



The Federalist Society

for Law and Public Policy Studies



2013 ANNUAL REPORT

THE FEDERALIST SOCIETY

Law schools and the legal profession are currently strongly dominated by a form of orthodox liberal ideology which advocates a centralized and uniform society. While some members of the academic community have dissented from these views, by and large they are taught simultaneously with (and indeed as if they were) the law.

The Federalist Society for Law and Public Policy Studies is a group of conservatives and libertarians interested in the current state of the legal order. It is founded on the principles that the state exists to preserve freedom, that the separation of governmental powers is central to our Constitution, and that it is emphatically the province and duty of the judiciary to say what the law is, not what it should be. The Society seeks both to promote an awareness of these principles and to further their application through its activities.

This entails reordering priorities within the legal system to place a premium on individual liberty, traditional values, and the rule of law. It also requires restoring the recognition of the importance of these norms among lawyers, judges, law students and professors. In working to achieve these goals, the Society has created a conservative intellectual network that extends to all levels of the legal community.

Letter from the President

The year 2013 was a good one for the Federalist Society as an institution, in terms of both financial and programmatic growth. The Student Chapters in particular are stronger than ever, not only numerically but also anecdotally. Even as law schools themselves are beginning to suffer the effects of the economic downturn—first year enrollment has not been this low since the 1970s—our chapters' events continue to draw consistently high crowds of students. This indicates a genuine hunger for the intellectual stimulation that Federalist Society programming affords. And we have seen demand for our programming rise not only among the Student Chapters but also in the Lawyers Chapters and Practice Groups as well, and in our Faculty and State Courts activities.



(left to right) Former Congressman David McIntosh, who is Vice Chairman of the Federalist Society Board of Directors; Prof. Steven Calabresi of Northwestern Law School, who is Chairman of the Federalist Society Board of Directors; Federalist Society Senior Vice President Lee Liberman Otis; Federalist Society President Eugene Meyer; Former Attorney General and Federalist Society Board Member Michael Mukasey; Susan Mukasey; Federalist Society Executive Vice President Leonard Leo; and U.S. Supreme Court Justice Samuel Alito.

We have responded to this rising demand with more extensive and effective programming every year. Over time I truly believe that our work will be of immeasurable benefit both to the legal community and to the culture of freedom and responsibility which the law is designed to help preserve. During the past year, as part of our efforts towards this end, the Society has significantly expanded its use of social media and technology through Teleforums, Facebook, Twitter, blogs, and even an online video—the first in an online education series which is currently being planned. We hope that this increase in programmatic variety will enable us to convey the constitutional ideas we have discussed for decades to a wider ranging audience than ever before.

For of course that is the purpose of the Federalist Society: to ensure that these constitutional ideas are heard, in the belief that our Founding Fathers conceived the best structure of government human beings have ever devised, and with the confidence that this government's principles—that the state exists to preserve freedom, that the separation of governmental powers is central to our Constitution, and that it is emphatically the province and duty of the judiciary to say what the law is, not what it should be—will lead to a freer and better society.

Sincerely,

Eugene B. Meyer

President

Student Division Again the Strongest Extracurricular Group at a Majority of Law Schools

2012-2013 was another very strong academic year for the Student Division. The Student Chapters conducted 1,476 events with guest speakers, which reached over 83,000 individuals. We have chapters at almost all of the approximately 200 accredited law schools. We rely heavily on the dedication of our Student Chapter leaders to bring together our brightest legal minds to their campuses to debate and discuss the role of government and cases before the Supreme Court. Federalist Society chapters are the most active extracurricular groups at most of these 200+ law schools. Although students are often burdened with the stress of coursework, jobs, and participating in activities such as Law Review, our students nonetheless choose to volunteer their time to the Federalist Society chapter on their campus.

Without the volunteerism of our Student Chapter representatives to fill the void of conservative and libertarian ideas being debated on campus, students would be forced to assume that there is only one way to think about issues facing law and public policy. With the help of Student Chapters, the Federalist Society reaches more individuals each year. The number of events remains between 1,400 and 1,500 per year. Our focus over the last couple of years has been to increase attendance numbers—and our outreach has increased from about 75,000 to about 83,000. The Student Division would not have been able to accomplish this without the help of Student Chapter leadership who are responsible



Federalist Society President Eugene Meyer with members of the Pepperdine Chapter at the Student Symposium Banquet in March. Pepperdine received the Thomas Paine "Feddle" Award for Creative Publicity.



Former U.S. Ambassador to the United Nations John Bolton with the Penn Chapter after an event in October.

for publicity, catering, and speaker coordination. More than 50 of our chapters hosted at least 10 events in the 2012-2013 academic year, and more than 30 chapters had over 100 attendees for at least one event.

Supreme Court Round-Ups continue to play an important role in our student programming each fall. This year, our chapters held 26 such events with great success. Our **Arizona** chapter held an outstanding panel with Clint Bolick of Goldwater Institute, Prof. Melissa Murray of California-Berkeley, Judge Neil Wake from the U.S. District Court in Arizona, and Prof. David Marcus of Arizona Law. The event was a great way to introduce the University's Federalist Society chapter to 1Ls. **Minnesota** continued their tradition of hosting Justice David Stras for their Supreme Court Round-Up, which yielded over 120 attendees. Our **Southern California** chapter filled a room with 200 students and faculty for their Supreme Court Round-Up panel, which included former U.S. Solicitor General Gregory Garre, Justice Goodwin Liu of the California Supreme Court, and Prof. Rebecca Brown of Southern California. **Ohio State** held an informative panel on the upcoming term with Prof. Daniel Tokaji, Prof. Peter Shane, Prof. Art Greenbaum, Prof. Cinnamon Carlarne, and Prof. Chris Walker, all of Ohio State Law. These panels are important for students to attend, so they can garner a greater understanding for what important decisions have been made over the past year and for what to expect as the new term approaches.

Events on the topic of religious liberties have always been popular among our students—our chapters held 64 events under that umbrella during the last year. **Brigham Young** held an event on the HHS contraception mandate and how it affects the First Amendment. There were 140 in attendance for this event, which featured Prof. Scott Gaylord of Elon Law and Prof. Fred Gedicks of Brigham Young Law. The **Wisconsin** chapter held one of their most successful religious liberties events this fall, which featured Prof. Patrick Garry of South Dakota Law and Prof. Ann Althouse of Wisconsin Law. This event was on the topic of “The Establishment Clause” and had over 85 individuals in attendance. The *Town of Greece v. Galloway* case at the Supreme Court was a popular topic with our chapters this semester, with **Notre Dame, Virginia, Michigan State, Wayne State, Arizona State, Brooklyn, Harvard, Yale, Washington-St. Louis, and Pepperdine** all holding events on the case, averaging 60 attendees each.

Many of our chapters are interested in drones and national security. Student Chapters held 25 drone events in 2012-2013. These are thought-provoking events that have an average attendance of 45. Two of our speakers, Prof. Greg McNeal of Pepperdine and Prof. Michael Lewis of Ohio Northern, speak often on these topics. Our **Rutgers-Camden, North Carolina, Indiana-Bloomington, and Columbia** chapters held debates on drones that had over 60 students and faculty in attendance. **Illinois** held a debate with Dr. James Carafano of the Heritage Foundation and



Alan Gura (left), Gura & Possessky, debates Prof. Michael Dorf (right), Cornell, during an event at the Cornell Chapter in January on “The Future of Firearms Laws.”



(left to right) Appalachian Student Chapter President Matt Hardin, Prof. David Bernstein, George Mason Law, and Prof. Dale Rubin, Appalachian Law, after a debate at the Appalachian Chapter on “Affirmative Action after Fisher” in October.

Glenn Greenwald of *The Guardian* on the topic of “Terrorism and Predator Drones.” This was their chapter’s most successful event of the year with 130 in attendance.

Debates on the NSA and surveillance have been among our most popular events this fall. Our chapters have already held 17 debates and speeches with commentary on this topic and we anticipate this number will increase greatly, since privacy, the NSA, and Edward Snowden are popular topics in the news. Almost all of our chapters that hosted events on the NSA have had an audience of 50 or more. Some of our popular speakers on this topic are: Prof. Logan Beirne of Yale Law, Prof. Nathan Sales of George Mason Law, Prof. Gregory McNeal of Pepperdine Law, Prof. Paul Rosenzweig of George Washington Law, and Mario Loyola of the Texas Public Policy Foundation. Our **UCLA, George Washington, Chicago-Kent, New York University, and Washington-St. Louis** chapters hosted NSA events with 75 or more in attendance. Our **Kentucky, Chicago, Texas-Austin, and Barry** chapters held NSA events with over 100 attendees. The most successful event on the NSA thus far was with the debate at the University of Chicago between Prof. Paul Rosenzweig, of GW Law and Prof. Aziz Huq, of Chicago Law. The chapter hosted 150 attendees for the event, which was titled, “A Conversation on the NSA Surveillance Program.”

The impact of Obamacare continues to be an interesting topic for our legal scholars to debate. Over 40 of our Student Chapters held events that focused on different issues surrounding the litigation and

drew huge crowds for each event. The most popular issues were: the constitutionality of the individual mandate, religious liberties and the contraceptive mandate, and the on-going legal challenges to Obamacare. Our **Berkeley** chapter hosted a debate between Prof. Michael Stokes Paulsen, St. Thomas Law, and Prof. John Yoo, California-Berkeley Law, titled, "Was Obamacare Rightly Decided?" There were over 215 members in attendance. Our **Houston** chapter also held an outstanding event with Prof. Josh Blackman of South Texas Law and Prof. Peter Linzer of Houston Law, with more than 120 attendees. The event was titled after Prof. Blackman's book on Obamacare, *Unprecedented: The Inside Story of the Constitutional Challenge to Obamacare*. We believe this is a topic that will continue to be of interest to our chapters.

"How Money Walks" is a new series that was launched this fall, and focuses on how state tax and economic policy effects the movement of money from one state to another and discusses economic growth. The **Florida** chapter hosted Institute for Justice's Justin Pearson and food truck owner George Markward for an event titled, "Economic Liberty & Street Vending." Mr. Markward, owner of the Pelican Brothers food truck, provided great first-hand stories of the effects municipal regulations are having on his business and others like it. The **Duke** chapter also hosted a widely successful "How Money Walks" debate that featured Sean

O'Hare of Right Energies Management LLC and Prof. Kip Frey from Duke Law. This event focused on entrepreneurship in America and there were nearly 100 people in attendance. The **Southern California** chapter hosted an event with Mario Loyola of the Texas Public Policy Foundation on the government's intervention in Detroit. He discussed the role of the federal government and whether intervention in state matters is the federal government's responsibility. The **Missouri-Columbia** chapter hosted the author of the book *How Money Walks*, Travis Brown, Pelopidas, LLC, to discuss the premise of his book, which explores why so many Americans moved across state lines over the last 15 years, where they moved to and moved from, and how states were affected by this change.

The active involvement of our Student Chapter leaders and members has created an environment of continual growth and achievement for the Student Division, and increased membership and involvement in the Society as a whole. We anticipate a strong year ahead, for all of our chapters. The Student Division works hard to make sure our volunteers are prepared to create an open forum for debate on key issues on law school campuses across the country. By stressing the importance of the debate format we can present important conservative and libertarian ideas which balance the liberal orthodoxy that tends to dominate at our nation's law schools.

United States
Supreme Court
Justice Clarence
Thomas visited
the Notre Dame
Chapter in April.



Federalist Society Honors Life and Legacy of Robert. H. Bork

The many leaders and members of the Federalist Society who had the privilege of knowing Judge Robert H. Bork wish to memorialize his contributions to the law. Fortunately, much of it will endure through his enormous body of published writings, speeches, and lectures that future generations can enjoy and profit from. To further ensure the legacy will endure, the Federalist Society launched the Robert H. Bork Memorial Lecture and Debate Series, which will sponsor speeches and debates at Federalist Society Student Chapters around the country on topics that were of intellectual interest to Judge Bork.

Our Judge Bork series features debate and speeches with commentary that cover topics such as the legacy of Judge Bork, originalism, the judiciary, the constitution, and the role of a judge. The Georgetown chapter was pleased to host the inaugural event with Justice Antonin Scalia earlier this fall. During this inaugural lecture at Georgetown, Justice Scalia instilled in the audience of over 400 an understanding of Judge Bork's legacy and how his work is still important today. The Federalist Society's Bork series began this fall and has been overwhelmingly received by our chapters. Our University of Missouri-Columbia chapter held a debate on "Originalism vs. the Living Constitution: Suppose Both Are Right?" with Prof. John McGinnis of Northwestern Law and Prof. Ben Trachtenberg of University of Missouri-Columbia Law. The room was packed with



(above) Judge A. Raymond Randolph speaks during the Robert Bork Memorial Service in April. (bottom left) At a reception after the Robert Bork Memorial in April, Former Attorney General Edwin Meese, III (left) offers a toast. Many other figures, including Chief Justice John Roberts (far right) and former U.N. Ambassador John Bolton (second from right) came to pay tribute to the late Judge Bork as well.



220 students and faculty in attendance. The University of Minnesota chapter hosted an event on "Originalism" with Prof. Lee Strang of Toledo Law and Dr. Kathleen Winters of St. Thomas-MN Law, which yielded 105 in attendance. Our George Mason chapter held a successful Bork panel discussion with 110 attendees. This event was titled "The Unique Contributions of Armen Alchian, Robert Bork, and James Buchanan to the George Mason University School of Law," with Judge Douglas Ginsburg of the U.S. Court of Appeals for the DC Circuit, Prof. Jonathan H. Adler of Case Western Reserve Law, Prof. John Harrison of Virginia Law, Prof. Thom Lambert of Missouri Law, and Prof. Eric Claeys of George Mason Law. Another successful Bork event on originalism featured Prof. Lee Strang of Toledo Law and Prof. David Wolitz of Tennessee Law, and took place before a crowd of more than 105 at the University of Tennessee. We look forward to more successful Bork events in the months to come with 41 events planned for the 2013-2014 academic year.

