

2017

## 2017-2018 Supreme Court Preview: Schedule and Panel Members

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

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# 2017 – 2018 Supreme Court Preview

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## Schedule of Events

### Friday, September 15, 2017

WELCOME	5:00 PM
MOOT COURT <i>CHIEF JUSTICE: Joan Biskupic</i> <i>JUSTICES: Tim Zick, Alli Larsen, Bob Barnes, Pamela Harris, Patricia Millet, Linda Greenhouse, Stuart Raphael, Andy Pincus</i> <i>ADVOCATES: Beth Brinkmann, John Elwood</i>	5:05 to 6:05 PM
BREAK	6:05 to 6:15 PM
MOOT COURT DISCUSSION	6:15 to 6:30 PM
TRUMP AND THE COURT <i>MODERATOR: Adam Liptak</i> <i>PANELISTS: Don Verrilli, Kannon Shanmugam, Pamela Karlan</i>	6:35 to 7:25 PM

### Saturday, September 16, 2017

IMMIGRATION <i>MODERATOR: Bob Barnes</i> <i>PANELISTS: Jess Bravin, Erin Murphy, Don Verrilli, Chris Landau</i>	9:00 to 9:55 AM
BUSINESS <i>MODERATOR: Andy Pincus</i> <i>PANELISTS: Chris Landau, Kannon Shanmugam, Paul Clement, Greg Garre</i>	10:05 to 11:10 AM
BREAK	11:10 to 11:25 AM
CRIMINAL <i>MODERATOR: Adam Gershowitz</i> <i>PANELISTS: Jeff Fisher, Paul Clement, David Savage, Beth Brinkmann</i>	11:25 AM to 12:15 PM
BREAK	12:15 to 12:35 PM
LUNCH BREAKOUT SESSIONS	12:35 to 1:25 PM

ROOM TBA : CIVIL RIGHTS

*PANELISTS: Greg Garre, Pam Karlan, Paul Smith, Joan Biskupic*

ROOM TBA: THE CONSTITUTION UNDER TRUMP

*PANELISTS: Erwin Chemerinsky, Adam Liptak, Tara Grove, Jeff Fisher*

THE MEDIA AND THE COURT

1:40 to 2:30 PM

*MODERATOR: Jess Bravin*

*PANELISTS: Linda Greenhouse, Patricia Millet, Lyle Denniston, Erwin Chemerinsky*

ELECTION LAW

2:40 to 3:30 PM

*MODERATOR: Rebecca Green*

*PANELISTS: Paul Smith, Pamela Karlan, Erin Murphy, David Savage*

CONFERENCE CONCLUDES

3:30 PM

# 2017-2018 Supreme Court Preview

## Panel Members

**ROBERT BARNES** has been a Washington Post reporter and editor since 1987. He joined the paper to cover Maryland politics, and has served in various editing positions including metropolitan editor and national political editor. He has covered the Supreme Court since November 2006.

**JOAN BISKUPIC** a CNN legal analyst, has covered the Supreme Court for twenty-five years and is the author of several books on the judiciary. Before joining CNN as a fulltime analyst in July, she spent a year as a visiting professor at the University of California, Irvine, law school. She previously was an editor-in-charge for Legal Affairs at Reuters and, before that position, the Supreme Court correspondent for the Washington Post and for USA Today. Her books include *Breaking In: The Rise of Sonia Sotomayor and the Politics of Justice* (2014), *American Original: The Life and Constitution of Supreme Court Justice Antonin Scalia* (2009) and *Sandra Day O'Connor* (2005). She currently is working on a biography of Chief Justice John Roberts. A graduate of Georgetown University law school, she was a finalist for the Pulitzer Prize in explanatory journalism in 2015.

**JESS BRAVIN** covers the U.S. Supreme Court for The Wall Street Journal, after earlier postings as United Nations correspondent and editor of the WSJ/California weekly.

Mr. Bravin is the author of "The Terror Courts," an award-winning account of military trials at Guantanamo Bay, and "Squeaky: The Life and Times of Lynette Alice Fromme," and a contributor to books including "Violence in America: An Encyclopedia," "Crimes of War 2.0," and "A Concise Introduction to Logic" (Second Edition). His work twice has been recognized with the Elizabeth Neuffer Memorial Prize (individually, for coverage of the International Criminal Court and, with colleagues, United Nations reform efforts), the American Bar Association's Silver Gavel Award (for coverage of the legal response to 9/11) and, for team coverage of the Supreme Court's healthcare case, prizes from the National Press Foundation, the New York News Publishers Association and the New York Press Club.

