

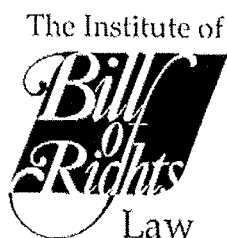
2011

2011-2012 Supreme Court Preview: Schedule and Panel Members

Institute of Bill of Rights Law at The College of William & Mary School of Law

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INSTITUTE OF BILL OF RIGHTS LAW
William & Mary Law School
24th Annual Supreme Court Preview
Friday and Saturday, September 23 & 24, 2011

Schedule

Friday, September 23, 2011

McGlathlin Moot Courtroom, Law School

- 6:00 p.m. **Welcome**
- Moot Court**
Advocates:
 Jeffrey Fisher, *Stanford Law*
 Andrew Pincus, *Mayer Brown*
- Justices
 Joan Biskupic, *USA Today* (Chief Justice),
 Robert Barnes, *The Washington Post*
- 6:05 p.m. Jess Bravin, *The Wall Street Journal*
 Walter Dellinger, *O'Melveny & Myers*
 Linda Greenhouse, *Yale Law School*
 Allison Orr Larsen, *William & Mary Law School*
 Adam Liptak, *The New York Times*
 David Savage, *The Los Angeles Times*
 Paul Smith, *Jenner & Block*
- 7:05 pm Short Break
- 7:15 pm **Return to Courtroom for *Moot Court Decision***
- Health Care**
 Joan Biskupic, *USA Today* (m),
 Paul Clement, *Bancroft*
 Walter Dellinger, *O'Melveny & Myers*
 Pam Karlan, *Stanford Law School*
- 7:30 pm **Gay Rights—**
 Walter Dellinger, *O'Melveny & Myers*
8:25 pm Dahlia Lithwick, *Slate* (m)
 Paul Smith, *Jenner & Block*
 J. Harvie Wilkinson, *US Court of Appeals, 4th Circuit*

Saturday, September 25, 2011 Continental Breakfast in the Lobby – 8:30 am

Saturday Panels Room 119

- 9:00 **Criminal**
Erwin Chemerinsky, *U California at Irvine Law School* (m)
Jeffrey Fisher, *Stanford Law School*
Thomas C. Goldstein, *Goldstein, Howe & Russell*
David Savage, *The Los Angeles Times*
- 9:45 **Business**
Lisa Blatt, *Arnold & Porter*
Jess Bravin, *The Wall Street Journal* (m)
Paul Clement, *Bancroft*
Thomas C. Goldstein, *Goldstein, Howe & Russell*
- 10:30 Break
- 10:45 **9-11**
Beth Brinkmann, *U.S. Department of Justice*
Erwin Chemerinsky, *U California at Irvine Law School*
Lyle Denniston, *SCOTUS Blog* (m)
J. Harvie Wilkinson, *US Court of Appeals, 4th Circuit*
- 11:30 **Structure**
Robert Barnes, *The Washington Post*
Erwin Chemerinsky, *U California at Irvine Law School*
Paul Clement, *Bancroft*
Tara Grove, *William & Mary Law School*, (m)
- 12:30 -2:00 **Lunchtime Breakout Sessions (buffet lunch for all)**
- **Race** - Pam Karlan, *Stanford Law School*; J. Harvie Wilkinson, *US Court of Appeals, 4th Circuit*; Andrew Pincus, *Mayer Brown*; Lyle Denniston, *SCOTUS Blog* (m).
 - **Religion** - Walter Dellinger, *O'Melveny & Myers*; Davison Douglas(m), *William & Mary Law School*; Linda Greenhouse, *Yale Law School*; William Van Alstyne, *William & Mary Law School*.
 - **Kagan** - Lisa Blatt, *Arnold & Porter*; Beth Brinkmann, *U.S. Department of Justice*; Adam Liptak, *The New York Times* (m); Dahlia Lithwick, *Slate*.