Continued Record Success for Lawyers Chapters



(above) (left to right) Louisiana Governor Bobby Jindal, Supreme Court Justice Antonin Scalia, and Federalist Society Executive Vice President Leonard Leo during the Baton Rouge Lawyer Chapter's inaugural event in October. (below) (left to right) Columbus Lawyers Chapter President & Solicitor General of Ohio Eric Murphy; Ohio Supreme Court Justice Judith French; Ohio Supreme Court Justice William O'Neil; Ohio Supreme Court Justice Sharon Kennedy; and Chad Readler of Jones Day at the Columbus Lawyer Chapter's "Meet the Newest Ohio Supreme Court Justices" event in October.



The Lawyers Chapters play a vital role in advancing the Society's mission by organizing citizen-lawyers who encourage discussion and debate about the proper role of government in a free society. In fiscal year 2012-13, the Federalist Society's 75+ lawyers chapters continued their success, as measured by their strong local leadership, robust programming, media outreach, and involvement with the Society's national initiatives, including the State Courts Project. The chapters organized over 325 programs and meetings, drawing an audience of over 27,000.

The **Seventh Annual Western Chapters Conference** was hosted at the Ronald Reagan Presidential Library in January 2013. It is one of the most anticipated chapter-organized programs of the year. About 200 law students and attorneys attended the program. Panelists discussed the current state of school choice; the effectiveness of charter schools; teacher tenure; the role of teachers unions; and litigation surrounding scholarship, tenure, and school choice programs in various states. The program concluded with a debate about the then-pending same-sex marriage litigation before the United States Supreme Court between Chapman University School of Law Prof. John Eastman and Gibson, Dunn & Crutcher attorney Ted Boutros, Jr. Attendees also received the opportunity to tour the Presidential Library and visit with friends and fellow Federalists from throughout California and the western states.

Several lawyers chapters had the privilege of hosting U.S. Supreme Court Justice Antonin Scalia. Justice Scalia addressed over 100 members of the **Fort Worth (Tarrant County) Lawyers Chapter**, and he offered his thoughts on the proper role of the United States Supreme Court in our constitutional system, how citizens should ensure that their rights are not abridged, and the importance of the governmental structure itself in securing the Bill of Rights. Justice Scalia delivered remarks to a sold-out crowd of over 300 guests at the **Montana Lawyers Chapter** inaugural luncheon before answering questions from the audience. He touched upon some hot topics such as Second Amendment rights, same-sex marriage, and abortion. The **Baton Rouge Lawyers Chapter** also hosted Justice Scalia at its inaugural event, which drew a sold-out crowd of 200 guests.

Over twenty lawyers chapters hosted their annual United States Supreme Court Round-Ups during the summer. These programs are some of the most anticipated and highly attended for lawyers chapters, and this year they drew even more attention due to the many high-profile

addressing same-sex marriage, voting rights, and racial preferences. The **Washington, DC** Lawyers Chapter hosted its annual round-up with Miguel Estrada of Gibson, Dunn & Crutcher, who addressed over 250 lawyers and summer associates. The **Tulsa** Lawyers Chapter offered a comprehensive review of the Court's term with a panel event featuring Ilya Shapiro of the Cato Institute; Patrick Wyrick, the Solicitor General of the State of Oklahoma; and James McDonald of Williams & Connolly. Former Texas Solicitor General James Ho, now of Gibson, Dunn & Crutcher, addressed the **Fort Worth, Austin, and Dallas** Lawyers Chapters to give a review of the Court's decisions. The **Houston** Lawyers Chapter also hosted James Ho on their round-up panel, in addition to Judge Edith Jones from the United States Court of Appeals for the Fifth Circuit; Justice Michael Massengale of the First Court of Appeals of Texas; and Charles Eskeridge of Susman Godfrey LLP. The **Indianapolis, Iowa, Kansas City, and Triangle** Lawyers Chapters hosted Kannon Shanmugam of Williams & Connolly for their Supreme Court Round-Ups. The **Los Angeles** Lawyers Chapter hosted its much-anticipated annual review, featuring Prof. John Eastman of Chapman University; UC Irvine School of Law Dean Erwin Chemerinsky; and Judge Sandra Ikuta of the United States Court of Appeals for the Ninth Circuit. Former U.S. Solicitor General Paul Clement offered a Supreme Court Round-Up to over 75 lawyers in **Philadelphia**. It was the chapter's tenth time hosting Clement, and the event has become a signature CLE program for the Philadelphia legal community. Former Alabama Solicitor Kevin Newsom and Emory Law School Prof. Sasha Volokh previewed the 2013–2014 term before 75 **Atlanta** lawyers. Several other chapters, including **Birmingham, Colorado, Louisville, Madison, Montgomery, New Jersey, San Diego, San Francisco, and St. Louis** also hosted round-ups and previews of the Supreme Court this summer.

Several chapters hosted annual dinners over the past year. In May, the **Michigan** Lawyers Chapter hosted its annual dinner, with former Governor John Engler delivering the keynote remarks. The dinner also recognized newly appointed Michigan Supreme Court Justice David Viviano, who was in attendance along with four of his colleagues. In April, the **San Diego** Lawyers Chapter hosted its annual dinner, commemorating the twentieth anniversary of the chapter's founding. Over 50 lawyers attended the dinner, with the keynote address offered by Chief Judge Alex Kozinski of the United States Court of Appeals for the Ninth Circuit. U.S. Senator Mike Lee addressed over 100 guests at the **Los Angeles** Lawyers Chapter's annual dinner this year.

Executive overreach, separation of powers, and federalism



Congressman Tom Cotton (AR-4) speaking at the DC Lawyers Chapter's January Luncheon.

were additional themes that emerged in chapter programming in 2013. Several chapters hosted state attorneys general to address the appropriate relationship between the federal and state governments. The **Birmingham** Lawyers Chapter hosted Alabama Attorney General Luther Strange, the **Tulsa** Chapter hosted Oklahoma Attorney General Scott Pruitt, and the **South Carolina** Chapter hosted its Attorney General Alan Wilson. The theme of the **Boston** Lawyers Chapter's 13th annual performance of Shakespeare and the Law focused on "Richard II and the Limits of Executive Power." After the staged reading of the play by a number of prominent Massachusetts judges, Ed Whelan, President of the Ethics & Public Policy Center, and Suffolk University Profs. Rachael Vanessa Cobb and David G. Tuerck participated in a discussion which focused on the use of executive power and the legal and political consequences when a king or a president goes too far. Panelists discussed a wide variety of related topics, including the concept of legitimacy, the originalist understanding of a natural born citizen, democracy and accountability, and the role of education in understanding the separation of powers and checks and balances. A full house of over 200 attended the

program, which was held at the Modern Theatre at Suffolk University. In speeches to the **Milwaukee** and **Madison** Lawyers Chapters, former White House Counsel C. Boyden Gray discussed Dodd-Frank, executive overreach, and the threats to the separation of powers. In **Jacksonville**, Noel Francisco of Jones Day debated Prof. Aron Mujumdar of Florida Coastal School of Law on “Presidential Power in the Age of Obama.” They touched upon the constitutionality of recess appointments and *NLRB v. Noel Canning*.

With the U.S. Supreme Court’s ruling in *U.S. v. Windsor*, another hot topic this summer was same-sex marriage. Ed Whelan, President of the Ethics and Public Policy Center, spoke to over 100 members of the **Mississippi** Lawyers Chapter in an address titled “The Supreme Court Defending Marriage or the End of Marriage?” The **Nashville** Lawyers Chapter hosted Sherif Girgis, co-author of *What is Marriage?* Prof. Scott Gaylord of Elon University School of Law spoke to the **Charlotte** Lawyers Chapter about the Supreme Court’s decision in *Windsor* and what the case means for North Carolina’s marriage amendment.

Pension reform was a popular topic this year and many chapters hosted events on the issue, including **Chicago**, **Cincinnati**, **Cleveland**, **Michigan**, **Phoenix**, **Portland**, **San Diego**, **San Francisco**, and **Washington, DC**. The **Chicago** Lawyers Chapter held a discussion on public sector pensions between Prof. David Skeel of the University of Pennsylvania Law School and Gregory Katsas, former U.S. Assistant Attorney General for the Civil Division and former acting Associate Attorney General in the U.S. Department of Justice. The **San Diego** Lawyers Chapter hosted a luncheon panel to discuss the future of pension reform and litigation in the San Diego area. The participants included Prof. John Eastman; Richard Rider, Chairman of the San Diego Tax Fighters; San Diego Fire Captain Alan Arrollado; and Dean (Emeritus) Steven Smith of California Western as moderator. Prof. John Eastman also addressed the **San Francisco** Lawyers Chapter at an evening reception. The **Phoenix** Lawyers Chapter had a particularly strong interest in the issue of pension reform, as there are a number of active cases in Arizona challenging the constitutionality of reforms to public pension programs, including *Fields v. Elected Official Retirement Plan of the State of Arizona (EORP)*. Panelists included Chapman University Prof. Ronald Rotunda; Colin Campbell and Thomas Hudson, attorneys for the plaintiffs in *Fields v. EORP*; and Charles Grube, who represents the State of Arizona in the case.

In light of the controversy surrounding the NSA surveillance



In October, the DC Young Lawyers Chapter hosted a panel discussion at Jones Day on “Forging a Career in Washington: Government Service,” featuring (left to right) Elbert Lin, Solicitor General of West Virginia; Jeff Wall, former Assistant to the U.S. Solicitor General; Robert Hur, Assistant United States Attorney in the District of Maryland; and Jamil Jaffer, Republican Chief Counsel and Senior Advisor to the United States Senate Committee on Foreign Relations.

programs, several chapters hosted events focused on national security and privacy issues. The **Chicago** Lawyers Chapter held another lively Tavern Debate, which was an audience participation event, and the group discussed whether Americans should be willing to sacrifice some of their liberty in the interest of protecting our country, and whether such a sacrifice will lead to the loss of both liberty and security. The **Silicon Valley** Lawyers Chapter hosted a panel luncheon, “Surveillance or Security?,” to discuss the NSA programs, the safeguards intended to protect Americans, and the privacy and security issues at stake. The panelists held diverse viewpoints and included former United States Attorney General Michael Mukasey; Stewart Baker, the former first Assistant Secretary for Policy at the U.S. Department of Homeland Security; and Cindy Cohn, the legal director and general counsel of the Electronic Frontier Foundation.

Several chapters focused on the Second Amendment and the prospect of gun control legislation in the wake of the Newtown shootings. The **Charlotte** and **Indianapolis** Lawyers Chapters hosted

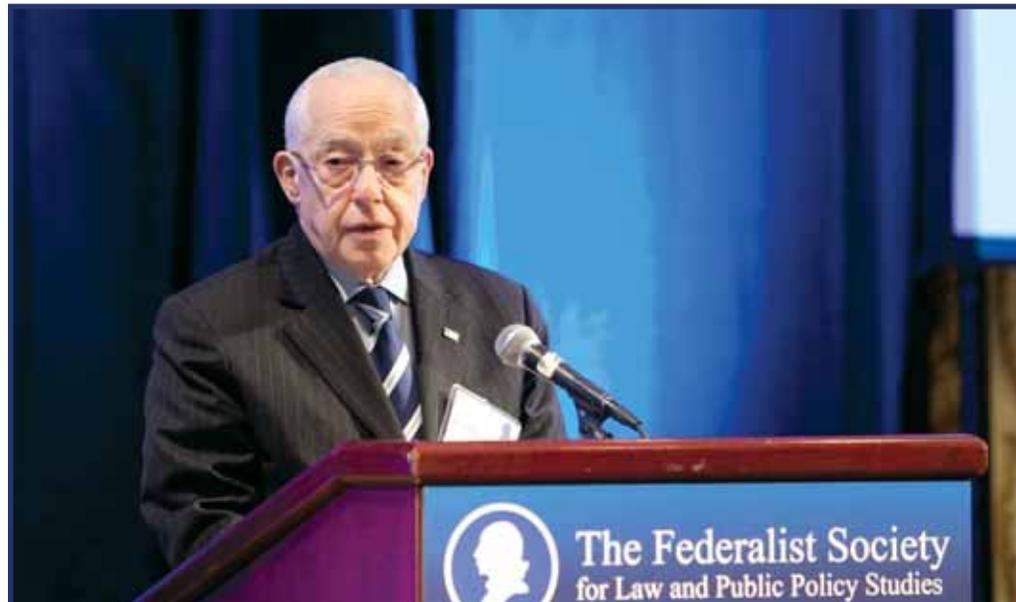
John Lott, who highlighted the relationship between gun control efforts and crime, specifically the fact that crime rates have generally increased in jurisdictions that have enacted strict gun control laws. Alan Gura, who litigated the *Heller* and *McDonald* cases, discussed recent developments in speeches to the **Dallas, Memphis, Orlando, Sacramento, San Francisco, and Triangle** Lawyers Chapters. The **Chicago** and **Tampa** Lawyers Chapters hosted Robert Levy of the Cato Institute, who discussed proposed gun control legislation. George Mason Law Prof. Nelson Lund discussed “The Second Amendment in a Post-*Heller* World: An Uncertain Future for Gun Rights” in speeches to the **Connecticut, Long Island, and New Jersey** Lawyers Chapters.

In the tradition of the Society being launched by young lawyers, the Federalist Society’s Lawyers Division has maintained its emphasis on young lawyer outreach. The **DC Young** Lawyers Chapter continues to grow and host sold out events. The theme that emerged in the chapter’s 2013 programming was guidance on how to forge a career in Washington. Katie Biber Chen kicked off the speaker series with her speech on getting involved in conservative causes. The chapter also hosted three separate panel discussions throughout the year featuring prominent lawyers, focusing on forging a career in big law, public policy, and government service. The chapter also organized several other events

that drew at-capacity crowds. SEC Commissioner Dan Gallagher spoke to young lawyers at an intimate networking dinner. The chapter also hosted a large reception with Judge Brett Kavanaugh from the United States Court of Appeals for the DC Circuit. Judge Kavanaugh offered remarks about how to handle being a young conservative lawyer in a profession that is predominantly liberal. The **New York Young** Lawyers Chapter continues to expand their membership and programming. This year the chapter hosted two prominent members of Congress. In May, Congressman Tom Cotton gave brief remarks at a reception of over 40 young lawyers about his unique career path and took questions from the audience. The chapter also hosted Congressman Justin Amash, one of the youngest members of the House, for an informal dinner and Q&A session.

New and revived lawyers chapters were launched in 2013, including chapters in **Baton Rouge, Grand Rapids, Montana, and New Hampshire**. These chapters, directed by their dedicated and talented volunteer leadership, will continue to shape the debate about law and public policy in their communities and connect the next generation of lawyers chapter leaders to a national network of legal leaders.

