) While other Guantanamo cases percolated through the D.C. Circuit and this Court, petitioner's habeas and military commission were periodically stayed and reinvigorated.

In 2008, as Assistant Attorney General, Judge Katsas advocated against petitioner, providing the district court with information on petitioner's background and the procedural background of different proceedings against him. *See, e.g., id.*, Respondent's Status Report (ECF 57-4) (D.D.C. July 18, 2008). In this case, as well as in testimony before Congress, Judge Katsas advocated for petitioner's prosecution by military commission to proceed. *See, e.g*, Gregory Katsas, Testimony, Committee on Armed Services, House of Representatives, No 110-167 (July 31, 2009) (GPO 2010) at 6.

After petitioner's conviction, Judge Katsas publicly spoke about petitioner's particular case numerous times, including commenting that his prosecution "worked well," with a "good result" of a life sentence.[3] He also regularly spoke publicly about the specific legal issues involved in petitioner's habeas, prosecution, and later, appeal.[4]

---

[3] Gregory Katsas, *Questionnaire for Judicial Nominees*, Attachments to Question 12(a), U.S. Senate Judiciary Committee (2017) at A-2544 (available at https://perma.cc/XEU6-PM3L).

[4] *See id*. at 2668. *See also* Gregory Katsas, testimony, Committee on the Judiciary, House of Representatives, No. 110-152, June

On appeal, petitioner asked the court below to review several of the identical claims he had raised in habeas and that Judge Katsas had opposed as a Justice Department official. Specifically, the court below decided that the government had properly convened a military commission against petitioner, complying with all administrative laws and procedures in appointing the official overseeing the prosecution. (Pet. App. 26a-35a.) And the court denied petitioner's challenges to his life sentence, despite his arguments that the facts supporting the sentence were derived from torture and that the life sentence was impermissibly influenced by a statute that was *ex post facto*. (Pet. App. 23a-24a, 39a-43a.)

A reasonable member of the public would question Judge Katsas's ability to impartially decide petitioner's appeal in light of Judge Katsas's previous, sustained professional commitment to the prosecution and punishment of Guantanamo detainees in general and petitioner in particular, over the course of many years as a government lawyer, together with his personal involvement opposing petitioner's habeas and supporting petitioner's prosecution.[5] This is true regardless of whether the habeas proceeding was

---

26, 2007 (GPO 2009), at 8.

[5] Judge Katsas stated that, as an attorney at the Justice Department, he did not prepare a factual return on behalf of the government justifying the petitioner's continued law-of-war detention, and thus concluded that he did not learn facts relevant to the prosecution at issue on appeal. (Pet. App. 5a.) But a reasonable member of the public would believe that Judge Katsas would have had access to, and indeed would necessarily have reviewed voluminous files about the facts and law supporting the government's case against petitioner.

technically a different proceeding from the prosecution that resulted in the conviction and sentence that Judge Katsas reviewed. From a reasonable observer's perspective, Judge Katsas had made a professional commitment to enable the government to prosecute petitioner and secure his conviction and life sentence.

Even for an ordinary American judge who had not previously litigated against petitioner, it might be hard to maintain impartiality given the nature of the Guantanamo cases and the attacks on American soil that led to them. One could not reasonably be assured that, having been a government lawyer opposed to petitioner (among other Guantanamo detainees), Judge Katsas would be unaffected by the views, factual understandings, and professional commitments formed during that previous period of his professional life. The need to protect the appearance of impartiality is particularly important in such a case.

B. Section 455(b) does not supersede 455(a).

Judge Katsas declined to consider whether the facts would give a reasonable person doubts about his impartiality under Section 455(a). He found that, since the arguments petitioner raised addressed his former employment with a government agency, only Section 455(b) applied. And since, in his view, the facts did not mandate recusal under that section, no further inquiry was necessary.

The text of Section 455 does not support Judge Katsas's reading. Section (a) is a rule of general applicability. And Section (b) states that a judge "shall *also* disqualify himself" under particular circumstances. (emphasis added.) This second paragraph establishes

a non-exhaustive list of enumerated circumstances requiring recusal, but does not restrict when a judge should apply 455(a). The court below thus ignored the plain language of Section (a) insofar as it found that Section (b) implicitly nullified it.