Return to joint meeting in Room 119

- 2:15 **First Amendment**
Tim Zick, *William & Mary Law School* (m),
Thomas C. Goldstein, *Goldstein, Howe & Russell*
Adam Liptak, *The New York Times*
Paul Smith, *Jenner & Block*
- 3:00 Conference Concludes

2011-2012 Supreme Court Preview

Panel Members

ROBERT BARNES has been a reporter and editor at *The Washington Post* for nearly 25 years. He has covered politics, government and, since November 2006, the Supreme Court. As a deputy national editor in charge of domestic policy, he supervised coverage of the Supreme Court, Justice Department, the census, demographics and race. As political editor during the first term of the Clinton administration, he coordinated coverage of national politics, the White House and Congress. He also served as metropolitan editor, directing the *Post's* local coverage of the District, Maryland and Virginia.

He returned to reporting in August 2005 as a political reporter and columnist, and began covering the Roberts Court in its second term. He took a brief break to cover the presidential race the summer and fall of 2008, and returned to the court after the election. He covered the nominations and confirmations of Justices Sonia Sotomayor and Elena Kagan.

He gave up all thoughts of law school for a career in newspapers after taking a journalism class at the University of Florida. It did not occur to him, as apparently it did to others, that he could do both.

JOAN BISKUPIC has covered the Supreme Court since 1989 and is the author of two judicial biographies, *American Original: The Life and Constitution of Supreme Court Justice Antonin Scalia* (Farrar, Straus & Giroux, 2009) and *Sandra Day O'Connor: How the First Woman on the Supreme Court Became Its Most Influential Justice* (HarperCollins, 2005). She is currently working on another book for Farrar, Straus & Giroux, focused on Justice Sonia Sotomayor and the progress of Latinos in the law. Biskupic writes for *USA Today* and is a frequent panelist on PBS's *Washington Week with Gwen Ifill*. Biskupic previously was the Supreme Court reporter for the *Washington Post*. She holds a law degree from Georgetown University and lives in Washington, D.C.

LISA BLATT heads Arnold & Porter LLP's Appellate and Supreme Court practice. She is a veteran Supreme Court advocate, having argued thirty cases before the Supreme Court, prevailing in twenty-nine. Before joining Arnold & Porter, Ms. Blatt held a number of senior positions in the U.S. government, including 13 years as an Assistant to the Solicitor General. She also has served as a consultant to the Federal Trade Commission, where she advised the offices of the Chairman, the General Counsel, and the Bureau of Competition. Before working in the public sector, she spent several years working for the Washington, D.C. law firm of

Williams & Connolly, and served as a law clerk to the Honorable Ruth Bader Ginsburg on the United States Court of Appeals for the D.C. Circuit during the 1989-1990 term.

JESS BRAVIN has covered the Supreme Court for *The Wall Street Journal* since 2005, after postings as the *Journal's* United Nations correspondent, national legal affairs writer and editor of its weekly California section. He is the author of *Squeaky: The Life and Times of Lynette Alice Fromme* (St. Martin's, 1997) and is completing a book on the Guantanamo military commissions, to be published by Henry Holt & Co. He has contributed to books including *A Concise Introduction to Logic*, 2nd Ed. (Wadsworth, 1984), *Violence in America: An Encyclopedia* (Scribner, 2000) and *Crimes of War 2.0* (Norton, 2007).

Prior to joining the *Journal*, Bravin wrote for publications including *The Washington Post*, *Harper's Bazaar* and *Spy* magazine, evaluated scripts for a Hollywood talent agency and managed a campaign for local school board. While in law school, he was appointed to several official positions, including seats on the University of California Board of Regents and the Berkeley, Calif., Police Review Commission.

Bravin has been a John Jacobs Fellow at the University of California, Berkeley, and taught at the University of California Washington Center. He is a graduate of Harvard College and Boalt Hall, the University of California, Berkeley, law school. He received the Elizabeth Neuffer Memorial Prize for coverage of the International Criminal Court and the American Bar Association's Silver Gavel Award for coverage of the legal response to 9/11.