Prior to joining The Wall Street Journal, Mr. Bravin was a reporter for the Los Angeles Times, contributed to publications including the Washington Post, Harper's Bazaar and Spy magazine, evaluated scripts for a Hollywood talent agency, and managed a campaign for local school board. While in law school, he served on the University of California Board of Regents and as a City Council appointee to the Berkeley, Calif., Police Review Commission and Zoning Adjustments Board. Earlier, Mr. Bravin led the effort to designate Raymond Chandler Square (Los Angeles City Historic-Cultural Monument No. 597) in Hollywood, in honor of the hard-boiled novelist.

Mr. Bravin has taught at the University of California Washington Center, received a John Jacobs Fellowship at UC Berkeley's Graduate School of Journalism and Institute of Governmental Studies, and held the John Field Simms Sr. Memorial Lectureship in Law at the University of

New Mexico School of Law. He is a graduate of Harvard College and the University of California, Berkeley, School of Law (Boalt Hall).

**BETH BRINKMANN** is Co-Chair of Covington & Burling’s Appellate and Supreme Court practice. She has represented clients from a wide range of industries within various litigation practices including commercial litigation, administrative law matters, and patent litigation.

Ms. Brinkmann is an experienced appellate and Supreme Court litigator who has served in high-level positions in the Department of Justice, most recently as Deputy Assistant Attorney General in the Civil Division. She has argued 24 cases before the Supreme Court of the United States. Ms. Brinkmann also has argued in numerous federal and state appellate courts.

As the Civil Division’s top appellate lawyer, Ms. Brinkmann was responsible for supervising civil litigation of the federal government throughout appellate courts across the country, involving a vast array of legal issues, including constitutional challenges, statutory interpretation, federal preemption, administrative law issues, intellectual property matters, and national security cases. Ms. Brinkmann was called upon to present oral argument in several of the highest profile appellate cases. She also regularly consulted on the development of legal arguments and strategy at early phases of litigation in trial courts, conferred on appellate and Supreme Court matters with the Office of the Solicitor General, and advised senior leadership of cabinet-level departments and regulatory agencies regarding litigation risk, legislative proposals, and rulemaking matters.

Ms. Brinkmann previously served as an Assistant to the Solicitor General of the United States, and as an Assistant Federal Public Defender, where she represented indigent criminal defendants, including in approximately a dozen felony jury trials in federal district court. She also has practiced in law firms in both Washington, DC, and San Francisco, CA. Following law school, she served as a law clerk to Hon. Phyllis A. Kravitch, U.S. Court of Appeals for the Eleventh Circuit, and to Hon. Harry A. Blackmun, Supreme Court of the United States. Ms. Brinkmann graduated from the University of California, Berkeley, A.B. She received her J.D. from Yale Law School.

**ERWIN CHEMERINSKY** became the thirteenth Dean of Berkeley Law on July 1, 2017. Prior to assuming this position, from 2008-2017, he was the founding Dean and Distinguished Professor of Law, and Raymond Pryke Professor of First Amendment Law, at University of California, Irvine School of Law., with a joint appointment in Political Science. Before that he was the Alston and Bird Professor of Law and Political Science at Duke University from 2004-2008, and from 1983-2004 was a professor at the University of Southern California Law School, including as the Sydney M. Irmas Professor of Public Interest Law, Legal Ethics, and Political Science. He also has taught at DePaul College of Law and UCLA Law School.

He is the author of ten books, including *The Case Against the Supreme Court*, published by Viking in 2014, and two books published by Yale University Press in 2017, *Closing the Courthouse Doors: How Your Constitutional Rights Became Unenforceable* and *Free Speech on Campus* (with Howard Gillman). He also is the author of more than 200 law review articles. He writes a weekly column for the *Sacramento Bee*, monthly columns for the *ABA Journal* and the

Daily Journal, and frequent op-eds in newspapers across the country. He frequently argues appellate cases, including in the United States Supreme Court.

In 2016, he was named a fellow of the American Academy of Arts and Sciences. In January 2017, National Jurist magazine again named Dean Chemerinsky as the most influential person in legal education in the United States.

