

2009

2009-2010 Supreme Court Preview: Schedule

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

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2009-2010 Supreme Court Preview

Schedule of Events

CONSTITUTION DAY PROGRAM
Politics of Judicial Appointment
Law School, Room 124
Friday, October 2, 2009
3:15 to 4:15 p.m.

Friday, October 2, 2009

WELCOME	6:00 to 6:05 p.m.
Moot Court	6:05 to 7:00 p.m.
BREAK	7:00 to 7:15 p.m.
Moot Court Decision	7:15 to 7:25 p.m.
Justice Sotomayor and the Supreme Court	7:30 to 8:20 p.m.
The Supreme Court in 2020	8:25 to 9:15 p.m.

Saturday, October, 2009

Business Law	9:00 to 9:55 a.m.
Criminal Law	10:00 to 10:45 a.m.
First Amendment	11:00 to 11:50 a.m.
Individual Rights	11:55 a.m. to 12:40 p.m.
BREAKOUT SESSIONS (lunch provided)	12:55 to 1:55 p.m.
Judging on the Federal Court of Appeals	
Race and the Roberts Court	
Supreme Court Advocacy	
The Honorable Justice Sandra Day O'Connor	2:30 to 3:45 p.m.
Hennage Auditorium, DeWitt Wallace Gallery	
Reception	3:45 to 4:30 p.m.

2009-2010 Supreme Court Preview

Who's Who on the Panels

JOAN BISKUPIC has covered the Supreme Court since 1989 and is the author of two judicial biographies, *American Original: The Life and Constitution of Supreme Court Justice Antonin Scalia* (Farrar, Straus & Giroux, 2009) and *Sandra Day O'Connor: How the First Woman on the Supreme Court Became Its Most Influential Justice* (HarperCollins, 2005). Biskupic currently writes for *USA Today* and is a frequent panelist on PBS's *Washington Week*. She previously was the Supreme Court reporter for the *Washington Post*. Biskupic holds a law degree from Georgetown University and lives in Washington, D.C., with her husband and daughter.

JOHN H. BLUME is a Professor of Law at Cornell Law School and the Director of the Cornell Death Penalty Project. Professor Blume teaches Criminal Procedure, Evidence, The Supreme Court and the Death Penalty and he also directs Cornell's Capital Appellate and Post-Conviction Clinics. He also serves as Habeas Assistance and Training Counsel (HAT); HAT's purpose 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 eight capital cases before the United States Supreme Court and has been co-counsel, *amicus curiae* counsel, or consulting counsel in numerous other cases heard by the 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-editor of *DEATH PENALTY STORIES*, published by Foundation Press in 2009, and co-author of *THE HABEAS CORPUS UPDATE*, an annual compendium of developments in habeas corpus law published by the Administrative Office of the Courts. He has also 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 currently serves as Deputy Assistant Attorney General in the Civil Division of the United States Department of Justice. She directs the Appellate Staff of the Civil Division, which is responsible for briefing and arguing cases on behalf of the United States, its departments and agencies, in the appellate courts throughout the country. She handles a broad range of legal issues in this role, including administrative law, defense of federal statutes and regulations against constitutional challenge, governmental immunity issues, national security issues, government contracts, employment law, and *qui tam* litigation.

Ms. Brinkmann formerly practiced before the Supreme Court of the United States for approximately 15 years and has argued 24 cases before the Supreme Court. She was a partner in the law firm of Morrison & Foerster, where she served as Chair of the firm's Appellate Practice Group and focused on litigation in the Supreme Court and in lower federal and state appellate courts. Ms. Brinkmann earlier served as Assistant to the Solicitor General of the United States. She also has worked as an Assistant Federal Public Defender at both the trial and appellate levels, and as an associate in a small litigation firm, appearing in state and federal courts.

Ms. Brinkmann has been named a Leading Appellate Lawyer in the Chambers USA Guide to America's Leading Business Lawyers, listed as one of Washington's top constitutional lawyers by the *Washingtonian* magazine, and identified in The Best Lawyers in America as a leader in the field of appellate law. *The Legal Times* named Ms. Brinkmann one of the 12 Leading Appellate Lawyers in Washington, D.C. She is also listed in Washington DC Super Lawyers as a leading appellate lawyer, and as one of the top 50 women lawyers in Washington, DC, overall.

