2008-2009 Supreme Court Preview: Schedule

Institute of Bill of Rights Law at The College of William & Mary School of Law
2008-2009 Supreme Court Preview

Schedule of Events

Friday, September 26, 2008

WELCOME 6:00 p.m.

I. Moot Court: FCC v. Fox Television Stations 6:05 p.m.

II. 2008 Election and the Supreme Court 7:15 p.m.

Saturday, September 27, 2008

III. Election Law 9:00 a.m.

IV. Business 10:00 a.m.

V. Civil Rights 11:00 a.m.

Lunch Break 12:15 p.m.

VI. Theories of Interpretation 1:30 p.m.

VII. Criminal Law 2:30 p.m.

VIII. Bush's Legal Legacy 3:30 p.m.

Conference Concludes 4:30 p.m.
2008-2009 Supreme Court Preview

Who’s Who on the Panels

ROBERT BARNES has been a reporter and editor at *The Washington Post* for more than 20 years. He has covered politics and government on a state and national level. As a deputy national editor in charge of domestic policy, he supervised coverage of the Supreme Court, Justice Department, the census, demographics, and race. As political editor during the first term of the Clinton administration, he coordinated coverage of national politics, the White House, and Congress. He also served as metropolitan editor, directing the *Post*’s local coverage of the District, Maryland, and Virginia. He returned to reporting in August 2005 as a political reporter and columnist. He has covered the Supreme Court since November 2006.

MARSHA S. BERZON is a graduate of Radcliffe College and the law school at the University of California at Berkeley (Boalt Hall), where she was Articles Editor of the *California Law Review*. She served as a law clerk to Justice William J. Brennan, Jr., of the United States Supreme Court and for Judge James R. Browning of the United States Court of Appeals for the Ninth Circuit.

Before joining the Ninth Circuit Court of Appeals, Judge Berzon worked as an appellate and Supreme Court advocate at Altshuler, Berzon, Nussbaum, Rubin & Demain, a San Francisco law firm. She presented cases in most of the federal circuit courts and the appellate courts of California and several other states. She filed briefs in dozens of cases in the United States Supreme Court, appearing four times as an oral advocate before the Court. Among the cases in which she participated were many setting important precedents in the fields of labor and employment law, environmental, women’s rights, and free speech. While in practice, Judge Berzon served as Associate General Counsel of the AFL-CIO; as a member of the Executive Committee of the Bar Association of San Francisco’s Labor and Employment Law Section; as co-chair of the Appellate Courts Committee of the Bar Association of San Francisco; as Treasurer of the Labor and Employment Law Section of the State Bar of California; as a member of the Board of Directors of the AFL-CIO Lawyers Coordinating Committee; as a member of the Board of Directors of the Legal Aid Society of San Francisco; as Vice President and a member of the Board of Directors of the ACLU of Northern California; and as a member of the California Commission on the Future of the Legal Profession and the State Bar.

In the Fall of 1994, Judge Berzon was practitioner in residence at Cornell Law School, where she taught Supreme Court litigation; in the Fall of 1998, she was a practitioner in residence at Indiana University Law School; in the Fall of 2003, she was the Alvin B. and Janice Rubin Lecturer at the Paul F. Hebert Law Center of Louisiana State University. She has received the Faye Stender Award from the California Women Lawyers’ Association for her contribution to establishing the legal rights of women; the Alumna of the Year award from the *California Law Review*; the American Jewish Committee’s Learned Hand Award; and the American Bar Association’s Margaret Brent Award.
Judge Berzon was confirmed as a judge of the Ninth Circuit on March 9, 2000. Judge Berzon is currently a Fellow of the American Bar Foundation, a member of the American Law Institute, and an Advisor to the American Law Institute Restatement of Employment Law.

JOAN BISKUPIC has covered the Supreme Court since 1989 and is the author of Sandra Day O'Connor: How the First Woman on the Supreme Court Became Its Most Influential Justice, published by HarperCollins in 2005. She is working on a biography of Justice Antonin Scalia to be published by Farrar, Straus & Giroux. As part of her research, she currently is on leave from USA Today and in residence at the Woodrow Wilson Center in Washington, D.C., as a public policy scholar. Before joining USA Today in 2000, she was the Supreme Court reporter for the Washington Post (1992-2000) and legal affairs writer for Congressional Quarterly (1989-1992). Biskupic holds a law degree from Georgetown University. She is also the author of several legal reference books, including Congressional Quarterly’s two-volume encyclopedia on the Supreme Court (3rd Ed., 1997, with co-author Elder Witt). She won the Everett McKinley Dirksen award for Distinguished Reporting of Congress for her coverage of the Clarence Thomas nomination in 1991.