**PAUL D. CLEMENT** is a partner at Kirkland & Ellis. Mr. Clement served as the 43rd Solicitor General of the United States from June 2005 until June 2008. Before his confirmation as Solicitor General, he served as Acting Solicitor General for nearly a year and as Principal Deputy Solicitor General for over three years. He has argued over 85 cases before the United States Supreme Court, including *McConnell v. FEC*, *Tennessee v. Lane*, *Rumsfeld v. Padilla*, *Credit Suisse v. Billing*, *United States v. Booker*, *MGM v. Grokster*, *ABC v. Aereo*, and *Hobby Lobby v. Burwell*. He has also argued many important cases in the lower courts, including *Walker v. Cheney*, *United States v. Moussaoui*, and *NFL v. Brady*.

Mr. Clement is a native of Cedarburg, Wisconsin, and a graduate of the Cedarburg public schools. 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, Mr. Clement went on to serve as Chief Counsel of the U.S. Senate Subcommittee on the Constitution, Federalism and Property Rights.

Mr. Clement is a Distinguished Lecturer in Law at the Georgetown University Law Center, where he has taught in various capacities since 1998, and a Distinguished Lecturer in Government at Georgetown University. He also serves as a Senior Fellow of the Law Center's Supreme Court Institute.

**LYLE DENNISTON** retired at the end of June as a reporter covering the Supreme Court. In retirement, he is continuing to write occasionally for the National Constitution Center's blog, Constitution Daily. He will do some teaching in the Fall semester at the University of Baltimore Law School. Mr. Denniston reported on the Supreme Court for 58 years, most recently for the Constitution Center, for his own blog, [lyldenlawnews.com](http://lyldenlawnews.com), and for SCOTUSblog -- an online clearinghouse of information about the Supreme Court's work.

Mr. Denniston has covered one-fourth of the justices ever to sit on the Supreme Court, and has reported on the entire careers of 11 justices. He has been a journalist of the law for 69 years, beginning at the Otoe County Courthouse in Nebraska City, Nebraska, in the Fall of 1948. Mr. Denniston is the author of *The Reporter and The Law: Techniques of Covering the Courts*, and contributed two chapters to *100 Americans Making Constitutional History*. He has taught courses in American history and law at various colleges and universities, and has been a regular at William & Mary's Supreme Court Preview since it began.

**JOHN P. ELWOOD** is a partner at Vinson & Elkins in Washington, D.C., specializing in appellate litigation and review of administrative action. He has argued nine cases before the Supreme Court of the United States, and has argued before most of the federal courts of appeals. He served as senior deputy in the Justice Department's Office of Legal Counsel from 2005 until 2009 and served as an assistant to the Solicitor General from 2002 until 2005. Previously, he was an attorney in the department's Criminal Division, where he argued cases in the federal courts of appeals and tried criminal cases in federal district court. Elwood also represented the Justice Department as an ex officio member of the U.S. Sentencing Commission and as a member of the Advisory Committee on Federal Rules of Criminal Procedure. Elwood has received both the Attorney General's Award for Exceptional Service and the Attorney General's Award for Distinguished Service — the Justice Department's two top awards for lawyers.

After graduating from law school, Elwood clerked for Judge J. Daniel Mahoney of the 2nd U.S. Circuit Court of Appeals and for U.S. Supreme Court Justice Anthony M. Kennedy.

**JEFFREY L. FISHER** is a leading authority on Supreme Court practice and nationally recognized expert on criminal procedure, Jeffrey L. Fisher's work at the law school revolves around handling cases in the U.S. Supreme Court. He has argued 32 cases in the Court, on issues ranging from criminal procedure to maritime law to civil and human rights.

Professor Fisher's successes include the landmark cases of *Crawford v. Washington* and *Melendez-Diaz v. Massachusetts*, in which he persuaded the Court to adopt a new approach to the Constitution's Confrontation Clause; *Riley v. California*, in which the Court for the first time applied the Fourth Amendment's protections against unreasonable searches to digital information on smart phones; *Blakely v. Washington*, in which the Court held that the Sixth Amendment right to a jury trial applies to sentencing guidelines; and *Kennedy v. Louisiana*, in which the Court held that the Eighth Amendment prohibits states from imposing capital punishment for crimes against individuals that do not result in death. Professor Fisher was also co-counsel for the plaintiffs in *Obergefell v. Hodges*, in which the Court held that the Fourteenth Amendment guarantees same-sex couples a right to marry. In 2006, *The National Law Journal* named Professor Fisher one of the 100 most influential lawyers in America—the youngest person on the list.

