

2019

## 2019-2020 Supreme Court Preview: Schedule and Panel Members

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

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# 2019-2020 Supreme Court Preview

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## Schedule of Events

### Friday, September 13, 2019

WELCOME	5:00 PM
MOOT COURT	5:05 to 6:05 PM
<i>BREAK</i>	6:05 to 6:15 PM
MOOT COURT DISCUSSION	6:15 to 6:30 PM
WHAT TO EXPECT FROM THE ROBERTS COURT	6:35 to 7:30 PM

### Saturday, September 14, 2019

CRIMINAL LAW PANEL	9:00 to 9:55 AM
<i>BREAK</i>	9:55 to 10:10AM
IMMIGRATION LAW PANEL	10:10 to 11:05 AM
BUSINESS LAW PANEL	11:15 to 12:10 PM
<i>BREAK</i>	12:10 to 12:30 PM
LUNCH BREAKOUT SESSIONS	12:30 to 1:20 PM
1. ADVOCACY PANEL	
2. JUDGING PANEL	
3. CHIEF JUSTICE ROBERTS AND CHALLENGES TO THE SUPREME COURT'S LEGITIMACY	
CIVIL RIGHTS PANEL	1:30 to 2:25 PM
CONSTITUTIONAL LAW PANEL	2:35 to 3:30 PM
CONFERENCE CONCLUDES	3:30 PM

# 2019-2020 Supreme Court Preview

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## Panel Members

### **ROBERT BARNES - THE WASHINGTON POST**

Robert Barnes has spent most of his career at *The Washington Post*, as a reporter and editor. He joined the paper to cover politics in 1987, and has covered campaigns at the presidential, congressional, and gubernatorial level. He served in various editing positions, including metropolitan editor, deputy national editor in charge of domestic issues and the Supreme Court, and national political editor. He returned to reporting to cover the Supreme Court in November 2006 and has done so since then, with a brief break to cover the conclusion of the 2008 presidential campaign. He covered the Supreme Court nominations of Sonia Sotomayor, Elena Kagan, Neil Gorsuch and Brett Kavanaugh.

He is a native Floridian, and previously worked at the Associated Press and St. Petersburg (now, Tampa Bay) Times. He gave up law school plans for a life in newspapers after taking a journalism class at the University of Florida. It did not occur to him, as apparently it did to others, that he could do both.

### **AMY BARRETT - U.S. COURT OF APPEALS, SEVENTH CIRCUIT**

The Honorable Amy Coney Barrett was appointed to the U.S. Court of Appeals for the Seventh Circuit in November 2017. Before joining the bench, she served on the faculty of the Notre Dame Law School, where she continues to teach.

Judge Barrett earned her J.D., summa cum laude, from Notre Dame, where she was a Kiley Fellow, earned the Hoynes Prize, the Law School's highest honor, and served as executive editor of the *Notre Dame Law Review*. She 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. As an associate at Miller, Cassidy, Larroca & Lewin in Washington, D.C., she litigated constitutional, criminal, and commercial cases in both trial and appellate courts. From 2010–2016, she served by appointment of the Chief Justice on the Advisory Committee for the Federal Rules of Appellate Procedure. Judge Barrett has published widely in the areas of federal courts, constitutional law, and statutory interpretation. Her scholarship in these fields has been published in leading journals, including the *Columbia*, *Virginia*, and *Texas Law Reviews*.

### **STEPHANOS BIBAS - U.S. COURT OF APPEALS, THIRD CIRCUIT**

Stephanos Bibas is a judge on the U.S. Court of Appeals for the Third Circuit. Judge Bibas was previously a professor of law and criminology at the University of Pennsylvania Law School. As director of the Penn Law Supreme Court Clinic, he argued six cases before the Supreme Court of the United States and filed briefs in dozens of others. He graduated summa cum laude and Phi Beta Kappa from Columbia University in 1989 with a B.A. in

political theory and from Oxford University in 1991 with a B.A. in jurisprudence. He then earned his J.D. from Yale Law School in 1994.

