

2005

2005-2006 Supreme Court Preview: Schedule

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

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2005-2006 Supreme Court Preview

Schedule of Events

Friday, September 23, 2005

- | | | |
|------|-----------------------|-----------|
| I. | Moot Court | 6:15 p.m. |
| II. | The O'Connor Court? | 7:30 p.m. |
| III. | Confirmation Politics | 8:30 p.m. |

Saturday, September 24, 2005

- | | | |
|-------|---------------------|------------|
| IV. | Civil Rights | 9:00 a.m. |
| V. | Business | 10:00 a.m. |
| VI. | Criminal | 11:00 a.m. |
| VII. | Federalism | 1:30 p.m. |
| VIII. | The Rehnquist Court | 2:30 p.m. |
| IX. | Looking Ahead | 3:30 p.m. |

2005-2006 Supreme Court Preview

Who's Who on the Panels

DONALD B. AYER is a partner in the Washington, D.C. office of Jones Day. He has argued 18 times in the U.S. Supreme Court, more than 50 cases in the intermediate appellate courts, and has also been lead counsel in approximately 20 jury trials. He received an A.B., with Great Distinction, from Stanford in 1971, an M.A. in American History from Harvard in 1973, and his J.D. from Harvard in 1975, where he was Articles Editor of the Law Review. He clerked for Judge Malcolm R. Wilkey, of the D.C. Circuit, and for Justice William H. Rehnquist.

Mr. Ayer then spent approximately ten years in the United States Department of Justice, including two Presidential appointments. He worked in California first as an Assistant U.S. States Attorney, and from 1981-1986 as United States Attorney in Sacramento. In 1986 he moved to Washington as Principal Deputy Solicitor General under Solicitor General Charles Fried, during the final three years of the Reagan Administration. In 1989, after briefly joining Jones Day, he was appointed by President Bush to serve as Deputy Attorney General during 1989-1990. Mr. Ayer is a member of American Academy of Appellate Lawyers, the American Law Institute, the American Bar Foundation, the Publications Committee of the Supreme Court Historical Society, the Advisory Boards of the Supreme Court Institute (Georgetown Univ.); the Institute for Judicial Administration (NYU); and the State and Local Legal Center.

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 finishing a book about Justice Sandra Day O'Connor for HarperCollins (Ecco Press Division).

BETH BRINKMANN is a partner in the law firm of Morrison & Foerster LLP in Washington, D.C., where her primary focus is on litigation in the Supreme Court of the United States and other appellate matters. She is chair of the firm's Appellate Practice Group. She has argued 20 cases before the Supreme Court, including, in October 2004, a federal trademark case involving the statutory fair use defense. *KP Permanent, Inc. v. Lasting Impression I, Inc.* Ms. Brinkmann previously served as an Assistant to the Solicitor General for eight years, during which time she argued on behalf of the United States before the Supreme Court in a wide range of cases involving constitutional law, federal statutory law, administrative law, civil rights, ERISA, Indian law, immigration law, and criminal law. Ms. Brinkmann also previously served as an Assistant Federal Public Defender in Washington, D.C., for two years, and practiced in a small law firm in San Francisco for four years where she appeared in state and federal trial courts. She received her A.B. from the University of California, Berkeley, and her J.D. from Yale Law

School. She served as a law clerk for Judge Phyllis Kravitch of the United States Court of Appeals for the Eleventh Circuit, and for Justice Harry A. Blackmun of the Supreme Court.

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), a casebook *Constitutional Law* (Aspen Law & Business 2001), and *Interpreting the Constitution* (Praeger 1987).

Professor Chemerinsky frequently argues appellate cases, including in the Supreme Court. Last Term, he argued *Van Orden v. Perry* and *Tory v. Cochran*.