In addition to his teaching and practice concerning the Supreme Court, Professor Fisher has published numerous articles on various criminal and constitutional issues, and he currently is writing a treatise on the Confrontation Clause. Before joining the Stanford faculty, Professor Fisher co-chaired the appellate practice group of Davis Wright Tremaine. He clerked for U.S. Supreme Court Justice John Paul Stevens and Judge Stephen Reinhardt of the U.S. Court of Appeals for the Ninth Circuit.

**GREGORY GARRE** is a partner in the Washington, D.C. office of Latham & Watkins LLP and chair of the firm's Supreme Court and appellate practice. He previously served as the 44th Solicitor General of the United States (2008-2009), Principal Deputy Solicitor General (2005-2008), and Assistant to the Solicitor General (2000-2004), and is the only person to have held all of those positions within the Office of the Solicitor General. He has argued 41 cases before the Supreme Court and numerous other cases before the courts of appeals. His Supreme Court wins

include *Fisher v. University of Texas*, *Ashcroft v. Iqbal*, *Vance v. Ball State University*, *Maples v. Thomas*, and *FCC v. Fox*. Following his graduation from law school, he served as a law clerk to Chief Justice William H. Rehnquist, and to Judge Anthony J. Scirica of the United States Court of Appeals for the Third Circuit. He speaks frequently on issues related to the Supreme Court and appellate practice and serves as a member of the Standing Committee on Rules of Practice and Procedure.

**ADAM M. GERSHOWITZ** received his undergraduate degree, *summa cum laude*, from the University of Delaware. He then earned his law degree from the University of Virginia School of Law, where he was elected to the Order of the Coif, won the Roger and Madeleine Traynor Prize for best paper by a graduating student, and served as the Articles Development Editor of the *Virginia Law Review*. After law school, Professor Gershowitz served as a law clerk to the Honorable Robert B. King of the United States Court of Appeals for the Fourth Circuit and worked as a litigation associate at Covington & Burling. Prior to joining William & Mary, Professor Gershowitz taught at the University of Houston Law Center and South Texas College of Law.

Professor Gershowitz has won seven teaching awards, including the Professor of the Year prize at three different law schools. In 2015, the graduating class honored him with the Walter L. Williams, Jr. Memorial Teaching Award. Previously, he was awarded the All University Teaching Award at the University of Houston. Outside of the classroom, Professor Gershowitz has been quoted in hundreds of media stories, including in *The New York Times*, *Wall Street Journal*, *Washington Post*, *Los Angeles Times*, and NPR.

Professor Gershowitz is the author of more than two dozen scholarly articles, which have appeared in the *Michigan Law Review*, *Northwestern University Law Review*, *UCLA Law Review*, *Vanderbilt Law Review*, and other leading journals. The College of William & Mary recognized Professor Gershowitz's research with a Plumeri Award for Faculty Excellence in 2015. The Supreme Court cited his amicus brief in its ruling in *Riley v. California*, 134 S. Ct. 2473 (2014) forbidding warrantless cell phone searches.

**REBECCA GREEN** is Professor of the Practice of Law and Co-Director of the Election Law Program, a joint project of the Law School and the National Center for State Courts. In that role, she oversees annual symposia and speaker series and undertakes a series of projects designed to educate judges about election law topics, including creating state election law "eBenchbooks." Professor Green's research interests focus on the intersection of privacy law and elections, most recently on the topics of election transparency, redistricting transparency, and candidate privacy.

**LINDA GREENHOUSE** is the Joseph Goldstein Lecturer in Law and Knight Distinguished Journalist in Residence at Yale Law School. She covered the Supreme Court for *The New York Times* between 1978 and 2008 and writes a biweekly op-ed column on law as a contributing columnist. 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 books include a biography of Justice Harry A. Blackmun, *Becoming Justice Blackmun*; *Before Roe v. Wade: Voices That Shaped the Abortion Debate Before the Supreme Court's Ruling* (with Reva B. Siegel); *The U.S. Supreme Court, A Very Short Introduction*; and *The Burger Court and the Rise of the Judicial Right*, with Michael J. Graetz, published last year. A journalistic memoir, *Just a Journalist*, will be published this fall by Harvard University Press. In her extracurricular life, she is president of the American Philosophical Society, the country's oldest learned society.

