

2004

2004-2005 Supreme Court Preview: Schedule

Institute of Bill of Rights Law at the William & Mary Law School

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2004-2005 Supreme Court Preview

SCHEDULE OF EVENTS

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Friday 3:00-5:00 pm

SPECIAL BRIEFING

Human Rights and National Security Law

FRIDAY, OCTOBER 22, 2004

5:30 PM	Registration
6:10 PM	Welcome
6:15 PM	Moot Court Argument: <i>Roper v Simmons</i>
7:45 PM	The Law Under George W. Bush
9:15 PM	Recess

SATURDAY, OCTOBER 23, 2004

9:00 AM	Civil Rights
10:00 AM	International Law at the U.S. Supreme Court
11:00 AM	Criminal Procedure
12:00 PM	Lunch (on your own)
1:30 PM	Federalism
2:30 PM	Business Law
3:30 PM	Update and Looking Ahead: Recent Certiorari Grants and Upcoming Issues in the Court
4:30 PM	Recess

All Events Take Place at the Law School

2004-2005 Supreme Court Preview

Who's Who

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 a legal affairs writer for *Congressional Quarterly* (1989-1992). Biskupic holds a B.A. in journalism from Marquette University, an M.A. in English from the University of Oklahoma and a J.D. from Georgetown University. She won the 1991 Everett McKinley Dirksen award for distinguished reporting of Congress for her coverage of the Clarence Thomas nomination. She is the author of several legal reference books, including *Congressional Quarterly's* two-volume *Encyclopedia on the Supreme Court* (3rd Ed., 1997) that she co-authored with Elder Witt. Biskupic is currently working on a book about Justice Sandra Day O'Connor for HarperCollins (Ecco Press Division). Much of her research for the book has been done while on leave from *USA Today* as a public policy scholar at the Woodrow Wilson International Center. She lives in Washington, D.C., with her husband and daughter.

JOHN H. BLUME is currently a professor at Cornell Law School and the Director of the Cornell Death Penalty Project. He also serves as Habeas Assistance and Training Counsel (HAT). The purpose of HAT is to provide training and resource materials for Federal Public Defender Offices and private appointed counsel representing inmates sentenced to death in federal habeas corpus proceedings and to consult with the Defender Services Committee of the Administrative Office of the United States Courts. A 1978 graduate of the University of North Carolina, a 1982 graduate of Yale Divinity School, and a 1984 graduate of Yale Law School, Blume is the former Director of the South Carolina Death Penalty Resource Center (1988-1996). He has represented, and currently represents, indigent death inmates sentenced to death in state post-conviction and federal habeas corpus proceedings in California, Georgia, Illinois, Indiana, New Mexico, South Carolina, Texas, Virginia and the United States Military. He has argued four capital cases before the United States Supreme Court and has served as co-counsel in seven other cases heard by the Supreme Court. He has authored a number of law review articles addressing various substantive and procedural topics related to the representation of death sentenced inmates in collateral proceedings and has been a speaker at CLE programs devoted to the representation of death sentenced inmates in over thirty states.

MICHAEL CARVIN is a partner in the D.C. office of Jones Day and specializes in constitutional, appellate, civil rights, and civil litigation against the federal government. During the Reagan Administration, Carvin was Deputy Assistant Attorney General in both the Justice Department's Civil Rights Division and the Office of Legal Counsel. In those positions, he was involved in the Department's leading civil rights, separation-of-powers and other constitutional law controversies. In private practice, he has argued numerous cases in the United States Supreme Court and in virtually every federal appeals court. These cases include the decisions overturning the federal government's plan to statistically adjust the census, limiting the Justice Department's ability to create "majority-minority" districts, upholding Proposition 209's ban on racial preferences in California, the *Winstar* decision holding the government liable for breaching contracts in the thrift bailout legislation, and a decision upholding a Cincinnati referendum barring special gay rights laws.