Ms. Brinkmann served as a law clerk to Justice Harry A. Blackmun, Supreme Court of the United States, and to Judge Phyllis A. Kravitch, United States Court of Appeals for the Eleventh Circuit. Ms. Brinkmann is a graduate of the University of California, Berkeley, where she received an A.B. with great distinction and graduated Phi Beta Kappa. She received her J.D. from Yale Law School, where she served as Note Editor on the Yale Law Journal. Ms. Brinkmann is admitted to practice law in California and the District of Columbia.

ERWIN CHEMERINSKY, Dean and Distinguished Professor of Law, University of California, Irvine School of Law. Prior to accepting this position, was a professor at Duke University School of Law, the University of Southern California Law School, and DePaul College of Law. Author of six books and over 100 law review articles., Chemerinsky frequently argues appellate cases, including in the United States Supreme Court.

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.

His most recent successful arguments before the U.S. Supreme Court include *Jackson v. Birmingham School District*, *Brown v. Legal Foundation of Washington*, *US Airways v. Barnett*, *Utah v. Evans*, *Hunt v. Cromartie*, and *Hunt v. Easley*. His Court of Appeals arguments include *Martha Stewart v. United States*, *Whiteside v. United States*, *Exxon v. Alabama*, *LCI v. Phillips* and *Bank of America v. Miller*.

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

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

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

LYLE DENNISTON 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 Dean and Arthur B. Hanson Professor of Law at the William and Mary Law School. Douglas graduated *summa cum laude* from Princeton University and received a law degree, Ph.D. in history, and a master's degree in religion from Yale University. Douglas has written several books and articles on American constitutional history, including *Jim Crow Moves North: The Battle Over Northern School Segregation, 1865-1954* (Cambridge, 2005). He is currently editing a book for Carolina Academic Press, *The Constitutional Law Lectures of Justice John Marshall Harlan*, that will be published in 2010. He is also completing a biography of civil rights and women's rights lawyer and activist, Pauli Murray.

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.

GREGORY G. GARRE is a partner in the Washington, D.C. office of Latham & Watkins and Global Chair of the firm’s Appellate Practice Group. He recently served as the 44th Solicitor General of the United States. He previously served as Principal Deputy Solicitor General from 2005 to 2008, and as an Assistant to the Solicitor General from 2000 to 2004. He has argued 27 cases before the Supreme Court and numerous additional cases before the federal courts of appeals in some of the most important matters pending before the federal courts over the past decade. This past Term, he successfully argued *Winter v. NRDC*, *FCC v. Fox Television Stations*, *Ashcroft v. Iqbal*, and *Coeur Alaska v. SEACC*. He was formerly a partner at the law firm of Hogan & Hartson LLP in Washington, DC, where he headed the firm’s Supreme Court and appellate practice group. He received his J.D. degree from the George Washington University Law School, where he was editor-in-chief of the law review, and his B.A. degree from Dartmouth College. Following his graduation from law school, Mr. Garre served as a law clerk to the late Chief Justice William H. Rehnquist, and to Chief Judge Anthony J. Scirica of the U.S. Court of Appeals for the Third Circuit. After leaving the Department of Justice in January 2009, he served as a visiting professor at the George Washington University Law School, where he has also taught constitutional law and Supreme Court practice for numerous years on an adjunct basis.

MICHAEL GERHARDT is the Samuel Ashe Distinguished Professor of Constitutional Law and Director of the Center on Law and Government at the University of North Carolina Law School. He is the author of several books, including *The Federal Impeachment Process: A Constitutional and Historical Analysis* (2nd edition, 2000); *The Federal Appointments Process: A Constitutional and Historical Analysis* (revised edition, 2003), and *The Power of Precedent* (2008). He is also the co-author of the first, second, and third editions of a reader on constitutional theory, and has written more than fifty law review articles on different topics in constitutional law. He has consulted with members of Congress on many occasions. He testified as the only joint witness in the House Judiciary Committee’s 1998 hearing on the history of the federal impeachment process, and served subsequently as CNN’s full-time expert for the remainder of President Clinton’s impeachment proceedings. In 2003-2005, he consulted with the Senate minority on the constitutionality of the filibuster, and appeared as the only Democratic expert in defense of the constitutionality of the filibuster before the Senate Rules and Judiciary Committees. In addition, he served as a special consultant to the National Commission on Judicial Discipline and Removal, to the Presidential Transition in 1992-93 and to the White House on the nomination of Stephen Breyer to the United States Supreme Court. He served in