BETH S. BRINKMANN currently serves as Deputy Assistant Attorney General in the Civil Division of the United States Department of Justice. She directs the Appellate Staff of the Civil Division, which is responsible for briefing and arguing cases on behalf of the United States, its departments and agencies, in the appellate courts throughout the country. She handles a broad range of legal issues in this role, including administrative law, defense of federal statutes and regulations against constitutional challenge, governmental immunity issues, national security issues, government contracts, employment law, and qui tam litigation.

Ms. Brinkmann formerly practiced before the Supreme Court of the United States for approximately 15 years and has argued 24 cases before the Supreme Court. She was a partner in the law firm of Morrison & Foerster, where she served as Chair of the firm's Appellate Practice Group and focused on litigation in the Supreme Court and in lower federal and state appellate courts. Ms. Brinkmann earlier served as Assistant to the Solicitor General of the United States. She also has worked as an Assistant Federal Public Defender at both the trial and appellate levels, and as an associate in a small litigation firm, appearing in state and federal courts.

Ms. Brinkmann has been named a Leading Appellate Lawyer in the *Chambers USA Guide to America's Leading Business Lawyers*, listed as one of Washington's top constitutional lawyers by the *Washingtonian* magazine, and identified in *The Best Lawyers in America* as a leader in the field of appellate law. *The Legal Times* named Ms. Brinkmann one of the 12 Leading Appellate Lawyers in Washington, D.C. She is also listed in *Washington DC Super Lawyers* as a leading appellate lawyer, and as one of the top 50 women lawyers in Washington, DC, overall.

Ms. Brinkmann served as a law clerk to Justice Harry A. Blackmun, Supreme Court of the United States, and to Judge Phyllis A. Kravitch, United States Court of Appeals for the Eleventh Circuit. Ms. Brinkmann is a graduate of the University of California, Berkeley, where she received an A.B. with great distinction and graduated Phi Beta Kappa. She received her J.D. from Yale Law School, where she served as Note Editor on the Yale Law Journal. Ms. Brinkmann is admitted to practice law in California and the District of Columbia.

ERWIN CHEMERINSKY, Dean and Distinguished Professor of Law, University of California, Irvine School of Law. Prior to accepting this position, was a professor at Duke University School of Law, the University of Southern California Law School, and DePaul College of Law. Author of seven books, including *The Conservative Assault on the Constitution* (Simon and Schuster, Sept, 2010) and over 100 law review articles. Chemerinsky frequently argues appellate cases, including in the United States Supreme Court.

PAUL D. CLEMENT is a partner at Bancroft PLLC. Mr. Clement served as the 43rd Solicitor General of the United States. He received his bachelor's degree *summa cum laude* from the Georgetown University School of Foreign Service, and a master's degree in economics from Cambridge University. He graduated *magna cum laude* from Harvard Law School where he was the Supreme Court editor of the *Harvard Law Review*.

Following graduation, Mr. Clement clerked for Judge Laurence H. Silberman of the U.S. Court of Appeals for the D.C. Circuit, and for Associate Justice Antonin Scalia of the U.S. Supreme Court. After his clerkships, he served as Chief Counsel of the U.S. Senate Subcommittee on the Constitution, Federalism, and Property Rights.

Mr. Clement joined the Department of Justice in February of 2001. Before his confirmation as Solicitor General, he served as Acting Solicitor General for nearly a year and as Principal Deputy Solicitor General. He has argued 53 cases before the United States Supreme Court. He also serves as a visiting professor at Georgetown and New York University Law Schools and is a Senior Fellow at Georgetown's Supreme Court Institute.

WALTER DELLINGER is Chair of the Appellate Practice at O'Melveny, is a Visiting Professor of Law at Harvard University, and heads the Harvard/O'Melveny Supreme Court and Appellate Practice Clinic. He is on leave from his professorship at Duke Law School. Among the cases he has argued before the United States Supreme Court are *Morgan Stanley v. Public Utility District*, *Exxon v. Baker* and *Heller v. District of Columbia*.