**TARA LEIGH GROVE** is a professor of law at the William and Mary Law School and, this fall, also a visiting professor at Harvard Law School. She graduated summa cum laude from Duke University and magna cum laude from Harvard Law School, where she served as the Supreme Court Chair of the Harvard Law Review. Grove clerked for Judge Emilio Garza on the U.S. Court of Appeals for the Fifth Circuit, and then spent four years as an attorney for the U.S. Department of Justice, Civil Appellate Staff, where she argued fifteen cases in the courts of appeals. In Fall 2012, Grove was a visiting professor at Northwestern University School of Law. Grove's research focuses on the federal judiciary and the constitutional separation of powers. She has published with such prestigious law journals as the Harvard Law Review, Columbia Law Review, University of Chicago Law Review, New York University Law Review, and Cornell Law Review. Grove's article, *The Article II Safeguards of Federal Jurisdiction*, 112 Colum. L. Rev. 250 (2012), received the award for Best Article by an untenured professor from the Federal Courts Section of the Association for American Law Schools. In 2016, Grove received the Paul M. Bator Award, which is conferred annually by the Federalist Society on an outstanding legal scholar under the age of forty. Grove's articles are cited and discussed in leading Federal Courts casebooks, and she has served as the Chair of the Federal Courts Section of the Association of American Law Schools.

**PAMELA A. HARRIS** is a judge on the United States Court of Appeals for the Fourth Circuit, appointed in 2014 by President Obama. Previously, Judge Harris worked in private practice as a Supreme Court and appellate litigator with the firm of O'Melveny & Myers LLP. She served twice at the United States Department of Justice, as Principal Deputy Assistant Attorney General for the Office of Legal Policy from 2010 to 2012, and as an Attorney-Advisor at the Office of Legal Counsel from 1993 to 1996. Judge Harris also taught constitutional law and criminal procedure at the University of Pennsylvania Law School and the Georgetown Law Center, served as Executive Director of Georgetown Law Center's Supreme Court Institute, and was a Co-Director of Harvard Law School's Supreme Court and Appellate Advocacy Clinic. A graduate of Yale College and Yale Law School, she served as a law clerk to Justice John Paul Stevens of the United States Supreme Court and Judge Harry T. Edwards of the D.C. Circuit Court of Appeals.

**PAMELA S. KARLAN** is co-director of the Stanford Law School's Supreme Court Litigation Clinic, where students litigate live cases before the Court. One of the nation's leading experts on voting and the political process, she has served as a commissioner on the California Fair Political Practices Commission, an assistant counsel and cooperating attorney for the NAACP Legal Defense Fund, and a Deputy Assistant Attorney General in the Civil Rights Division of the U.S. Department of Justice (where she received the Attorney General's Award for Exceptional Service – the department's highest award for employee performance – as part of the team

responsible for implementing the Supreme Court’s decision in *United States v. Windsor*). Professor Karlan is the co-author of leading casebooks on constitutional law, constitutional litigation, and the law of democracy, as well as numerous scholarly articles.

Before joining the Stanford Law School faculty in 1998, she was a professor of law at the University of Virginia School of Law and served as a law clerk to Justice Harry A. Blackmun of the U.S. Supreme Court and Judge Abraham D. Sofaer of the U.S. District Court for the Southern District of New York. Karlan is a member of the American Academy of Arts and Sciences, the American Academy of Appellate Lawyers, and the American Law Institute.

**CHRISTOPHER LANDAU** is a senior partner at Kirkland & Ellis, LLP, based in the Washington office. He has briefed and argued appeals involving a wide range of subject matters in courts all across the country, including nine cases in the United States Supreme Court, as well as cases in every one of the federal courts of appeals and many state appellate courts. Chris served twice as a law clerk at the United States Supreme Court, first to Justice Antonin Scalia (1990-91) and then to Justice Clarence Thomas (1991–92).

**ALLISON ORR LARSEN** is the Robert E. and Elizabeth S. Scott research professor of law at William & Mary. She graduated from William & Mary as an undergraduate in 1999, and then received her law degree in 2004 from the University of Virginia where she graduated first in her class. After law school, Professor Larsen clerked for Judge J. Harvie Wilkinson on the U.S. Court of Appeals for the Fourth Circuit and for Justice David Souter on the U.S. Supreme Court. Prior to joining the William and Mary faculty, Professor Larsen was an associate in the appellate practice group at O’Melveny and Myers in Washington DC. She teaches constitutional law, administrative law, and statutory interpretation. Larsen has received four prestigious awards since joining the faculty in 2010, including a state-wide “outstanding faculty award” recognizing her as a “rising star” by the State Council of Higher Education for Virginia.