2005 as an advisor to several senators on the nomination of John Roberts as the Chief Justice of the United States, and in 2006 he testified in the Senate Judiciary Committee's confirmation proceedings on the nomination of Samuel Alito, Jr., as an Associate Justice. In the summer of 2009, Professor Gerhardt served as Special Counsel to Chairman Patrick Leahy, D.-Vt., and the Senate Judiciary Committee for the nomination of Sonia Sotomayor to the U.S. Supreme Court. Professor Gerhardt maintains a relationship with the Institute of Bill of Rights Law at William & Mary Law School, and is currently working on a book, "The Constitutional Legacy of the Forgotten Presidents," which Yale University Press will publish.

THOMAS C. GOLDSTEIN is co-head of Akin Gump's firm-wide litigation and Supreme Court practices. Mr. Goldstein has argued 21 cases before the Supreme Court, including matters involving federal patent law, class action practice, labor and employment, and disability law. In addition to practicing law, Mr. Goldstein teaches Supreme Court Litigation at both Stanford and Harvard Law Schools.

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.

Since 2003, Mr. Goldstein has been principally responsible for SCOTUSblog, which is devoted to coverage of the Supreme Court and is widely regarded as one of the nation's premier legal Internet sites.

Mr. Goldstein has been repeatedly recognized as a leading member of the bar. He is listed in the most recent edition of *The National Law Journal's* list of the nation's 100 Most Influential Lawyers. Also, in 2008, *Legal Times* recognized him as one of the "90 Greatest Washington Lawyers of the Last 30 Years," and praised him for "transforming the practice" of Supreme Court law in the last decade. Among other recognitions, *The American Lawyer* lauded Mr. Goldstein as one of the "Star Laterals of the Year," and *Legal Times* named him as one of the leading appellate lawyers in Washington.

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

ADAM LIPTAK covers the Supreme Court for *The New York Times*. He was a finalist for the Pulitzer Prize in explanatory reporting in 2009 for a series of articles examining ways in which the American legal system differs from those of other developed nations.

As the paper's national legal correspondent from 2002 to 2008, Liptak covered the Supreme Court nominations of John G. Roberts Jr. and Samuel A. Alito Jr.; the investigation into the disclosure of the identity of Valerie Plame, an undercover C.I.A. operative; judicial ethics; and various aspects of the criminal justice system, notably the death penalty. He was a member of the reporting teams that examined the work of two former *Times* reporters, Jayson Blair and Judith Miller.

Liptak's column on the Supreme Court and legal affairs, "Sidebar," appears every other Tuesday. His work has appeared in *The New Yorker*, *Vanity Fair*, *Rolling Stone*, and several law reviews.

A graduate of Yale College and Yale Law School, Liptak practiced law at a large New York City law firm and in the legal department of The New York Times Company before joining the paper's news staff in 2002. He has taught media law at the Columbia University School of Journalism and at Yale Law School, where he is a visiting lecturer.

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 family.

DEANNE E. MAYNARD is chair of the Appellate and Supreme Court practice group at Morrison & Foerster LLP. She is a partner in the firm's Washington, D.C., office. Her practice primarily focuses on Supreme Court matters and appeals in federal courts across the country.

Ms. Maynard served as an Assistant to the Solicitor General at the U.S. Department of Justice from 2004-2009. She has argued eleven cases before the U.S. Supreme Court. Notably, she worked on some of the most important business cases over the last few Terms. Her arguments include the antitrust case *Pacific Bell Telephone Company v. linkLine Communications, Inc.* and the patent case *MedImmune, Inc. v. Genentech, Inc.*, and she worked on the briefs for the United States in *Bell Atlantic Corp. v. Twombly* and *Quanta Computer, Inc. v. LG Electronics, Inc.*

Before joining the Solicitor General's office, Ms. Maynard was a partner at Jenner & Block for more than five years. Ms. Maynard clerked twice on the Supreme Court of the United States: one Term for Justice Stephen Breyer and another for retired Supreme Court Justice Lewis Powell, during which Term she affiliated with Justice John Paul Stevens. Ms. Maynard also clerked for Judge Stanley Harris of the U.S. District Court for the District of Columbia.