Dellinger served as Assistant Attorney General and head of the Office of Legal Counsel (OLC) from 1993 to 1996. He was acting Solicitor General for the 1996-97 Term of the Supreme Court. During that time, Walter argued nine cases before the Court, the most by any Solicitor General in more than 20 years. His arguments included cases dealing with physician-assisted suicide, the line item veto, the cable television act, the Brady Act, the Religious Freedom Restoration Act, and the constitutionality of remedial services for parochial school children.

His most recent successful arguments before the U.S. Supreme Court include *Jackson v. Birmingham School District*, *Brown v. Legal Foundation of Washington*, *US Airways v. Barnett*, *Utah v. Evans*, *Hunt v. Cromartie*, and *Hunt v. Easley*. His Court of Appeals arguments include *Martha Stewart v. United States*, *Whiteside v. United States*, *Exxon v. Alabama*, *LCI v. Phillips* and *Bank of America v. Miller*.

He has served as Special Counsel to the Board of Directors of the New York Stock Exchange in connection with the NYSE's transformation into a publicly held company and its acquisition of an electronic trading company.

After serving in early 1993 in the White House as an advisor to the President on constitutional issues, Walter was nominated by the President to be Assistant Attorney General and was confirmed by the Senate in October 1993 and served for three years. As head of the OLC, Walter issued opinions on a wide variety of issues, including: the President's authority to deploy United States forces in Haiti and Bosnia; whether the trade agreements required treaty ratification; and a major review of separation of powers questions. He provided extensive legal advice on questions arising out of the shutdown of the federal government, on national debt ceiling issues, and on loan guarantees for Mexico.

Walter has published articles on constitutional issues for scholarly journals, including the *Harvard Law Review*, the *Yale Law Journal*, and the *Duke Law Journal*, and has written for *The New York Times*, *The Washington Post*, *Newsweek*, *The New Republic*, and *The London Times*. He has been a visiting professor at the Catholic University of Belgium and has given lectures to university faculties in Florence, Siena, Nuremberg, Copenhagen, Leiden, Utrecht, Tilburg, Mexico, and Rio de Janeiro and has delivered major lectures at Stanford, Yale, Harvard, Michigan, Berkeley, Penn, Duke, Chicago, and other U.S. law schools. He has testified more than 25 times before committees of Congress.

LYLE DENNISTION covers the Supreme Court for an online legal clearinghouse about the Court, SCOTUSblog, and is the Supreme Court correspondent for Station WBUR, an NPR affiliate in Boston. He is a graduate of the University of Nebraska and received a master's degree in history and political science from Georgetown University. After retiring from the *Baltimore Sun*, he covered the Court for three years for the *Boston Globe*. He is the longest-serving correspondent for any news organization covering the Court. He is a recipient of the annual Toni House Award from the American Judicature Society for his career in covering the law and has been named to the Hall of Fame of the Washington, D.C., chapter of the Society of Professional Journalists. He has received an Honorary Doctor of Laws degree from the Massachusetts School of Law in Andover. He is the author of *The Reporter and The Law: Techniques of Covering the Courts* (Columbia University Press, 1992) and is a chapter author for *A Year in the Life of the Supreme Court* (Duke University Press, 1995), which won the 1996 ABA Silver Gavel Award. He contributed two articles to *100 Americans Making Constitutional History* (ed. by Melvin Urofsky, CQ Press, 2004) and a chapter to *The Public Debate over Controversial Supreme Court Decisions* (ed. by Melvin Urofsky, CQ Press, 2006).

He also contributed a chapter to *A Good Quarrel*, a book by Supreme Court reporters analyzing oral argument before the Court. He has recently been appoint adviser on constitutional literacy to the National Constitution Center in Philadelphia; he leads a series of programs and events there on the founding document and what it means today.

