



## **On Appellate Advocacy - Fifteen Minutes**

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By *ANDREW BAIDA*,

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One month ago today, my 15 minutes of fame ended when the Supreme Court decided *Virginia v. Maryland*, a case that I argued in early October and wrote about previously in this column. I suppose that some could argue that my 15 minutes ended sooner than that, even in my little corner of the world. The day after a flurry of articles about the Supreme Court argument appeared in several regional newspapers and a few national ones, the world was besieged by a blizzard of headlines about Dr. Peter Agre — not because he happens to reside in the same neighborhood as I do, although that could be considered newsworthy in and of itself — but because of some award that he won.

Well, whatever delusions I had about my continuing fame ended when, at approximately the same time that the King of Sweden handed Dr. Agre the Nobel Prize in chemistry, the Supreme Court handed me, via a phone call and e-mail from its clerk's office, a 7-2 decision ruling against Maryland.

My 15 minutes may be over, but I'd like to extend them just a little longer before I follow the wise suggestion that one of my co-counsel, Adam D. Snyder, made soon after the argument when he told me that it was time to move on. Snyder's suggestion apparently reflected a view shared by more than just a few people who, based on the way some of the justices came after me with a harpoon, were not particularly optimistic about Maryland's likelihood of success.

This view was not limited to those who actually saw the argument, mind you, thanks to headlines in some newspapers, including my favorite, *The Daily Record's* "Justices Grill Maryland." I really liked that one. Thanks, editors.

I do not know what the actual circulation for this newspaper is, but I suspect it's huge — even after accounting for the cancellation of my subscription — because a lot of lawyers who I know for a fact were not at the argument offered their condolences before the Supreme Court even announced its decision. I felt a little like that character from the Monty Python movie who, after being thrown into a cart of corpses in response to the call "Bring out your dead," kept insisting, "I'm not dead yet."

