

Mnookin, Jennifer

From: Kathrynne Lindsey <klindsey@supremecourt.gov>
Sent: Monday, September 24, 2018 3:50 PM
To: Mnookin, Jennifer
Cc: Escobar, Anthony
Subject: RE: Potential Questions for Justice Kagan's Conversation at UCLA

Hi Dean Mnookin,

Justice Kagan reviewed the draft Q&A and would like the following questions omitted: 4, 11, 17, 19, 23, 27, 29, 33, 34, 35, and 40.

Best,

Kat

From: Mnookin, Jennifer [mailto:MNOOKIN@law.ucla.edu]
Sent: Monday, September 24, 2018 2:14 AM
To: Kathrynne Lindsey
Cc: Escobar, Anthony
Subject: Potential Questions for Justice Kagan's Conversation at UCLA
Importance: High

Hi Kat,

I wanted to send you a list I've put together of possible questions for my conversation with Justice Kagan on Thursday. This is definitely too many for us to get to, so I will certainly cull further, but I wanted to make sure you had enough time to take a look. Please let me know if there are any questions that you or the Justice would like me to eliminate (or, conversely, if there are any questions on this list that Justice Kagan would especially like to see me ask).

As you know, the audience will be mostly students, with some faculty and some alums as well.

Many thanks,

All best, Jennifer

--
Jennifer L. Mnookin

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From: Jennifer Mnookin <MNOOKIN@law.ucla.edu>
Date: Monday, September 17, 2018 at 4:46 PM

To: Kathryn Lindsey <klindsey@supremecourt.gov>

Subject: RE: Checking in -- and thank you

Hi Kat,

Thanks so much for getting back to me. I can certainly get you the questions in advance, and will plan to get them to you by the end of this week, if that's ok.

I'll also look forward to hearing back about any additional folks that she may want us to include while she is here.

Thanks again for all of your help with this visit!

All best,
Jennifer

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Jennifer L. Mnookin

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From: Kathryn Lindsey <klindsey@supremecourt.gov>

Sent: Monday, September 17, 2018 12:47 PM

To: Mnookin, Jennifer <MNOOKIN@law.ucla.edu>

Subject: RE: Checking in -- and thank you

Hi Dean Mnookin,

Thanks for your email. Let me check with Justice Kagan if there's anyone she'd like to invite and get back to you.

Would it be possible for you to send us the questions in advance? Justice Kagan is fine with the following format: 45 minutes conversation-style, 15 minutes Q&A with the audience.

Let me know if you have any questions or need anything else!

Best,

Kat

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From: Mnookin, Jennifer [<mailto:MNOOKIN@law.ucla.edu>]

Sent: Friday, September 14, 2018 5:40 PM

To: Kathryn Lindsey

Subject: Checking in -- and thank you

Dear Kat,

I know you've been in extensive contact with folks on my team, but I just wanted to write directly to say how incredibly excited our community here at UCLA is about Justice Kagan's upcoming visit. The students are beyond thrilled (and so are my colleagues and the small number of alums and distinguished guests that we're including!).

I'm writing now for two reasons: one is just to say thank you, in advance, to both you and the Justice. It's a long trip, and right before the term starts, and I'm just tremendously grateful for the Justice taking the time with us.

The second is that I know that Justice Kagan is close friends with Eric Zolt, but I wanted to make sure to ask if there were any of my other colleagues she'd especially like us to include in one of the evening events – or even just close friends in Los Angeles not associated with UCLA. If there were a few folks at other law schools or otherwise to whom Justice Kagan would like me to an issue an invitation to the Thursday afternoon talk and Chancellor's reception I'd be very happy to do so. If not, that's of course absolutely fine, but I very much wanted to make the offer.

Again, many thanks, and if there's anything else on which my input would be helpful, please let me know. I am also assuming that I should run my potential questions for the "Conversation with the Dean," by you for any comments or suggestions that you or Justice Kagan might have, and I'll plan on doing that next week.

All the best,

Jennifer

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Jennifer L. Mnookin

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Questions for Conversation with Justice Kagan

1. We have a lot of 1Ls in the room. What advice would you give students just starting out?
2. Now how about the 3Ls, for whom graduation, and the beginning of their careers as lawyers, is in sight. Advice for them?
3. Did you have a 'plan' for your own career? If so, what WAS that plan?
4. Does your experience on the Court make you look back and think you should have done anything differently as a law professor or as a law student?
5. You have displayed a punchiness of language and striking and wit in your court opinions. How do you think about your writing choices? Obviously, one audience is the judiciary, and another is legal scholars. Are you ever consciously writing for a broader audience than these?
6. Writing is one of the most important skills of a lawyer. Two questions: where did you learn to write? And how would you advise our students to strengthen their legal writing skills?
7. You are the only member of the current Court who did not previously serve as a judge, though you'd had an incredible array of prior experiences both in academia and in practice. What in your experience do you draw on the most in your day-to-day work as a justice?
8. Judges often face choices about framing opinions in narrower or broader terms. In several recent opinions about major issues of public policy concern, the Court's opinions have tended narrow – Masterpiece Cakeshop would be one example. But my question isn't about any particular opinion – it's about the more general issue. How do you think about the question of when it makes sense to frame an opinion as narrowly as possible, and when not?