DAVISON M. DOUGLAS is the Dean and Arthur B. Hanson Professor of Law at the William and Mary Law School. Douglas graduated *summa cum laude* from Princeton University and received a law degree, Ph.D. in history, and a master's degree in religion from Yale University. Douglas has written several books and articles on American constitutional law and history, including *Jim Crow Moves North: The Battle Over Northern School Segregation, 1865-1954* (2005), *Constitutional Law in Context* (3d. ed. 2011) (with co-authors), and *The Constitutional Law Lectures of Justice John Marshall Harlan* (forthcoming 2012). He is currently completing a biography of civil rights and women's rights lawyer and activist, Pauli Murray.

JEFFREY L. FISHER is an Associate Professor at Stanford Law School and Co-Director of its Supreme Court Litigation Clinic. His academic and Supreme Court work runs the gamut of federal constitutional and statutory matters, but focuses on constitutional criminal procedure issues.

Professor Fisher has argued fifteen cases in the Court, including representing the petitioners in *Crawford v. Washington*, *Blakely v. Washington*, and *Melendez-Diaz v. Massachusetts*, and *Bullcoming v. New Mexico*. *The National Law Journal* has named him one of the 100 most influential lawyers in the country and as one of ten attorneys of special mention in the "40 Under 40." Professor Fisher formerly served as a law clerk to Justice John Paul Stevens on the Supreme Court of the United States and to Judge Stephen Reinhardt on the U.S. Court of Appeals for the Ninth Circuit.

THOMAS C. GOLDSTEIN is a name partner in the Washington, D.C. law firm Goldstein & Russell. Mr. Goldstein's practice is focused on Supreme Court litigation. He has argued 23 cases before the Court on a diverse array of federal law questions, and will argue *Florence v. Board of Freeholders* in the Fall.

In addition to practicing law, Mr. Goldstein teaches Supreme Court litigation at Stanford Law School and Harvard Law School. Mr. Goldstein also founded and publishes SCOTUSblog, which in 2010 became the only weblog ever to receive the American Bar Association's Silver Gavel Award for fostering the American public's understanding of law and the legal system.

Mr. Goldstein has been repeatedly recognized as a leading member of the bar. In 2010, *The National Law Journal* named him one of the 40 most influential lawyers of the decade; Mr. Goldstein notably was ten years younger than any other law firm partner listed. *Legal Times* named him one of the "90 Greatest Washington Lawyers of the Last 30 Years" and praised him for "transforming the practice" of law before the Supreme Court. Mr. Goldstein is also included on the most recent lists of the 100 most influential lawyers in America (*The National Law Journal*); the 50 most influential people in Washington, D.C. (*GQ*); the leading appellate lawyers

in Washington, D.C. (*Legal Times*); and the 30 best lawyers in Washington, D.C. (*Washingtonian*). He has also been recognized as a leading lawyer in 2010 by *Chambers USA: America's Leading Lawyers for Business* in the area of appellate law.

LINDA GREENHOUSE is Knight Distinguished Journalist in Residence and Joseph Goldstein Lecturer in Law at Yale Law School, where she has taught since 2009 after retiring from a 40-year career at the *New York Times*. She also writes a bi-weekly op-ed column on law for the *Times* Web site. From 1978-2008, she was the newspaper's Supreme Court correspondent. She won several major awards during her journalism career, including a Pulitzer Prize in 1998; the Goldsmith Career Award for Excellence in Journalism from Harvard University's Kennedy School in 2004, and the American Political Science Association's Carey McWilliams Award in 2002 for "a major journalistic contribution to our understanding of politics."

Her biography of Justice Harry A. Blackmun, *Becoming Justice Blackmun*, was published in 2005. She is the co-author (with Reva B. Siegel) of *Before Roe v. Wade: Voices That Shaped the Abortion Debate Before the Supreme Court's Ruling*, published in June 2010. Her new book, *The U.S. Supreme Court: A Very Short Introduction* will be published this winter by Oxford University Press.