JOHN H. BLUME is currently a Professor of Law at Cornell Law School and the Director of the Cornell Death Penalty Project. Blume teaches Criminal Procedure, Evidence, The Supreme Court, and the Death Penalty and the Capital Punishment Clinic. He also serves as Habeas Assistance and Training Counsel (HAT). The purpose of HAT is to provide training and resource materials to 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 clerked for the Honorable Thomas A. Clark of the United States Court of Appeals for the Eleventh Circuit. As an attorney in private practice, a director of a non-profit corporation, and as a member of the Cornell Law Faculty, he has represented, or currently represents, indigent death-row inmates 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. Professor Blume has argued seven capital cases before the United States Supreme Court and has been co-counsel, amicus counsel, or consulting counsel in numerous other cases heard by the Supreme Court. Blume has also argued cases before the United States Court of Appeals for the Second, Fourth, Fifth, Seventh, Ninth, and Eleventh Circuits, the United States Court of Appeals for the Armed Forces, and many state appellate courts. Professor Blume is the co-author of The Habeas Corpus Update, an annual compendium of developments in habeas corpus law, and he has authored numerous law review articles and book chapters addressing various substantive and procedural topics related to criminal procedure, evidence, habeas corpus, and capital punishment.

BETH S. BRINKMANN is chair of the Appellate and Supreme Court practice at the law firm of Morrison & Foerster LLP. She is a partner in the firm’s Washington, D.C. office. Her primary focus is on litigation in the Supreme Court of the United States and other appellate matters in state and federal courts across the country.
Ms. Brinkmann has practiced before the Supreme Court for approximately 15 years. She has argued 24 cases before the Supreme Court and regularly files briefs in numerous cases before the Court each Term. This past year, Ms. Brinkmann won three significant business cases, two of which were unanimous, before the Supreme Court in the areas of federal preemption, arbitration, and the constitutionality of state taxation.

Ms. Brinkmann previously served for 8 years as an Assistant to the Solicitor General of the United States. She also worked as an Assistant Federal Public Defender in Washington, D.C., and practiced in a small law firm in San Francisco. 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 to Judge Phyllis Kravitch of the United States Court of Appeals for the Eleventh Circuit, and for Justice Harry A. Blackmun of the Supreme Court of the United States.

PAUL CASSELL is the Ronald Boyce University Professor of Law at the S.J. Quinney College of Law at the University of Utah.

Professor Cassell received a B.A. from Stanford University in 1981. He then graduated Order of the Coif from Stanford Law School in 1984, serving as President of the Stanford Law Review. In 1984-85, he clerked for then-Judge Antonin Scalia when Scalia was on the U.S. Court of Appeals for the D.C. Circuit and the following year for Chief Justice Warren E. Burger on the U.S. Supreme Court.

From 1986 to 1988, Professor Cassell served as an Associate Deputy Attorney General in the U.S. Department of Justice. From 1988 to 1991, he served as an Assistant U.S. Attorney in the Eastern District of Virginia, prosecuting many felony criminal cases.

In 1992, Professor Cassell began teaching at the S.J. Quinney College of Law. He also testified numerous times before Congressional committees on issues pertaining to criminal justice, including testimony on victims’ rights, the death penalty, repealing Miranda, and criminal cases in the United States Supreme Court. He also published widely in leading academic journals on these issues. He filed “friend of the court” briefs on behalf of crime victims and other allied organizations in the United States Supreme Court, the Utah Supreme Court, and other courts around the country. He also published articles on criminal justice reform in such popular publications as the Wall Street Journal and the Los Angeles Times and has appeared frequently on television and radio programs. In 1999, he argued U.S. v. Dickerson before the U.S. Supreme Court, challenging the Supreme Court’s Miranda decision.

