2001-2002 Supreme Court Preview: Contents

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

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What to Expect
From the New Term
September 21-22, 2001
Supreme Court Preview, 2001-2002
Schedule of Events

Friday, September 21, 2001

5:15 pm:          Registration Table Opens

McGlothlin Courtroom
William and Mary Law School

6:10 pm:          Welcome
                   Davison Douglas
                   Director, Institute of Bill of Rights Law

6:15 - 7:45 pm:   Moot Court Argument:
                   
                   Adarand v. Mineta (Constitutionality of affirmative action program)

                   Advocates: John McGinnis, Petitioner
                   Erwin Chemerinsky, Respondents

                   Court: Joan Biskupic, Chief
                           Marcia Coyle
                           Clark Cunningham
                           Neal Devins
                           Linda Greenhouse
                           Phoebe Haddon
                           Tony Mauro
                           Jeffrey Rosen
                           Kathryn Urbonya
7:50 - 8:30 pm: The Rehnquist Court at Fifteen Years
Moderator: Steve Wermiel
Panel: Linda Greenhouse
         John McGinnis
         Jeffrey Rosen
         David Savage

8:35 - 9:15 pm: The Legacy of Bush v. Gore
Moderator: Mike Gerhardt
Panel: Joan Biskupic
        Erwin Chemerinsky
        Lyle Denniston
        Alan Meese

9:15 pm: Recess
Saturday, September 22, 2001

Morning Session
Room 120
William and Mary Law School

9:00 - 9:50 am: Civil Rights

Moderator: David Savage
Panel: Erwin Chemerinsky, Linda Greenhouse, Phoebe Haddon, Charles Lane

Featured cases:
Correctional Services v. Malesko, No. 00-860
Owasso Independent School District v. Falvo, No. 00-1073
Raygor v. Regents of the Univ. of Minnesota, No. 00-1514

10:00 - 11:00 am: Criminal Law & Procedure

Moderator: Paul Marcus
Panel: Joan Biskupic, Linda Greenhouse, Jeffrey Rosen, Cynthia Ward

Featured cases:
McCarver v. North Carolina, No. 00-8727
Kansas v. Crane, No. 00-957
United States v. Arvizu, No. 00-1519
United States v. Knights, No. 00-1260
11:00 - 12:10 pm: First Amendment

Moderator: Joan Biskupic
Panel: Lyle Denniston, Tom Goldstein, Tony Mauro, Steve Wermiel

Featured cases:
- Ashcroft v. Free Speech Coalition, No. 00-795
- Ashcroft v. ACLU, No. 00-1293
- Thomas v. Chicago Park District, No. 00-1249
- Los Angeles v. Alameda Books, No. 00-799

12:10 - 1:30 pm: Lunch (on your own)

Afternoon Session
McGlothlin Courtroom
William and Mary Law School

1:30 - 2:20 pm: Employment Law

Moderator: Dave Douglas
Panel: Marcia Coyle, Tom Goldstein, David Savage, Michael Stein

Featured Cases:
- EEOC v. Waffle House, No. 99-1823
- Toyota Manufacturing v. Williams, No. 00-1089
- US Air v. Barnett, No. 00-1250
2:30 - 3:20 pm: Business Law

Moderator: Lynda Butler

Panel: Marcia Coyle
       John Duffy
       Charles Lane
       David Savage

Featured cases:
   Festo v. Shoketsu Kinzoku Kogyo Kabushiki, No. 00-1543
   National Cable Television v. Gulf Power, No. 00-832
   Verizon Communications v. FCC, No. 00-511, 00-555, 00-587, 00-590, 00-602
   Tahoe Sierra Preservation Council v. Tahoe Regional Planning Agency, No. 00-1167
   Rush Prudential HMO v. Moran, No. 00-1021

3:30 - 4:30 pm: Looking Ahead: Upcoming Issues in the Court

Moderator: Steve Wermiel

Panel: Lyle Denniston
       Michael Gerhardt
       Tom Goldstein
       Phoebe Haddon

Featured cases:
   *Microsoft Case
   *Affirmative Action in Higher Education (University of Michigan)
   *Cleveland School Voucher Case
   *Virginia Moment of Silence Case
(feel free to include others that you think appropriate)
The Institute of Bill of Rights Law

For almost two decades, the Institute of Bill of Rights Law at the William and Mary School of Law has sought to improve scholarly and popular understanding of our Bill of Rights.