CHARLES J. COOPER is a founding member of the Washington, D.C. law firm of Cooper & Kirk, PLLC. Recently named by the *National Law Journal* as one of the 10 best civil litigators in Washington, he has over 25 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 (now Chief 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, as a partner in the Washington, D.C. office of McGuire Woods. From 1990 until the founding of Cooper & Kirk in 1996, he was a partner at Shaw, Pittman, Potts & Trowbridge where he headed the firm's Constitutional and Government Litigation Group.

Mr. Cooper's practice is national in scope and is concentrated in the areas of constitutional, commercial, 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.

WALTER DELLINGER is head of the appellate practice at O'Melveny & Myers LLP and is the Douglas B. Maggs Professor of Law at Duke University. He served as acting Solicitor General for the 1996-97 Term of the Supreme Court. Dellinger 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 United States 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 recent Court of Appeals arguments include *Martha Stewart v. United States*, *Whiteside v. United States*, *Exxon v. Alabama*, and *LCI v. Phillips*.

He is currently serving 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. He previously served as the United States designated arbitrator to determine the amount to be paid to the Zapruder family for the film of the Kennedy Assassination.

After serving in early 1993 in the White House as an advisor to the President on constitutional issues, Dellinger was nominated by the President to be Assistant Attorney General and head of the Office of Legal Counsel. He was confirmed by the Senate in October 1993. During his three years as Assistant Attorney General, he served as the Department's principal legal advisor to the Attorney General and the President. As head of the Office of Legal Counsel, Dellinger issued opinions on a wide variety of issues, including: the President's authority to deploy United States forces in Haiti and Bosnia; whether the President may decline to enforce statutes he believes are unconstitutional; affirmative action; whether the Uruguay round GATT 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.

Professor Dellinger 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 articles 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 in Leuven, Belgium and has given lectures to university faculties in Florence, Siena, Nuremberg, Copenhagen, Leiden, Utrecht, Tilburg, Mexico, and Rio de Janeiro abroad. In addition he has delivered major lectures at Stanford, Yale, Harvard, Michigan, Berkeley, Penn, Columbia, Duke, Chicago, and other US law schools. He has testified more than twenty-five times before committees of the Congress.

Professor Dellinger is a graduate of the University of North Carolina and Yale Law School. He clerked for the Honorable Hugo L. Black on the United States Supreme Court.

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), *The Democratic Constitution* (Oxford, 2004) (with Louis Fisher), and *Congress and the Constitution* (Duke, 2005) (co-edited with Keith Whittington). 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 the 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 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* (2005), *Reading, Writing and Race: The Desegregation of the Charlotte Schools* (1995), and the co-editor of *A Year at the Supreme Court* (2004) and *Redefining Equality* (1998) (both 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.

TERRY EASTLAND is publisher of *The Weekly Standard* and a contributor to numerous publications, including the *Dallas Morning News*, the *Wall Street Journal*, the *Washington Times*, and *Commentary*. His books include *Ending Affirmative Action*, *Energy in the Executive*, and *Ethics, Politics and the Independent Counsel*.

ANDREW L. FREY is a partner in Mayer, Brown, Rowe & Maw who specializes in U.S. Supreme Court, federal court of appeals, state supreme court practice, and punitive damages litigation. He has argued more than 60 cases in the U.S. Supreme Court.

Mr. Frey is a winner of the Burton Award for Legal Achievement (2005) in writing. He has written extensively on the subject of damages, including articles published in the *National Law Journal*, *Legal Times*, *Inside Litigation*, *Journal of International Banking Law*, *The International Journal of Insurance of Law Business*, *Commercial Litigation in Federal Courts*, and *The*

International Journal of Insurance Law.

Mr. Frey served as Deputy Solicitor General from 1973-1986, and assistant to the Solicitor General from 1972-1973. During his tenure at the Department of Justice he received the Presidential Award for Meritorious Service (1985), the Attorney General's Distinguished Service Award (1980), and the John Marshall Award (1975). He received his B.A. from Swarthmore College with high honors, and his L.L.B. from Columbia University where he was Notes and Comments Editor of the Law Review.