Former Attorney General Michael Mukasey speaking at the 2013 National Lawyers Convention in November. General Mukasey also participated in a panel discussion for the Silicon Valley Lawyers Chapter on “Surveillance or Security?”



International Division Connects Proponents of Liberty in Europe

The Federalist Society's International Project is continuing its construction of an "echo chamber" of scholars, judges, public policy experts, attorneys, and others from the United States and democracies throughout Europe who build upon each other's ideas and work as partners in influencing the growth of freedom in each other's countries. This work is vital to the facilitation of new roots for the principles of the rule of law and a free society on both sides of the Atlantic.

Central and Eastern Europe: Support for Emerging Voices

One of the pillars of the Federalist Society's International Project has been its continued focus on forming networks and supporting the development of civil society organizations in the countries of Central and Eastern Europe. The Federalist Society has stepped up its support of these emerging, conservative and libertarian voices in our network in the past year through the following activities.

In February, the Federalist Society's Director of International Affairs Jim Kelly and Deputy Director Paul Zimmerman visited the Republic of Georgia, where Jim Kelly taught classes to students on the subjects of national exceptionalism and the effects of international human rights institutions on national sovereignty at the Tbilisi Winter School, organized in part by the Constitutional Court of Georgia and in part by the Free University of Tbilisi. Jim returned to Georgia, this time to



Following the Common Sense Society's Summer Leadership Academy in August, participants gather with speakers outside the castle where the event was held in Bercel, Hungary.



The Federalist Society hosted a dinner in Ljubljana, Slovenia with the Academic Lawyers Association featuring the former President of the Constitutional Court of Slovenia, Dr. Lovro Sturm.

Batumi, in July to teach more classes at the Summer School organized by the Constitutional Court of Georgia and Ilia State University on the subject of the importance of protecting freedom of expression and freedom of association.

In June, the Federalist Society organized a trip for Judge Edith Jones of the Fifth Circuit Court of Appeals to Budapest, Hungary, to speak at our partner organizations, the Common Sense Society and the Századvég Foundation, on the subjects of public corruption and competing methods of constitutional interpretation. In August, the Society continued its fruitful partnership with the pro-free market, pro-individual freedom Common Sense Society, as we co-sponsored the group's Summer Leadership Academy in Bercel, Hungary. In September, at the invitation of the newly formed Central European Policy Centre, Jim Kelly traveled to Budapest to deliver five presentations to various academic, student, and policymaker audiences. The central theme of the talks was the role that constitutional values play in the evolution of democracies, both in the U.S. and Europe. At the invitation of the Federalist Society, judges from the Constitutional Courts of Poland and Hungary participated in the events. Jim also spoke to the members of the Common Sense Society about the increasing demands for more "compassionate" forms of capitalism and the implications of the UN's business and human rights agenda.

Western Europe: Forging Strong Partnerships

The Federalist Society has continued to host high-profile, well-attended events with the help of its partner organizations and to build

a network of conservatives and libertarians interested in promoting the values of a free society in Western European countries.

In April, the Federalist Society inaugurated its partnership with the U.K. Liberty League, a London-based network of over 20 libertarian student organizations, by hosting Prof. Randy Barnett of Georgetown University Law Center in London to speak to hundreds of U.K. students about the rule of law, constitutionalism, and natural rights at the League's annual Freedom Forum. In November, the Federalist Society sponsored an exciting slate of events for U.S. Senator Mike Lee (UT). In London, the Federalist Society and the free market think tank the Adam Smith Institute organized a discussion between Senator Lee and Member of Parliament Sir Edward Garnier QC on the civil justice system, the rule of law, and other important topics. Senator Lee also gave a speech at Christ Church College at Oxford hosted by the Disraeli Society and the libertarian student group the Oxford Hayek Society on how the U.S. Constitution preserves freedom. Senator Lee's visit also included a lunch meeting in Paris with a group of young French legal professionals who take part in the meetings of the Federalist Society's partner organization, the Institut de Formation Politique (IFP), and culminated with remarks and dinner at Gray's Inn in London organized by the Young Britons' Foundation, a training organization for young British conservatives and libertarians seeking involvement in U.K. politics and media.

In December, the Federalist Society sponsored a second installment of IFP's Law and Policy Circle, which brings together 20 young legal professionals for an intensive training workshop to learn law and media skills and discuss the current important legal topics in France.



In November, the Federalist Society co-sponsored an event with the Adam Smith Institute in London on civil justice reform and the rule of law, featuring (left to right) U.S. Senator Mike Lee (UT); Dr. Eamonn Butler of the Adam Smith Institute; and Sir Edward Garnier, QC, MP.

In Brussels, the Federalist Society co-sponsored in June the second annual European Advocacy Academy, a conference whose purpose is to introduce young legal professionals, academics, journalists, and civil society leaders to best practices in promoting the causes of individual freedom, subsidiarity, and limited government in the European Union, and to help augment a vital network of individuals and organizations promoting conservative causes across Europe.

Global Governance Watch®

The Society continues to use the Global Governance Watch website to provide a broad range of substantive content regarding the growing trend wherein the Obama Administration, the United Nations, its agencies, and NGOs pursue the global governance of business and finance, the environment and health, human rights and development, and national security. The International Project is currently developing "GGW 2.0," a new version of the website that will facilitate the delivery of relevant content to readers and provide a broader range of content.

The Federalist Society is partnering with Dr. Elizabeth Prodromou, Affiliate Scholar and Co-Chair of the Southeastern Europe Study Group and Muslims and Democratic Politics Study Group at Harvard University, to produce a new section called "Global Political Islam," which will explore how individuals and organizations are using institutions at the national and supranational levels to promote global governance based on Islamic values.

In order to effectively report on the latest developments at international and supranational institutions and to provide original and in-depth content on Global Governance Watch, the Federalist Society has sent observers to a number of meetings of United Nations bodies and European institutions over the course of the past year. In March, Federalist Society Executive Vice President Leonard Leo and Paul Zimmerman traveled to Geneva, Switzerland to observe a portion of a session of the UN Human Rights Council. In December, Leonard Leo and Jim Kelly attended the Second Annual Forum on Business and Human Rights in Geneva, observing the growing interest of the United Nations, government officials, and civil society groups in establishing and enforcing international standards on global corporations outside of the ordinary legislative and judicial process at the national level.

The Federalist Society is committed to standing by our European partners in promoting the ideas of the rule of law, liberty, and national sovereignty, and continuing to introduce young people to measured and intellectual debate about the necessary foundations of a free society.

Faculty Division Expands Outreach to Students, Focus on Young Scholars

The Faculty Division, now in its sixth year of expanded operations, continued to expand its programming and participation. The Division launched a major effort to reach out to current students at top schools interested in academic careers. It provided new opportunities for faculty members, especially young faculty, to gain recognition and produce outstanding scholarship, while at the same time maintaining its core programs designed to foster dialogue within the legal academy. And it successfully executed a planning grant from the John Templeton Foundation to conduct additional programming involving young scholars on law and markets and law and religious freedom that will serve as a template for future efforts.

New in 2013 *Visits to Law Schools*

For some time the Faculty Division has hosted a panel at the Annual Student Symposium to discuss careers in legal academia. This year, to complement these efforts and reach more students, Faculty Division staff made a systematic effort to visit top law schools (from whose students law professors have overwhelmingly been drawn) to meet with students there and discuss these questions. They met with students from Harvard, Yale, Virginia, Penn, Michigan, Columbia, NYU, Stanford, Berkeley, Chicago, Northwestern, and Notre Dame. Over 80 students turned out for these meetings and many have kept in touch since.



Federalist Society Senior Vice President & Faculty Division Director Lee Liberman Otis visits during the Division's seventh annual reception at the annual meeting of the Southeastern Association of Law Schools in Palm Beach.



(left to right) Prof. Jody Madeira (Indiana), Prof. Kenneth Anderson (American), Adjunct Prof. William Otis (Georgetown), Federalist Society Senior Vice President and Faculty Division Director Lee Liberman Otis, Prof. John McGinnis (Northwestern), and Prof. Erin Hawley (Missouri) at the Junior Scholars Colloquium in June.

Summer Reception for Law Students & Recent Graduates Interested in Academia

The Faculty Division sponsored a summer reception for law students and recent graduates who may be interested in an academic career. Held at Smith & Wollensky steakhouse in Washington, DC on August 1, the event drew strong attendance. Prof. Randy Barnett (Georgetown) made brief remarks about the challenges and rewards of an academic career, offering attendees advice on how best to discern and prepare for this calling. Faculty members from other area law schools also attended and offered their thoughts.

Programs for Young Legal Scholars

Last year we launched a suite of new programs targeted specifically to young legal scholars. This year we continued and expanded these, and also found new opportunities to showcase young legal scholars at our annual faculty conference. The specifics are discussed further below.

Fostering the Exchange of Ideas *16th Annual Faculty Conference*

The 16th Annual Faculty Conference, held on January 3-4, 2014 in New York City, in conjunction with the Association of American Law Schools' annual meeting, drew over 100 law professors despite the extreme cold and a major snowstorm that caused all kinds of travel complications throughout the country. The Conference included panels on the nature of intellectual property, the scope of judicial deference to agency action in the wake of *City of Arlington v. FCC*, and natural law and natural rights. Junior faculty played prominent roles on all these panels. Our annual luncheon debate featured Profs. Paul Rubin (Emory) and Ryan Calo (Washington) discussing whether privacy regulation would diminish the value of the internet.

For the fifth year, the Conference also served as a forum for competitively selected papers as part of our Young Legal Scholars Paper Competition. Winners Andrew Kent (Fordham), Joshua Kleinfeld (Northwestern), Robert Leider (Hon. Diane Sykes), Aaron Nielson (BYU), and Ozan Varol (Lewis & Clark) presented their papers to assembled faculty and received comments from Thomas Merrill (Columbia), while Steven Calabresi (Northwestern) moderated. Other faculty members took advantage of three additional panels dedicated to faculty works-in-progress to obtain feedback on their scholarship.

Overall the Conference proved quite successful, and the high quality of discussion among panelists highlighted the Society's commitment to academic rigor and productive debate.

Faculty Colloquia

The Division hosted ten faculty colloquia (a new record) on a wide range of topics this past year. These included seven colloquia co-sponsored with the Liberty Fund as part of our "Law and Liberty" series as well as three colloquia on topics related to "law and markets" and "law and religious liberty" that were funded through a special planning grant from the John Templeton Foundation. These colloquia bring together faculty, practitioners, and aspiring academics (usually about 16 people total) for a day and a half of discussing a common set of readings. They focus on promoting the exchange of ideas and incorporating conservative and libertarian perspectives into academic discussion of current events and enduring legal questions. This allows the participants, who come



(left to right) Michael Carvin, Jones Day, Hon. Mary Beth Buchanan, United Nations, Megan Brown, Wiley Rein, Prof. Neal Katyal (Georgetown), and Prof. Nicholas Quinn Rosenkranz (Georgetown) at the Supreme Court Preview panel in October.

from diverse backgrounds and perspectives, to learn from each other and develop camaraderie. New topics this year included "Constitutional Theory & Liberty: The Current State of Originalism," "Behavioral Economics & the Free Society," "Freedom of Assembly and Religious Liberty," and "Freedom of Contract."

This last colloquium included, as an experiment, the award of prizes to promote original work on freedom of contract. The three winning papers were the focal point of one of the sessions of the colloquium. This innovation was successful on all levels—the papers made for an excellent discussion, the comments at the colloquium led to their improvement, and they have all been accepted for publication in excellent journals. We plan to continue to experiment with this format where the colloquium topic particularly lends itself to doing so.

Programming for Junior Scholars

Junior Scholars Colloquium

Our second Junior Scholars Colloquium was held at the Airlie Center in Warrenton, VA on June 7-8, 2013. It provided eleven junior faculty with the opportunity to present competitively selected unpublished papers and receive comments from more senior faculty members during five two-hour sessions. The quality of submissions for this competition has continued to improve. We plan to host another iteration of the event in the summer of 2014.

Junior Faculty Workshops

Our series of Junior Faculty Workshops, launched in 2011, continues. These events provide a structured but relatively informal environment in which several junior faculty members from different schools gather to spend a day workshopping each others' papers. A junior faculty member assumes responsibility for organizing and directing the workshop and receives a modest budget to arrange for facilities, a group meal, and travel if necessary. 2013 workshops included "Conflicts of Law and Federal Courts," "Business & Tax," "Public Law," "IP-Constitutional Law," and "The Tradition & Future of Criminal Theory."

Assistance for Aspiring Scholars

Olin/Searle/Smith Fellowships

The Faculty Division offers Olin/Searle/Smith Fellowships to law school graduates interested in pursuing a career in legal academia. These one-year fellowships provide a \$60,000 stipend to graduates whose strong academic qualifications make them likely to contribute to

intellectual diversity in the legal academy, allowing them to spend a year working on articles at a top law school. Many past recipients have gone on to earn tenure track positions at top law schools. This year's recipients were Mihailis Diamantis, Shawn Miller, Danielle Zimmerman, and Erik Zimmerman. Diamantis is spending his fellowship year at Columbia; Miller and Danielle and Erik Zimmerman are spending their fellowship year at Stanford.

Job Talk Workshop

Our sixth annual workshop for law school graduates who seek to enter the legal academic market took place in Chicago on June 27-30, 2013. In previous years the workshop had been three days long, but last year we added an additional day and kept the extended length this year due to strong demand. At this year's workshop, eleven candidates preparing to go on the tenure track market had the opportunity to present their job talks before a panel of professor commentators, receive substantive and stylistic feedback (including tips about how to manage ideological discrimination from hiring committees), participate in mock AALS interviews, and receive an individualized resume critique.

Resources for the Public and Press

Supreme Court Docket

The Division, in collaboration with the Practice Groups, continued to produce original programming drawing on academic and practitioner expertise. These programs provide a valuable service to the public and the media, and offer faculty members a chance to raise their profiles.

SCOTUScast, a series of expert commentary podcasts on U.S. Supreme Court cases as they are argued and issued, is now in its eighth year. These podcasts are designed to better educate the general public about cases in the Court and to enable faculty members and legal experts to address a wide audience. Over 100 podcasts for the 2012 Term, and over 50 from the October 2013 term, are available online: <http://www.fed-soc.org/publications/page/scotuscast>.