After graduating from Yale Law, Judge Bibas clerked for Judge Patrick Higginbotham of the U.S. Court of Appeals for the Fifth Circuit and Justice Anthony Kennedy on the Supreme Court and was a litigation associate at Covington & Burling LLP in Washington, D.C. Thereafter, Judge Bibas served as an Assistant U.S. Attorney in the Southern District of New York, where he successfully prosecuted the world's leading expert in Tiffany stained glass for hiring a grave robber to steal priceless Tiffany windows from cemeteries. Before his tenure at Penn Law, Judge Bibas taught at the University of Chicago Law School and the University of Iowa College of Law and was a research fellow at Yale Law School. He has published two books and more than sixty scholarly articles.

### **JOAN BISKUPIC - CNN**

Joan Biskupic is a full-time CNN legal analyst and author of a 2019 biography of Chief Justice John Roberts. Before joining CNN in 2017, Biskupic was an editor-in-charge for Legal Affairs at Reuters and, previously, the Supreme Court correspondent for the *Washington Post* and for *USA Today*.

She was a finalist for the Pulitzer Prize in explanatory journalism in 2015. In addition to her latest biography, *The Chief: The Life and Turbulent Times of Chief Justice John Roberts*, Biskupic is the author of books on Sandra Day O'Connor, Antonin Scalia, and Sonia Sotomayor. Before joining CNN, she spent a year as a visiting professor at the University of California Irvine School of Law.

A native of Chicago, Biskupic holds a law degree from Georgetown University and lives in Washington, D.C.

### **JESS BRAVIN - WALL STREET JOURNAL**

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*. He is the author of *The Terror Courts*, an 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* (2nd ed.).

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 later was appointed by the California State Senate to the panel vetting regental nominees. He also served on the UC Police Review Board and the Berkeley Police Review Commission, which reviewed misconduct complaints for the university and municipal police forces, as an alternate member of the Berkeley Zoning Adjustments Board and, in high school, as the first student member of the Los Angeles

City Board of Education. Currently, Mr. Bravin serves on the City Ethics Commission in Takoma Park, Md.

A graduate of Harvard College and the UC Berkeley School of Law, Mr. Bravin has taught at the UC Washington Center, received a John Jacobs Fellowship from UC Berkeley's Graduate School of Journalism and Institute of Governmental Studies, and delivered the John Field Simms Sr. Memorial Lecture in Law at the University of New Mexico School of Law. Of greater importance, Mr. Bravin led the effort to designate Raymond Chandler Square (L.A. City Historic-Cultural Monument No. 597) in Hollywood, in honor of the hard-boiled novelist.

#### **BETH BRINKMANN - COVINGTON & BURLING**

Beth Brinkmann is a veteran appellate litigator with extensive experience in handling complex client matters. Ms. Brinkmann joined Covington & Burling as co-chair of the Appellate and Supreme Court Litigation Group after serving as Deputy Assistant Attorney General in the U.S. Department of Justice, Civil Division, where she oversaw the Division's nationwide appellate litigation. She also has practiced for more than two decades before the Supreme Court of the United States, including as Assistant to the Solicitor General and in private practice. She argued her twenty-fifth case before the Supreme Court in 2019, and regularly argues in appellate courts across the country.

As the Civil Division's top appellate lawyer, Ms. Brinkmann represented federal agencies and executive branch officials in high-profile cases across a range of subject areas, including constitutional law, regulatory challenges, intellectual property matters, FOIA, federal preemption, and national security cases. She coordinated with government trial teams on analysis of potential legal arguments at early phases of litigation, and collaborated across offices on development of appellate and Supreme Court strategy. Ms. Brinkmann also presented congressional testimony and advised senior leadership of cabinet-level departments and regulatory agencies regarding litigation risk, legislative proposals, and rule-making matters.