In 2002, Professor Cassell was confirmed to serve as a U.S. District Court Judge for the District of Utah, a position he held until resigning in 2007 to return to law teaching. While on the District Court, Professor Cassell wrote many opinions that attracted significant attention, including U.S. v. Croxford—the first opinion in the country to invalidate the U.S. Sentencing Guidelines for failing to protect defendant’s rights to jury findings—and U.S. v. Wilson—the first opinion in the country explaining how to apply the advisory Sentencing Guidelines that resulted from the Supreme Court’s opinion in U.S. v. Booker.

Professor Cassell current teaches criminal procedure, crime victims' rights, criminal law, and related classes. He also is involved in many pro bono crime victims' rights cases, including cases filed by the National Crime Victims' Law Institute.


**PAUL D. CLEMENT** served until recently as the 43rd Solicitor General of the United States. He is currently a Visiting Professor at the Georgetown University Law Center and a Senior Fellow at the Center’s Supreme Court Institute. He received his bachelor’s degree summa cum laude from the Georgetown University School of Foreign Service, and a master’s degree in economics from Cambridge University. He graduated magna cum laude from Harvard Law School where he was the Supreme Court editor of the *Harvard Law Review*. Following graduation, Mr. Clement clerked for Judge Laurence H. Silberman of the U.S. Court of Appeals for the D.C. Circuit, and for Associate Justice Antonin Scalia of the U.S. Supreme Court. After his clerkships, he served as Chief Counsel of the U.S. Senate Subcommittee on the Constitution, Federalism, and Property Rights and then was a partner in the Washington, D.C., office of King & Spalding, where he headed the firm’s appellate practice. Mr. Clement joined the Department of Justice in February of 2001. Before his confirmation as Solicitor General, he served as Acting Solicitor General for nearly a year and as Principal Deputy Solicitor General. He has argued 49 cases before the United States Supreme Court.

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

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


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

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

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

LYLE DENNISTON is covering the Supreme Court for an online legal clearinghouse about the Court, SCOTUSblog, and is the Supreme Court correspondent for Station WBUR, an NPR affiliate in Boston. He is a graduate of the University of Nebraska and received a master’s degree in history and political science from Georgetown University. After retiring from the Baltimore Sun, he covered the Court for three years for the Boston Globe. He is the longest-serving correspondent for any news organization covering the Court. He is a recipient of the annual Toni House Award from the American Judicature Society for his career in covering the law and has been named to the Hall of Fame of the Washington, D.C., chapter of the Society of Professional Journalists. He has received an Honorary Doctor of Laws degree from the Massachusetts School of Law in Andover. He is the author of The Reporter and The Law: Techniques of Covering the Courts (Columbia University Press, 1992) and is a chapter author for A Year in the Life of the Supreme Court (Duke University Press, 1995), which won the 1996 ABA Silver Gavel Award. He contributed two articles to 100 Americans Making Constitutional History (ed. by Melvin Urofsky, CQ Press, 2004) and a chapter to The Public Debate over Controversial Supreme Court Decisions (ed. by Melvin Urofsky, CQ Press, 2006).
DAVISON M. DOUGLAS is the Arthur B. Hanson Professor of Law at the William and Mary School of Law where he teaches courses in American constitutional law and history. From 1997-2004, he served as Director of the Institute of Bill of Rights Law at William and Mary. Douglas received a law degree, Ph.D. in American history, and master's degree in religion from Yale University. Before entering teaching, he clerked for Judge Walter R. Mansfield on the United States Court of Appeals for the Second Circuit and was a partner in a North Carolina law firm. Douglas has written several books and articles dealing with American constitutional history, including most recently Jim Crow Moves North: The Battle Over Northern School Segregation, 1865-1954 (2005). He is currently writing a biography of Pauli Murray.

MIGUEL A. ESTRADA is a partner in the Washington, D.C. office of Gibson, Dunn & Crutcher. He is Co-Chair of the firm's Appellate and Constitutional Law Practice Group. Mr. Estrada has represented clients in federal and state courts throughout the country and in international arbitrations. He was lead counsel for Clear Channel, the largest radio station owner in the country, in a challenge to the Federal Communications Commission's media ownership rules. Prometheus Radio Project v. FCC (3d Cir. 2004). He currently is lead counsel for NBC Universal in a challenge to the FCC's enforcement regime for regulating purportedly "indecent" broadcasts.