Carvin was one of the lead lawyers who argued before the Florida Supreme Court, on behalf of President George W. Bush in the 2000 election Florida recount controversy. He has also represented numerous state governments, financial institutions, telecommunications, and energy companies in "takings," First Amendment, civil rights, and statutory challenges to federal government actions.

ERWIN CHEMERINSKY, Alston & Bird Professor of Law, joined the Duke Law faculty on July 1, 2004. From 1983 to 2004, he was the Sydney M. Irmas Professor of Public Interest Law, Legal Ethics, and Political Science at the University of Southern California Law School.

He is the author of four books: a one-volume treatise on federal courts *Federal Jurisdiction* (Aspen Law & Business 4th ed. 2003), a one-volume treatise on constitutional law *Constitutional Law: Principles and Policies* (Aspen Law & Business 2d ed. 2002), casebook *Constitutional Law* (Aspen Law & Business 2001), and *Interpreting the Constitution* (Praeger 1987).

WALTER DELLINGER is head of the Appellate Practice at O'Melveny & Myers in Washington, D.C., and the Douglas B. Maggs Professor of Law at Duke University. A graduate of the University of North Carolina and Yale Law School, Professor Dellinger served as a law clerk to Justice Hugo L. Black. He has published articles on constitutional law for scholarly journals including the *Harvard Law Review*, the *Yale Law Journal*, and the *Duke Law Journal* and has written articles for the *New York Times*, the *Washington Post*, *Newsweek*, the *New Republic* and the *London Times*. He spent 1988-89 as a Fellow at the National Humanities Center and has lectured in the Netherlands, Italy, Denmark, Germany, Mexico, Belgium and Brazil. In 1993, he was nominated by the President to be Assistant Attorney General for the Office of Legal Counsel (OLC) and was confirmed by the Senate in October 1993. He served as head of OLC from 1993 until he became acting Solicitor General for the 1996-97 term of the Supreme Court. His arguments before the United States Supreme Court have included cases involving the physician assisted suicide laws, the Brady Act, the line item veto, the Cable Television Act, the Religious Freedom Restoration Act, *Clinton v. Jones*, aid to parochial schools, the Americans with Disabilities Act, the Census Act, redistricting, federal jurisdiction and other matters.

LYLE DENNISTON is covering the Supreme Court for an online legal clearinghouse about the Court, *SCOTUSblog*. 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. He has received an Honorary Doctor of Laws degree from the Massachusetts School of Law in Andover, where he is on the adjunct faculty and where he appears in a series of educational TV programs on the Supreme Court and other legal subjects. 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).

NEAL DEVINS is the Director of the Institute of Bill of Rights Law, Goodrich Professor of Law, and Professor of Government at the College of William and Mary. He is the author of several books and articles on constitutional law and government lawyering, including *Shaping Constitutional Values* (Johns Hopkins, 1996), *Political Dynamics of Constitutional Law* (West, 3d ed. 2001) (coauthored with Louis Fisher), *Redefining Equality* (Oxford, 1998) (co-edited with Davison Douglas), *A Year at the Supreme Court* (Duke, 2004) (co-edited with Davison Douglas), and *The Democratic Constitution* (Oxford, 2004) (with Louis Fisher). Devins has testified before both the House and Senate and has spoken to numerous groups about constitutional law, government lawyering, and other issues.

DAVISON DOUGLAS is an Arthur B. Hanson Professor of Law at the William and 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 and a law clerk for Judge Walter R. Mansfield of the United States Court of Appeals for the Second Circuit. Douglas is the author of *Jim Crow Moves North: The Battle Over Northern School Desegregation, 1865-1954* (forthcoming 2005), *Reading, Writing and Race: The Desegregation of the Charlotte Schools* (1995), and the editor of *A Year at*

the Supreme Court (2004) (with Neal Devins) and *Redefining Equality* (1998) (with Neal Devins). He has also co-authored a constitutional law casebook, *Constitutional Law in Context* (2003), with Michael Curtis, Paul Finkelman, and Wilson Parker.