MICHAEL GERHARDT This summer Michael Gerhardt joined the University of North Carolina Law School as the Samuel Ashe Professor of Constitutional Law and Director of the Center on Legislative Studies. He has written over 50 law review articles and essays on various topics in constitutional law. He is also the author of several books, including *The Federal Appointments Process* (Revised edition, 2003). Professor Gerhardt has consulted with members of Congress on many constitutional questions, most recently with the Democratic caucus on the threatened nuclear option to preclude judicial filibusters. He has often testified before Congress, including as the only joint witness in the House Judiciary Committee's historic hearings on the history of the impeachment process and in the summer of 2003 as an expert on the constitutionality of the filibuster before the Senate Rules and Judiciary Committees. In 1992-93, he served as a special consultant to the National Commission on Judicial Discipline and Removal and the Presidential Transition in 1992-93; and in 1994 he assisted the White House on the nomination of Stephen Breyer to the Supreme Court. His honors include delivering distinguished lectures at Princeton University, the University of Montana, Drake University, and Cleveland State University; and in the spring of 2004 he served as a visiting fellow in the James Madison Program in American Institutions and Ideals at Princeton University. Professor Gerhardt taught constitutional law for almost 15 years at William & Mary Law School, and he has visited at Duke and Cornell Law Schools. He received his B.A. with honors from Yale University, his M.Sc. in Political Philosophy from the London School of Economics, and his J.D. from the University of Chicago.

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 Radcliff 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." In 2004 she received the Goldsmith Career Award for Excellence in Journalism from Harvard University's Kennedy School of Government. Her book, *Becoming Justice Blackmun: Harry Blackmun's Supreme Court Journey*, was published this year.

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. Last Term, the Stanford Clinic represented the petitioners in four merits cases before the Court: *Smith v. City of Jackson*, *Whitfield v. United States*, *Spector v. Norwegian Cruise Lines*, and *Rousey v. Jacoway*, as well as representing a number of other petitioners or respondents at the certiorari stage. This coming Term, the Stanford Clinic will again be representing parties at the merits stage of several cases, including *Tum v. Barber Foods* and *Georgia v. Randolph*. Karlan received her B.A., M.A. (history), and J.D. from Yale, and prior to entering academe, she served as a law clerk to Judge Abraham D. Sofaer of the United States District Court for the Southern District of New York and to Justice Harry A. Blackmun of the United States Supreme Court, and as an assistant counsel at the NAACP Legal Defense and Educational Fund.

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*, *Atlantic Monthly*, *Slate.com* 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. He was a 2003-2004 Media Fellow of the Japan Society and U.S. Japan Foundation.

RICHARD LAZARUS is a Professor of Law at the Georgetown University Law Center, where he teaches Supreme Court Advocacy, Torts, Environmental Law, and Natural Resources Law. He is also Faculty Director of Georgetown's Supreme Court Institute, which sponsors academic courses and workshops on the Supreme Court and provides practice moot court arguments for counsel in approximately two-thirds of the cases before the Court. He has previously taught at Indiana University, Harvard University, Northwestern University, University of Texas, and Washington University schools of law. He worked for the United States Justice Department, including in the Solicitor General's Office, where he was Assistant to the Solicitor General. Professor Lazarus has represented the United States, state and local governments, and environmental groups in the United States Supreme Court in 37 cases and has presented oral argument in 12 of those cases. He received a B.S. in chemistry and a B.A. in economics from the University of Illinois in 1976 and his J.D. from Harvard in 1979. His primary areas of legal scholarship are environmental and natural resources law, with particular emphasis on constitutional law and the Supreme Court. He recently published a book on the history of modern U.S. environmental law, *The Making of Environmental Law* (University of Chicago Press 2004).

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 School of Law. Professor Marcus

is currently the co-Reporter to the National Committee on the Right to Counsel.

GENE NICHOL became the College of William and Mary's 26th president on July 1, 2005. A scholar of constitutional and civil rights law, Nichol taught at the William and Mary School of Law from 1985 to 1988 and has served as dean at both the University of North Carolina at Chapel Hill School of Law and the law school at the University of Colorado. While at William and Mary, Nichol was the Cutler Professor of Law and director of the Institute of Bill of Rights Law. He has also taught at Oxford, Exeter, and the law school of West Virginia University.