Mr. Estrada has handled a broad range of matters before the United States Supreme Court. He has written briefs in numerous cases and has argued 18 cases before that Court, including Laboratory Corporation of America Holdings v. Metabolite Laboratories, Inc. (2006), in which he persuaded the Court to leave undisturbed a Federal Circuit ruling upholding the validity of a two-step process patent setting forth a method for diagnosing vitamin deficiencies, and Northern Insurance Co. of New York v. Chatham County (2006), in which he persuaded the Court to rule unanimously that counties are not entitled to invoke sovereign immunity in admiralty actions. Mr. Estrada also was part of the team that successfully presented then-Governor Bush's position to the Supreme Court in Bush v. Gore (2000).

From 1992 until 1997, Mr. Estrada served as Assistant to the Solicitor General of the United States. He previously served as Assistant U.S. Attorney and Deputy Chief of the Appellate Section, U.S. Attorney’s Office, Southern District of New York. In those capacities, Mr. Estrada represented the government in numerous jury trials and in many appeals before the U.S. Court of Appeals for the Second Circuit. Before joining the U.S. Attorney's Office, Mr. Estrada practiced corporate law in New York with Wachtell, Lipton, Rosen & Katz.

Mr. Estrada is a Trustee of the Supreme Court Historical Society. He also is a member of the Board of Visitors of the Harvard Law School. Mr. Estrada has received numerous accolades. For example, in July 2004, Legal Times named him one of the top twelve appellate litigators in the D.C. area, noting that “people who follow appellate practice in Washington have known for several years that Estrada . . . is one of the best around.” Most recently, he was selected by his peers for inclusion in the 2007 edition of The Best Lawyers in America in the specialties of Appellate Law and Commercial Litigation.

Mr. Estrada served as a law clerk to the Honorable Anthony M. Kennedy in the U.S. Supreme Court from 1988-1989 and to the Honorable Amalya L. Kearse in the U.S. Court of Appeals for
the Second Circuit from 1986-1987. He received a J.D. degree magna cum laude in 1986 from Harvard Law School, where he was editor of the Harvard Law Review. Mr. Estrada graduated with an A.B. degree magna cum laude and Phi Beta Kappa in 1983 from Columbia College, New York. He is fluent in Spanish.

THOMAS C. GOLDSTEIN heads Akin Gump's Supreme Court practice. In the Supreme Court and elsewhere, Mr. Goldstein has briefed and argued cases spanning a broad array of federal law questions—including both constitutional and statutory issues—for corporate, governmental, and individual clients. Mr. Goldstein has argued 16 cases before the Supreme Court, winning four straight, three by five-justice majorities. Most recently, he successfully argued Georgia v. Randolph, an important search and seizure case. He also argued the first case of this Term, Tum v. Barber Foods, which he won unanimously. Last Term he successfully argued Spector v. Norwegian Cruise Lines (involving the application of federal disability law to cruise ships) and Smith v. City of Jackson (involving disparate impact age discrimination claims). In addition, he has taken a leading role in numerous other cases, including serving as second chair on behalf of Vice President Al Gore in Bush v. Gore.

In addition to practicing law, Mr. Goldstein teaches Supreme Court litigation at both Stanford Law School and Harvard Law School. Since 2003 he has been principally responsible for SCOTUSblog (www.scotusblog.com), which is devoted to coverage of the Court and is widely recognized as one of the nation's leading legal blogs.

Before joining Akin Gump, Mr. Goldstein was a partner at Goldstein & Howe, the firm he founded in 1999. He previously practiced law at Boies & Schiller, LLP and at Jones Day Reavis & Pogue.

Mr. Goldstein received his B.A. from the University of North Carolina in 1992 and his J.D. summa cum laude from American University's Washington College of Law in 1995, after which he clerked for the Honorable Patricia M. Wald of the U.S. Court of Appeals for the D.C. Circuit. He is a member of the District of Columbia and Maryland Bars.

Mr. Goldstein has been recognized repeatedly as a leading member of the bar. He was named by The National Law Journal in 2006 as one of the 100 most influential lawyers in America; by Legal Times as one of the leading appellate lawyers in Washington, D.C.; by The National Law Journal as one of the nation's leading attorneys under the age of 40 (and profiled as one of the top 10); by The American Lawyer as one of the nation's top 45 attorneys under the age of 45; and by Washingtonian magazine as one of the leading constitutional lawyers and one of a half-dozen attorneys to watch in the 21st century in Washington, D.C.