The Institute of Bill of Rights Law carries out its mission in a variety of ways, including conferences on both scholarly and popular topics, parliamentary-style debates and public lectures, a prize-winning book series, a scholarly journal, and an endowed visiting professorship. The Institute also coordinates an extensive visitor program that brings many leading jurists, scholars, lawyers, and journalists to the William and Mary campus to discuss important issues that pertain to our Bill of Rights. The C-Span television network frequently broadcasts Institute programs and conferences to a national audience.

Supreme Court Preview

The Institute marks the commencement of the new term of the United States Supreme Court each fall with its Supreme Court Preview conference. Now in its 14th year, the Supreme Court Preview brings together leading Supreme Court journalists and legal scholars for a day and a half to discuss and analyze the Court’s upcoming term.

Numerous journalists have provided commentary on the Court’s pending cases at the Supreme Court Preview, including Charles Bierbauer (CNN), Joan Biskupic (USA Today), Richard Carelli (Associated Press), Lyle Denniston (Boston Globe), Linda Greenhouse (New York Times), Tony Mauro (Legal Times), and David Savage (Los Angeles Times). Distinguished legal scholars have also participated, including Akhil Amar (Yale), Steve Calabresi (Northwestern), Erwin Chemerinsky (Southern California), David Cole (Georgetown), Walter Dellinger (Duke), Susan Herman (Brooklyn), Marci Hamilton (Cardozo), Sam Issacharoff (Columbia), Dan Kahan (Yale), Tracey Maclin (Boston University), Robert Schapiro (Emory), Suzanna Sherry (Vanderbilt), Steve Wermiel (American), and William Stuntz (Harvard).

The Supreme Court Preview, typically broadcast in its entirety by C-Span, is attended each year by journalists, editorial writers, television news commentators, academics, students, and lawyers from throughout the country. The Supreme Court Preview is among the most highly visible activities of the Institute.
Scholarly Conferences

Each year, the Institute hosts two or three scholarly conferences. Leading legal scholars and jurists present papers or provide commentary on a topic of important scholarly interest.

During the past year, speakers included Jack Balkin (Yale), Stephen Breyer (U.S. Supreme Court), Erwin Chemerinsky (Southern California), Christopher Eisgruber (New York University), Michael Hawkins (U.S. Court of Appeals for the Ninth Circuit), Michael Klarman (University of Virginia), Diana Motz (U.S. Court of Appeals for the Fourth Circuit), Stephen Presser (Northwestern), Jack Rakove (Stanford), David Strauss (Chicago), and William Van Alstyne (Duke).

Participants publish their papers in a symposium issue of either the William and Mary Bill of Rights Journal or the William and Mary Law Review. During the past two years, we have hosted five such scholarly conferences:

- The Legacy of Chief Justice John Marshall (March 2001)
- The History of Free Speech (January 2001)
- The Federal Appointments Process (November 2000)
- Religion and the Administration of the Death Penalty (April 2000)
- Religion in the Public Square (March 2000)

During the upcoming academic year, we will host three additional scholarly conferences. The William and Mary Bill of Rights Journal and the William and Mary Law Review will publish the papers from these conferences:

- Disability and Identity (October 2001)
- Rule of Law in China (February 2002)
- The Relationship Rights of Children (March 2002)

Public Debates

Recognizing the value of spirited intellectual exchange, the Institute sponsors parliamentary-style debates on important issues of the day. Experts from each side of a contentious issue debate one another before a lively audience at the law school. Recent debaters have included Paul Blackman (Legislative Director, National Rifle Asso-
Education Policy Director, People for the American Way). During the past two years, we have held four such debates:

- **Should the Electoral College Be Abolished?** (November 2000)
- **Are Gun Manufacturer Tort Suits an Effective and Legitimate Means of Controlling Handgun Violence?** (March 2000)
- **Should We Interpret the Constitution According to the Understanding of the Framers?** (November 1999)
- **Should the Government Provide Vouchers for Private Schools?** (October 1999)

**Jurists in Residence**

The Institute occasionally invites distinguished jurists to spend a day or two in residence at the law school to meet with students and faculty. During the past year, the following jurists visited William and Mary:

- **Stephen Breyer,** Associate Justice of the United States Supreme Court (November 2000)
- **William Rehnquist,** Chief Justice of the United States Supreme Court (October 2000)

As part of their visits to William and Mary, both Chief Justice Rehnquist and Justice Breyer delivered remarks that C-Span broadcast to a national audience.