Previously, Ms. Brinkmann served as Assistant to the Solicitor General, briefing and arguing Supreme Court cases on behalf of the federal government. She served as Assistant Federal Public Defender, representing indigent criminal defendants, including approximately a dozen felony jury trials. 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.

#### **AARON-ANDREW BRUHL - WILLIAM & MARY LAW SCHOOL**

Aaron-Andrew Bruhl is the Associate Dean for Research and Faculty Development and a professor of law at William & Mary Law School. Professor Bruhl teaches and writes on statutory interpretation, federal courts, and the legislative process. His scholarly publications have appeared in many of the nation's leading law journals. He was elected to the American Law Institute in 2014. He has offered expert commentary for television, radio, magazines, and national wire services.

Professor Bruhl received his J.D. degree from Yale Law School. While at Yale, he served as Book Reviews Editor for the *Yale Law Journal* and also worked on the *Yale Law & Policy Review* and the *Yale Journal of Law & the Humanities*. Professor Bruhl holds a master's degree in political theory from the University of Cambridge.

After law school, Professor Bruhl clerked for Chief Judge Carolyn Dineen King on the United States Court of Appeals for the Fifth Circuit. He then worked as a litigation associate in the Washington, D.C., office of Jenner & Block LLP. His work focused on federal appellate litigation and included cases involving election law, the First Amendment, federal Indian law, and copyright infringement over online peer-to-peer file-sharing services.

Before joining the William & Mary faculty in 2015, Professor Bruhl taught at the University of Houston Law Center and served as a visiting professor at the University of Texas School of Law. He is a recipient of the Plumeri Award for Faculty Excellence for 2017.

#### **ERWIN CHEMERINSKY - UC BERKELEY SCHOOL OF LAW**

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, he was a professor at the University of Southern California Law School, including serving 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 eleven books, including *We the People: A Progressive Reading of the Constitution for the 21<sup>st</sup> Century* published by Picado Macmillan in 2018, 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 two hundred 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 - KIRKLAND & ELLIS**

Mr. Clement is a partner at Kirkland & Ellis. Mr. Clement served as the forty-third 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 ninety-five 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*, *ABC v. Aereo*, *Hobby Lobby v. Burwell*, and *Jesner v. Arab Bank*. 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. He also serves as a Senior Fellow of the Law Center's Supreme Court Institute.

#### **DAVID COLE - AMERICAN CIVIL LIBERTIES UNION**

In his role as national legal director of the ACLU, David Cole directs a program that includes approximately 1,400 state and federal lawsuits on a broad range of civil liberties issues. He manages one hundred ACLU staff attorneys in New York headquarters, oversees the organization's U.S. Supreme Court docket, and provides leadership to more than two hundred staff attorneys who work in ACLU affiliate offices in all fifty states, Puerto Rico, and Washington, D.C. Another 1,700 volunteer-cooperating attorneys throughout the country are engaged in ACLU litigation. With an annual headquarters budget of \$140 million and more than 1.5 million members, the ACLU is the nation's largest and oldest civil liberties organization.

Cole has litigated many constitutional cases in the Supreme Court, including *Texas v. Johnson* and *United States v. Eichman*, which extended First Amendment protection to flag burning; *National Endowment for the Arts v. Finley*, which challenged political content restriction on NEA funding; and most recently, *Masterpiece Cakeshop v. Colorado Civil Rights Commission*, in which the ACLU represented a gay couple refused service by a bakery because they sought a cake to celebrate their wedding.

Cole's victories include: successfully defending for over twenty-one years a group of Palestinian immigrants whom the government sought to deport for their political affiliations; challenging restrictions on federally funded AIDS education; obtaining an injunction against Randall Terry and Operation Rescue for blocking access to abortion providers; and freeing several Arab and Muslim immigrants detained on secret evidence.

Cole, who began his career at the Center for Constitutional Rights, litigated many of these cases in cooperation with ACLU attorneys across the country.