Professor Larsen’s research interests include constitutional law and the institutional and information dynamics of legal decision-making. Her work on fact-finding at the Supreme Court has been featured in the *New York Times*, the *Washington Post*, and the *Wall Street Journal*. She has been cited by the Court of Appeals for the Ninth Circuit and for the Seventh Circuit. Larsen also appeared with Stephen Colbert as a guest on *The Colbert Report* (Comedy Central) to discuss her scholarship on Supreme Court amicus briefs. She has recently joined a new casebook on *Judicial Decision Making*, and returned from a sabbatical researching comparative judicial fact-finding at Oxford University

**ADAM LIPTAK** covers the Supreme Court for *The New York Times*. Liptak’s column on legal affairs, “Sidebar,” appears every other Tuesday.

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. Liptak was a finalist for the Pulitzer Prize in explanatory reporting in 2009 for “American Exception,” a series of articles examining ways in which the American legal system differs from those of other developed nations. He received the 2010 Scripps Howard Award for Washington reporting for a five-part series on the Roberts Court.

He was awarded Hofstra University's Presidential Medal and an honorary doctorate from Stetson University College of Law.

Liptak is the author of "To Have and Uphold: The Supreme Court and the Battle for Same-Sex Marriage." His journalism has appeared in *The New Yorker*, *Vanity Fair*, *Business Week* and *Rolling Stone*, and he has published articles in several law reviews. Liptak has taught courses at Chicago, Columbia, U.S.C., U.C.L.A. and Yale.

**PATRICIA A. MILLETT** was appointed to the United States Court of Appeals on December 10, 2013. She graduated from the University of Illinois at Urbana-Champaign (summa cum laude) in 1985 and from Harvard Law School (magna cum laude) in 1988. After working in a private law firm (Miller & Chevalier) for two years, she clerked for Judge Thomas Tang of the United States Court of Appeals for the Ninth Circuit. Following her clerkship, she worked for four years on the Appellate Staff of the Civil Division in the United States Department of Justice and for eleven years as an Assistant in the Office of the Solicitor General. In September 2007, she became a partner leading the Supreme Court and appellate practices at Akin Gump Strauss Hauer & Feld LLP. She has argued 32 cases before the U.S. Supreme Court and holds a second degree black belt in Tae Kwon Do.

**ERIN MURPHY** is a partner in the Washington, D.C., office of Kirkland & Ellis LLP. Her practice focuses on Supreme Court, appellate, and constitutional litigation. She has argued three cases before the Supreme Court, including successfully arguing *McCutcheon v. FEC*, for which she was named American Lawyer's "Litigator of the Week," and successfully arguing on behalf of the U.S. House of Representatives in *Texas v. United States*.

Erin has been recognized by the *National Law Journal* as one of the nation's "Outstanding Women Lawyers" and a "Rising Star"; has been ranked by *Chambers & Partners* as one of the nation's top appellate lawyers; has been listed as a "Rising Star" for appellate litigation by *Law360*; has been recognized by *The Legal 500 U.S.* for her appellate work; and was one of 10 lawyers featured on LinkedIn's list of "Top Professionals 35 and Under."

Erin's work before the Supreme Court has included briefing such high-profile cases as *NFIB v. Sebelius*, *Hughes v. Talen Energy Marketing*, and *American Broadcasting Companies v. Aereo*. She also has a robust practice before the U.S. Courts of Appeals, where she has presented argument before most of the circuits on several important statutory and constitutional questions, including the scope of the Second Amendment, the Takings Clause, and the National Labor Relations Act. Her extensive appellate experience spans a wide range of topics and has included several cases dealing with energy law, labor law, the Affordable Care Act, and property rights to submerged lands.

Erin is the co-chair of programming for the Edward Coke Appellate Inn of Court, has taught as an adjunct professor at Georgetown University, and frequently speaks on topics relating to the Supreme Court and appellate advocacy. She has appeared on national television to discuss the Supreme Court on multiple occasions, and she has been featured in several publications.