Ms. Greenhouse received several major journalism awards during her 40-year career at the Times, including the Pulitzer Prize (1998) and the Goldsmith Career Award for Excellence in Journalism from Harvard University's Kennedy School (2004). In 2002, the American Political
Science Association gave her its Carey McWilliams Award for “a major journalistic contribution to our understanding of politics.” Her biography of Justice Harry A. Blackmun, *Becoming Justice Blackmun*, was published in 2005.

Ms. Greenhouse is a fellow of the American Academy of Arts and Sciences, where she serves on the council, and is one of two non-lawyer honorary members of the American Law Institute, which in 2002 awarded her its Henry J. Friendly Medal. She is a fellow of the American Academy of Arts and Sciences, where she serves on the council, and a member of the American Philosophical Society, which in 2005 awarded her its Henry Allen Moe Prize for writing in the humanities and jurisprudence. She is also a member of the advisory council of the Schlesinger Library on the History of Women in America.

For two academic years, 2004 and 2005, she was a Phi Beta Kappa Visiting Scholar, lecturing and teaching at colleges and universities around the country. She also lectures frequently to law school and judicial audiences and has been awarded nine honorary degrees.

She is a 1968 graduate of Radcliffe College (Harvard) and earned a Master of Studies in Law degree from Yale Law School (1978), which she attended on a Ford Foundation fellowship.

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

**MICHAEL W. McCONNELL** After 17 years teaching constitutional law and related subjects at the University of Chicago and later the University of Utah, Michael W. McConnell became a Circuit Judge on the U.S. Court of Appeals for the Tenth Circuit in December 2002. He continues to teach part time as Presidential Professor at the S.J. Quinney College of Law at the University of Utah and as a visiting professor at Harvard and Stanford Law Schools.

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

McConnell was born in Louisville, Kentucky, on May 18, 1955. He graduated from Michigan State University (B.A. 1976) and the University of Chicago Law School (J.D. 1979). Before entering teaching, he served as law clerk to Chief Judge J. Skelly Wright on the United States Court of Appeals for the D.C. Circuit and for Associate Justice William J. Brennan, Jr., on the
United States Supreme Court, as Assistant General Counsel of the Office of Management and Budget, and as Assistant to the Solicitor General of the United States. Before moving to Utah, he was on the faculty at the University of Chicago Law School, where he held the William B. Graham Chair. Before becoming a judge, McConnell argued eleven cases in the Supreme Court, and served as Chair of the Constitutional Law Section of the Association of American Law Schools, Co-Chair of the Emergency Committee to Defend the First Amendment, member of the President’s Intelligence Oversight Board, and special counsel to Mayer, Brown, Rowe & Maw. In 1996, he was elected a Fellow of the American Academy of Arts and Sciences.

JOHN O. McGINNIS is the Stanford Clinton 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 publishes regularly in professional and popular journals.

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. At the Times bureau, he sits in the Ricardo Alonso-Zaldivar Chair.

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

Jay Sekulow also has served as a faculty member for the Office of Legal Education at the United States Department of Justice. As a member of the faculty he instructed Assistant United States Attorneys and investigators in the First Amendment issues associated with prosecution of obscenity.

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

Sekulow will argue his 13th case before the Supreme Court in November, Pleasant Grove v. Summum (No. 07-665). Representing the city of Pleasant Grove, Utah, Sekulow will urge the
high court to overturn a decision by the Tenth Circuit that ordered the city to display a religious monument by the group Summum alongside a long-standing monument of the Ten Commandments.

In 2008, the *Legal Times* named Sekulow one of Washington D.C.'s 30 legal “Champions” who have led D.C.'s legal community over the past three decades. 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. *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.”

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. Following graduation, Sekulow served as a tax trial attorney in the Office of Chief Counsel for the Internal Revenue Service. In that capacity, Sekulow prepared and brought to trial tax cases on behalf of the United States Department of Treasury in United States Tax Court.

He also received a Ph.D. from Regent University, with a dissertation on American Legal History, and is the author of numerous publications and law articles.

Sekulow serves as a member of the Board of Trustees for The Supreme Court Historical Society in Washington, D.C.