BRIGADIER GENERAL CHARLES J. DUNLAP, JR. is the senior legal advisor (staff judge advocate) for the U.S. Air Force's Air Combat Command. He provides professional guidance to over 600 military and civilian attorneys and supporting personnel, and oversees 21 Air Force legal offices which serve more than 214,000 active duty personnel and dependents. His assignments include service in Korea and the United Kingdom, as well as the Pentagon and various other posts in the U.S. In 1992-93 he deployed to Africa in support of relief operations in Somalia. The following year he deployed to Saudi Arabia in support of Operation VIGILANT WARRIOR. In 1998 he served in the Middle East during Operation DESERT FOX's air strikes against Iraq. In 1999 he deployed to Egypt for BRIGHT STAR 99/00 as the Combined Air Operations Center legal advisor.

In December 2001 he deployed to Southwest Asia for a special mission in support of Operation ENDURING FREEDOM. In July 2004 he deployed to inspect units in Iraq and Afghanistan. He has also led military-to-military delegations to Uruguay, the Czech Republic, South Africa, and Colombia. A distinguished graduate of the National War College, he speaks and writes widely on legal and national security issues.

JAMES G. DWYER is a professor of law at William and Mary where he teaches family law and youth law. Dwyer received his law degree from Yale in 1987 and a Ph.D. in philosophy from Stanford in 1995. He practiced with law firms in Washington D.C. and worked as an attorney for children in New York State Family Court. His scholarship has focused on the rights of children in various contexts.

KENNETH S. GELLER is a partner in the Appellate Practice of Mayer, Brown, Rowe & Maw LLP in Washington, D.C. A 1971 graduate of Harvard Law School, Geller served as Assistant to the Solicitor General from 1975 to 1979 and as Deputy Solicitor General from 1979 to 1986. He is the co-author of *Supreme Court Practice* (8th ed. 2002), the leading treatise in its field, as well as the co-author of the chapter on the *Supreme Court in Business and Commercial Litigation in Federal Courts* (1998). Geller has argued more than 40 cases in the Supreme Court, including three in the Court's 2002 Term.

MICHAEL GERHARDT, an Arthur B. Hanson Professor of Law at William and Mary, has served as a Special Consultant to both the Clinton White House on judicial selection and 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 Bill 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. More recently, he has testified before various Senate committees. Last summer, he testified before the Senate Rules and Judiciary Committees on behalf of the constitutionality of the filibuster. He also spoke to the Democratic Senate Committee about the constitutionality of the filibuster. He is currently working on a book on the role of precedent in constitutional decision-making, tentatively entitled *The Power of Precedent*, which will be published by Oxford University Press. In the Spring of 2004, Professor Gerhardt was on leave as a visiting fellow in the Politics Department at Princeton University. This fall he will be visiting at the University of Minnesota Law School.

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 six honorary degrees. Greenhouse is a fellow of the American Academy of Arts and Sciences and a member of the American Philosophical Society. For her coverage of the Supreme Court, she was awarded a Pulitzer Prize in journalism (best reporting) in 1998. In 2002, the American Law Institute awarded her the Henry J. Friendly Medal for contributions to the law. She also received the Legal Writing Institute's Gold Pen Award and the Carey McWilliams Award from the American Political Science Association "for a major journalistic contribution to our understanding of politics." This year she received the Goldsmith Career Award for Excellence in Journalism from Harvard University's Kennedy School of Government.