**Scholars in Residence**

Each year, the Institute brings several distinguished scholars to William and Mary. These scholars present their work through public lectures and conversations with small groups of students and faculty. During the past year, the following scholars visited William and Mary for a full day of meetings and presentations as part of the Institute’s scholar-in-residence program:

- **Chai Feldblum,** Georgetown Law Center (April 2001)
- **Paul Rishworth,** University of Auckland (New Zealand) School of Law (March 2001)
- **Michael Curtis,** Wake Forest School of Law (January 2001)
- **Elizabeth Loftus,** University of Washington, Department of Psychology (November 2000)
- **Scott Sunby,** Washington and Lee School of Law (September 2000)
- **William Stuntz,** Harvard Law School (September 2000)

**Practitioners in Residence**

The Institute invites lawyers who engage Bill of Rights or human rights issues as part of their law practice to spend a day at the law school to discuss their work with students and faculty. During the past year, we hosted two practitioners as part of this program:

- **Charles Ehrlich,** Claims Resolution Tribunal (charged with adjudicating property claims arising out of Nazi-era dislocations), Zurich, Switzerland (November 2000)
- **George Castelle,** Public Defender, Charleston, West Virginia (November 2000)

**Journalists in Residence**

Because of its special concern with issues of freedom of the press, on occasion the Institute hosts a distinguished journalist who meets with both students and faculty. Last year’s visitor was David Broder of the *Washington Post.*

**Lee Visiting Professor**

The Institute frequently invites a scholar of national stature in the field of constitutional law to serve as a distinguished visiting professor at William and Mary. The Lee Visiting Professor reaches at the law school for either a semester or full academic year and participates in the events and scholarly activities of the Institute. Past Lee Professors have included Vince Blasi (Columbia), Kent Greenawalt (Columbia), Sheri Johnson (Cornell), Yale Kamisar (University of
(University of Virginia), John McGinnis (Cardozo), John Nowak (University of Illinois), David Rabban (University of Texas), Steve Wermiel (Wall Street Journal), and Diane Zimmerman (New York University). William Van Alstyne of Duke Law School will serve as our Lee Visiting Professor during the coming academic year.

Constitutional Conflicts Book Series


The series published three new books during the 2000-2001 academic year and two more books are scheduled for publication during the coming year.

William and Mary Bill of Rights Journal

The Institute publishes its own scholarly journal, the William and Mary Bill of Rights Journal, which has become one of the nation's leading law reviews devoted exclusively to constitutional law issues. Three years ago, the Journal, which is edited by William and Mary law students, expanded its publication schedule from two to three issues per year. In a recent evaluation of 285 specialized law reviews in the United States, the William and Mary Bill of Rights Journal ranked seventh.

Student Division

The Institute sponsors a Student Division which helps to coordinate the Institute's various activities. The Student Division, a highly valued component of student life at the law school, organizes its own annual conference devoted to the examination of a cutting-edge constitutional issue of significant public interest. In recent years, these conferences have considered legal efforts to control obscenity on the internet, religion in the public schools, and racial profiling. The Student Division also brings speakers to the law school to make public presentations and to discuss their work with small groups of students. These speakers in recent years have considered issues pertaining to the death penalty, the second amendment, the right to trial by jury. The Student Division is also actively involved in efforts to teach local high school students about the Bill of Rights.

Public Education

Pursuant to its goal of improving popular understanding of the Bill of Rights, the Institute engages in various public education efforts. The Institute operates a "Bill of Rights Education Project" in which William and Mary law students visit local high schools and teach a multi-week course on the Bill of Rights.