Cole is on leave from Georgetown University, where he has taught constitutional law and criminal justice since 1990, and is the Hon. George J. Mitchell Professor in Law and Public Policy. Cole writes regularly for *The Nation*, *New York Review of Books*, *Washington Post*, and many other periodicals. He is the author or editor of ten books, several of which have won awards, including the Palmer Civil Liberties Prize, the American Book Award, and prizes from the American Political Science Association, the Boston Book Review, and the Jesuit Honor Society. His most recent book, *Engines of Liberty: How Citizen Movements Succeed*, published in 2016, examines the strategies civil society organizations employ to change constitutional law.

The late *New York Times* columnist Anthony Lewis called Cole “one of the country’s great legal voices for civil liberties today,” and the late Nat Hentoff called him “a one-man Committee of Correspondence in the tradition of patriot Sam Adams.” Cole has received two honorary degrees and many awards for his civil liberties and human rights work, including the inaugural Norman Dorsen Presidential Prize from the ACLU, awarded to an academic for lifetime commitment to civil liberties.

#### **JEFFREY FISHER - STANFORD LAW SCHOOL**

Jeffrey Fisher is a professor of law at Stanford Law School and co-director of the Stanford Supreme Court Litigation Clinic. He has argued over three dozen cases in the Supreme Court, on issues ranging from criminal procedure to maritime law to civil and human rights. He also has published academic articles on various constitutional issues and is a frequent commentator on the Court.

In addition to his work at Stanford, Professor Fisher also is special counsel at O'Melveny & Myers. 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.

#### **IRV GORNSTEIN - SUPREME COURT INSTITUTE, GEORGETOWN LAW CENTER**

Professor Gornstein is the Executive Director of the Supreme Court Institute and a Professor from Practice at Georgetown Law Center. Professor Gornstein teaches Criminal Justice and Federal Courts, and he also co-teaches a Civil Rights seminar with Judge Srinivasan and a Current Issues seminar with Judge Pillard. Professor Gornstein previously worked as an Assistant to the Solicitor General for many years, and he returned to the Solicitor General's Office as the Acting Principal Deputy for the last six months of the Obama administration. During his two stints at the Solicitor General's Office, Professor Gornstein argued thirty-eight cases in the Supreme Court.

#### **TARA LEIGH GROVE - WILLIAM & MARY LAW SCHOOL**

Tara Leigh Grove is Mills E. Godwin, Jr., Professor of Law at the William & Mary 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. In Fall 2017, Grove was a visiting professor at Harvard Law School.

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*, *University of Pennsylvania Law Review*, *New York University Law Review*, and *Cornell Law Review*. Grove has received awards for both her research and her teaching, including the Walter L. Williams, Jr., Memorial Teaching Award in 2018, and the Paul M. Bator Award in 2016. 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.

#### **TOBY HEYTENS - OFFICE OF THE SOLICITOR GENERAL, COMMONWEALTH OF VIRGINIA**

Mr. Heytens is Virginia's sixth Solicitor General. He previously spent eight years as a professor at the University of Virginia School of Law, where he served as co-director of the Supreme Court Litigation Clinic, coached the three-time national champion undergraduate trial advocacy team, and received an All-University Teaching Award. His teaching and research interests include civil procedure, constitutional torts, criminal procedure and remedies. He also has served as a visiting assistant professor at Cornell Law School.

Heytens is a graduate of Macalester College and the University of Virginia School of Law. After graduating from law school, Heytens clerked for Chief Judge Edward R. Becker of the U.S. Court of Appeals for the Third Circuit, served as a Bristow Fellow in the Solicitor General's Office, and then clerked for U.S. Supreme Court Justice Ruth Bader Ginsburg. He spend several years working at O'Melveny & Myers in Washington, D.C., where his practice focused on appellate litigation.

#### **PAMELA KARLAN - STANFORD LAW SCHOOL**

Professor Karlan is co-director of the Stanford Law School's Supreme Court Litigation Clinic. 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.