Ms. Maynard graduated *magna cum laude* in 1991 from Harvard Law School, where she was an editor of the Harvard Law Review. She earned a B.A., with distinction, in English from the University of Virginia.

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

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

McConnell was born in Louisville, Kentucky, on May 18, 1955. He graduated from Michigan State University (B.A. 1976) and the University of Chicago Law School (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. McConnell has argued eleven cases in the Supreme Court, and served as Chair of the Constitutional Law Section of the Association of American Law Schools, Co-Chair of the Emergency Committee to Defend the First Amendment, member of the President's Intelligence Oversight Board, and special counsel to Mayer, Brown, Rowe & Maw. In 1996, he was elected a Fellow of the American Academy of Arts and Sciences.

KEVIN C. NEWSOM is co-chair of the Appellate Litigation Group at Bradley Arant Boult Cummings LLP. Before joining Bradley Arant, Kevin served for three and a half years as the State of Alabama's Solicitor General. In that capacity, Kevin directed the State's appellate litigation in the United States Supreme Court, the United States Courts of Appeals, and the Alabama Supreme Court. Kevin has argued four cases in the U.S. Supreme Court, has filed *amicus curiae* briefs in more than 20 others, and has authored numerous petitions for certiorari and briefs in opposition to certiorari. During Kevin's tenure as Solicitor General, he was awarded the National Association of Attorneys General "Best Brief" award, given for outstanding briefing in the U.S. Supreme Court, on four separate occasions. Outside the U.S. Supreme Court, Kevin has argued 21 cases in the U.S. Courts of Appeals for the Second, Third, Seventh, Eleventh, and D.C. Circuits, as well as in the Alabama Supreme Court and the Alabama Court of Criminal Appeals.

In January 2007, *The American Lawyer* magazine named Kevin one of its "Fab Fifty" – the top 50 litigators in the entire country under the age of 45. Kevin, who at 34 was the third-youngest attorney in the listing, was one of only seven appellate lawyers so honored. Kevin is listed in *Best Lawyers in America* in the field of Appellate Law.

Kevin served as a law clerk to Justice David H. Souter of the U.S. Supreme Court (2000-2001) and, before that, to Judge Diarmuid F. O'Scannlain of the U.S. Court of Appeals for the Ninth Circuit (1997-98). Kevin received his J.D. from Harvard Law School (1997); he graduated

magna cum laude and was an Articles Editor of the *Harvard Law Review*. Kevin received a B.A. from Samford University (1994); he graduated *summa cum laude* and first in his class.

Kevin is the author of “Setting Incorporationism Straight: A Reinterpretation of the *Slaughter-House Cases*,” published in the *Yale Law Journal*. He has taught law on an adjunct basis at both Georgetown University Law Center and Cumberland School of Law.

Kevin is a member of the American Law Institute and has commented on legal issues for Fox News Channel, C-SPAN, National Public Radio, *Time Magazine*, *USA Today*, *The National Law Journal*, *Forbes Magazine*, and *ABA Journal*.

SANDRA DAY O’CONNOR, one of the most distinguished jurists in the history of the United States Supreme Court—and its first female justice—addressed the most profound legal issues of her age with wisdom, courage, and skill. After a long career in public service, including nearly a quarter century on the nation’s highest court, she retired in 2006.

Justice O’Connor spent her childhood on an isolated cattle ranch in southeastern Arizona tending to a variety of ranch chores, raising farm animals, and reading voraciously. After completing school in El Paso, Texas, she journeyed west to continue her education at Stanford University, where her professors inspired and challenged her to make a difference in her nation and the world.

