

Foreword: Supreme Court Summit

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In February 2007, the Dedman School of Law at Southern Methodist University had the distinct privilege of organizing a Summit between members of the European Court of Justice (ECJ) and the Supreme Court of the United States in Washington, DC. This was the second Judicial Summit involving the highest courts of the European Union and the United States organized by the Dedman School of Law. In 2004, the SMU Dedman School of Law and the Draeger Foundation organized another Summit between the European Court of Justice and the Supreme Court of the United States. Several other courts also participated in this Summit, including the British House of Lords, the Czech Constitutional Court, the German Constitutional Court, the Hungarian Constitutional Court, and the Polish Constitutional Tribunal. The venue for the 2004 Summit was Oxford University; Oxford is the site of SMU Law School's summer program. The SMU Dedman School of Law also was privileged to host the Dallas portion of the April 2000 visit of the European Court of Justice to the United States. Justices O'Connor and Breyer of the Supreme Court of the United States joined the European Court in Dallas. Other courts participating in the 2000 Dallas visit included the Texas Supreme Court and United States Courts of Appeal for the Fifth and Eighth Judicial Circuits.

Leading the ECJ delegation for the 2007 visit was its President, Vassilios Skouris. Led by Chief Justice John Roberts, the Supreme Court hosted the visiting European Justices in Washington, D.C., from February 20-22. In addition to the Chief Justice, Justices Antonin Scalia, Anthony Kennedy, Clarence Thomas, Ruth Bader Ginsburg, Stephen Breyer, and Samuel Alito participated in one or more events at the Supreme Court. The Chief Justice and Justice Breyer played the principal roles on the Supreme Court in organizing the visit of the ECJ.

Most of the leadership of the ECJ came in this delegation and participated in these discussions. These included: Justices Peter Jann, Endre Jahász, Ján Klučka, Koen Lenaerts, Allan Rosas, Konrad Schiemann, and Christiaan Timmermans; Advocate Generals Juliane Kokott and Miguel Pojares Maduro; and William Valasidis, Legal Secretary of the Chambers of the ECJ President.

The Supreme Court Summit was part of a longer visit of the European Court of Justice to the United States from February 17-23, 2007. The ECJ first visited Dallas, Texas, from February 17-19. Among the ECJ's activities in Dallas were private discussions at the

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SMU Dedman School of Law with several members of the judiciary, including: Judge Patrick Higginbotham of the United States Court of Appeals for the Fifth Circuit; Chief Justice Wallace Jefferson, Justices Paul Green, David Medina, Dale Wainwright; former Chief Justice Thomas Phillips; former Justice James Baker, of the Texas Supreme Court; and several members of the SMU Law Faculty, including Professors Jenia Iontcheva Turner and Jeff Kahn. The ECJ members also presented a fascinating panel discussion on the workings of the Court to students and faculty, and attended a special luncheon with faculty and students.

After leaving Dallas, the ECJ members traveled to Washington, D.C., for a series of closed-door discussions with their U. S. counterparts at the Supreme Court and members of the Dedman Law Faculty. As President Skouris noted in his Foreword, the agenda for this visit with the U. S. Supreme Court was very extensive, allowing for candid conversations about the significance and application of the Rule of Law. During their Washington visit, the ECJ also held discussions with Chief Judge Paul Michel and Judges Arthur Gajarsa, Pauline Newman, and Randall Rader of the United States Court of Appeals for the Federal Circuit; and Judges Merrick Garland, Brett Kavanaugh, and David Sentelle, and Senior Judge Stephen Williams of the United States Court of Appeals for the District of Columbia Circuit. SMU Professors Lackland Bloom, William Dorsaneo, Jeff Gaba, Jeff Kahn, Ndiva Kofele-Kale, George Martinez, Xuan-Thao Nguyen, and I; and Professor E. Donald Elliott of Yale participated in and helped organize one or more of these inter-judicial conversations. These discussions focused primarily on the topics of intellectual property law and administrative law, respectively. The European Union Ambassador to the United States, the European Institute, and the Brookings Institute hosted dinners for the ECJ.

Law schools serve a number of important functions in the development of the law. First and foremost, we train students to become future leaders of society. Our faculties also contribute to the development of the law through their scholarship, presentations, and service on law reform projects. Through written symposia and live conferences, law schools provide forums for important exchanges of ideas which will advance what the great American jurist Oliver Wendell Holmes termed "the path of the law." The Supreme Court Summit provided an important forum for what we hope will develop into an ongoing discussion between the ECJ and courts in the U.S.

It is a tremendous honor for the Dedman School of Law at Southern Methodist University to have participated in the organization of these discussions once again. On behalf of the faculty, staff, students, and alumni of the Law School, I would like to express our deep appreciation to the European Court of Justice and the Supreme Court of the United States for entrusting our School with the singular honor of helping to organize exchanges between two of the most important courts in the world.

The International Lawyer is equally honored to publish the symposium papers that follow, which present the thinking of some of the preeminent jurists in the world. The Symposium features President Skouris and Justice Stephen Breyer of the U.S. Supreme Court, and Justices Ján Klučka, Koen Lenaerts, Allan Rosas, and First Advocate General Juliane Kokott of the ECJ. The papers should be of great interest to the more than 15,000 readers of *The International Lawyer* in the United States, Europe, and around the world.