#### **ALLISON ORR LARSEN - WILLIAM & MARY LAW SCHOOL**

Allison Orr Larsen is a 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, D.C. She teaches constitutional law, administrative law, and statutory interpretation. Larsen has received five 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.

#### **ADAM LIPTAK - NEW YORK TIMES**

Mr. Liptak covers the Supreme Court for *The New York Times*. Liptak's column on legal affairs, "Sidebar," appears every other Tuesday. 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.

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.

#### **PATRICIA MILLETT - U.S. COURT OF APPEALS, D.C. CIRCUIT**

Judge 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 leading partner of the Supreme Court and appellate practices at Akin Gump Strauss Hauer & Feld LLP. She has argued thirty-two cases before the U.S. Supreme Court.

#### **KEVIN NEWSOM - U.S. COURT OF APPEALS, ELEVENTH CIRCUIT**

Judge Newsom is a member of the United States Court of Appeals for the Eleventh Circuit. He sits in Birmingham, Alabama. Before his appointment to the bench, Judge Newsom was the head of the appellate practice group at Bradley Arant Boult Cummings LLP and, before that, the Solicitor General of Alabama. As a practicing lawyer, Judge Newsom argued four cases in the Supreme Court of the United States, and nearly forty more in the United States Courts of Appeals and state supreme and appellate courts.

Judge Newsom graduated summa cum laude from Samford University and magna cum laude from Harvard Law School, where he was an articles editor on the *Harvard Law Review*. Following law school, Judge Newsom clerked for Judge Diarmuid F. O'Scannlain of the United States Court of Appeals for the Ninth Circuit and Justice David H. Souter of the Supreme Court of the United States.

#### **CARTER PHILLIPS - SIDLEY AUSTIN**

Mr. Phillips is Sidley's Executive Committee Chair Emeritus, having returned since January 1, 2018, to the full-time practice of law as one of the most experienced Supreme Court and appellate lawyers in the country. In the 2018 Term, Carter argued and won two cases in the Supreme Court. Carter 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. Carter also served as Assistant to the Solicitor General. He has argued seventy-eight cases before the Supreme Court since joining Sidley, which is more than any other lawyer while in private practice. Carter also argued nine cases before the Court on behalf of the federal government during his tenure in the Solicitor General's office, for a total of eighty-seven oral arguments before the Supreme Court. Carter also has argued more than 135 cases in United States courts of appeals, including at least one in every circuit in the country, and more than thirty-five in the Court of Appeals for the Federal Circuit.

Carter's advocacy on behalf of clients has earned him acknowledgement in numerous publications. An academic study of Supreme Court briefs from 1946 to 2013 found Carter to be one of the most successful lawyers to argue in front of the Supreme Court. The analysis, "Who Wins in the Supreme Court? An Examination of Attorney and Law Firm Influence," led the author to conclude that "not only is Phillips a seasoned Supreme Court litigator, but he is also one of the most successful Supreme Court brief-writers." Over the years, sources have told Chambers that he is "in a league of his own" with "a CV that stretches from the U.S. to London," noting especially that he "enjoys a lot of credibility with the Supreme Court and has an amazing track record," and that "there's nobody quite

like him on an appellate issue.” Benchmark Litigation also names Carter a “Litigation Star,” calling him “a household name” in the appellate world.

Carter’s practice has been featured in articles in *Forbes*, *The American Lawyer*, *Business Week*, *Legal Times*, *The National Law Journal*, *USA Today*, and *Legal Business* (a publication in England). He frequently speaks at conferences, law schools, and before industry groups regarding his experience before the Supreme Court.

#### **CORNELIA PILLARD - U.S. COURT OF APPEALS, D.C. CIRCUIT**

Judge Pillard was appointed to the United States Court of Appeals in December 2013. Before that, Pillard was a full professor at Georgetown Law, where she taught constitutional law, civil procedure, and a range of seminar courses. She currently co-teaches a Georgetown Law seminar on Current Issues in Federal Practice with Professor Irv Gornstein.