Each year in collaboration with the Practice Groups, the Division also organizes a Supreme Court Preview Panel at the National Press Club. Our 2013 term panel is available online: <http://www.fed-soc.org/publications/detail/supreme-court-preview-what-is-in-store-for-october-term-2013-event-audiovideo>.

The Division and the Practice Groups also organize regular press calls with faculty and practitioner experts who provide expert analysis of upcoming Supreme Court cases. These efforts give members of the

press perspective on unfamiliar cases and help enhance the reputations of our experts.

These calls are supplemented with press statements from experts with commentary on the Court's recent activities that are given out as a resource to press. These statements have been picked up by *The Associated Press*, *ABC*, *The New York Times*, *The Washington Post*, *The Los Angeles Times*, *Forbes*, and many others.

Faculty Books and Other Work

The Faculty Division continued its series of DC-based events to stimulate opinion leaders' buzz about important new books by faculty members. Generally the author presents key points from the book, followed by comments from two or three panelists, a public question-and-answer session, and a private dinner with the participants and the press.

Our 2013 book events included: a forum on Prof. Peter "Bo" Rutledge's book *Arbitration and the Constitution*; a debate between Prof. Lynn Stout (Cornell) and Prof. Jonathan Macey (Yale), regarding Prof. Stout's recent book *The Myth of Shareholder Value* (both co-sponsored with AEI); a panel discussion of Prof. Macey's new book *The Death of Corporate Reputation* (co-sponsored with Cato); and a forum on Prof. Ilya Somin's new book *Democracy and Political Ignorance: Why Smaller Government Is Smarter* (co-sponsored with the Georgetown Center for the Constitution and the Georgetown Federalist Society student chapter). Video and audio of most of these events is available at <http://www.fed-soc.org/publications/page/multimedia-from-past-federalist-society-events-2013>. In addition, a number of shorter podcasts on recently published or forthcoming faculty books, articles, or other major public policy issues are available online at: <http://www.fed-soc.org/publications/page/faculty-division-podcasts>.

Outreach to Other Associations

SEALS and APSA Meetings:

The Division held its seventh annual reception at the annual meeting of the Southeastern Association of Law Schools (SEALS) in Palm Beach, Florida. For the first time, Division staff also attended the annual meeting of the American Political Science Association (APSA) this past August. We plan to use the 2014 APSA meeting as an opportunity to connect with non-law faculty who are teaching law-related courses at the graduate or undergraduate level.

Federalist Society Launches Ambitious Online Education Projects

With the hiring of our first Director of Online Education and the receipt of a generous grant from the Searle Freedom Trust, in 2013 the Federalist Society launched what it anticipates will be a major new area of programming. Web-based education holds vast potential for communicating ideas and reaching an audience far beyond traditional classrooms. The projects we describe will serve as the spearhead of a larger effort to make the Federalist Society a much more widely used online resource by law students and others interested in law—an effort we believe to be central to the Society’s future.

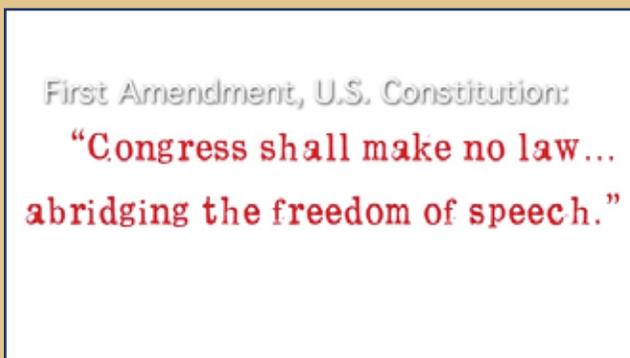
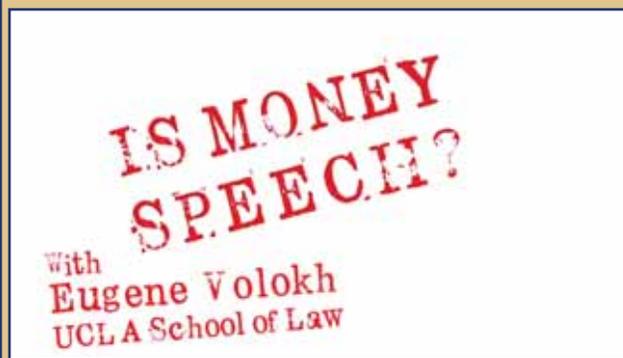
This new effort will focus initially on two areas: a series of short (three to five minute) videos, and “mini-courses” that explore subject matter covered in law school courses from a different perspective than the one that students often are given.

Our pilot short video, “Is Money Speech?” with Prof. Eugene Volokh (UCLA), was released in September: <http://www.fed-soc.org/publications/detail/is-money-speech>. Additional short videos on key legal questions—important or universal “bite-size tenets” that repeatedly come into play during discussions about the law—are being produced.

The mini-courses will be designed primarily for an audience of first-year law students but will also be designed to be accessible to others interested in the topic. They will be based loosely on the model of the Khan Academy. The videos’ content and format will resemble university courses, but (at least initially) they will not be full-fledged semester-long courses. Participants will also have the opportunity to interact with other participants viewing the series, including a platform for discussion and debate.

We also plan to develop other projects to increase our online engagement. These will include short online video debates, since debate is a defining characteristic of our programs. Potential models range from a high production value debate to featuring a live event to doing lower production value “Google Hangout” type debate. We are also exploring how to improve video content from our existing live events, and how to draw more attention to key parts of these events.

We envision that the videos will provide an additional starting point, beyond what happens with our live programming, for conversations on the foundational principles of the American legal system, and that ultimately we will develop a video library that will serve as an accessible resource for understanding these principles. The materials will be substantive but concise, articulate legal ideas clearly, and invite discussion and further exploration. We will invite viewers to make up their own mind, to further explore ideas, and to become more involved with the Federalist Society.



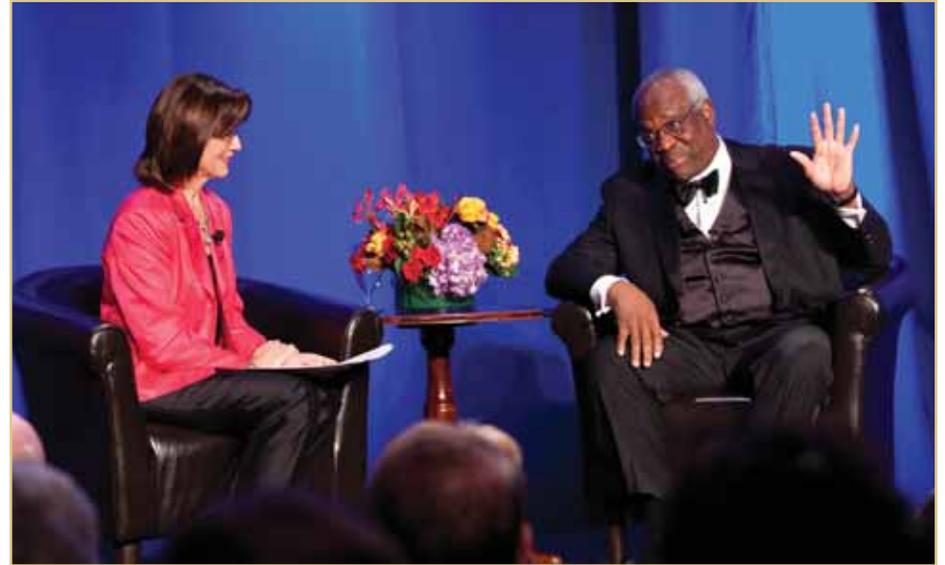
National Lawyers Convention Discusses Textualism & The Role of Judges

On November 14-16, 2013, the Federalist Society hosted its 31st annual National Lawyers Convention at the Mayflower Hotel in Washington, DC. This year's topic, "Textualism and the Role of Judges," provoked a number of energetic and fruitful conversations about the proper relationship between the legislative and judicial branches. The Convention was an occasion for lively debates, professional bonhomie, and the requisite dose of judicial wisdom. The overflowing annual dinner featured an interview of U.S. Supreme Court Justice Clarence Thomas, conducted by Judge Diane Sykes of the U.S. Court of Appeals for the Seventh Circuit.

In addition to the interview with Justice Thomas, the Convention included speeches by U.S. Senators Mike Lee and Ted Cruz and Wisconsin Governor Scott Walker. It also featured an animated Rosenkranz debate between Georgetown Prof. Randy Barnett and Judge J. Harvie Wilkinson of the U.S. Court of Appeals for the Fourth Circuit, who spoke on the topic: "RESOLVED: Courts are too Deferential to the Legislature."

As in years past, the Convention served as an ideal forum for discussions among Practice Group chairmen, meetings of Lawyers Chapter and Faculty Division leaders, and breakfasts for law school alumni. For the second year in a row, the Society held a reception for the international judges attending the Convention. The Society also continued its tradition of acting as the platform for new legal and scholarly initiatives, holding a reception to announce the newly launched James Wilson Institute on Natural Rights and the American Founding.

The Convention's four showcase panels addressed various aspects of the conflict between interpreting statutes according to their ordinary meaning, versus interpreting them through the lenses of legislative intention, remedies to inequality, etc. The first panel discussed Supreme Court interpretations of the Bill of Rights in the context of the new textualism. It featured Prof. Stephanos Bibas, Prof. Richard Epstein, Prof. Nicholas Quinn Rosenkranz, Prof. Nadine Strossen, and Prof. Eugene Volokh, and was moderated by Judge Thomas Hardiman of the U.S. Court of Appeals for the Third Circuit. The second showcase panel, which dealt with original meaning, original intent, and living constitutionalism, was moderated by Judge Edith Jones of the U.S. Court of Appeals for the Fifth Circuit and featured Prof. Randy Barnett, Prof. Mitchell Berman, Prof. John McGinnis, and Prof. Richard Primus. The speakers on the third



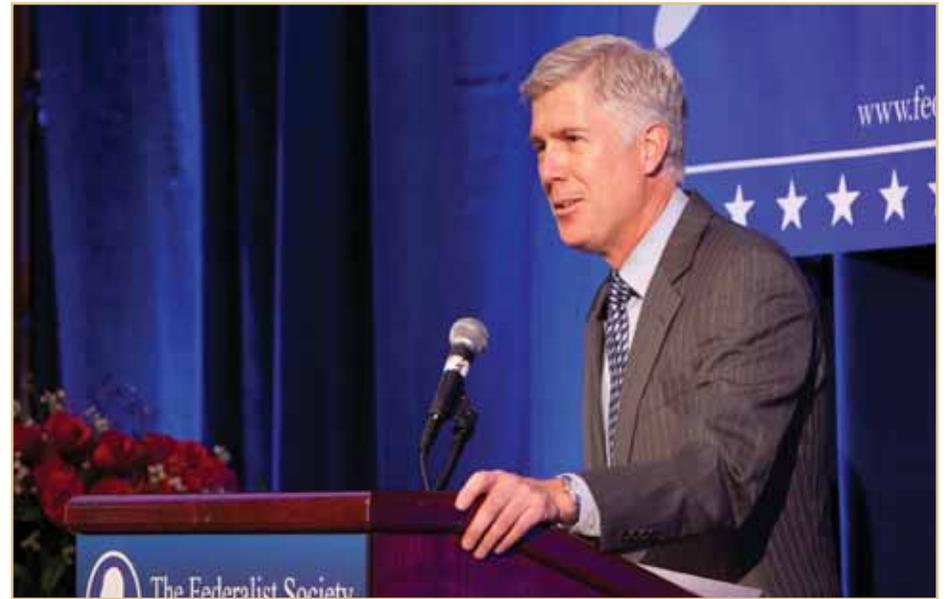
(above) Judge Diane Sykes, U.S. Court of Appeals for the Seventh Circuit, interviews U.S. Supreme Court Justice Clarence Thomas at the 2013 National Lawyers Convention's Annual Dinner. (below) (left to right) Federalist Society President Eugene Meyer, Wisconsin Governor Scott Walker, Federalist Society co-founder & Mayer Brown Partner Hon. David McIntosh, and Federalist Society Executive Vice President Leonard Leo at the 2013 National Lawyers Convention.



showcase panel—Prof. Philip Hamburger, Prof. Kristin Hickman, Prof. Thomas Merrill, and Prof. Jide Nzelibe, and moderator Judge Jennifer Elrod of the U.S. Court of Appeals for the Fifth Circuit—delved into administrative law, via questions raised by the landmark case *Chevron v. Natural Resources Defense Council*. The fourth and final panel examined the relative merits of the new textualism and legislative history as tools for Supreme Court interpretations of statutory text and featured Prof. John Duffy, Judge Frank Easterbrook of the U.S. Court of Appeals for the Seventh Circuit, Prof. William Eskridge, Jr., Prof. Abbe Gluck, Prof. Victoria Nourse, and was moderated by Judge William Pryor, Jr. of the U.S. Court of Appeals for the Eleventh Circuit.



(left to right) Judge J. Harvie Wilkinson, U.S. Court of Appeals for the Fourth Circuit, Judge Jerry Smith, U.S. Court of Appeals for the Fifth Circuit, Prof. Randy Barnett, Georgetown University Law Center, and Prof. Nicholas Quinn Rosenkranz, Georgetown University Law Center, after the Sixth Annual Rosenkranz Debate and Luncheon at the 2013 National Lawyers Convention.



(above) Judge Neil M. Gorsuch, U.S. Court of Appeals for the Tenth Circuit, delivers the Annual Barbara K. Olson Memorial Lecture at the 2013 National Lawyers Convention. (below) U.S. Senator Mike Lee (UT) delivers the opening address for the Federalist Society's 2013 National Lawyers Convention at the Mayflower Hotel in Washington, DC.



2013 National Lawyers Convention



Photo Highlights



Student Symposium Debates the Federal Leviathan

The annual Student Symposium is a long-standing Federalist Society tradition. Our students look forward to this event every year because it is not only a chance for them to be reacquainted with other chapter leadership, but also an opportunity to hear judges, attorneys, business leaders, and legal scholars debate legal issues important to conservatives and libertarians. Outside of the Symposium, the on-campus student events that local chapters hold are often the only exposure students have to our organization. For this reason, as part of an effort to develop future citizen-lawyers, the Student Division works with chapter leadership each spring to encourage the most promising students to attend the annual Student Symposium by providing partial travel scholarships.