WILLIAM H. HURD served as the first Solicitor General of Virginia for five years before joining the Richmond office of Troutman Sanders LLP in 2004, where he focuses on appellate practice. In the 2002 term, he argued successfully before U.S. Supreme Court in two First Amendment cases: *Virginia v. Black*, 538 U.S. 343 (2003)(upholding state statute that prohibits cross-burning with intent to intimidate) and *Virginia v. Hicks*, 539 U.S. 113 (2003)(upholding public housing trespass policy). A graduate of the University of Virginia with degrees in government and law, Hurd is an Adjunct Law Professor at George Mason University School of Law in Arlington, where he teaches Federalism and the Religion Clauses of the First Amendment. A winner of 2004 "Best Brief Award" from the National Association of Attorneys General, Hurd has argued more than 30 cases before federal and state appellate courts, providing representation on a wide variety of constitutional issues. Hurd currently serves as Special Counsel to the Attorney General of Virginia in the case of *Bass v. Madison* (No. 03-1404), a challenge to the constitutionality of the Prison Provisions of the Religious Land Use and Institutionalized Persons Act (RLUIPA), now pending on a petition for certiorari before the U.S. Supreme Court. He was the editor of *Guidelines Concerning Religious Activity in the Public Schools* a widely-acclaimed document guaranteeing religious liberty and freedom of expression to Virginia public school students, adopted in 1995 by the Virginia State Board of Education. He is also the author of "Gone With the Wind? VMI's Loss and the Future of Single-Sex Public Education," 4 *Duke Journal of Gender Law & Policy* (1997), an analysis of how public, single-sex education (e.g., all-girl math classes) may be defended after the Supreme Court decision striking down the all-male policy at Virginia Military Institute.

NEAL K. KATYAL is a John Carroll Research Professor of Law at Georgetown Law Center. Prior to coming to Georgetown, he was a law clerk to Justice Stephen G. Breyer of the U.S. Supreme Court and to Judge Guido Calabresi of the Second Circuit Court of Appeals. During 1998-99, Katyal served as National Security Adviser to the Deputy Attorney General, U.S. Department of Justice. He was commissioned by President Clinton in 1999 to co-author a report on ways the legal profession can enhance its pro bono activities and diversify the Bar, served as co-counsel to Vice President Al Gore in the United States Supreme Court case of *Bush v. Palm Beach Canvassing Board* in 2000, and was Visiting Professor at Yale Law School in 2001-02 and Harvard Law School in 2002. His publications have appeared in *Yale Law Journal*, *Harvard Law Review*, *University of Chicago Law Review*, *Stanford Law Review*, *Michigan Law Review*, and the *University of Pennsylvania Law Review*. His primary academic interests are Constitutional Law (primarily separation of powers, constitutional legitimacy, presidential power, slavery and affirmative action), Criminal Law (particularly cybercrime, conspiracy, architectural solutions to crime and the role of deterrence), and Education Law.

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. 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.

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 husband and one-year-old son.

LINDA A. MALONE is the Marshall-Wythe Foundation Professor of Law at the William and Mary School of Law and Director of its Human Rights and National Security Law Program. She is the author of numerous articles and has authored or co-authored ten books on international law, human rights, and environmental law, most recently including *Defending the Environment: Civil Society Strategies to Enforce International Environmental Law*. Her book, *Environmental Regulation of Land Use* is the preeminent book in that field. She was a delegate to the United Nations Conference on the Environment and Development in Rio in 1992, co-counsel to Bosnia-Herzegovina in its genocide case against Serbia and Montenegro before the World Court, co-counsel to Paraguay in its challenge to the death penalty in *Paraguay v. Virginia*, and counsel for the international law professors amici in *Padilla v. Rumsfeld*. In 1998 she received the Fulbright/OSCE Regional Research Award to conduct research on women's and children's rights in Eastern Europe, and in 2002 received a grant from the National Endowment for Humanities, State Department and International Research and Exchange Board in continuance of her work. In 2000 she received the first Millennium Award of the Virginia Women's Bar Association, given to a professor, a judge, and a practitioner for their contribution to the role of women and women's rights in the law.

JOHN O. MCGINNIS is a Professor of Law at the Northwestern Law School where he teaches courses in constitutional and international trade law. 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 at the Department of Justice. He was the 1997 recipient of the Federalist Society's Paul M. Bator award given annually to an outstanding legal scholar under 40. He is recently the author of *Reviving Tocqueville's America: The Rehnquist Court's Jurisprudence of Social Discovery*, 90 Cal. L. Rev. 485 (2002), *Our Supermajoritarian Constitution*, 80 Tex. L. Rev. 703, 802-803 (2002) with M. Rappaport, and *Symmetric Entrenchment: A Constitutional and Normative Theory*, 89 Va. L. Rev. 385 (2003) with M. Rappaport.