The Institute also works with William and Mary's public information office to help make law professors available to the print and broadcast media to discuss contemporary legal and political issues that relate
JOAN BISKUPIC has covered the Supreme Court since 1989. Before joining USA Today in June 2000, she was the Supreme Court reporter for The Washington Post (1992-2000) and legal affairs writer for Congressional Quarterly (1989-1992). In 1991, Ms. Biskupic won the Everett McKinley Dirksen award for distinguished reporting of Congress for her coverage of the Clarence Thomas nomination. She received her B.A. in journalism from Marquette University, her M.A. in English from the University of Oklahoma, and her J.D. from Georgetown University Law Center. She is the co-author with Elder Witt of Congressional Quarterly's two-volume encyclopedia Guide to the U.S. Supreme Court (3rd Ed.)

LINDA BUTLER is currently Professor of Law and Vice Dean at the College of William and Mary School of Law, where she has taught courses in property, environmental law and policy, land use, trusts and estates, and commercial law. She holds a B.S. from the College of William and Mary and a J.D. from the University of Virginia. Her scholarly interests include issues relating to property, regulatory takings, water rights, environmental policy, and land use. She has published numerous articles and is co-author of Virginia Tidal and Coastal Law (Michie Co. 1988). She was a member of the College of William and Mary's Strategic Planning Committee, President of the College's Faculty Assembly, and Chair of the College's Self-Study Committee on Intercollegiate Athletics. She has served as Director of the Center for Environmental Science and Policy and on the Task Force on Greek Life. Professor Butler is Faculty Advisor to the William and Mary Environmental Law and Policy Review. She is active in the Virginia State Bar, serving as editor of the Fee Simple, a bi-annual publication of the Real Property Section of the Virginia State Bar, as an ex officio member of the Section's Board of Governors, and President of the William & Mary School of Law Chapter of Order of the Coif. Professor Butler served as a consultant to the Governor's Study Commission on Virginia's Royalty Assessment Program and occasionally consults on various water rights, property, and land use matters. She currently is studying issues relating to constitutionally protected property and land use.

ERWIN CHEMERINSKY is Sydney M. Irmas Professor of Public Interest Law, Legal Ethics, and Political Science, at the University of Southern California. He is the author of Federal Jurisdiction (3d ed. 1999); Constitutional Law: Principles and Policies (1997); Interpreting the Constitution (1987), and many law review articles on aspects of constitutional law and federal jurisdiction.
MARCIA COYLE, Washington Bureau Chief and U.S. Supreme Court correspondent for The National Law Journal, has covered the Court for 14 years. In November 2000, she received the Toni House Journalism Award from the American Judicature Society for her career body of work covering the administration of justice. Before joining the Law Journal, she covered the Pennsylvania Legislature and the U.S. Congress for the Allentown Call-Chronicle Newspapers. She earned her B.A. in English from Hood College; her M.S. in Journalism from Northwestern University, and her J.D. from the University of Baltimore School of Law. She was a contributing author to A Year in the Life of the Supreme Court (Duke University Press) and her freelance articles have appeared in such publications as The New York Times Sunday Book Review, Vogue, and Ms. Magazine. She has won a George Polk Award for legal reporting, an Investigative Reporters and Editors Award for outstanding investigative reporting, and a National Press Foundation Award for her coverage of the death penalty, among others.


LYLE DENNISTON is the Supreme Court correspondent for The Boston Globe. He began writing for The Globe after retiring from The Baltimore Sun in February 2001. He is the longest-serving correspondent for any news organization covering the Court. In addition to his reporting duties, he is a lecturer in American constitutional history in Pennsylvania State University's Communications and Democracy Semester in Washington, and he appears regularly on an educational TV series, "A Question of Law," produced by the Massachusetts School of Law at Andover. He received his B.A. degree from the University of Nebraska and his M.A. in American History and Political Science from Georgetown. Mr. Denniston 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.

