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2010-2011 Supreme Court Preview

The Institute of Bill of Rights Law

THE INSTITUTE OF BILL OF RIGHTS LAW was established at William & Mary in 1982 to support research and education on the Constitution and the Bill of Rights. One of the principal missions of the Institute is to facilitate interaction between the professions of law and journalism. Through a discussion of key cases on the Supreme Court's docket at the start of each term, the annual SUPREME COURT PREVIEW provides in-depth education for journalists on the underlying issues to enhance press coverage of the decisions.

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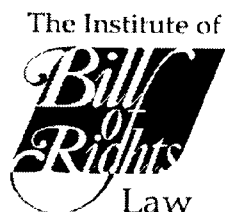
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2010-2011 Supreme Court Preview

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Moot Court Discussion	7:40 to 7:50 PM
Elena Kagan and the Court	7:50 to 8:30 PM
Roberts Court, A Retrospective	8:30 to 9:10 PM

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Individual Rights Cases	11:55 AM to 12:45 PM
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Enemy Combatants and Obama	
Hot Topics Election Law	
The Role of the Solicitor General	
Federalism	2:00 to 2:50 PM
Reception	2:50 to 3:15 PM

2010-2011 Supreme Court Preview

Panel Members

DEBO P. ADEGBILE is the Director of Litigation at the NAACP Legal Defense and Educational Fund, Inc. ("LDF"), where he oversees the legal program in the areas Economic and Criminal Justice, Education, and Political Participation. LDF's civil rights practice encompasses both trial and appellate advocacy. Active in the Supreme Court on behalf of its clients, LDF is also frequent amicus curiae before the Court. Last term Debo supervised the LDF team that defended African-American firefighter applicants in *Lewis v. City of Chicago*. LDF's Director-Counsel, John Payton, successfully argued that Title VII case which was decided unanimously by the Supreme Court in May. During the 2008 Term, Debo successfully argued against a constitutional challenge to the core federal preclearance provision of the Voting Rights Act before the Supreme Court in *Northwest Austin Municipal Utility District No. One v. Holder*. Prior to joining LDF in 2001, Debo was a litigation associate at the law firm of Paul, Weiss, Rifkind, Wharton & Garrison for seven years. At Paul, Weiss, Debo worked closely with Judge A. Leon Higginbotham, Jr. on several cases, and represented clients in broad range of corporate and civil rights matters. Debo received a J.D. from New York University School of Law in 1994; and a B.A. in Government from Connecticut College in 1991, where he was awarded the Anna Lord Strauss Medal given annually to the graduating senior who has rendered outstanding college and community service.

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.

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 CHERMERINSKY, 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 in the Washington, D.C., office of King & Spalding, and head of the firm's national appellate practice. He served as the 43rd Solicitor General of the United

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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 52 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.

CHARLES J. COOPER is a founding member of the Washington, D.C. law firm of Cooper & Kirk, PLLC. Named by *The National Law Journal* as one of the 10 best civil litigators in Washington, he has over 30 years of legal experience in government and private practice, with several appearances before the United States Supreme Court and scores of other successful cases on both the trial and appellate levels.

Shortly after serving as law clerk to Judge Paul Roney of the Fifth (now Eleventh) Circuit Court of Appeals, and to Justice William H. Rehnquist, Mr. Cooper joined the Civil Rights Division of the U.S. Department of Justice in 1981. In 1985 President Reagan appointed Mr. Cooper to the position of Assistant Attorney General for the Office of Legal Counsel. Mr. Cooper reentered private practice in 1988, and in October 1996 he became a founding partner of Cooper & Kirk.

Mr. Cooper's trial and appellate practice is national in scope and is concentrated in the areas of constitutional, commercial, administrative, health care, and civil rights litigation. He is currently representing private clients in a variety of commercial cases, including antitrust, intellectual property, and contract disputes. Mr. Cooper also represents a number of state and local government bodies, as well as private clients, in a wide range of constitutional and federal statutory cases.

In 1998 Mr. Cooper was appointed by Chief Justice William H. Rehnquist to serve as a member of the Standing Committee on Rules of Practice and Procedure of the Judicial Conference of the United States. Mr. Cooper is a member of the American Law Institute and the American Academy of Appellate Lawyers, and he has spoken and published extensively on a wide variety of constitutional and legal policy topics.

TED CRUZ is a Partner at Morgan Lewis & Bockius, where he leads the firm's U.S. Supreme Court and national Appellate Litigation practice. In 2010, Morgan Lewis was named to *National Law Journal's* "Appellate Hot List," the top 20 firms nationally "that represent the best in the practice of appellate law."