Ms. Greenhouse is a member of the Harvard University Board of Overseers and serves on several other non-profit boards, including the American Academy of Arts and Sciences, the American Philosophical Society, Phi Beta Kappa, and the American Constitution Society. She is one of two non-lawyer honorary members of the American Law Institute. She is a 1968 graduate of Radcliffe College (Harvard) and earned a Master of Studies in Law Degree from Yale Law School, which she attended on a Ford Foundation fellowship.

TARA LEIGH GROVE is an assistant professor of law at the William and Mary Law School. She graduated *summa cum laude* from Duke University and *magna cum laude* from Harvard Law School, where she served as the Supreme Court Chair of the *Harvard Law Review*. Grove clerked for Judge Emilio Garza on the U.S. Court of Appeals for the Fifth Circuit, and then spent four years as an attorney for the U.S. Department of Justice, Civil Appellate Staff, where she argued fifteen cases in the courts of appeals. Grove has published articles on structural constitutional issues in scholarly journals, including the *Harvard Law Review*, *Columbia Law Review*, and *Cornell Law Review*. Her research and teaching interests include federal courts, constitutional law, statutory interpretation, and bankruptcy.

PAMELA KARLAN is the Kenneth and Harle Montgomery Professor of Public Interest Law at Stanford Law School where she is also co-director of the Stanford Law School Supreme Court Litigation Clinic. She is co-author of three leading casebooks on constitutional law, civil rights litigation, and regulation of the political process, as well as numerous scholarly articles. In the past several terms, the Stanford Clinic has represented the parties in more than two dozen merits cases, amici in other merits cases, and many petitioners or respondents at the certiorari stage. Karlan received her B.A., M.A. (history), and J.D. from Yale, and prior to entering academe, she served as a law clerk to Judge Abraham D. Sofaer of the United States District Court for the

Southern District of New York and to Justice Harry A. Blackmun of the United States Supreme Court and as an assistant counsel at the NAACP Legal Defense and Educational Fund, where she remains a cooperating attorney.

ALLISON ORR LARSEN is an assistant professor of law at the William and Mary Law School. She graduated *magna cum laude* from William & Mary, and then received her law degree from the University of Virginia School of Law where she graduated first in her class. After law school, Larsen clerked for Judge J. Harvie Wilkinson on the U.S. Court of Appeals for the Fourth Circuit and for Justice David Souter on the U.S. Supreme Court. Prior to joining the William and Mary faculty, Professor Larsen was an associate in the appellate practice group at O'Melveny and Myers in Washington, DC. She was also a visiting professor at Catholic University. Her research and teaching interests include constitutional law, administrative law, legislation and criminal procedure.

ADAM LIPTAK covers the Supreme Court for the *New York Times*. Liptak's column on legal affairs, "Sidebar," appears every other Tuesday. He has also written for *The New Yorker*, *Vanity Fair*, *Rolling Stone*, and several law reviews. Liptak was a finalist for the Pulitzer Prize in explanatory reporting in 2009 for a series of articles examining ways in which the American legal system differs from those of other developed nations.

A graduate of Yale College and Yale Law School, Liptak practiced law at a large New York City law firm and in the legal department of The New York Times Company before joining the paper's news staff in 2002.

He has taught media law at the Columbia University School of Journalism, U.C.L.A Law School and Yale Law School.

DAHLIA LITHWICK is a senior editor at *Slate*. She received a 2001 Online Journalism Award for her "Supreme Court Dispatches." Her work has appeared in *The New York Times*, *The New Republic*, *Commentary*, *The Washington Post*, and *The American Lawyer*. She is co-author of *Me vs. Everybody* published in 2003 by Workman Publishing. Lithwick graduated in 1996 from Stanford Law School and clerked for Chief Judge Procter R. Hug on the 9th Circuit Court of Appeals. She lives in Charlottesville, VA with her family.