NEAL DEVINS is the Goodrich Professor of Law and Professor of Government, College of William and Mary. He received his law degree from Vanderbilt and his undergraduate degree from Georgetown. Professor Devins currently teaches courses in Constitutional Law and Administrative Law. He is the author of Shaping Constitutional Values: The Supreme Elected Government and the Abortion Dispute and articles in the Columbia, Stanford, Michigan, California, and William and Mary law reviews. He is the co-author of Political Dynamics of Constitutional Law and Federal Abortion Politics, and editor of the book series, Constitutional Conflicts, published by Duke University Press, which is sponsored by William & Mary's Institute of Bill of Rights Law.
DAVISON DOUGLAS is Arthur B. Hanson Professor of Law and Director of the Institute of Bill of Rights Law at the College of William & Mary School of Law. He received his A.B. from Princeton University, his Ph.D. in History from Yale University, and his J.D. from Yale Law School. He also has an M.A.R. from Yale University Divinity School. Before joining the William and Mary faculty of law in 1990, he was a partner in a Raleigh, North Carolina, law firm, specializing in labor and employment law and civil rights law. He also clerked for Judge Walter R. Mansfield of the United States Court of Appeals for the Second Circuit. Professor Douglas is the author of Reading, Writing and Race: The Desegregation of the Charlotte Schools (1995), and the editor of The Development of School Busing as a Desegregation Remedy (1994); The Public Debate Over Busing and Attempts to Restrict Its Use (1994); and Redefining Equality (1998) (with Neal Devins).

JOHN DUFFY is currently an Associate Professor of Law at the William & Mary School of Law. Professor Duffy received his undergraduate degree from Harvard College in 1985 and his J.D. from the University of Chicago in 1989. Prior to entering academics, Professor Duffy clerked for Judge Stephen Williams on the United States Court of Appeals for the D.C. Circuit and for Justice Antonin Scalia on the United States Supreme Court, served as an Attorney-Advisor in the Department of Justice Office of Legal Counsel, and practiced law with the Washington firm of Covington & Burling. Professor Duffy's article on administrative law, "Administrative Common Law in Judicial Review", 77 Tex. L Rev. 113 (1998), received the 1999 Scholarship Award from the ABA Section on Administrative Law and Regulatory Practice.

MICHAEL GERHARDT, Professor of Law at William and Mary, has served as a Special Consultant to the Clinton White House on judicial selection and to the National Commission on Judicial Discipline and Removal. He was a professor at the Wake Forest University School of Law before joining the William and Mary faculty of law in 1989. Professor Gerhardt visited at Cornell University during the 1994-95 academic term and at Duke Law School in the spring of 2000. He received his B.A. from Yale, his M.Sc. in Political Philosophy from the London School of Economics and his J.D. from the University of Chicago Law School. He is the author of the second edition of The Federal Impeachment Process: A Constitutional and Historical Analysis (U. of Chicago Press, 2000) and of the book, The Federal Appointments Process, (Duke University Press, 2000). He is also the co-author of the second edition of Constitutional Theory: Arguments and Perspectives (with Tom Rowe, Rebecca Brown & Girardeau Spann), and numerous articles on constitutional law. During the impeachment proceedings against President William Clinton in 1998-99, Professor Gerhardt consulted widely with members of Congress from both parties. He also served as the only joint witness to have appeared before the House Judiciary Committee in its special hearing on the impeachability of the President's misconduct and as CNN's full-time, designated expert on the federal impeachment process.

TOM GOLDSTEIN is one of the nation's most active Supreme Court litigators. In the Court's previous term, he was counsel to a party in ten of the seventy-nine argued and decided cases, arguing No. 99-1728, United States v. Vopper (involving the application of the 1st Amendment to the remedy provisions of the Wiretap Act); and No. 99-1529, Egelhoff v. Egelhoff (involving ERISA preemption). Tom also writes frequently regarding the Court. Among other things, he has for the past two terms distributed an analysis of the certiorari docket in which he successfully predicted approximately 90% of the cases the Court agreed to hear and has for the past three years regularly published in U.S. Law Week summaries of circuit conflicts recognized by the courts of appeals.
LINDA GREENHOUSE has been on the staff of The New York Times since 1968. She has covered politics, the New York State Legislature, the United States Congress and, since 1978, the Supreme Court. She received her B.A. from Radcliffe and earned a Masters of Studies in Law from Yale. She has several honorary degrees and is a fellow of the American Academy of Arts and Sciences. For her coverage of the Supreme Court, she was awarded a Pulitzer Prize in journalism (beat reporting) in 1998.