**THEODORE M. SHAW**, Columbia Law School, served as director-counsel and president of the NAACP Legal Defense and Educational Fund (LDF) from 2004-08, and is one of the nation's leading voices in civil rights. Shaw joined LDF in 1982 and in 2004 became the fifth person to lead the organization. While at LDF, he was lead counsel in a coalition that represented African-American and Latino students in the University of Michigan undergraduate affirmative action admissions case. That case, *Gratz v. Bollinger*, went before the United States Supreme Court in 2003, along with *Grutter v. Bollinger*, which challenged the use of affirmative action at the University of Michigan Law School. Shaw worked as a trial attorney in the Civil Rights Division of the U.S. Department of Justice from 1979-82, where he litigated civil rights cases at the trial and appellate levels and at the U.S. Supreme Court. He currently serves on the Legal Advisory Network of the European Roma Rights Council based in Budapest, Hungary. Shaw previously has taught at Columbia, University of Michigan, Temple, and CUNY law schools. He is the recipient of the Wien Prize for Social Responsibility from Columbia Law School; the A. Leon Higginbotham, Jr., Memorial Award from the National Bar Association Young Lawyers Division; and the Baldwin Medal from the Wesleyan University alumni body.

**PAUL M. SMITH** is a partner in Jenner & Block’s Washington, D.C. office. He is a member of the Firm’s Management Committee. Mr. Smith also is Co-Chair of the Firm’s Appellate and Supreme Court, and Media and First Amendment Practices and is a member of the Firm’s Litigation & Dispute Resolution Practice. Mr. Smith has had an active Supreme Court practice
for two decades, including oral arguments in twelve Supreme Court cases. These arguments have included *LULAC v. Perry* and *Vieth v. Jubelirer*, two congressional redistricting cases, *Lawrence v. Texas*, involving the constitutionality of the Texas sodomy statute, *United States v. American Library Ass'n*, involving a First Amendment challenge to the Children's Internet Protection Act and *Mathias v. WorldCom* (2001), dealing with the Eleventh Amendment immunity of state commissions. His first argument was in *Celotox Corp. v. Catrett* in 1986. Mr. Smith also worked extensively on several other First Amendment cases in the Supreme Court, involving issues ranging from commercial speech to defamation to "adult" speech on the Internet. Mr. Smith also represents various clients in trial and appellate cases involving commercial and telecommunications issues, the First Amendment, intellectual property, antitrust, and redistricting and voting rights, among other areas. Mr. Smith graduated summa cum laude and Phi Beta Kappa from Amherst College in 1976 and received a J.D. from Yale Law School in 1979, where he served as Editor-in-Chief of the *Yale Law Journal*. He was a law clerk to Judge James L. Oakes of the United States Court of Appeals for the Second Circuit and Supreme Court Justice Lewis F. Powell, Jr. Mr. Smith is a member of the Board of Governors of the District of Columbia Bar. He is also Chair of the National Board of Directors of The American Constitution Society, a member of the Board of Directors of the Lambda Legal Defense & Education Fund, and a member of the Board of Directors of the Washington Lawyers Committee for Civil Rights and Urban Affairs.

**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.

**DIANE P. WOOD** is a Circuit Judge on the United States Court of Appeals for the Seventh Circuit and a Senior Lecturer in Law at the University of Chicago Law School. Judge Wood attended the University of Texas at Austin, earning her B.A. in 1971 (highest honors), and her J.D. in 1975 (Order of the Coif). After graduation from law school, she clerked for Judge Irving L. Goldberg on the U.S. Court of Appeals for the Fifth Circuit (1975-76), and for Justice Harry A. Blackmun of the U.S. Supreme Court (1976-77). She then spent a brief period at the Office of the Legal Adviser in the U.S. Department of State. In 1980, she began her career as a legal academic at Georgetown University Law Center. She moved to the University of Chicago Law School in 1981, serving as a full-time professor until 1995 and as Associate Dean from 1989 through 1992. In 1990, she was named to the Harold J. and Marion F. Green Professorship in International Legal Studies, becoming the first woman to hold a named chair at the school. From 1993 until she was appointed to the Seventh Circuit in 1995, she served as Deputy Assistant Attorney General in the Antitrust Division of the U.S. Department of Justice. Judge Wood is a Fellow of the American Academy of Arts & Sciences and is on the Council of the American Law Institute. Judge Wood is married to Dr. Robert L. Sufit. She has three children and three step-children. She enjoys playing the oboe and English horn in several Chicago-area amateur orchestras.

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