ANDREW PINCUS is a partner in Mayer Brown LLP's Washington, D.C. office. He focuses his practice on briefing and arguing cases in the Supreme Court of the United States and in federal and state appellate courts. Mr. Pincus has argued 22 cases in the Supreme Court of the United States, including three cases in the Court's just-concluded October 2010 Term: *AT&T Mobility LLC v. Concepcion*, *DePierre v. United States*, and *County of Los Angeles v. Humphries*. He also serves as co-director of the Yale Law School's Supreme Court Advocacy Clinic (see <http://www.law.yale.edu/academics/supremecourtclinic.htm>).

From 1997 to 2000, Mr. Pincus served as General Counsel of the United States Department of Commerce. He was an Assistant to the Solicitor General in the United States Department of Justice from 1984 to 1988.

Mr. Pincus received his J.D. from Columbia University School of Law, where he was Notes & Comments Editor of the *Columbia Law Review* and a James Kent Scholar and Harlan Fiske Stone Scholar. He received his B.A. *cum laude* from Yale University. After law school, he clerked for Judge Harold H. Greene of the United States District Court for the District of Columbia.

DAVID SAVAGE covers the Supreme Court for the *Los Angeles Times* and the *Chicago Tribune*. He has been a court reporter in Washington since 1986. He has covered the Senate confirmation hearings for all the current justices, from Antonin Scalia to Elena Kagan. Prior to covering the Court, he was an education writer for the paper in Los Angeles. He is the author of *Turning Right: the Making of the Rehnquist Court* (1992) and of the revised two-volume *Guide to the U.S. Supreme Court* published by the CQ Press this year. Last year, he wrote for CQ two other reference books: “The Supreme Court and Individual Rights” and “The Supreme Court and the Powers of Government.” He was a chapter author for *A Year in the Life of the Supreme Court* (1995 and 2004). He has an undergraduate degree from the University of North Carolina at Chapel Hill and a master’s degree from Northwestern University.

PAUL M. SMITH is a partner in Jenner & Block’s Washington, D.C. office and a member of the Firm’s Policy Committee. He is Chair of the Firm’s Appellate & Supreme Court practice and co-chairs the Election Law and First Amendment Practices. Mr. Smith has had an active Supreme Court practice for many years. He has argued fourteen Supreme Court cases, including *Lawrence v. Texas* in 2003 and *Brown v. Entertainment Merchants Association* this past Term. He also represents various clients in trial and appellate cases involving commercial and telecommunications issues, the First Amendment, intellectual property, civil rights, and election law.

Mr. Smith graduated from Amherst and Yale Law School and clerked for Supreme Court Justice Lewis Powell. He is a former Chair of the National Board of Directors of the American Constitution Society and a member, and former Co-Chair, of the Board of Directors of Lambda Legal. In 2008, the *Legal Times* named him one of thirty “Champions” of the past 30 years in D.C.—lawyers who have stood out for upholding the profession’s core values of public duty and client service. In 2010, the *National Law Journal* named him one of the 40 Most Influential Lawyers of the Past Decade. That same year, he received the prestigious Thurgood Marshall Award for his work promoting civil rights and civil liberties from the ABA Section of Individual Rights and Responsibilities.

WILLIAM VAN ALSTYNE was appointed Lee Professor of Law at the Marshall-Wythe Law School at the College of William and Mary in 2004. He is a graduate of the University of Southern California (B.A. in philosophy, *magna cum laude*) and Stanford University Law School (J.D., Articles and Book Review Editor of *The Stanford Law Review*). Following his admission to the California Bar and brief service as Deputy Attorney General of California, he joined the Civil Rights Division of the U.S. Department of Justice handling voting rights cases in the South.

After active duty with the U.S. Air Force, he was appointed to the law faculty of the Ohio State University, advancing to full professor in three years. Appointed to the Duke Law faculty shortly thereafter, he was named to the William R. & Thomas S. Perkins Chair of Law in 1974.