From 2003-08, Ted served as the Solicitor General of Texas. Ted was the first Hispanic Solicitor General in Texas and, when appointed, was the youngest Solicitor General in the United States. Ted has authored more than 80 U. S. Supreme Court briefs and argued 8 times at the nation's top court—the most of any lawyer in Texas. Before the Supreme Court, he has won landmark decisions successfully defending the Texas Ten Commandments monument, the Texas congressional redistricting plan, and U.S. sovereignty from attempts by the World Court to bind the U.S. justice system.

Ted has been named by *Texas Lawyer* magazine as one of the “25 Greatest Lawyers of the Past Quarter Century,” by *American Lawyer* magazine as one of the “50 Best Litigators under 45 in America,” and by *National Law Journal* as one of the “50 Most Influential Minority Lawyers in America.” For five consecutive years, he won the Best Brief Award from the National Association of Attorneys General (NAAG), for U.S. Supreme Court briefs authored in 2003-07.

Ted graduated from Princeton University and *magna cum laude* from Harvard Law School. He served as a law clerk to Judge J. Michael Luttig on the U.S. Court of Appeals for the Fourth Circuit and to Chief Justice William H. Rehnquist on the U.S. Supreme Court; as Domestic Policy Advisor to President George W. Bush on the 2000 Bush-Cheney Campaign; and as Associate Deputy Attorney General at the U.S. Department of Justice. From 2004-09 he served as an Adjunct Professor of Law at the University of Texas Law School, where he taught U.S. Supreme Court Litigation.

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. In the current term of the United States Supreme Court he argued *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 DENNISTON 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).

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 history, including *Jim Crow Moves North: The Battle Over Northern School Segregation, 1865-1954* (Cambridge, 2005). He is currently editing a book for Carolina Academic Press, *The Constitutional Law Lectures of Justice John Marshall Harlan*, that will be published in 2010. He is also completing a biography of civil rights and women's rights lawyer and activist, Pauli Murray.

JAMES DWYER is Arthur B. Hanson Professor of Law at the William & Mary Law School. He joined the faculty in 2000 after teaching law at the Chicago-Kent and University of Wyoming law schools. He practiced law with Sutherland, Asbill, and Brennan; and Coudert Brothers; both in Washington, D.C., and worked in New York State Family Court as Law Guardian and

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Professor Dwyer's most recent books are: *The Superiority of Youth: Moral Status and How We Treat Children* (forthcoming Cambridge University Press 2010) and *Family Law: Theoretical, Comparative, and Social Science Perspectives* (in progress). Articles include: *Parental Entitlement and Corporal Punishment*, *Law & Contemp. Prob.* (forthcoming 2010); *Symposium Issue, First Parents: Reconceptualizing Newborn Adoption*, 37 *Cap. U. L. Rev.* 293 (2009); and *A Constitutional Birthright: The State, Parentage, and Newborn Persons*, 56 *U.C.L.A. L. Rev.* 756 (2009).

GREGORY G. GARRE is a partner in the Washington, D.C. office of Latham & Watkins LLP and chair of the firm's Supreme Court and appellate practice. In 2008-2009, he served as the 44th Solicitor General of the United States. Prior to his nomination by President George W. Bush and unanimous confirmation by the Senate as Solicitor General, he served as Principal Deputy Solicitor General from 2005 to 2008, and then as Acting Solicitor General in 2008. In addition, he served as an Assistant to the Solicitor General from 2000 to 2004. He is the only person to have held all of those positions within the Office of the Solicitor General.

Mr. Garre has argued 29 cases before the Supreme Court and numerous other high-profile cases before the federal courts of appeals. This past Supreme Court term, he successfully argued *Christian Legal Society v. Martinez*, on behalf of the respondents, and *Monsanto Co. v. Geerston Seed Farms*, on behalf of the petitioner. He has received numerous awards for his public service, including the Attorney General's Medallion for his service as Solicitor General, the Attorney General's Distinguished Service Award, the Attorney General's Award for Furthering the Interests of U.S. National Security, and the Navy's Distinguished Public Service Award—the Navy's highest civilian honor—for his successful argument in *Winter v. NRDC*.

Mr. Garre received his J.D. degree from the George Washington University Law School, where he served as editor-in-chief of the law review, and his B.A. degree from Dartmouth College. Following his graduation from law school, he served as a law clerk to Chief Justice William H. Rehnquist, and to Judge Anthony J. Scirica of the United States Court of Appeals for the Third Circuit. He has taught Supreme Court practice and constitutional law for many years at the George Washington University Law School. He speaks frequently on issues related to the Supreme Court and appellate practice.

THOMAS C. GOLDSTEIN is the presiding co-leader of Akin Gump's firmwide litigation management committee. Mr. Goldstein's practice is focused on Supreme Court litigation. He has argued 22 cases before the Court on a diverse array of federal law questions.

In the Supreme Court and elsewhere, Mr. Goldstein litigates and advises clients in a broad range of issues. For example, he regularly litigates and lectures on questions of federal patent law. Mr. Goldstein frequently advises clients, litigates and consults on legislative matters relating to the First Amendment. And he regularly represents parties in questions relating to the game of poker, including its lawfulness as a matter of federal and state law.