The 32nd annual Symposium was held March 1–2, 2013 at the University of Texas at Austin. The weekend featured many of the Federalist Society’s distinguished speakers and members who spoke on various topics under the umbrella of “The Federal Leviathan: Is There Any Area of Modern Life to Which Federal Government Power Does Not Extend?”

The first panel was titled “Crony Capitalism” and was moderated by U.S. Court of Appeals Judge Jerry Smith. The panelists were John A. Allison, President and CEO of the Cato Institute and author of *The Financial Crisis and the Free Market Cure*, Northwestern Prof. Jide Okechuku Nzelibe, University of Texas Prof. Henry Hu, and Yale Prof. Jonathan Macey.

The first Saturday panel was “Environmental and Property Laws.” The panel included Texas Prof. Lynn Blais, George Mason Prof. Jeremy Rabkin, Vermont Prof. John Echeverria, and NYU Prof. Richard Epstein.



(left to right) John Allison, CEO & President of the Cato Institute, Prof. Henry T.C. Hu, Texas, Jide Okechuku Nzelibe, Northwestern, and Prof. Jonathan R. Macey, Yale, participate in the panel on “Crony Capitalism” at the 2013 Student Symposium in Austin, Texas.

The next panel, “Federalization of Criminal Law,” was moderated by Fifth Circuit Judge Jerry Smith and featured Oxford Prof. John Baker, Georgetown Prof. Julie Rose O’Sullivan, Florida International Dean Alex Acosta, and Georgetown adjunct Prof. William Otis. A panel on “Limitations Attached to Federal Money” followed the criminal law discussion, and was moderated by Fifth Circuit Judge Edith Jones. The panelists—University of Texas Prof. Lynn Baker, Michigan Prof. Samuel Bagenstos, and George Mason Prof. Michael Greve—reviewed the scope of Congress’s spending power and changes to this power after *NFIB v. Sebellius*.

Texas Supreme Court Justice Don Willett moderated the fifth and final panel, which dealt with civil rights. The panelists were University of Texas Prof. Lino Graglia, Boston Prof. R. Shep Melnick, Stuart Taylor, Jr. (co-author of *Mismatch: How Affirmative Action Hurts Students It’s Intended to Help, and Why Universities Won’t Admit It*), San Diego Prof. Gail Heriot, and University of Texas Prof. Sanford Levinson.

The Symposium concluded with a traditional Texas “Boots and BBQ” banquet on Saturday evening. U.S. Senator Ted Cruz (TX) gave the keynote address, recalling his involvement in the Federalist Society during his time in law school 21 years ago. He reminded students of the Federalist Society’s important role in “transforming law school[s], the federal bench, the legal academy, American law, and the federal government.”



Federalist Society President Eugene Meyer with the Harvard Chapter, which received the Samuel Adams “Feddie” Award for Membership Growth at the Student Symposium’s Boots and BBQ Banquet.

After Senator Cruz's address, Duke Prof. Nita Farahany was presented the annual Paul M. Bator Award in recognition of her tremendous impact in legal scholarship, her teaching, the concern she shows for her students, and the significant public impact she has made. The final segment of the evening was the third annual presentation of our Freddie Awards, which recognize chapters that have exceeded our expectations. **Duke** received the award for Chapter of the Year, **Harvard** for Membership Growth, **Pepperdine** for Creative Publicity, and **Southern** for Most Improved Chapter. The fifth Freddie, the Benjamin Franklin Spring Breakout Award, was presented to **Ave Maria** later in the spring.

Student Leadership Conference

Every July, newly elected student chapter presidents travel to Washington, DC to participate in the annual Student Leadership Conference. Students spend three days participating in panel discussions, engaging in conversation with other chapter presidents, and learning how to make their chapters run efficiently. The Conference was held on July 19-21 at The Key Bridge Marriot. On Friday evening the Federalist Society hosted a reception to facilitate conversation between chapter leaders and staff members. Saturday morning began with an address from Senator Mike Lee (Utah). Senator Lee's address was followed by a panel where Federalist Society President Eugene Meyer and the Student Division staff discussed how to be an effective chapter leader, recruit members, and market to the student body.

Later that day John Eastman from the Claremont Institute Center for Constitutional Jurisprudence, Jordan Lorence from the Alliance Defending Freedom, and Clark Neily from the Institute for Justice served on a panel that provided advice on opportunities for public interest litigation. Students heard from Andrea Pittaluga from the Charles G. Koch Institute as well. Former student chapter president and current Federalist Society speaker Prof. Gregory McNeal also gave a presentation on Federalist Society events from a speaker's perspective.

On Saturday evening the student attendees were invited to the Conference's annual Supreme Court Reception, where they had the opportunity to become acquainted with Federalist Society staff, converse with speakers, and take pictures with Senator Lee. On Sunday, the students listened to remarks from former Harvard chapter President Joel Alicea on intellectual diversity in law schools, and attended a presentation by Vice President & Director of Lawyers Chapters Lisa Ezell.

The goal of the Student Leadership Conference each year is to provide our chapter leaders with the best available models and advice. The speakers' knowledge, interest, and encouragement serve to educate students about the importance of their roles as chapter ambassadors, and motivate them for another year of hard but worthwhile work in the campus trenches.



(above) Duke Law Prof. Nita Farahany (right), who received the 2013 Paul M. Bator Award, and Phillip Aubart (left), whose Duke Student Chapter received the James Madison Award for Chapter of the Year. (below) (right to left) Prof. John Eastman, Claremont Institute, Eugene Meyer, Jordan Lorence, Alliance Defending Freedom, and Clark Neily, Institute for Justice, speaking at the Student Leadership Conference.



Practice Groups Launch Executive Branch Review Project

The Practice Groups continue to promote discussion in the legal, policy, and media worlds, and to provide support, guidance, and expertise to the other divisions and special projects of the Federalist Society.

At the end of 2012, the Federalist Society decided to devote Practice Group resources to studying an apparent uptick in executive branch activity. The resulting Executive Branch Review Project is a forum for debate about executive activity, particularly actions which arguably exceed statutory or constitutional authority, avoid a required step in the promulgation process, or involve implementation of policy objectives that failed in the legislative branch.

As part of the Executive Branch Review Project, the Practice Groups entered uncharted waters with a new blog designed to provide as-it-happens discussion of potential instances of overreach, underreach, or abuse of power by the executive branch. The blog, www.executivebranchproject.com, was launched on April 15, 2013, in an inaugural Teleforum conference call featuring Senator Mike Lee and Federalist Society co-founder Hon. David McIntosh. The blog has had over 18,000 visitors since its launch, been disseminated through social



(left to right) Prof. Gigi Sohn, Senior Adjunct Fellow at the University of Colorado and President of Public Knowledge, Prof. Damien Geradin, University of Michigan, and Hon. Joshua Wright, United States Federal Trade Commission, during the “Is Government a Friend or Foe of Innovation?” panel at the Executive Branch Review Conference in June.



(left to right) Federalist Society co-founder, former Congressman, and Mayer Brown Partner David McIntosh, George Washington Law Prof. Jonathan Turley, and Federalist Society Vice President and Director of Practice Groups Dean Reuter at the opening panel of the First Annual Executive Branch Review Conference in June.

media platforms such as Facebook and Twitter, and received mention on the Volokh Conspiracy, Instapundit, *National Review Online*, and other legal blogs.

On June 11 the Practice Groups held the first annual Executive Branch Review Conference at the National Press Club in Washington, DC. Conference discussion topics included whether there has been an increase in activity by the administrative state, cost-benefit analysis of the administrative state, the extent of agency authority, and oversight of the administrative state by the judicial and legislative branches.

Practice Groups experts have served in the State Courts Project and the Capitol Hill Chapter; acted as panelists and coordinators for Student and Lawyers Chapter events across the country; written papers for special projects; and provided pro bono expertise, media outreach, and testimony before Congress and other governmental bodies. They contribute heavily to the Society’s online initiatives, including *SCOTUSCast*, and help ensure that conservative and libertarian perspectives are available to the press during conference calls covering the Supreme Court docket and other legal matters. Highlights from their 2013 activities follow.

The **Administrative Law & Procedure Practice Group** hosted Teleforum calls with a number of authors discussing their work. Practice Group Chairman Hon. Eileen J. O'Connor of Pillsbury Winthrop Shaw LLP spoke with Hon. Christopher DeMuth on his article "The Bucks Start Here," Peter Schweizer discussed his best-seller *Extortion: How Politicians Extract Your Money, Buy Votes, and Line Their Own Pockets*, and Clark Neily discussed his book *Terms of Engagement*. Christopher Horner also discussed *The Liberal War on Transparency: Confessions of a Freedom of Information "Criminal"* with Clark Neily of the Institute for Justice. The group hosted a Courthouse Steps Teleforum with Karen Harned of the National Federation of Independent Business, who attended oral argument in *City of Arlington v. FCC* and provided her thoughts on the case. A number of other topics were covered in the group's Teleforums, including the internet sales tax and the REINS Act.

The **Corporations, Securities, & Antitrust Practice Group** hosted a Teleforum call featuring Yale Law School Prof. Jonathan Macey on his recently published book titled *The Death of Corporate Reputation*.

The **Criminal Law & Procedure Practice Group** hosted Courthouse Steps Teleforum conference calls on the oral arguments as well as the opinion in *Maryland v. King* with John Elwood of Vinson & Elkins LLP, and on the opinion in *Missouri v. Neely* with Practice Group Chairman John Malcolm of The Heritage Foundation. A wide variety of other topics were covered in the group's calls, including the tension between federal and state marijuana laws, mandatory minimum sentencing, current abuses of civil asset forfeiture, and gun control issues.

The **Environmental Law & Property Rights Practice Group** offered a full slate of Teleforum conference calls in 2013. James Burling of the Pacific Legal Foundation reported on Supreme Court oral arguments in *Koontz v. St. Johns River Water Management District*; Timothy Bishop of Mayer Brown covered *Georgia-Pacific West, Inc. v. Northwest Environmental Defense Center*; George Mason Prof. Adam Mossoff and Douglas Nelson of CropLife America discussed *Bowman v. Monsanto*, a biotech patent licensing case; Mark DeLaquil of Baker & Hostetler LLP covered *EPA v. EME Homer City Generation*, a greenhouse gas case.

In January 2013 the **Federalism & Separation of Powers Practice Group** hosted a Teleforum call with American Enterprise Institute President Dr. Arthur Brooks, who discussed his latest book, *The Road to Freedom: How to Win the Fight for Free Enterprise*. In February the group co-sponsored a Teleforum on "The Limits of Recess Appointment

Authority," which dealt with the U.S. Court of Appeals for the DC Circuit decision in *Noel Canning v. NLRB*. In May the group held a Teleforum on the recent developments of actions at the Internal Revenue Service and its purported targeting of applications by conservative organizations for 501(c)(4) status. Chapman Dean Emeritus John Eastman provided an update on the latest developments and the road ahead. In October the group hosted a panel of distinguished experts to discuss the legal issues surrounding the decision to raise or not raise the debt ceiling, and the potential consequences. The call featured U.S. Senator Mike Lee and David Rivkin, Jr. of Baker & Hostetler. In December, following the Senate's historic change to its filibuster rule, the group hosted a Teleforum on "Changing the Rules: The Senate Filibuster."

During the summer the group also hosted the 2013 Separation of Powers CLE Course in Park City, Utah. U.S. Supreme Court Justice Antonin Scalia and Prof. John Baker taught a ten-hour CLE course on the courts, standing, the non-delegation doctrine, and appointments and removal, as they relate to the separation of powers.

With the **Religious Liberties Practice Group**, the **Federalism & Separation of Powers Practice Group** co-sponsored a Courthouse Steps Teleforum call in June discussing the U.S. Supreme Court's decisions in the two same-sex marriage cases before it, *Hollingsworth v. Perry* and *United States v. Windsor*. Our experts, Case Western Reserve Prof. Jonathan Adler and Carrie Severino of the Judicial Crisis Network, discussed the



Jan Crawford (left), CBS News Chief Legal Correspondent, and Michael Carvin (right), partner, Jones Day, during the "Supreme Court Preview: What Is in Store for the October 2013 Term?" event at the National Press Club in October in Washington, DC.



Richard Epstein, Laurence A. Tisch Professor of Law, New York University School of Law, speaks during the Intellectual Property Practice Group's Panel "Intellectual Property, Free Markets, and Competition Policy" at the National Lawyers Convention.

opinions and their implications on the day the opinions came down.

Recalling the recent passing of Judge Robert Bork, the **Federalism & Separation of Powers** and **Litigation Practice Groups** co-hosted an April Teleforum titled "Judge Robert H. Bork: His Life and Legacy." The call featured Federalist Society co-founder and Board Chairman Steven Calabresi and Seventh Circuit Chief Judge Frank Easterbrook, and celebrated Judge Bork's life and legacy, discussing his recently-published final book, *Saving Justice: Watergate, the Saturday Night Massacre, and Other Adventures of a Solicitor General*. This call, like most of our Teleforums, was recorded and can be found in our online archives.

The **Financial Services & E-Commerce Practice Group** opened the year with a Teleforum featuring lawyers representing private plaintiffs in a constitutional challenge to parts of the Dodd-Frank financial reform act—Hon. Gregory Jacob of O'Melveny & Myers LLP and former Solicitor of Labor, and Adam White of Boyden Gray & Associates. The group hosted Teleforum book events on John Allison's *The Financial Crisis and the Free Market Cure: Why Pure Capitalism is the World Economy's Only Hope* and Peter Wallison's *Bad History, Worse Policy*. Other Teleforums covered pension reform and municipal bankruptcy with Penn Law Prof. David Skeel and the Volcker Rule with Timothy Keehan of the American Bankers Association and Dr. Marcus Stanley of Americans for Financial

Reform.

In June the **Free Speech & Election Law and Civil Rights Practice Groups** co-hosted a Teleforum, "*Shelby County Going Forward*," on the U.S. Supreme Court's historic decision in *Shelby County v. Holder*, which struck down a key provision in the Voting Rights Act. Hon. Abigail Thernstrom, Vice-Chair of the U.S. Commission on Civil Rights and Adjunct Scholar at the American Enterprise Institute, explained the decision and its implications. The **Free Speech & Election Law Practice Group** also held a Courthouse Steps Teleforum in October following oral argument in *McCutcheon v. FEC*. Practice Group Chairman Erik Jaffe attended and reported on the argument, which involved the constitutionality of limits on the aggregate amount of contributions individuals can make to candidates, political committees, and PACs.