Van Alstyne's professional writings have appeared during four decades in the principal law journals in the United States, with frequent republication in foreign journals. They address virtually every major subject in the field of constitutional law. His work has been cited in a large number of judicial opinions including those of the Supreme Court. *The Journal of Legal Studies* for January 2000, named Professor Van Alstyne in the top forty most frequently cited legal scholars in the United States of the preceding half-century. Van Alstyne has also taught and given professional papers internationally, in Germany, Austria, and Denmark, in Chile, the former Soviet Union, China, Japan, Canada, and Australia. He has been a visiting faculty member on the law faculties of the University of Chicago, Stanford, California (Berkeley and UCLA), Pennsylvania, Michigan, and Illinois, a Fulbright Lecturer in Chile, a Senior Fellow at the Yale Law School, and a faculty fellow at the Hague International Court of Justice. He has appeared as counsel and as amicus curiae in constitutional litigation in the federal courts, including the Supreme Court. He has also appeared in numerous hearings before Senate and House Committees, on legislation affecting the separation of powers, war powers, constitutional amendments, impeachments, legislation affecting civil rights and civil liberties, and nominations to the Supreme Court. In 1987, Van Alstyne was selected in a poll of federal judges, lawyers, and academics by the *New York Law Journal* as one of three academics among "the ten most qualified" persons in the country for appointment to the Supreme Court, a distinction repeated in a similar poll by *The American Lawyer* in 1991. Past National President of the American Association of University Professors, and former member of the National Board of Directors of the A.C.L.U., he was elected into the American Academy of Arts and Sciences in 1994.

J. HARVIE WILKINSON III, Circuit Judge, United States Court of Appeals for the Fourth Circuit, graduated from Yale University in 1967 and received his law degree from the University of Virginia in 1972.

He began his law career in 1972 as a clerk for U. S. Supreme Court Justice Lewis F. Powell. Wilkinson was a professor at the University of Virginia Law School from 1973-78, 1981-82, and 1983-84. In 1978, he became editor of the *Norfolk Virginian-Pilot*. In 1982, he became Deputy Assistant Attorney General in the Civil Rights Division of the Department of Justice. He was appointed Circuit Judge for the United States Court of Appeals for the Fourth Circuit on August 13, 1984, and was the Fourth Circuit's chief judge from 1996-2003.

From 1992-96, Wilkinson served on the Board of the Federal Judicial Center, and in 2003, he was appointed to the Board of the James Madison Memorial Fellowship Foundation. In 2004, he was awarded the Thomas Jefferson Medal by the University of Virginia and the Thomas Jefferson Foundation. This award is the highest outside award offered by the University, which grants no honorary degrees. In 2008, he was awarded The Lawrenceville Medal, the highest award given by The Lawrenceville School. In 2009, he was selected as a Fellow of the American Academy of Arts & Sciences. Wilkinson holds Honorary J.D.s from the University of Richmond, the University of South Carolina, and an Honorary LL.D. from Christopher Newport University.

He is also the author of several books: *Harry Byrd and the Changing Face of Virginia Politics*, 1968; *Serving Justice: A Supreme Court Clerk's View*, 1974; *From Brown to Bakke: The Supreme Court and School Integration*, 1979; and *One Nation Indivisible: How Ethnic Separatism Threatens America*, 1997.

Judge Wilkinson lives in Charlottesville, Virginia. He and his wife Lossie have two children, Nelson and Porter.

TIMOTHY ZICK is Professor of Law at William & Mary School of Law. Professor Zick is a *summa cum laude* graduate of Indiana University-Bloomington and Georgetown University Law Center. Professor Zick was an associate with the law firms of Williams & Connolly in Washington, D.C. and Foley Haag in Boston. He also served as a law clerk to the Honorable Levin H. Campbell of the United States Court of Appeals for the First Circuit. Prior to entering academia, Professor Zick was an attorney in the Federal Programs Branch of the United States Department of Justice.

Professor Zick is the author of numerous articles on freedom of speech and of *Speech Out of Doors: Preserving First Amendment Liberties in Public Places* (Cambridge Univ. Press, 2009). His most recent book, *The Cosmopolitan First Amendment*, is under contract with Cambridge University Press.