PHOEBE A. HADDON graduated from Smith College with Honors in 1972. She attended Duquesne University School of Law where she was elected Editor-in-Chief of the Duquesne Law Review. Professor Haddon was the law clerk for the Honorable Joseph F. Weis, Jr., United States Court of Appeals for the Third Circuit from 1977-79. She practiced with the law firm of Wilmer Cutler & Pickering in Washington, D.C., before joining the law faculty at Temple University in the fall of 1981. She received her L.L.M. at Yale Law School in 1985. Professor Haddon teaches Constitutional Law, Torts, Products Liability and a seminar on the Jury. Her recent law review publications concern race and jury participation. She has authored a Constitutional Law casebook entitled Constitutional Law: Cases, History and Dialogues, written with Donald Lively, Russell Weaver, and Dorothy Roberts; a second edition of that book, authored by the same group and Bill Araiza has been published. She has also edited with these authors two editions of A Constitutional Law Anthology and has recently coauthored the Third Edition of Torts: Cases, Materials, Problems with Phillips, Terry, Maraist and McClellan.

SUSAN R. KLEIN is the Baker & Botts Professor of Law at the University of Texas at Austin. Recent publications include Wright, King & Klein, Federal Practice and Procedure, volumes 1, 1A, 2, 2A, 3, and 3A (West, forthcoming 2002), "Identifying and (Re)Formulating Prophylactic Rules, Safe Harbors, and Incidental Rights in Constitutional Criminal Procedure", 99 Michigan Law Review 1030 (2001), "Essential Elements", 54 Vanderbilt Law Review 1467 (2001), and "Double Jeopardy's Demise", 88 California Law Review 1001 (2001). Professor Klein is active in educating state and federal judges through the National Judicial College and the Federal Judicial Center, and is an ex officio member of the Judicial Committee to redraft the Fifth Circuit Pattern Jury Instructions, Criminal (West, forthcoming 2001). Prior to becoming an academic, she clerked for Judge Cynthia H. Hall on the Ninth Circuit Court of Appeals and spent four years as a federal criminal prosecutor at the United States Department of Justice through the Attorney General's Honor Program.

CHARLES LANE has covered the Supreme Court for The Washington Post since October, 2000. Prior to that, he was editor and senior editor of The New Republic, and a foreign correspondent for Newsweek. His articles have been published in Foreign Affairs, The New York Review of Books, The Atlantic Monthly, Los Angeles Times, and The Wall Street Journal, and he has appeared as a commentator on many television and radio programs including The NewsHour with Jim Lehrer (PBS), and The Diane Rehm Show (NPR). He was a contributor to Crimes of War: What the Public Should Know, edited by Roy Gutman and David Rieff (Knopf, 1999) and is a member of the Council on Foreign Relations. Mr. Lane received his bachelor's degree from Harvard in 1983 and, as a Knight Fellow, a Master of Studies in Law from Yale in 1997.

PAUL MARCUS is the Haynes Professor of Law at the College of William and Mary where he specializes in criminal law and constitutional criminal justice issues. He has published numerous books and articles in these areas, and has spoken on these topics throughout the world. Professor Marcus is a graduate of UCLA Law School; he served as Law Clerk for the United States Court of Appeals for the District of Columbia Circuit and practiced law in Los Angeles. Prior to moving to Virginia, he was Dean of the University of Arizona College of Law.
TONY MAURO has covered the Supreme Court and legal affairs for more than 20 years -- first for USA Today and Gannett News Service, and now for Legal Times and American Lawyer Media. He received a bachelor's degree in political science from Rutgers University, and a master's degree from Columbia University Graduate School of Journalism. He is author of a new book Illustrated Great Decisions of the Supreme Court, published in July 2000 by CQ Press. He is also contributing (chapter) author to three books: A Year in the Life of the Supreme Court, which received the American Bar Association's Silver Gavel Award, Reason and Passion, on Justice William Brennan, Jr., and The Burger Court, edited by Bernard Schwartz. His 1998 stories on Supreme Court law clerks won a certificate of merit from the American Bar Association. Mauro also serves on the steering committee of the Reporters Committee for Freedom of the Press, and is on the advisory board of the World Press Freedom Committee and the National Center for Courts and Media.