Pillard was an active member of the Georgetown Law Supreme Court Institute (SCI) from its founding in 2003, and she became SCI Faculty Co-Director in 2011. From 2008 to 2009, Pillard was inaugural Academic Co-Director and Professor at the Center for Transnational Legal Studies, a London-based, Georgetown-led law study program conducted in collaboration with law schools from many different countries. She served twice in the U.S. Department of Justice, as Deputy Assistant Attorney General in the Office of Legal Counsel (1998-2000), and as an Assistant to the Solicitor General (1994-1997).

Pillard graduated from Yale College (magna cum laude, 1983) and Harvard Law School (magna cum laude, 1987). Following graduation, she served as a law clerk to Judge Louis H. Pollak (1987–1988), and held the Marvin M. Karpatkin fellowship at the American Civil Liberties Union (1988–1989). From 1989 to 1994 she was Assistant Counsel at the NAACP Legal Defense and Education Fund, Inc.

Pillard has tried jury and nonjury civil cases, argued in several federal courts of appeals, and argued nine times before the United States Supreme Court.

#### **ANDREW PINCUS - MAYER BROWN**

Andrew 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; developing legal strategy for trial courts; and presenting policy and legal arguments to Congress, state legislatures, and regulatory agencies. Andy has argued twenty-nine cases in the Supreme Court, including two cases in the October 2018 Term as well as his recent victories in *Impression Products, Inc. v. Lexmark International, Inc.* (2017); *Kindred Nursing Home Centers Limited Partnership v. Clark* (2017); and *Spokeo, Inc. v. Robins* (2016). Law360 ranked Andy's victory in *AT&T Mobility v. Concepcion* (2011), as the most important Supreme Court class action decision of the last fifteen years.

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. Andy's practice also includes detailed written and oral advocacy before Congress, other legislative bodies, and regulatory agencies regarding a variety of policy and legal issues. He frequently testifies before Congress on a variety of subjects, including patent reform, the Consumer Financial Protection Bureau, reform of the federal litigation system, and the Supreme Court's decisions in cases involving business law issues. Andy successfully represented clients in connection with passage of the Private Securities Litigation Reform Act. Reporters often turn to Andy for commentary on Supreme Court cases. He also frequently speaks and writes on legal issues for academic, professional, and general audiences.

While serving as General Counsel of the United States Department of Commerce (1997–2000), Andy had principal responsibility for the Digital Millennium Copyright Act and the Electronic Signatures in Global and National Commerce Act. He also participated in formulation of policy concerning intellectual property protection, privacy, domain name management, taxation of electronic commerce, export controls, international trade, and consumer protection. Before rejoining Mayer Brown, Andy served as General Counsel of Andersen Worldwide S.C. Following law school graduation, Andy was Law Clerk to the Honorable Harold H. Greene, United States District Court for the District of Columbia (1981–1982), after which he practiced with another major law firm in Washington.

#### **DAVID SAVAGE - LOS ANGELES TIMES**

Mr. Savage has written about the Supreme Court for the *Los Angeles Times* since 1986 and has covered the confirmations of all the current justices. 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 Supreme Court* (1992) and of the revised two-volume *Guide to the U.S. Supreme Court* published by the CQ Press. He has degrees from the University of North Carolina at Chapel Hill and Northwestern University.

#### **KANNON SHANMUGAM - PAUL | WEISS**

Mr. Shanmugam is chair of the Supreme Court and Appellate Practice group and managing partner of the Washington office for Paul | Weiss. He is widely recognized as one of the nation's top appellate litigators. He has argued twenty-seven cases before the Supreme Court, including four cases in the recently concluded 2018–2019 term. He has also argued dozens of appeals in courts across the country, including all thirteen U.S. courts of appeals and numerous state courts.