The **Intellectual Property Practice Group** hosted a January panel at the National Press Club discussing *Laws of Creation: An Examination of Intellectual Property Rights* by Hon. Ronald Cass of Cass & Associates, PC and Boston University Prof. Keith Hylton. In April the group co-hosted a Teleforum on "The State of the Patent System" with George Mason's Center for the Protection of Intellectual Property. The Teleforum was a digital "fireside chat" with Hon. Randall Rader, Chief Judge of the Court of Appeals for the Federal Circuit, facilitated by George Mason Prof. Adam Mossoff. In June the group and the Center co-hosted another Teleforum, "*The Myriad Decision and Patented Innovation in the Biotech Industry*," which discussed *ACLU v. Myriad Technologies*. The Supreme Court held in its decision that isolated DNA is not patentable, but that synthesized DNA and the methods for identifying DNA are. Our panel of experts—Baltimore Prof. Gregory Dolin, Villanova Prof. Michael Risch, and Stanford Prof. Jacob Sherkow—discussed the decision and its implications, with Richmond Prof. Kristen Osenga moderating.

The **International & National Security Law Practice Group** hosted numerous Teleforums in 2013, focusing on cybersecurity and government protection of national security. "The Use of Lethal Force on U.S. Citizens" discussed legal and constitutional limits of presidential authority in that sphere, and featured Executive Director of the Philadelphia Freedom Center Andrew McCarthy, American University Prof. Stephen Vladeck, and UC-Berkeley Prof. John Yoo. "Syria and the President's Authority to Intervene" featured University of Virginia Prof. Saikrishna Prakash and Prof. John Yoo. Finally, the group once again presented a panel at the annual conference of the American Branch of the International Law Association. The panel, "Web War 3.0—The Conflict over International

Internet Governance,” featured Bryan Cunningham, former Deputy Legal Adviser to the National Security Advisor; Karen Greenberg, Director of Fordham Law’s Center on National Security; and George Mason Prof. Jeremy Rabkin, and was moderated by our International & National Security Law Practice Group Chairman, Vincent Vitkowsky.

The **Labor & Employment Law Practice Group** has also been active, hosting various Teleforums and inaugurating a new Teleforum Series focusing on the National Labor Relations Board (NLRB). In January, on the eve of the DC Circuit’s *Noel Canning v. NLRB* decision, Noel Francisco of Jones Day and Glenn Taubman of the National Right to Work Legal Defense Foundation provided a Teleforum update on the oral arguments in both pending cases. In February, the group focused on a case before the Fifth Circuit, *D.R. Horton v. NLRB*, examining it and related cases in light of *Noel Canning*. The panel included Ron Chapman, Jr. of Ogletree Deakins, former NLRB General Counsel Ronald Meisburg, and William Emanuel of Littler Mendelson. A March Teleforum focused on the arguments and implications of multiple NLRB suits, with Maurice Baskin of Venable LLP and Walter Kamiat of the Service Employees International Union.

The **Litigation Practice Group** also hosted several interesting Teleforums, beginning with one in January examining putative class action lawsuits against food manufacturers. These lawsuits allege that food manufacturers have misled consumers about the nutritional profile



Judge Douglas H. Ginsburg (left), Senior Circuit Judge, U.S. Court of Appeals, DC Circuit, and Judge Paul Michel (right), former Chief Judge, U.S. Court of Appeals, Federal Circuit, during the “Is the Patent System Working or Broken?” event at the National Press Club in May. The event was co-sponsored by the Intellectual Property Practice Group and the Center for the Protection of Intellectual Property at George Mason University School of Law.



Hon. Maureen Ohlhausen, Commissioner, Federal Trade Commission, during the Corporations, Securities, and Antitrust Practice Group’s panel at the National Lawyers Convention on “‘New’ Antitrust Enforcement Authority under the FTC Act: Defensible Statutory Interpretation or Plumbing the Penumbra?”

and ingredients of popular packaged food products and drinks. The Teleforum featured Jenner & Block partner Kenneth Lee and Shook, Hardy & Bacon partner Kevin Underhill. The group closed out its year with “An Originalist Take on Diversity Jurisdiction,” a Teleforum which occurred in light of the oral arguments at the Supreme Court in *Mississippi ex rel. Hood v. AU Optronics Corp.* The speaker, who filed an amicus brief in the case, was Charles Cooper, former Assistant U.S. Attorney General for the Office of Legal Counsel.

The **Professional Responsibility Practice Group** held a first-of-its-kind Teleforum designed to offer member listeners an hour of continuing legal education credit in professional ethics. The Teleforum, “Ethics 20/20 and the Effects on Legal Practice,” featured two prominent experts in the field, Chapman University Prof. Ronald Rotunda and George Washington Prof. Thomas Morgan. They provided extensive analysis of the American Bar Association’s changes to the ethics rules due to legal practice issues arising from technological changes and increasing globalization.

In February, the **Religious Liberties Practice Group** hosted a Teleforum examining whether *Bronx Household of Faith* provides support for church access of public school facilities. The panelists debating this

case were Jordan Lorence of Alliance Defending Freedom, who has represented Bronx Household of Faith since the beginning of the lawsuit, and UC-Davis Prof. Alan Brownstein, a noted scholar on church-state legal issues. The group also hosted a litigation update on the HHS contraceptive mandate controversy with Catholic University Prof. Mark Rienzi, who also acts as a senior counsel for the Becket Fund.

The **Telecommunications & Electronic Media Practice Group** also was quite active in 2013. In September the group hosted a Teleforum featuring Federal Communications Commissioner Ajit Pai and former Colorado Public Utilities Commission Chairman Gregory Sopkin. In November, the group hosted a panel Teleforum, “The FCC and the States: A Division of Authority,” examining how the FCC and states can collaborate through a “cooperative federalism” model in various situations. In December the group held a teleforum conversation with Federal Trade Commissioner Maureen Ohlhausen, who discussed recent

revisions to the Children’s Online Privacy Protection Act (COPPA) Rule, which prohibits online operators from collecting children’s personal information without providing notice and obtaining parental consent.

Finally, with the Case Western Center for Business Law and Regulation, the Practice Groups co-sponsored a December program at the National Press Club on “Marijuana and the States: How Should Federalism Principles Inform the Federal Government’s Response to State Marijuana Initiatives?” The program illustrated legal issues at play in states’ current experiments with legalization. The panelists were Robert Alt, President of The Buckeye Institute for Public Policy Solutions; Dr. John Eastman of Chapman University School of Law; Michael Francisco, an Assistant Solicitor General in Colorado; and Hon. George Terwilliger III of Morgan Lewis & Bockius LLP. Case Western Prof. Jonathan Adler moderated.



(right to left) Elizabeth Wydra, Chief Counsel at the Constitutional Accountability Center, Judge Raymond Kethledge, U.S. Court of Appeals for the Sixth Circuit, Prof. John Raudabaugh, Ave Maria and former NLRB member, and Noel Francisco, partner at Jones Day, during the “Recess Appointments: Implications of Noel Canning” panel at the National Lawyers Convention, sponsored by the Labor & Employment Law Practice Group.

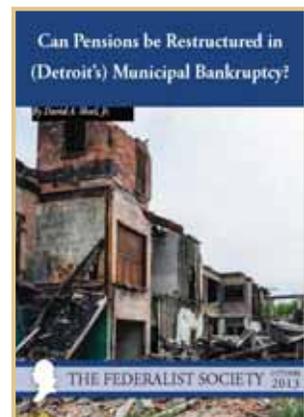
Publications Address Key Topics in Law & Public Policy

Through its publications, the Federalist Society continues to give the media and the general public access to commentary from highly-respected national experts on current legal issues and their societal implications. This commentary takes the form of our scholarly journal *Engage*, three regular newsletters: *State Court Docket Watch*, *ABA Watch*, and *Class Action Watch*, *The Federalist Paper* magazine, and white papers on various topics. All the Society's publications are available online at www.fed-soc.org/publications.

Engage, the journal of the Federalist Society Practice Groups, appears triannually in electronic format. Ideas for *Engage* articles are generated by the fifteen Practice Groups; and occasionally there are special issues framed around a single theme. Articles from 2013 discussed high profile Supreme Court cases such as *United States v. Windsor* and *Hollingsworth v. Perry*, *Shelby County v. Holder*, *Schuetz v. Coalition to Defend Affirmative Action*, *Arizona v. Inter Tribal Council of Arizona*, *Town of Greece v. Galloway*, and *Koontz v. St John's River Water Management District*. *Engage* articles also covered important topics like net neutrality enforcement, conscience exemptions, Affordable Care Act compliance, international criminal discovery, the *mens rea* component within the issue of the over-federalization of crime, and the National Security Agency's bulk data seizures and FISA surveillance programs.

Since 2012, *Engage* has been available in Westlaw's law journal database; this has increased the availability and prestige of *Engage* by giving practitioners, academics, and law students greater access to our content. We also continue to publish panel transcripts from the National Lawyers Convention and the new Executive Branch Review Conference in the *Harvard Journal of Law and Public Policy* and other national law reviews and journals.

State Court Docket Watch is a quarterly newsletter, composed primarily by members of the Society's Lawyers Chapters, which reports on noteworthy or controversial state court trends and cases. *ABA Watch* is a newsletter published to coincide with the American Bar



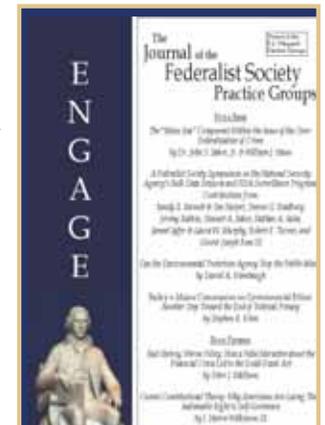
Association's mid-year and annual meetings. It provides an in-depth, independent look at the organization. *Class Action Watch* exists to inform Society members and the general public about recent class action litigation.

The Federalist Paper is the in-house magazine of the Federalist Society, printed winter, summer, and fall. The magazine, which highlights some of the activities and events of the Society's Chapters, Practice Groups, and individual members, provides a glimpse into what divisions of the organization are doing nationally. The magazine is now available on the Federalist Society website at www.fed-soc.org/publications.

For a decade, the Society has published white papers that seek to generate debate over important legal issues. Our 2013 white papers included: *Overprotecting Public Employee Pensions: The Contract Clause and the California Rule*, *Can Pensions be Restructured in (Detroit's) Municipal Bankruptcy?*, *Sunsetting the Tennessee Judicial Nominating Commission: What Now?*, *State Action on Voter Identification*, *The Clean Air Act as an Obstacle to the EPA's Anticipated Attempt to Regulate Greenhouse Gas Emissions from Existing Power Plants*, and *A Legal Overview of Utah's H.B. 148 – The Transfer of Public Lands Act*.

Finally, 2013 saw a brand new undertaking for Publications with the launch of a new blog (www.ExecutiveBranchProject.com) as part of the Society's Executive Branch Review Project. The blog features original analysis from Federalist Society contributors and also links to news and other commentary on executive branch activity.

In these publications, as always, the Federalist Society takes no position on particular issues: the opinions expressed in the publications are those of the authors and not of the Society itself. With these papers and in all its programs the Society seeks to produce material that will encourage discussion of timely legal and public policy developments. Readers are encouraged to respond to what they read and to submit articles or ideas on new legal trends and developments.



State Court Project Continues to Add to the Debate and Spurs Reform

The Federalist Society's State Courts Project seeks to raise the profile of state court issues by hosting timely programs, publishing white papers, and making legal experts available to media to provide substantive analysis on current events.

Publications

In January 2013, the Society published its annual survey of legislation and litigation relating to civil justice reform. The paper, titled "Tort Reform Update: Recently Enacted Legislative Reforms and State Court Challenges," was authored by attorney Andrew C. Cook, legislative



Daniel Kelly, Milwaukee, Wisconsin, Rick Esenberg, Milwaukee, Wisconsin, and Andrew A. Hitt, Madison, Wisconsin, during the 2013 National Lawyers Convention in November.

director of the Wisconsin Civil Justice Council. Cook, one of the leading figures in Wisconsin's civil justice community, surveyed the civil justice legislation passed throughout the country in 2012, as well as the most high profile court challenges to civil justice legislation.

In Tennessee, to meet the demand for high level analysis regarding how judicial vacancies could be filled following the Legislature's decision to abandon the state's Missouri Plan commission, the State Courts Project published a White Paper by Vanderbilt Law Prof. Brian Fitzpatrick. The paper, titled "Sunsetting the Tennessee Judicial Nominating Commission: What Now?," concluded that the Governor has authority to directly appoint judicial nominees, a conclusion that was later echoed by the state attorney general in an advisory opinion.

Oklahoma

In a 7-2 decision in early June, the Oklahoma Supreme Court struck down the state's Comprehensive Lawsuit Reform Act of 2009. The law's sponsors intended it to reduce lawsuits by capping noneconomic damages, among other things. According to the Oklahoma Supreme Court, the Act violated the single-subject rule in the Oklahoma Constitution and amounted to logrolling, or the passing of legislation that contains multiple subjects. Critics of the court's ruling responded that the court majority "disrespected both the legislators' hard-won compromises and the will of voters who had endorsed the judgment of those legislators." The court's decision amplified the amount of interest in judicial selection reform. Oklahoma is currently a Missouri-Plan state, but local legislative leaders are debating whether judges ought to be elected or appointed directly by the Governor. In July 2013, the Federalist Society commissioned an opinion survey of Oklahomans on their feelings about the judicial selection process. In the course of the survey, 500 registered voters were asked, "Which model do you think would be better for Oklahoma, the commission model where a commission sends three names to the Governor from which she must appoint one (Missouri Plan), or the election model where voters would elect judges directly?" By a margin of 74% to 22%, Oklahomans overwhelmingly support judicial elections over the Missouri Plan.



Montana Attorney General Tim Fox (left) and United States Supreme Court Justice Antonin Scalia (right) at the Montana Lawyers Chapter's inaugural luncheon. Justice Scalia delivered remarks to a sold-out crowd of over 300.