Nichol is the co-author of the text *Federal Courts* and has published articles on civil liberties and federal judicial power in a wide variety of journals, including the *Harvard Law Review*, *Yale Law Review*, and the *University of Chicago Law Review*. He contributed articles on civil rights and public law litigation to the *Encyclopedia of the American Constitution*, and one on the civil rights movement to the *Oxford Companion to the United States Supreme Court*. Over the course of his career, Nichol has testified on constitutional matters before committees of the U.S. Congress and various state legislatures. In 2003, he won the American Bar Association's Edward R. Finch Award for delivering the nation's best Law Day Address. He was elected to membership in the American Law Institute and the American Bar Foundation Fellows.

Nichol attended Oklahoma State University, where he received a degree in philosophy and played quarterback on the varsity football team. In 1976, he graduated from the University of Texas Law School, where he was named to the Order of the Coif.

He is married to Glenn George, and they have three daughters: Jesse, Jenny, and Soren. George, a scholar of labor law and civil procedure, received her bachelor's degree from the University of North Carolina and graduated cum laude from Harvard Law School.

JOHN PAYTON, Partner, Wilmer Cutler Pickering Hale and Dorr LLP—As a member of the firm's Litigation Practice Group, Mr. Payton's practice focuses on Appellate and Supreme Court issues, Complex Commercial Disputes, and Government matters. He also has an extensive civil rights practice. Most recently, he was the lead counsel for the University of Michigan in successfully defending the use of race in the admissions process. Mr. Payton headed the firm's Litigation Department from 1998 to 2000. He currently Co-Chairs the firm's Diversity Committee and is a member of the firm's Executive Committee. He received his J.D. from Harvard Law School and B.A. from Pomona College. Mr. Payton was a Law Clerk to the Honorable Cecil F. Poole of the U.S. District Court for the Northern District of California. He was formerly Corporation Counsel of the District of Columbia. Mr. Payton's professional activities include serving as past President of the District of Columbia Bar and as a past member of the American Bar Association's House of Delegates. He is currently a Council Member of the ABA's Section on Individual Rights and Responsibilities, and the Commission on Immigration Policy. Mr. Payton also serves on the Boards of the Washington Lawyers' Committee for Civil Rights and Urban Affairs, the National Lawyers' Committee for Civil Rights Under Law and Global Rights. Mr. Payton has taught as a visiting professor at Harvard Law School and at Georgetown Law Center.

TAYLOR REVELEY is Dean and Professor of Law at William & Mary Law School. He received his A.B. from Princeton University and his J.D. from the University of Virginia. He clerked for Justice Brennan and was a Fellow of the Woodrow Wilson International Center for Scholars and an International Affairs Fellow of the Council on Foreign Relations. He has written extensively on the war powers, including a book *War Powers of the President and Congress: Who Holds the Arrows and Olive Branch?* (1981). He practiced energy and environmental law at Hunton & Williams and was also the firm's managing partner for nine years. Reveley has served extensively on non-profit boards including, among others, Princeton University, the Andrew W. Mellon Foundation, JSTOR, the Carnegie Endowment for International Peace, the Virginia Museum of Fine Arts, and the Virginia Historical Society.

DAVID SAVAGE has been the Supreme Court reporter for the *Los Angeles Times* since 1986. Prior to that, 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 in 2004. He was a chapter author for *A Year in the Life of the Supreme Court* (1995 and 2004). He also writes a regular column on the Supreme Court for the *ABA Journal*.

P.S. He also graduated from high school.

JAY ALAN SEKULOW is Chief Counsel for the American Center for Law and Justice (ACLJ), a law firm and educational organization that specializes in constitutional law. He is also Chief Counsel of the European Center for Law and Justice (ECLJ).