Prior to private practice, Kannon served as an Assistant to the Solicitor General at the U.S. Department of Justice. He also served as a law clerk to Supreme Court Justice Antonin Scalia and to Judge J. Michael Luttig of the U.S. Court of Appeals for the Fourth Circuit. Kannon has served as the co-chair of the American Bar Association's Appellate Practice Committee. He is also a past president of the Edward Coke Appellate Inn of Court, the principal bench-bar organization for appellate judges and lawyers in the Washington area. He is a member of the Advisory Committee on Procedures for the U.S. Court of Appeals for the D.C. Circuit. Mr. Shanmugam received his Bachelor of Arts and Juris Doctorate from Harvard University. He was also a Marshall Scholar at the University of Oxford.

Kannon has taught Supreme Court advocacy as an adjunct professor of law at Georgetown University Law Center. In the community, he has served as chair of the board of trustees of Thurgood Marshall Academy, a charter school in Southeast Washington that is one of the city's highest-performing public high schools. He has devoted substantial time to pro bono representation in the areas of criminal law and religious liberty.

#### **PAUL SMITH - GEORGETOWN LAW SCHOOL AND CAMPAIGN LEGAL CENTER**

Professor Smith has more than three decades of experience litigating a wide range of cases. He has argued before the U.S. Supreme Court twenty-one 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 *Gill v. Whitford* and *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.

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. He is now a Professor from Practice at Georgetown University Law Center and the VP for Litigation and Strategy at the Campaign Legal Center.

Paul graduated from Amherst College and Yale Law School, where he served as editor-in-chief of the *Yale Law Journal*. He clerked for Supreme Court Justice Lewis F. Powell Jr. In 2010, he was given the Thurgood Marshall Award by the ABA Section of Civil Rights and Social Justice for his work promoting civil rights and civil liberties.

#### **DAVID STRAUSS - UNIVERSITY OF CHICAGO LAW SCHOOL**

David Strauss is the Gerald Ratner Distinguished Service Professor of Law and the Faculty Director of the Supreme Court and Appellate Clinic at the University of Chicago. This fall, he is a visiting professor at Harvard Law School. He is the author of *The Living Constitution* (Oxford University Press, 2010), and a co-author of a forthcoming book on the Warren Court, also from OUP. He has written many academic articles, and he is at work on a book on constitutional interpretation. He is a Fellow of the American Academy of Arts and Sciences and a co-editor of the *Supreme Court Review*, and he is a member of the Board of Advisors of the American Constitution Society. He has served as an Assistant to the Solicitor General of the United States, in the Office of Legal Counsel of the U.S. Department of Justice, and as Special Counsel to the Senate Judiciary Committee. He has argued nineteen cases before the U.S. Supreme Court. He is a graduate of Harvard College and Harvard Law School, and he was a Marshall Scholar at Magdalen College, Oxford.

## **ADAM UNIKOWSKY - JENNER & BLOCK**

Adam G. Unikowsky is a partner in the Litigation Department and a member of the Appellate and Supreme Court, Communications, and Technology Litigation Practices at Jenner & Block. Since 2016, he has won eight Supreme Court cases as lead counsel, while losing none. He also handles high-stakes appellate and district court litigation in numerous areas of law, including patent law, telecommunications law, and securities law. In 2017, he was recognized as a Law360 “MVP of the Year.”

Mr. Unikowsky litigates cases in the U.S. Supreme Court, appellate courts, trial courts, and administrative agencies. At the U.S. Supreme Court, Mr. Unikowsky has won eight cases as lead counsel since 2016, while losing none. In six of those cases, Mr. Unikowsky represented the petitioner and filed a successful petition for certiorari. Mr. Unikowsky has been recognized by “Empirical SCOTUS” as the attorney in the United States with the highest statistical rate of success in Supreme Court merits cases; he has also separately been recognized by “Empirical SCOTUS” as the attorney in the United States with the highest statistical rate of success at obtaining grants of certiorari. In 2017, he argued three cases within a twenty-eight-day span, leading to unanimous victories in all three. Among those cases were *Kokesh v. SEC*, a case limiting the SEC’s power to obtain disgorgement, which led to Law360 recognizing him as a Securities Law “MVP of the Year.” Mr. Unikowsky has also filed Supreme Court amicus briefs on a wide range of subjects, such as commercial speech, class arbitration, and FOIA.