**ANDREW J. PINCUS** focuses his appellate practice on briefing and arguing cases in the Supreme Court of the United States and in federal and state appellate courts, as well as on developing legal arguments in trial courts.

Andy has argued 27 cases in the Supreme Court of the United States, four of them in the 2010 and 2011 Terms, including *AT&T Mobility v. Concepcion*, 131 S. Ct. 1740 (2011). For his victory in *Concepcion*, Andy was named Litigator of the Week by the *American Lawyer* and Appellate Lawyer of the Week by *The National Law Journal*. Andy's work in *Concepcion* and successful defense of Chicago Mayor Rahm Emanuel's right to run for office were cited by the *American Lawyer* in its article naming Mayer Brown as one of the top six US litigation firms in the 2012 Litigation Department of the Year report.

A former Assistant to the Solicitor General in the United States Department of Justice (1984-1988), Andy co-founded and serves as co-director of the Yale Law School's Supreme Court Advocacy Clinic (2006-present), which provides pro bono representation in 10-15 Supreme Court cases each year.

**STUART A. RAPHAEL** returned on September 7 to his trial and appellate practice at Hunton & Williams, LLP after serving since January 2014 as the Solicitor General of Virginia. He has argued two cases in the Supreme Court of the United States, including *Virginia v. Maryland*, an original action in which the Court held in 2003 that Virginia has the right to use the Potomac River without Maryland's permission. As Virginia's Solicitor General, Stuart argued successfully in the Fourth Circuit that Virginia's ban on same-sex marriage violated the Fourteenth Amendment, which led to the legalization of same-sex marriage in Virginia eight months before the Supreme Court conclusively settled the question in *Obergefell v. Hodges*. Stuart's amicus brief for Virginia in *Obergefell* earned a "Best Brief" award from the National Association of Attorneys General. Stuart also presented oral argument for Virginia in the Fourth Circuit in *King v. Burwell*, which rejected the second major legal challenge to the Affordable Care Act, a decision affirmed 6-3 by the Supreme Court. In February, Stuart won the first preliminary injunction against President Trump's seven-country travel ban. And in *Virginia v. Leblanc*, decided in June, Stuart won summary reversal by the Supreme Court of a decision of the Fourth Circuit that would have required the resentencing of scores of juvenile offenders. Stuart earned his undergraduate degree from Harvard University and his law degree from the University of Virginia.

**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. He has covered the Senate confirmation hearings for all the current justices. Prior to covering the Court, 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 2010. He also wrote for CQ two other reference books: "The Supreme Court and Individual Rights" and "The Supreme Court and the Powers of Government." He was a chapter author for *A Year in the Life of the Supreme Court* (1995 and 2004). He has an undergraduate degree from the University of North Carolina at Chapel Hill and a master's degree from Northwestern University.

**KANNON SHANMUGAM** is a partner at the law firm of Williams & Connolly in Washington. He heads the firm's Supreme Court and appellate litigation practice. Kannon is the only lawyer to have joined the firm as a lateral partner in the last 30 years. Kannon has argued 20 cases before the Supreme Court, including several of the Court's most significant recent business and criminal cases. Beyond the Supreme Court, he has argued dozens of appeals in courts across the country. Kannon has been named The American Lawyer's Litigator of the Week three times in the last 18 months, most recently for his twin victories in the Supreme Court last term in *Midland v. Johnson* and *Henson v. Santander*.

Kannon joined Williams & Connolly in 2008 after serving as an Assistant to the Solicitor General in the Department of Justice. Born and raised in Lawrence, Kansas, he received an A.B. summa cum laude in classics from Harvard; an M. Litt. in classics from the University of Oxford, where he was a Marshall Scholar; and a J.D. magna cum laude from Harvard Law School, where he was executive editor of the law review and argued for the winning side in the moot-court competition. After graduation, he served as a law clerk to Justice Antonin Scalia on the Supreme Court and Judge J. Michael Luttig on the U.S. Court of Appeals for the Fourth Circuit.

**PAUL M. SMITH** is a Visiting Professor from Practice at Georgetown Law, where his courses include Constitutional Law and Election Law. He is also the Vice President, Litigation and Strategy for the Campaign Legal Center. Paul has more than three decades of experience litigating a wide range of cases. He has argued before the U.S. Supreme Court 19 times and secured numerous victories, including in important cases advancing civil liberties. Two examples are *Lawrence v. Texas*, the landmark gay rights case, and *Brown v. Entertainment Merchants Ass'n*, which established First Amendment rights of those who produce and sell video games.