Kansas

Last January, in his State of the State Address, Kansas Governor Sam Brownback called on the Legislature to replace the state's Missouri-Plan method of judicial selection with either the federal method of selection or direct contested election of judges. In March the State Senate approved a proposed constitutional amendment which would establish the federal method of judicial selection for all high courts. The amendment was not passed by the State House. The full Legislature did, however, pass legislation to abandon the Missouri Plan with respect to the selection of court of appeals judges. The legislation, which was signed by Governor Brownback, established an advice-and-consent style of selection like the one used at the federal level. During a September appearance at a Federalist Society luncheon in Overland Park, Gov. Brownback described the new judicial selection process at "more of a vote of the people" and expressed his desire to see similar reforms adopted for selections to the Kansas Supreme Court.

Tennessee

Like Governor Brownback, Tennessee Governor Bill Haslam used his 2013 State of the State Address to endorse judicial selection reform and urged legislators in Tennessee to give final approval to a proposed constitutional amendment which would replace the state's Missouri Plan with a slightly modified version of the federal method of selection. On February 21 the Tennessee Senate voted in favor of the amendment, and just a few days later the Tennessee House did the same. Several months later the Missouri Plan was formally abandoned when the Legislature allowed the state's Judicial Nominating Commission, the centerpiece of the Missouri-Plan system, to expire. In November 2014, Tennesseans will vote on a constitutional amendment which would permanently establish a method of judicial selection resembling the federal method of advice-and-consent set forth in the U.S. Constitution.

The Legislature's decision to abandon the nominating commission gave rise to questions about how judges would be selected before the constitutional amendment is adopted in 2014. As discussed earlier, the State Courts Project responded to the questions by publishing a white paper by Prof. Brian Fitzpatrick explaining that the relevant statutory text allowed the Governor to appoint judges without receiving nominations from the commission.



South Carolina Attorney General Alan Wilson speaks at the Federalist Society Washington, DC Lawyers Chapter's May Luncheon.

Social Media

Through our social media outlets—blogs, Facebook page, and Twitter feed—the Federalist Society continues to broadcast our events, publications, and multimedia beyond our membership to the general public. Over the last year we implemented a new social media strategy that has achieved success in boosting audience, adding new content, increasing content accessibility, and engaging individuals.

FedSocBlog

Our blog's wide audience—20,000 unique visitors over the prior year—includes many lawyers and policymakers. It features news stories and op-eds, highly popular original podcasts, advertisements for upcoming events, FedSoc publications, and substantive summaries of panel discussions and other talks. 64% of our readership were new visitors.

Facebook

Thanks to a careful mixture of kinds of posts—from complex legal questions to summaries of Supreme Court decisions to quotes from the Federalist Papers to jokes—our Facebook page is extremely popular, with over 113,000 fans. This obviously allows us to reach a far broader audience than our membership. That is an increase of 8,000 over the prior year. A single popular post can be seen by as many as 200,000 people, an increase of 180,000 over the maximum achieved in 2012. Such huge results occur when fans share our posts on their own Facebook feeds. Fans engage with our posts not just by sharing them but by extensively commenting on them: It provides a forum for fans to discuss both legal news and fundamental principles such as methods of constitutional interpretation. We are using more images to attract attention (since images have been shown to be the most popular posts on Facebook), and have posted a number of photos and videos from Federalist Society events. Students in particular have enjoyed seeing coverage of their chapter activities, including their clever event posters. We have received compliments from persons in conservative social media on the content and popularity of our posts; indeed, some of them have asked for advice on emulating our success.

Twitter

Our Twitter feed currently has an impressive 13,000 followers—and numbers continue to rise at a pace of 13 per day. Some of our followers are prominent and influential—e.g., Stanford Law School, Instapundit, Appellate Daily, LexisNexis, and Lou Dobbs. A particular highlight was when Dana Perino, the Fox News contributor and former Bush press secretary, re-tweeted to her 400,000 followers our advertisement for an upcoming DC Young Lawyers Chapter event. We use the Twitter feed to publicize blog posts, event photos, relevant news and opinion (including FedSoc publications), and, as mentioned, upcoming events. We provided intensive, real-time coverage of the National Lawyers Convention that “trended” (i.e., achieved prominent attention) over the relevant time period.

Donors Allow Federalist Society to Thrive and Expand

In a year marked by debate over major constitutional questions, the Society has continued to expand programs for students, faculty, and members of the legal community. This growth was possible only because of the unwavering support of the donors to the James Madison Club. These donors contribute \$1,000 or more annually to the Society. In recognition of the commitment of those individuals, foundations, and corporations, a list of the current members of the James Madison Club appears below.

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Andrew Redleaf (left) and Michael Gleba (right) at the reception following the annual Barbara K. Olson Memorial Lecture at the National Lawyers Convention in November.

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Mrs. Mary Ellen Bork (left) and David Cavicke (right) at the National Lawyers Convention's Annual Gala in November.



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 Hill B. Wellford
 Steadman H. Westergaard
 J. Michael Wiggins and Erika
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 Christopher A. Wray
 James W. Ziglar

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 James Baehr*
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 Kathryn Biber Chen*
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**Denotes individuals who are founding members of their respective clubs*

REPORT OF INDEPENDENT AUDITORS

Board of Directors
The Federalist Society for Law and Public
Policy Studies
1015 18th St., N.W., Ste. 425
Washington, DC 20036-5221

Report on the Financial Statements

We have audited the accompanying financial statements of The Federalist Society for Law and Public Policy Studies, which comprise the statements of financial position as of September 30, 2013 and 2012 and the related statements of activities and cash flows for the years then ended, and the related notes to the financial statements.

Management's Responsibility for the Financial Statements

The Society's management is responsible for the preparation and fair presentation of these financial statements in accordance with accounting principles generally accepted in the United States of America; this includes the design, implementation, and maintenance of internal control relevant to the preparation and fair presentation of financial statements that are free from material misstatement, whether due to fraud or error.

Auditor's Responsibility

Our responsibility is to express an opinion on these financial statements based on our audits. We conducted our audits in accordance with auditing standards generally accepted in the United States of America. Those standards require that we plan and perform the audit to obtain reasonable assurance about whether the financial statements are free from material misstatement.

An audit involves performing procedures to obtain audit evidence about the amounts and disclosures in the financial statements. The procedures selected depend on the auditor's judgment, including the assessment of the risks of material misstatement of the financial statements, whether due to fraud or error. In making those risk assessments, the auditor considers internal control relevant to the entity's preparation and fair presentation of the financial statements in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the entity's internal control. Accordingly, we express no such opinion. An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of significant accounting estimates made by management, as well as evaluating the overall presentation of the financial statements.

We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our audit opinion.

Opinion

In our opinion, the financial statements referred to above present fairly, in all material respects, the financial position of The Federalist Society for Law and Public Policy Studies as of September 30, 2013 and 2012, and the changes in its net assets and its cash flows for the years then ended in accordance with accounting principles generally accepted in the United States of America.



A Professional Corporation
Bethesda, MD
February 18, 2014

THE FEDERALIST SOCIETY FOR LAW AND PUBLIC POLICY STUDIES
STATEMENTS OF FINANCIAL POSITION
SEPTEMBER 30, 2013 AND 2012

<u>ASSETS</u>	<u>2013</u>	<u>2012</u>
CURRENT ASSETS		
Cash and cash equivalents	\$ 5,208,884	\$ 4,498,796
Inventory	38,351	46,529
Grants receivable	810,664	1,393,797
Contributions receivable	554,320	427,320
Other receivables	3,525	5,469
Prepaid expenses	154,754	66,284
	<u>6,770,498</u>	<u>6,438,195</u>
GRANTS AND CONTRIBUTIONS RECEIVABLE - LONG-TERM		
Contributions receivable	-	87,779
	<u>2,190,339</u>	<u>2,110,915</u>
INVESTMENTS		
FIXED ASSETS		
Computer equipment	183,539	197,803
Office furniture and equipment	97,650	96,289
Leasehold improvements	18,677	15,388
	<u>299,866</u>	<u>309,480</u>
Accumulated depreciation and amortization	(211,328)	(218,642)
	<u>88,538</u>	<u>90,838</u>
OTHER ASSETS		
	<u>22,157</u>	<u>22,157</u>
TOTAL ASSETS	<u>\$ 9,071,532</u>	<u>\$ 8,749,884</u>
<u>LIABILITIES AND NET ASSETS</u>		
CURRENT LIABILITIES		
Accounts payable and accrued expenses	\$ 407,172	\$ 472,171
Accrued compensation	152,325	291,279
Deferred revenue	190,776	157,183
Deferred lease obligation	18,564	12,183
	<u>768,837</u>	<u>932,816</u>
OTHER LIABILITIES		
Deferred lease obligation - net of current portion	32,070	50,634
TOTAL LIABILITIES	<u>800,907</u>	<u>983,450</u>
NET ASSETS		
Unrestricted	6,876,468	5,756,283
Temporarily restricted	1,384,157	2,000,151
Permanently restricted	10,000	10,000
TOTAL NET ASSETS	<u>8,270,625</u>	<u>7,766,434</u>
TOTAL LIABILITIES AND NET ASSETS	<u>\$ 9,071,532</u>	<u>\$ 8,749,884</u>

See Notes to Financial Statements

THE FEDERALIST SOCIETY FOR LAW AND PUBLIC POLICY STUDIES
STATEMENTS OF ACTIVITIES
FOR THE YEARS ENDED SEPTEMBER 30, 2013 AND 2012

	2013				2012			
	Unrestricted	Temporarily Restricted	Permanently Restricted	Total	Unrestricted	Temporarily Restricted	Permanently Restricted	Total
REVENUE								
Grants	\$ 7,275,813	\$ 1,637,424	\$ -	\$ 8,913,237	\$ 6,216,049	\$ 2,422,178	\$ -	\$ 8,638,227
Registration fees	567,932	-	-	567,932	436,128	-	-	436,128
Membership dues	187,817	-	-	187,817	141,084	-	-	141,084
Contributions	3,591,995	253,410	-	3,845,405	4,279,718	36,160	-	4,315,878
Investment (income) loss	327,957	-	-	327,957	321,713	-	-	321,713
Miscellaneous income	26,840	-	-	26,840	4,094	-	-	4,094
	<u>11,978,354</u>	<u>1,890,834</u>	<u>-</u>	<u>13,869,188</u>	<u>11,398,786</u>	<u>2,458,338</u>	<u>-</u>	<u>13,857,124</u>
NET ASSETS RELEASED FROM RESTRICTIONS								
Satisfaction of restrictions	2,506,828	(2,506,828)	-	-	2,153,436	(2,153,436)	-	-
	<u>14,485,182</u>	<u>(615,994)</u>	<u>-</u>	<u>13,869,188</u>	<u>13,552,222</u>	<u>304,902</u>	<u>-</u>	<u>13,857,124</u>
EXPENSES								
Program services								
General program	1,038,949	-	-	1,038,949	1,018,672	-	-	1,018,672
Faculty Division	1,460,431	-	-	1,460,431	1,388,178	-	-	1,388,178
Student Chapter and Membership Services	561,917	-	-	561,917	532,298	-	-	532,298
Student Speakers Bureau	2,646,072	-	-	2,646,072	2,661,680	-	-	2,661,680
Student National Symposium	187,782	-	-	187,782	181,337	-	-	181,337
Lawyers Division Chapter and Membership Services	399,243	-	-	399,243	380,722	-	-	380,722
Lawyers Division Speakers Bureau	744,593	-	-	744,593	843,318	-	-	843,318
Lawyers National Conference	954,817	-	-	954,817	931,749	-	-	931,749
State Courts	1,365,663	-	-	1,365,663	1,137,761	-	-	1,137,761
Practice activities	2,234,261	-	-	2,234,261	2,311,596	-	-	2,311,596
Other conferences	145,045	-	-	145,045	214,265	-	-	214,265
	<u>11,738,773</u>	<u>-</u>	<u>-</u>	<u>11,738,773</u>	<u>11,601,576</u>	<u>-</u>	<u>-</u>	<u>11,601,576</u>
General and administrative	623,722	-	-	623,722	662,373	-	-	662,373
Fundraising	1,002,502	-	-	1,002,502	874,649	-	-	874,649
	<u>13,364,997</u>	<u>-</u>	<u>-</u>	<u>13,364,997</u>	<u>13,138,598</u>	<u>-</u>	<u>-</u>	<u>13,138,598</u>
CHANGE IN NET ASSETS	1,120,185	(615,994)	-	504,191	413,624	304,902	-	718,526
NET ASSETS AT BEGINNING OF YEAR	5,756,283	2,000,151	10,000	7,766,434	5,342,659	1,695,249	10,000	7,047,908
NET ASSETS AT END OF YEAR	<u>\$ 6,876,468</u>	<u>\$ 1,384,157</u>	<u>\$ 10,000</u>	<u>\$ 8,270,625</u>	<u>\$ 5,756,283</u>	<u>\$ 2,000,151</u>	<u>\$ 10,000</u>	<u>\$ 7,766,434</u>

THE FEDERALIST SOCIETY FOR LAW AND PUBLIC POLICY STUDIES
STATEMENTS OF CASH FLOWS
FOR THE YEARS ENDED SEPTEMBER 30, 2013 AND 2012

	2013	2012
CASH FLOWS FROM OPERATING ACTIVITIES		
Change in net assets	\$ 504,191	\$ 718,526
Adjustments to reconcile change in net assets to net cash provided (used) by operating activities		
Depreciation and amortization	26,370	26,755
Net appreciation in fair value of investments	(256,557)	(250,812)
Donation of securities	(31,266)	(264,760)
Amortization of present value discounts on grants and contributions receivable	(2,221)	(5,167)
(Increase) decrease in		
Grants receivable	583,133	(663,920)
Contributions receivable	(37,001)	219,001
Other receivables	1,944	4,211
Inventory	8,178	10,350
Prepaid expenses	(88,469)	26,480
Increase (decrease) in		
Accounts payable and accrued expenses	(64,999)	174,773
Accrued compensation	(138,954)	(79,426)
Deferred revenue	33,593	29,239
Deferred lease obligation	(12,183)	(5,844)
	525,759	(60,594)
CASH FLOWS FROM INVESTING ACTIVITIES		
Purchase of investments	(428,085)	(363,251)
Proceeds from sale of investments	636,484	1,000,642
Purchase of fixed assets	(24,070)	(10,053)
	184,329	627,338
INCREASE IN CASH AND CASH EQUIVALENTS	710,088	566,744
CASH AND CASH EQUIVALENTS AT BEGINNING OF YEAR	4,498,796	3,932,052
CASH AND CASH EQUIVALENTS AT END OF YEAR	\$ 5,208,884	\$ 4,498,796
SUPPLEMENTAL INFORMATION		
Non-cash contributions	\$ 31,266	\$ 264,760

NOTE 1: ORGANIZATION

The Federalist Society for Law and Public Policy Studies (the Society) was organized in August 1982 as a not-for-profit corporation under the state laws of Illinois, for the primary purpose of promoting intellectual diversity in the legal profession and the legal community. It is organized exclusively for charitable, educational and scientific purposes. The following provides a description of the Society's major classes of programs.