At the appellate level, Mr. Unikowsky litigates appeals in a wide range of areas, including securities law, patent law, telecommunications, and government contracts. At the trial level, Mr. Unikowsky regularly litigates patent cases involving a wide range of computer and electrical engineering technologies. He has litigated cases in several other substantive areas, including telecommunications, insurance, copyright, energy, and government contracts. He has also handled telecommunications disputes in federal and state administrative agencies.

## **DONALD VERRILLI - MUNGER, TOLLES, & OLSON**

Donald B. Verrilli, Jr. is a partner with Munger, Tolles & Olson, and the founder of its Washington, D.C., office. In addition to handling matters before the U.S. Supreme Court and the courts of appeals, Mr. Verrilli’s practice focuses on representing and counseling clients on multi-dimensional problems, where litigation, regulation, and public policy intersect to shape markets and industries in our evolving economy.

Mr. Verrilli is 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.

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.

Before joining the government, Mr. Verrilli spent two decades in private practice representing companies in their most high stakes matters, particularly in the areas of media and entertainment, telecommunications, and First Amendment law. During this time, Mr. Verrilli argued a dozen cases before the U.S. Supreme Court, including *MGM Studios, Inc. v. Grokster*, which established in 2005 that file sharing services were subject to the copyright laws, and *FCC v. NextWave*, which established that the bankruptcy laws allow FCC licensees to keep their licenses while reorganizing. He also achieved a landmark victory before the U.S. Supreme Court in *Wiggins v. Smith*, a case that established the standards for effective assistance of counsel in capital sentencing proceedings. While in practice previously, he taught First Amendment law for many years at the Georgetown University Law Center.

#### **RICHARD WOLF - USA TODAY**

Mr. Wolf is the Supreme Court correspondent for *USA Today* and the *USA Today* Network, which includes Gannett newspapers across the nation. He has reported extensively on all three branches of the federal government during more than thirty years in Washington. He was White House correspondent during the George W. Bush and Obama administrations and covered Congress for more than a decade.

He has covered the court and legal affairs since the 2012 oral arguments on the Affordable Care Act. His other beats have included health care, economics, and national politics. He also has served as congressional editor. Before joining *USA Today* in 1987, he was a Washington correspondent for Gannett News Service and a reporter and editor at newspapers in New York.

Mr. Wolf received his Bachelor of Science degree in journalism from Boston University. The only law degree in his family is held by his daughter, with whom he consults regularly.

#### **TIMOTHY ZICK - WILLIAM & MARY LAW SCHOOL**

Timothy Zick is John Marshall Professor of Government and Citizenship at William & Mary. Prior to entering academia, Professor Zick was an associate with Williams and



Connolly in Washington, D.C., and Foley Hoag in Boston. He also served as a Trial Attorney in the Federal Programs Branch of the United States Department of Justice and as law clerk to the Honorable Levin H. Campbell of the United States Court of Appeals for the First Circuit. Prior to joining the faculty at William & Mary, Professor Zick taught at 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. He is the author of three books: *Speech Out Of Doors: Preserving First Amendment Liberties In Public Places* (Cambridge University Press 2009); *The Cosmopolitan First Amendment: Protecting Transborder Expressive and Religious Liberties* (Cambridge University Press 2013); and *The Dynamic Free Speech Clause: Freedom of Speech And Its Relation to Other Constitutional Rights* (Oxford Univ. Press, 2018).

Professor Zick is a frequent commentator on First Amendment issues in local, national, and international media. He testified before a subcommittee of the U.S. Congress regarding the First Amendment rights of participants in the Occupy Wall Street protests.