Justice O’Connor earned a B.A. in economics (*magna cum laude*) from Stanford University and an LL.B. from Stanford Law School. She was an editor of the law review and graduated third in her law class—two spots behind her friend and future colleague, the late Chief Justice William Rehnquist.

After being admitted to the bar, Justice O’Connor served as Deputy County Attorney of San Mateo County, California, from 1952 to 1953, and as a civilian attorney for the U.S. Army Quartermaster Market Center in Frankfurt, Germany, from 1954 to 1957. From 1958 to 1960, she practiced law in Maryvale, Arizona, and served as Assistant Attorney General of Arizona from 1965 to 1969. She was appointed to the Arizona State Senate in 1969, and was subsequently reelected to two two-year terms, during which she served as Majority Leader. In 1975, she was elected Judge of the Maricopa County Superior Court and served until 1979, when she was appointed to the Arizona Court of Appeals.

President Reagan nominated her as an Associate Justice of the Supreme Court, and she took her seat September 25, 1981. Since retiring from the court, she has continued to share her considered judgment on the national stage, including service on the Baker-Hamilton Commission.

Justice O’Connor succeeded the Honorable Henry A. Kissinger as Chancellor of the College of William and Mary in 2005. In the years since her investiture, she has been an important presence on the William and Mary campus, addressing prospective students, visiting classes, meeting with law and undergraduate students and with faculty and staff, and keynoting academic

conferences sponsored by the College's Philosophy Department and its Law School. She also gave the Commencement address at the Law School in 2006.

She is married to John Jay O'Connor III, whom she met in law school. They have three sons: Scott, Brian, and Jay.

CARTER G. PHILLIPS is the Managing Partner of the Washington, D.C. office of Sidley Austin LLP, and is a member of the firm's Management Committee. He served as a law clerk to both Judge Robert Sprecher on the United States Court of Appeals for the Seventh Circuit and Chief Justice Warren E. Burger on the United States Supreme Court. Mr. Phillips served as Assistant to the Solicitor General for three years, during which time he argued nine cases on behalf of the federal government in the United States Supreme Court.

Since joining Sidley Austin LLP, Mr. Phillips has argued 56 cases before the Supreme Court for a career total of 65 appearances and more than 70 cases in the federal courts of appeals. Mr. Phillips has argued 11 cases in the past two terms.

LEE RAWLS is the Chief of Staff to the Director of the Federal Bureau of Investigation, and an adjunct professor of government at the College of William and Mary. He received his B.A. from Princeton University and his J.D. from George Washington University.

In the more than 30 years that he has worked in Washington, D.C., Lee has held many senior positions, including Counsel and Chief of Staff in the Director's Office at the FBI (2001-2003). Lee also has been Chief of Staff to Majority Leader Bill Frist, Chief of Staff to Senator Pete Domenici, and Assistant Attorney General for the Office of Legislative Affairs at the U.S. Department of Justice. Lee also was a partner in the law firms of Vinson & Elkins, and Baker Donelson. Additionally, he served as Vice President for Government Relations at The Biotechnology Industry Organization, and as a Vice President for the lobbying firm of Van Scoyoc Associates.

DAVID SAVAGE covers the Supreme Court for the *Los Angeles Times* and the *Chicago Tribune*. He has been a court reporter in Washington since 1986. 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. This year, he has written for CQ two other reference books: "The Supreme Court and Individual Rights" and "The Supreme Court and the Powers of Government." Next year, he will complete another revision of *Guide to the U.S. Supreme Court*. 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*.

SUZANNA SHERRY is the Herman O. Loewenstein Professor of Law at the Vanderbilt University Law School, where she has taught since 2000. Prior to moving to Vanderbilt, she held the Earl R. Larson Chair in Civil Rights and Civil Liberties Law at the University of Minnesota Law School. She has published more than 75 articles and book chapters, mostly on constitutional law. With Daniel Farber, she has written three books, *Beyond All Reason: The Radical Assault on Truth in American Law* (1997), *Desperately Seeking Certainty: The*

Misguided Quest for Constitutional Foundations (2002), and *Judgment Calls: Principle and Politics in Constitutional Law* (2008). She has also co-authored three textbooks, one each on federal court jurisdiction, civil procedure, and constitutional history.

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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.

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