9. This issue also relates to consensus and compromise. I think the students in the audience in particular, would benefit from hearing how you think about compromise and how you have decided when to compromise — either now on the Court, or in the earlier stages of your career. When is compromise called for, and when is it a mistake?
10. Relatedly, how do you think about dissenting? When, how, how often?
11. You've been a law professor, a dean, the solicitor general, and now a Justice. You've seen lawyering through many prisms. Given this tremendous array of experiences, any thoughts about likely future directions for legal education?
12. You are credited with really transforming Harvard Law School when you were Dean there – and making it a significantly happier place. Are happy law students better law students — and is that better for the profession? And what responsibility do students bear for their own collective success, and the culture of their institution?
13. Maybe selfishly, I'm interested in hearing a bit more about your time as a law school dean. You are certainly credited with an array of changes that transformed the mood of the institution. What are you most proud of, looking back? Or perhaps to put it differently: what advice for me?
14. How has your approach to your work changed during your time at the Court? Any advice you wish you could have given yourself back in your first year on the Court?
15. After Scalia passed away unexpectedly, you had a fairly extensive period with just 8 Justices. Are there any longer-term lessons from that experience?
16. Are you enjoying that you're no longer the "Junior Justice," with the special responsibilities that status entails? (And perhaps detail what those were?)

17. Did Justice Gorsuch's arrival change anything about the Court's dynamics? More generally, how does the arrival of a new Justice change the dynamics of the Court?
18. Obviously, there are deep disagreements among the Justices about critically important matters. How do you work to keep things civil and productive notwithstanding such different views?
19. How do you think about hiring clerks? What are you especially seeking? Any thoughts on clerkships more generally, that you'd like to share with the many students present?
20. During your confirmation hearing, you promised that if you were confirmed, you'd go try out hunting, something you'd never done before. And you made good on that, and thereby broadened your own experience set. How do you think about the experiences of the Justices, and their backgrounds? How important is it to have broad diversity of experiences, perspectives – even educational institutions – on our highest Court?
21. What are some of the most striking differences you see between the Court today and the Court back in the 1980s when you clerked for Thurgood Marshall?
22. Any striking and specific memories from your own time clerking? (I hear he gave you the nickname "shorty"? True? (BTW: you are taller than I am.)
23. What insight can you share about your relationship with the other justices?
24. I had the pleasure of knowing you at an earlier time your career, when you were Dean Kagan instead of Justice Kagan. I think it's fair to describe you, in temperament, as accessible and direct. How do you balance that with your judicial role? Do you ever feel silenced by your position or role, and if so, how do you deal with that?

25. What happens when the justices convene in conference to discuss a case? How are the issues discussed and debated?
26. How often does oral argument really change your mind? How about conversations in conference?
27. You had extensive experience as a lawyer in the executive branch before joining the Court, including as Solicitor General. Justice Robert Jackson, who served on the court from 1941 to 1954, also had prior executive branch experience, including as Solicitor General. Some of his most famous opinions, including his concurrence in *Youngstown*, seem influenced by his executive experience. Do you think your perspective as a former executive branch lawyer influences your work on the Court? In what way?
28. During a recent event here at the law school about the “RBG” documentary, our eagle-eyed alum, Ninth Circuit Judge Kim Wardlaw, spotted you in film, in the background of the Senate Judiciary Committee hearings for Justice Ginsburg. What is it like to serve with Justice Ginsburg? Any thoughts about the way that she has captured the public imagination as the “Notorious RBG”?
29. I have read that you enjoy both history and comic books. And I’ve also seen it said that *The Avengers* is one of your favorite films. Assuming that’s true, what do you like about it? What did you think about *Black Panther*?
30. What do you do in your free time – if you have any free time?
31. This seems to come up every time there is a new nominee to the Supreme Court: Should justices have life tenure? What are the advantages? Is there any significant downside?
32. How do you think we will look back on Justice Kennedy’s impact and legacy at the Court? How will the Court be different without him?

33. Some in this room may not know or remember that you were nominated for a seat on the D.C. Circuit Court of Appeals in 1999, but – in a story we've seen both before and since – you never were able even to have a confirmation hearing. What was that experience like? Any current thoughts about that experience, or the nomination process – that you can share publicly?
34. How closely do justices watch the confirmation process?
35. Does it matter that justices can now be confirmed on a party-line vote? We are, obviously, squarely in the middle of another extremely politicized nomination process. Do you think this intense politicization is likely going to be a constant feature of the nomination process?
36. More generally, we are in a strikingly partisan moment. Does that put any special stress on the judiciary, or the Court?
37. Do you worry about the Court either becoming too politicized – or at least being *perceived* as being too politicized? How much of a danger is this?
38. Do you get recognized in public outside of DC? Is that enjoyable, a nuisance, or both? Any funny stories about being recognized – or about NOT being recognized?
39. Court goes back in session on Monday. What do Supreme Court justices do on their summer breaks? How did you spend your summer vacation?
40. Anything you're especially excited about or worried about as you prepare for this next term?