JOHN O. MCGINNIS is a Professor of Law at the Benjamin N. Cardozo Law School where he teaches courses in constitutional law, international trade, antitrust, and law and economics. He will visit Northwestern Law School this spring. He is a graduate of Harvard College, Balliol College, Oxford and Harvard Law School, where he was an editor of the Harvard Law Review. He clerked for Judge Kenneth W. Starr of the District of Columbia Circuit Court of Appeals and was a Deputy Assistant Attorney General in the Office of Legal Counsel from 1987-1991. He was the 1997 recipient of the Federalist Society's Paul M. Bator award given annually to an outstanding legal scholar under 40. His most recent publication, "The World Trade Constitution", written with Mark Movsesian, appeared in last December's issue of the Harvard Law Review. His essay, "Presidential Review as Constitutional Restoration", will appear in this year's volume of the Duke Law Journal and his article, "Reviving Tocqueville's America: The Rehnquist Court's Jurisprudence of Social Discovery", will appear in this year's volume of the California Law Review. He also has written for National Review, Commentary, Policy Review and the Wall Street Journal.

ALAN MEESE is the Cabell Research Professor of Law at the College of William and Mary School of Law and currently a Visiting Professor of Law at the University of Virginia. Professor Meese received his A.B. from the College of William and Mary and his J.D. from the University of Chicago where he was a comment editor on the law review. Before joining the William and Mary faculty, he was an associate in the antitrust department at Skadden, Arps, Slate, Meagher and Flom in Washington, D.C. Previously, he served as a law clerk, first to Judge Frank Easterbrook of the U.S. Court of Appeals for the Seventh Circuit and then to Justice Antonin Scalia of the Supreme Court of the United States. He is the author of more than a dozen articles on antitrust law and other topics appearing in the Antitrust Bulletin, Antitrust Law Journal, Green Bag, Harvard Journal of Law and Public Policy, and Law and Contemporary Problems as well as the Boston University, Cornell, Michigan, U.C.L.A., University of Pennsylvania, and William and Mary Law Reviews.

DAVID SAVAGE has been the Supreme Court correspondent in Washington for the Los Angeles Times since 1986. Before that assignment, he was an education writer for the Times in Los Angeles. He also covered Congress and the Supreme Court for a Washington weekly newspaper. He earned his B.A. in political science from the University of North Carolina at Chapel Hill and his M.S. from Northwestern University. He is the author of Turning Right: The Making of the Rehnquist Court (1992), which won the 1993 ABA Silver Gavel Award, and 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.

MICHAEL STEIN holds a J.D. from Harvard and a Ph.D. from Cambridge University. He joined the faculty of William & Mary Law School in 2000 after teaching at Stanford and New York University law schools. Stein practiced with Sullivan & Cromwell in New York City, clerked for Judge Samuel A. Alito, Jr. of the U.S. Court of Appeals for the Third Circuit, and has served as president of the National Disabled Bar Association, and pro bono counsel for both the United States Department of Justice's Environmental Division and the Legal Aid Society's Juvenile Rights Division. He teaches Civil Procedure, Disability Law, English Legal History, and Labor & Employment Law.

KATHRYN URBONYA has extensively written, studied, and lectured throughout the nation on constitutional tort litigation under the Fourth, Eighth, and Fourteenth Amendments. As a Professor of Law at the College of William and Mary, she teaches constitutional law, criminal procedure, and civil rights. In addition, she was appointed by Mayor Andrew Young of Atlanta to serve on the Civilian Review Board, which investigated claims of police misconduct. Before teaching, she was a law clerk for Justice Gerald W. VandeWalle of North Dakota Supreme Court and Federal District Judge G. Ernest Tidwell in Atlanta.

CYNTHIA V. WARD is Professor of Law at the College of William and Mary. Professor Ward received her B.A. from Wellesley College and her J.D. from Yale. She taught at Arizona State University College of law for five years before coming to William and Mary in the fall of 1997. Professor Ward teaches Criminal Law and Philosophy of Law, and her research is also in those fields. She has published in a variety of academic journals, including the Columbia, University of Chicago, Northwestern University, and University of Texas Law Reviews.

STEPHEN WERMIEL is an associate professor at American University Washington College of Law. He has also taught at Georgia State University Law School. He spent the 1991-1992 academic year as the Lee Distinguished Visiting Professor of Law at the College of William and Mary and the 1997-98 academic year as a fellow at the Woodrow Wilson Center for Scholars. For twelve years, he was the Supreme Court correspondent for The Wall Street Journal. He is at work on the authorized biography of the late Supreme Court Justice William J. Brennan, Jr. He received his J.D. from American University. He teaches a Supreme Court Seminar, Media Law, Constitutional Law and an Education Law seminar.
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