The "'laundry list'" of disqualifying factors "that follows the general rule in ethics rules and Section 455 was not intended to be exclusive." Carles G. Geyh, James Alfini, and James J. Sample, JUDICIAL CONDUCT AND ETHICS, § 4.02 (6th ed. 2020). Any circumstances, whether enumerated or not, "that would lead a reasonable person to question a judge's impartiality is a basis for disqualification of that judge." *Id.* Indeed, "the starting point" of both the Model Code and Section 455, "is with the rule of the appearance of partiality." *Id.* at § 4.01. The specific areas of concern listed in Section 455(b) are a non-exhaustive subset of the "fall-back provision that judges must disqualify themselves when their impartiality might reasonably be questioned." *Id.* at § 4.05.

Limiting the contexts where Section 455(a) applies would harm the public perception of the judiciary. "The very purpose of § 455(a) is to promote confidence in the judiciary by avoiding even the appearance of impropriety whenever possible." *Liljeberg v. Health Servs. Acquisition Corp.*, 486 U.S. 847, 865 (1988). Artificial limitations on the text of the code would undermine public confidence.

Congress enacted the current language of Section 455, including the objective provisions of Subsection (a) to bring the federal statute into conformity with the

ABA's *Model Code of Judicial Ethics* and its *Canons*.[6] And the Model Code and its Canons "serve to maintain the integrity of the judiciary and the rule of law" and provide the "principal safeguard" against threats that imperil public confidence in the fairness and integrity" of the nation's judiciary. *Caperton v. A.T. Massey Coal Co.*, 556 U.S. 868, 889 (2009) (internal quotation omitted).

The most important change from the former version of Section 455 to the revised and current version was the switch to an objective standard in determining whether the appearance of impartiality could reasonably be questioned. "This general standard is designed to promote public confidence in the impartiality of the judicial process by saying, in effect, if there is a reasonable factual basis for doubting the judge's impartiality, he should disqualify himself, and let another judge preside over the case." S. Rep. No. 93-419 at 5 (1973). *See also* H. Rep. No. 93-1453 (1974), *reprinted in* 1974 U.S.C.C.A.N 6351, 6355. The objective standard considers "whether an objective, disinterested observer fully informed of the relevant facts would entertain a significant doubt that the judge in question was impartial." Geyh, et al., JUDICIAL CONDUCT AND ETHICS, § 4.05. This standard examines the facts as "filtered through the eyes of a reasonable observer, rather than through the subjective view of the judge in question or a party or lawyer appearing before the judge." *Id.* Even if the judge subjectively believes that he can be impartial, if the facts would appear otherwise to a reasonable person, the judge must recuse.

---

[6] H. Rep. No. 93-1453 (1974), *reprinted in* 1974 U.S.C.C.A.N 6531, 6353; 119 Cong. Rec. 33029-30 (Oct. 4, 1973) (bound ed.).

C. The need for recusal here was even more compelling than in *Williams v. Pennsylvania*, where the judge's failure to recuse in similar circumstances violated due process.

This case is similar to *Williams v. Pennsylvania*, where this Court held that a judge's participation in a death penalty case when he had been chief prosecutor violated due process. 136 S. Ct. 1899 (2016). This Court held that "an unconstitutional potential for bias exists when the same person serves as both accuser and adjudicator."[7] *Id.* at 1905. No person is more "integral to the accusatory process" than the person who advocated on behalf of the state against the defendant on critical matters. *Id.* at 1906.

In this case, as in *Williams*, a serious risk exists that the judge who had previously participated in the prosecution could be influenced by an improper, albeit inadvertent, motive to "validate and preserve" the result. *Williams*, 136 S. Ct. at 1907. "As a practical matter, it is difficult if not impossible for a judge to

---

[7] Due Process provides the floor, the minimally acceptable standard, while ethics rules and statutory obligations demand more of judges. This Court determined that ethics rules would unquestionably require recusal under the circumstances in *Williams* because the judge's former government service, including making important decisions impacting the defendant's liberty, would cause a reasonable person to question the judge's impartiality. *Williams*, 136 S. Ct. at 1908. And any information that a judge learned about the case before becoming a judge or before actually deciding the case creates an impermissible risk that the judge is deciding the matter on extraneous information and thus calls into question the appearance of neutrality. *See Liteky v. United States*, 510 U.S. 540, 554-55 (1994).

free himself from the influence of what took place in" the prior proceeding where he was the decision maker. *In re Murchinson*, 349 U.S. 133, 138 (1955).