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.

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 a new book, *Before Roe v. Wade: Voices That Shaped the Abortion Debate Before the Supreme Court's Ruling*, published in June 2010.

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.

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

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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.

MICHAEL W. MCCONNELL is the Richard and Frances Mallery Professor and Director of the Constitutional Law Center at Stanford Law School. From 2002 to the summer of 2009, he served as Circuit Judge on the United States Court of Appeals for the Tenth Circuit. Prior to his appointment to the bench, McConnell was the Presidential Professor at the S.J. Quinney College of Law at the University of Utah, and before that the William B. Graham Professor of Law at the University of Chicago. He has also been a frequent visiting professor at Harvard Law School.

In his academic work, McConnell has written widely on such subjects as freedom of religion, segregation, unenumerated rights, and constitutional history and theory. He is co-editor of *Religion and the Law* (Aspen Pub. Co. 2002) and *Christian Perspectives on Legal Thought* (Yale Univ. Press 2002).

McConnell was born in Louisville, Kentucky, on May 18, 1955. He graduated from Michigan State University (B.A. 1976) and the University of Chicago Law School (ID. 1979). Before entering teaching, he served as law clerk to Chief Judge J. Skelly Wright on the United States Court of Appeals for the D.C. Circuit and for Associate Justice William J. Brennan, Jr., on the United States Supreme Court, as Assistant General Counsel of the Office of Management and

Budget, and as Assistant to the Solicitor General of the United States. McConnell has argued eleven cases in the Supreme Court, and served as Chair of the Constitutional Law Section of the Association of American Law Schools, Co-Chair of the Emergency Committee to Defend the First Amendment, member of the President's Intelligence Oversight Board, and special counsel to Mayer, Brown, Rowe & Maw. In 1996, he was elected a Fellow of the American Academy of Arts and Sciences.

GLEN NAGER, Partner at Jones Day, chairs the Firm's Issues & Appeals Practice. He has argued 13 cases before the U.S. Supreme Court, as well as other appeals in subject areas such as antitrust, civil rights, employment, environmental law, government contracts, and intellectual property. He also defends employers in class action discrimination and employee benefits cases and conducts mediations and neutral case evaluations.

Glen represents clients such as General Electric, CBS, IBM, and Sodexo. Glen recently argued the American Needle case against the National Football League and won *Ledbetter v. Goodyear Tire & Rubber Co.*, 550 U.S. 618 (2007).

Glen serves as an adjunct professor at the Georgetown University Law Center, where he teaches administrative and constitutional law. He belongs to the Edward Coke Appellate American Inn of Court. Glen is also vice president and a member of the Executive Committee of the United States Golf Association. He served as its general counsel from 2006 to 2008.

From 1995 to 2000, by joint appointment of the majority and minority leaders of the House and Senate, Glen chaired the Board of Directors of the Office of Compliance of the U.S. Congress. This board is responsible for promulgating regulations and adjudicating cases under the Congressional Accountability Act, a federal statute that made 11 employment laws applicable to the legislative branch.

CARTER G. PHILLIPS is the Managing Partner of the Washington, D.C. office of Sidley Austin LLP, and is a member of the firm's Management Committee. He served as a law clerk to both Judge Robert Sprecher on the United States Court of Appeals for the Seventh Circuit and Chief Justice Warren E. Burger on the United States Supreme Court. Mr. Phillips served as Assistant to the Solicitor General for three years, during which time he argued nine cases on behalf of the federal government in the United States Supreme Court. Since joining Sidley Austin LLP, Mr. Phillips has argued 57 cases in the Supreme Court and his career total of 66 appearances before the Court is the most of any lawyer in private practice. Mr. Phillips is a member of the American Law Institute, the American Academy of Appellate Lawyers and a Fellow in the American College of Trial Lawyers. His practice is devoted almost exclusively to appellate matters. In September 2007, Mr. Phillips received the Lewis F. Powell Award for Business Advocacy from the National Chamber Litigation Center, the public policy law firm of the U.S. Chamber of Commerce. In 2008 the *Legal Times* named him one of the "90 Greatest Washington Lawyers of the Last 30 Years". In March 2010 he was named one of "The Decade's Most Influential Lawyers" by the *National Law Journal*.

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.

JEFFREY S. SUTTON sits on the United States Court of Appeals for the Sixth Circuit. Judge Sutton was a partner with the law firm of Jones Day Reavis & Pogue in Columbus, Ohio, and served as State Solicitor of the State of Ohio. He also served as a law clerk to the Honorable Lewis F. Powell, Jr. (Ret.), the Honorable Antonin Scalia and the Honorable Thomas J. Meskill.

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

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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 *Speech Out of Doors: Preserving First Amendment Liberties in Public Places* (Cambridge Univ. Press, 2009).