An accomplished and respected judicial advocate, Sekulow has presented oral arguments before the U.S. Supreme Court in numerous cases in defense of constitutional freedoms.

Sekulow serves as faculty member in the Office of Legal Education for the U.S. Department of Justice where he provides legal expertise to federal prosecutors on the issue of obscenity.

Several landmark cases argued by Sekulow before the U.S. Supreme Court have become part of the legal landscape in the area of religious liberty litigation. In the *Mergens* case, Sekulow cleared the way for public school students to form Bible clubs and religious organizations on their school campuses. In the *Lamb's Chapel* case, Sekulow defended the free speech rights of religious groups, ensuring that they be treated equally with respect to the use of public facilities. And, most recently, in *McConnell v. FEC*, Sekulow ensured that the constitutional rights of young people remain protected with a unanimous decision by the high court guaranteeing that minors can participate in political campaigns.

A nationally recognized and respected defender of religious freedom, Sekulow has assembled one of the most prestigious law firms in the nation. Founded in 1990, the American Center for Law and Justice specializes in constitutional law. The ACLJ, under Sekulow's direction, is involved in public interest and public policy issues working to protect religious and constitutional liberties.

In 2005, *TIME* Magazine named Sekulow one of the "25 Most Influential Evangelicals" in

America and called the ACLJ "a powerful counterweight" to the ACLU. *Business Week* said the ACLJ is "the leading advocacy group for religious freedom." Sekulow's work on the issue of judicial nominees—including possible vacancies at the Supreme Court—has received extensive news coverage including a front page story in *The Wall Street Journal*. In addition, *The National Law Journal* has twice named Sekulow one of the "100 Most Influential Lawyers" in the United States (1994, 1997). He is also among a distinguished group of attorneys known as "The Public Sector 45" named by *The American Lawyer* (January/February 1997). The magazine said the designation represents "45 young lawyers outside the private sector whose vision and commitment are changing lives." Sekulow serves as a member of the Board of Trustees for The Supreme Court Historical Society in Washington, DC.

Sekulow brings insight and education to thousands of listeners daily with his national call-in radio program, Jay Sekulow Live!, which is broadcast throughout the country on more than 550 radio stations reaching 1.5 million listeners a day. Sekulow also hosts a weekly television program, ACLJ This Week, which tackles the tough issues of the day and is broadcast on a number of networks nationwide including the Trinity Broadcasting Network and FamilyNet. Sekulow is also a popular guest on nationally televised news programs on ABC, CBS, NBC, CNN, FOX News, MSNBC, CNBC, and PBS. He frequently contributes articles and commentary to national publications and is often quoted in the nation's leading newspapers including *USA Today*, *New York Times*, *Los Angeles Times*, *Washington Post*, and *Washington Times*.

A graduate of Mercer University, Sekulow graduated cum laude receiving both a bachelor's degree and doctor of jurisprudence from Mercer University where he served on the *Mercer Law Review* as an editorial staff member. He also received a Ph.D. in American Legal History from Regent University in Virginia Beach, Virginia, and is the author of numerous publications and law articles.

DAVID STRAUSS is the Harry N. Wyatt Professor of Law at the University of Chicago Law School. He has published many scholarly articles on various subjects in constitutional law, and he is a co-editor of the *Supreme Court Review*. He has also argued eighteen cases before the United States Supreme Court. Before joining the faculty at Chicago, he was an Assistant Solicitor General of the United States, and in 1990 he served as Special Counsel to the Judiciary Committee of the United States Senate. He has degrees from Harvard College, Oxford University, and Harvard Law School, and he is a fellow of the American Academy of Arts and Sciences.

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. He is also a nonresident senior fellow with the Brookings Institution. 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.

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.

STEPHEN WERMIEL is associate director of the Marshall-Brennan Constitutional Literacy Project (a program in which 50 law students teach a year-long course in constitutional law in the D.C. public high schools) at American University Washington College of Law and also an adjunct professor there. 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, Constitutional Law and an Education Law seminar.