Indeed, the psychological commitment to securing punishment for alleged criminal conduct would be much stronger for someone like Judge Katsas than the judge in *Williams*, given the depth and length of his involvement in Guantanamo cases in general and petitioner's case in particular.[8] The obvious appearance is that, having begun the task of securing petitioner's conviction while serving as a government lawyer, Judge Katsas aimed to finish the job from his perch on the Court of Appeals.

D. This Court should grant review because the issues presented in the petition carry nationwide significance on the critical issue of the public perception of fairness in the judicial system.

The statutory and ethical standards at issue here apply to all judges across the country, not just to the federal judiciary. Section 455, the *Code of Conduct for*

---

[8] A reasonable person understands that people have a hard time changing their mind once they have made it up. So a reasonable person who knows that Judge Katsas previously decided that petitioner's life sentence was a good result would have an objectively reasonable basis to believe that Judge Katsas could not review that sentence impartially. And neuroscience backs up this common sense. When a person makes a decision, then hears another person's perspective on the decision, the decider is more likely to value the new perspective if it affirms their previous decision. Andreas Kappes, et al., *Confirmation Bias in the Utilization of Other's Opinion Strength*, 23 NATURE NEUROSCIENCE 130, 134 (2020).

United States Judges,[9] the American Bar Association's Model Code of Judicial Conduct, and essentially every state[10] apply virtually identical standards to judicial disqualification.

The decision below will therefore reverberate beyond the court in question. Because the recusal standards are identical, the reasoning of the court below will signal to federal and state judges considering disqualification across the country that they can turn their attention away from what may call into question an objective appearance of impartiality if certain facts come close but miss the mark of the examples listed in Section (b). This formalistic, restrictive approach to disqualification in the decision below damages the public perception of the integrity of the judicial system.

---

[9] Canon 3(C)(1) of the *Code of Conduct for United States Judges* similarly begins, "A judge shall disqualify himself or herself in a proceeding in which the judge's impartiality might reasonably be questioned, including but not limited to instances in which:" then like Section 455(b), lists five specific instances in which recusal is mandated.

[10] *See In re Code of Judicial Conduct*, 643 So. 2d. 1037, 1038 (Fla. 1994) (noting that most state courts have adopted the Model Code's Canons); Robert J. Martineau, *Enforcement of the Code of Judicial Conduct*, 1972 UTAH L. REV. 410, 411 (identifying state courts, constitutions, and statues adopting or reflecting the Canons).

CONCLUSION

The petition presents recurring issues that implicate multiple circuit splits on critical issues that impact public confidence in the judiciary. The Court should grant the petition for a writ of certiorari to ensure that recusal decisions preserve the appearance of impartiality in the judiciary and maintain the integrity of the judicial system.

Respectfully submitted,

Meghan S. Skelton
Counsel of Record
SKELTONLAW, LLC
P.O. Box 308
Cabin John, MD 20818
(240) 425-2280
meghan@skelton.law

Bruce A. Green
FORDHAM SCHOOL OF LAW
150 West 62nd Street
New York, NY 10023
(212) 636-6851
bgreen@law.fordham.edu

Counsel for Amici Curiae

May 2, 2024

APPENDIX TABLE OF CONTENTS

List of Amici Curiae..... 1a

List of *Amici Curiae*[*]

James J. Alfini
Professor of Law and Dean Emeritus
South Texas College of Law

Charles Gardner Geyh
Distinguished Professor
Maurer School of Law
Indiana University

Bruce A. Green
Louis Stein Chair of Law and Director
Stein Center for Law and Ethics
Fordham University School of Law

Renee Knake Jefferson
Professor of Law and
Joanne and Larry Doherty Chair in Legal Ethics
University of Houston Law Center

James J. Sample
Professor of Law
Hofstra University Law School

Jeffrey Stempel
Doris S. and Theodore B. Lee Professor of Law
William S. Boyd School of Law
University of Nevada Las Vegas

---

[*] *Amici* are appearing on their personal behalf, not as representatives of their institutions. Institutions are listed for identification purposes only.

Keith Swisher
Professor of Legal Ethics
James E. Rogers College of Law
University of Arizona

Penny White
Professor Emerita
University of Tennessee-Knoxville College of Law