ALAN MEESE is a professor of law at the William and Mary School of Law and a fellow in the Institute of Bill of Rights Law. Professor Meese received his A.B. from the College of William and Mary and his J.D. (with Honors) from the University of Chicago where he was elected to Order of the Coif and 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 was Visiting Professor of Law at the University of Virginia in 2001-2002. Meese is the author of twenty scholarly articles and essays appearing in *The Green Bag*, *Antitrust Bulletin*, *Antitrust Law Journal*, *Antitrust Magazine*, *Harvard Journal of Law and Public Policy*, *Law and Contemporary Problems*, the *William and Mary Bill of Rights Journal*, and the *University of Pennsylvania*, *Creighton*, *Michigan*, *George Mason*, *Boston University*, *Cornell*, *UCLA*, *Chicago*, and *William and Mary* law reviews. He is a frequent lecturer on antitrust issues and has served as a referee for the *Journal of Legal Studies*. Professor Meese is recipient of the Walter L. Williams Jr. Teaching Award in 2000.

THOMAS MERRILL is a Charles Keller Beekman Professor of Law at Columbia Law School. He is a graduate of Grinnell College and Oxford University, where he was a Rhodes Scholar, and received his law degree from the University of Chicago in 1977. He served as a law clerk to David Bazelon, Chief Judge of the Court of Appeals for the D.C. Circuit, and Justice Harry Blackmun on the U.S. Supreme Court. He started his academic career at Northwestern University School of Law in Chicago in 1981. From 1987 to 1990 he was on leave, serving as Deputy Solicitor General in the Department of Justice. In 2003, he joined the Columbia faculty. Merrill's teaching and research interests include administrative law, property, and environmental law. He has written extensively on takings issues, including *Property: Takings* (Foundation Turning Point Series 2002) with David A. Dana.

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.

STUART S. TAYLOR, JR. is a weekly opinion columnist for *National Journal* and contributing editor for *Newsweek*, writing about legal and policy issues of national and international importance. After graduating in 1977 from Harvard Law School, where he was a note editor for the *Harvard Law Review*, he practiced law at Washington's Wilmer, Cutler & Pickering from 1977-1980. He joined *The New York Times* in 1980 as legal affairs reporter and covered the Supreme Court from 1986-1988. Taylor moved to *American Lawyer Media* in 1989 and to *National Journal* in 1997. He has won various journalism awards and appeared on all major television networks.

KATHRYNURBONYA 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..

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.

AMY L. WAX, Professor of Law at the University of Pennsylvania Law School, graduated with a B.S. from Yale in 1975, and holds an M.D. from Harvard and a J.D. from Columbia. She trained as a neurologist at New York Hospital in the early 1980s, served as a law clerk to Judge Abner J. Mikva on the D.C. Circuit Court of Appeals, and from 1988 to 1994 worked as an attorney in the Office of the Solicitor General at the Department of Justice, where she argued 15 cases before the United States Supreme Court. She taught at the University of Virginia Law School before coming to Penn in 2001. Her areas of teaching and research include civil procedure, remedies, social welfare law, and the law and economics of work and family. Recent articles include "Rethinking Welfare Rights: Reciprocity Norms, Reactive Attitudes and the Political Economy of Welfare Reform," 63 *Law & Contemporary Problems* 257 (Winter/Spring 2000) and "Something for Nothing: Liberal Justice and Welfare Work Requirements" 53 *Emory Law Journal* (2003); "Evolution and the Bounds of Human Nature," *Law & Philosophy* (November 2004); "The Political Psychology of Redistribution: Implications for Welfare Reform," in *The Politics of Welfare Reform* (Sage Foundation Press 2004); and "Blaming the Victim and the Law of Remedies" (in progress).

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 and teaches a Supreme Court Seminar, Media Law, Constitutional Law and an Education Law seminar.