In addition, Paul has argued a number of important voting rights cases at the Supreme Court, including *Vieth v. Jubelirer*, involving partisan gerrymandering, *LULAC v. Perry*, involving the legality of Texas's mid-decade redrawing of congressional districts, *Crawford v. Marion County Election Board*, involving the constitutionality of a voter identification law, and *Harris v. Arizona Independent Redistricting Commission*, involving a constitutional challenge to Arizona's legislative map. He served as counsel for amici who filed in several key campaign finance merits cases *McCutcheon v. FEC* (on behalf of Democratic House members), *Arizona Free Enterprise Club's Freedom Club PAC v. Bennett* (on behalf of the Committee for Economic Development) and *Citizens United v. FEC* (on behalf of the Committee for Economic Development).

Paul previously served as a partner in the law firm of Jenner & Block, where he was chair of the firm's Appellate and Supreme Court Practice and co-chair of the firm's Election Law and Redistricting Practice.

**DONALD VERRILLI** is a partner with Munger, Tolles & Olson and one of the nation's premier Supreme Court and appellate advocates. He served as Solicitor General of the United States from June 2011 to June 2016. During that time he argued dozens of cases before the U.S. Supreme Court, was responsible for representing the United States government in all appellate

matters before the High Court and in the courts of appeals, and was a legal advisor to President Barack Obama and the Attorney General.

Mr. Verrilli's landmark victories include his successful advocacy in defense of the Affordable Care Act in *National Federation of Independent Businesses v. Sebelius* and *King v. Burwell*; his successful advocacy for marriage equality in *Obergefell v. Hodges* and *United States v. Windsor*; and his vindication of federal immigration authority in *Arizona v. United States*. He also achieved important victories in two patent cases, *Alice Corp. v. CLS Bank* and *Association for Molecular Pathology v. Myriad Genetics*, in a case vindicating the president's foreign affairs authority in *Zivotofsky v. Kerry*, and in numerous cases involving civil rights, women's rights and other matters of national importance.

In addition to these matters, Mr. Verrilli's U.S. Supreme Court arguments have included cases involving antitrust, copyright, telecommunications, the environment, the First Amendment, the Equal Protection and Due Process Clauses of the Fourteenth Amendment, the separation of powers, criminal law and other federal constitutional and statutory matters.

Before serving as Solicitor General, Mr. Verrilli served as Deputy White House Counsel, and previously as Associate Deputy Attorney General in the U.S. Department of Justice. In those positions, he counseled President Obama, Cabinet secretaries and other senior government officials on a wide range of legal issues involving national security, economic regulation, domestic policy and the scope of executive and administrative authority.

**TIMOTHY ZICK** is Mills E. Godwin, Jr. Professor of Law at William & Mary. Professor Zick was an associate with two law firms: Williams and Connolly in Washington, D.C., and Foley Hoag in Boston. He served as a law clerk to the Honorable Levin H. Campbell of the United States Court of Appeals for the First Circuit. Professor Zick also served as a Trial Attorney in the Federal Programs Branch of the United States Department of Justice, where he defended the constitutionality of a variety of federal programs and laws. Prior to joining the faculty at William & Mary, Professor Zick was on the faculty of St. John's University School of Law.

Professor Zick has written on a wide variety of constitutional issues, with a special focus on freedom of speech. His first book, *Speech Out Of Doors: Preserving First Amendment Liberties In Public Places* (Cambridge University Press 2009), examined the relationship between freedom of speech and spatiality. Professor Zick's second book, *The Cosmopolitan First Amendment: Protecting Transborder Expressive and Religious Liberties* (Cambridge University Press 2013), examined the First Amendment's relationship with international borders. Professor Zick's next book, *The Dynamic Free Speech Clause*, currently under contract with Oxford University Press, examines the relationship between freedom of speech and other constitutional rights.

Professor Zick has been a frequent commentator in local, national, and international media regarding the First Amendment. He testified before Congress regarding the Occupy Wall Street protests and rights of free speech, assembly, and petition.

Professor Zick has been the recipient of the Plumeri Award for Faculty Excellence in 2011, 2013 and 2017. While at St. John's, Professor Zick was chosen by the students as Professor of the Year.