Faculty Division

Provides programs for faculty to discuss their scholarship. Provides fellowship for junior faculty and those seeking to enter the legal academy.

Chapter and Membership Services

Provides organizational and other assistance to the individuals involved in the Society's student and lawyer chapters. The chapters promote discussion of legal issues.

Speaker Bureaus

A program which brings judges, lawyers and legal scholars to law schools, college and university campuses and other public locations to speak about issues of national significance.

Symposium and Conferences

A program of seminars, conferences and meetings at which distinguished legal scholars give lectures and engage in debate and public discussion about issues of national importance. These programs include providing travel scholarships for students.

State Courts

A program of periodicals and occasional white papers and planned conferences related to state courts.

Practice Activities

A program of regular periodicals and occasional white papers and planned conferences related to specific legal areas of practice.

NOTE 2: SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES

Basis of Accounting

The financial statements of the Society have been prepared on the accrual basis of accounting in conformity with accounting principles generally accepted in the United States of America.

Accounting Estimates

The preparation of financial statements in conformity with accounting principles generally accepted in the United States of America requires management to make estimates and assumptions that affect the reported amounts of assets, liabilities and contingencies at the date of the statement of financial position and revenue and expenses during the reporting period. Actual results could differ from these estimates.

Cash Equivalents

All highly liquid debt instruments with a maturity of three months or less at the time of purchase are considered cash equivalents.

NOTE 2: SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES - continued

Inventory

The inventory consists of books, scans, ties and pins and is stated at cost and is computed using the first-in, first-out (FIFO) method.

Fixed Assets

Fixed assets are capitalized at cost and depreciated over estimated useful lives of 5 to 10 years using the straight-line method. It is management's policy to capitalize fixed assets for which the useful life extends past one year.

Investments

Investments are presented at fair value, as follows:

- Common stocks, U.S. government and government agency securities and corporate bonds are valued using the reported closing price of those assets on the last day of the fiscal year, when available, or the reported price of like assets, corroborated market data, indices and/or yield curves.
- Short-term securities and money market accounts are valued at cost, which approximates fair value.

Non-cash Contributions

Non-cash contributions are recorded at their fair value on the date of receipt. Certain non-cash items received are donated to the Society for charitable purposes.

Revenue Recognition

Individuals and foundations make grants and contributions to the Society. All grants and contributions are considered unrestricted unless the contributor specifically restricts the grant or contribution. Revenue is recognized when the grant or contribution is pledged.

The Society provides certain services only to dues paying members creating exchange transactions. Therefore, membership dues are considered program service fees and are recognized in the period in which the services are rendered.

Registration fees are recognized in the period in which the event occurs.

Net Assets

Net assets arising from contributions are reported as unrestricted or restricted based on stipulations of the donor. Unrestricted net assets are the portion of net assets that are neither temporarily nor permanently restricted by donor stipulations on their use. Temporarily restricted net assets are the portion of net assets resulting from contributions or other inflows of assets whose use is limited by donor-imposed stipulations that can be removed by the passage of time or action of the Society pursuant to those stipulations. Permanently restricted net assets are the portion of net assets whose use is limited by donor-imposed stipulations that cannot be removed by the passage of time or action of the Society.

Grants Receivable and Contributions Receivable

Grants receivable and Contributions receivable are reported at net realizable value and any allowance for bad debts is the result of management's assessment of the collectability of the receivables.

NOTE 2: SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES - continued

Advertising and Promotion

All advertising and promotion expense are charged to expense when incurred. Advertising and promotion expenses totaled \$119,922 and \$115,967 for the years ended September 30, 2013 and 2012, respectively.

Subsequent Events

In preparing these financial statements, management of the Society has evaluated events and transactions that could affect September 30, 2013 for potential recognition or disclosure in the financial statements. These events and transactions were evaluated through February 18, 2014, the date that the financial statements were available to be issued.

NOTE 3: GRANTS RECEIVABLE AND CONTRIBUTIONS RECEIVABLE

Included in grants receivable and contributions receivable are the following unconditional promises to give as of September 30, 2013 and 2012, using the present value discount rate of 3.0%:

	2013	2012
Amounts to be received in		
Less than one year	\$ 1,364,984	\$ 1,821,117
One to five years	-	90,000
	1,364,984	1,911,117
Present value discount	-	(2,221)
	\$ 1,364,984	\$ 1,908,896

Grants and contributions receivable are deemed by management to be fully collectible.

NOTE 4: INVESTMENTS

At September 30, 2013 and 2012, the Society's investments consist of the following:

	2013	2012
Corporate bonds	\$ 109,887	\$ 113,628
US government and government agency securities	367,414	689,267
Common stock	1,713,038	1,407,930
	\$ 2,190,339	\$ 2,110,915

Investment income (which is recognized in the statements of activities) for the years ended September 30, 2013 and 2012 was as follows:

Interest and dividends	\$ 71,400	\$ 70,801
Net appreciation in fair value of investments	256,557	250,812
	\$ 327,957	\$ 321,713

NOTE 5: FAIR VALUE

Generally accepted accounting principles define fair value as the price that would be received to sell an asset or paid to transfer a liability in an orderly transaction between market participants at the measurement date, establish a fair value reporting hierarchy and define three broad levels of inputs (the assumptions that market participants would use in pricing the asset or liability) as noted below:

Level 1

Inputs are unadjusted quoted prices in active markets for identical assets or liabilities that the reporting entity has the ability to access at the measurement date.

Level 2

Inputs are quoted prices for similar assets or liabilities in active markets, quoted prices for identical or similar assets or liabilities in markets that are not active or inputs that are derived principally from or corroborated by observable market data by correlation or other means.

Level 3

Inputs to the valuation methodology are unobservable and significant to the fair value measurement.

A financial instrument's level within the fair value hierarchy is based on the lowest level of any input that is significant to the fair value measurement. See Note 2 for more specific detail on valuation methodology, which was not changed during the year ended September 30, 2013.

The availability of observable market data is monitored to assess the appropriate classification of financial instruments within the fair value hierarchy. Changes in economic conditions or model-based valuation techniques may require the transfer of financial instruments from one fair value level to another. In such instances, the transfer is reported at the end of the reporting period. For the year ended September 30, 2013, there were no transfers in or out of levels 1, 2 or 3.

As of September 30, 2013 and 2012, assets measured at fair value on a recurring basis are summarized by level within the fair value hierarchy as follows:

	2013			
	Level 1	Level 2	Level 3	Total Fair Value
Corporate bonds	\$ 109,887	\$ -	\$ -	\$ 109,887
US government and government agency securities	-	367,414	-	367,414
Common stock	1,713,038	-	-	1,713,038
Cash equivalents	5,124,368	-	-	5,124,368
	\$ 6,947,293	\$ 367,414	\$ -	\$ 7,314,707
	2012			
	Level 1	Level 2	Level 3	Total Fair Value
Corporate bonds	\$ 100,619	\$ 13,009	\$ -	\$ 113,628
US government and government agency securities	-	589,357	-	589,357
Common stock	1,407,930	-	-	1,407,930
Cash equivalents	4,485,485	-	-	4,485,485
	\$ 5,994,034	\$ 602,366	\$ -	\$ 6,596,400

NOTE 6: TEMPORARILY RESTRICTED NET ASSETS

As of September 30, 2013 and 2012, temporarily restricted net assets of \$1,384,157 and \$2,000,151, respectively, were available for education and research projects. Net assets released from restriction during the years then ended were released for those education and research projects.

NOTE 7: COMMITMENTS AND CONTINGENCIES

The Society has an office lease that expires December 31, 2015. Rent expense for the years ended September 30, 2013 and 2012 was \$370,581 and \$338,519, respectively.

The Society recognizes rents required under its operating leases as rent expense on a straight line basis over the term of the lease, with the differences between amounts recognized and amounts actually paid recorded as deferred lease obligation in the accompanying statements of financial position.

As of September 30, 2013, required minimum lease payments, are as follows:

2014	\$ 368,509
2015	375,879
2016	94,433
	\$ 838,821

On December 10, 2011, the Society entered into an employment contract with the President of the Society to serve a term from January 1, 2011 through December 31, 2013. The terms of the contract provide the President of the Society an annual salary of \$450,000. In addition to the annual salary, the Society will compensate the President up to \$250,000 annually to purchase an annuity for retirement. This compensation will be net of any amounts contributed for the President's 403(b) retirement plan, eligible nonqualified deferred compensation agreement and long-term care insurance. Subsequent to year end, the Society began negotiations on a new employment contract for its President, pending the evaluation of an independent compensation study.

As a result, \$0 and \$168,707, respectively, has been included in Accrued Compensation on the statement of financial position as of September 30, 2013 and 2012.

NOTE 8: FUNCTIONAL ALLOCATION OF EXPENSES

The costs of providing the various programs and other activities have been summarized on a functional basis in the statements of activities. Accordingly, certain costs have been allocated among the programs and supporting services benefited.

NOTE 9: THE FEDERALIST SOCIETY 403(B) PLAN

Effective January 1, 2008 the Society initiated the Federalist Society 403(b) Plan which allows the Society to provide discretionary contributions on behalf of employees. For 2013 and 2012, the Society contributed 7% of eligible compensation to the Federalist Society 403(b) Plan. The Society contributions totaled \$152,325 and \$124,572, for the years ended September 30, 2013 and 2012, respectively.

NOTE 10: INCOME TAXES

The Society is exempt from federal income taxes, except for taxes on unrelated business income, under Section 501(c)(3) of the Internal Revenue Code. There was no unrelated business income in the years ended September 30, 2013 and 2012.

The Society obtained its latest determination letter on August 4, 2005, in which the Internal Revenue Service stated that the Society, as then designed, was in compliance with the applicable requirements of the Internal Revenue Code (IRC) and it is qualified under Section 501 (c)(3) of the IRC.

NOTE 10: INCOME TAXES - continued

Accounting principles generally accepted in the United States of America require that management of an organization evaluate tax positions taken by the organization and disclose a tax liability if it is more likely than not that the position will not be sustained upon examination by the Internal Revenue Service. Management has analyzed the Society's tax positions and has concluded that as of September 30, 2013, there are no uncertain positions taken or expected to be taken that would require disclosure in the financial statements. The Society is subject to routine audits by taxing jurisdictions; however, there are currently no audits in progress for any tax periods. Management believes the Society is no longer subject to income tax examinations for years prior to the year ended September 30, 2010.

NOTE 11: CONCENTRATION OF CREDIT RISK

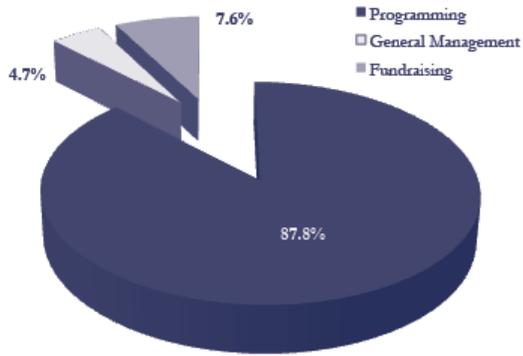
Financial instruments that subject the Society to concentrations of credit risk include cash and investments which are held by financial institutions. While the Society attempts to limit its financial exposure, its deposit balances with financial institutions may, at times, exceed the limits insured by agencies of the U.S. government. The Society has not experienced, and does not anticipate experiencing, any losses on such deposits.

NOTE 12: SPLIT-INTEREST AGREEMENT

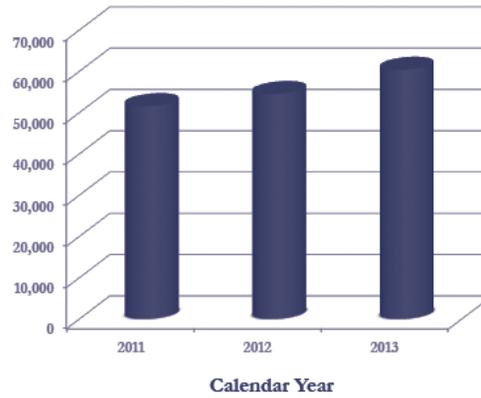
The Society has been named as remainderman on two charitable remainder trusts established in 2009. One trust was established in the amount of \$1,000,000 and the other in the amount of \$500,000. Distributions from each trust will be made during the life of the primary beneficiary and upon the death of that beneficiary any amount remaining in the trust will be distributed, free of restrictions, to the Society. The amounts of any distributions to the Society cannot reasonably be estimated and no provision for such distributions has been made in the financial statements.

END OF AUDITED
FINANCIAL STATEMENTS

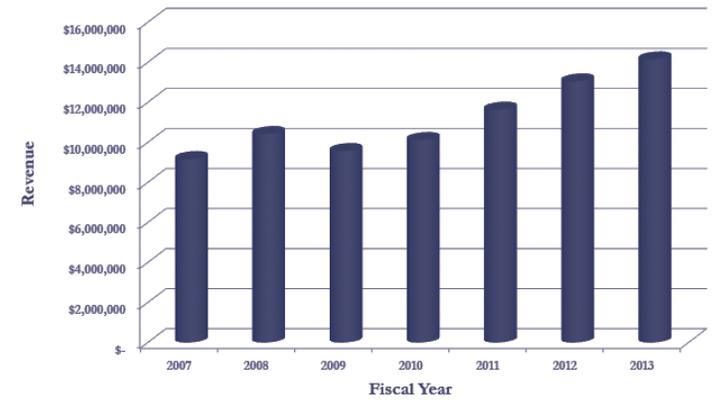
**Expenditures
Fiscal Year 2013**



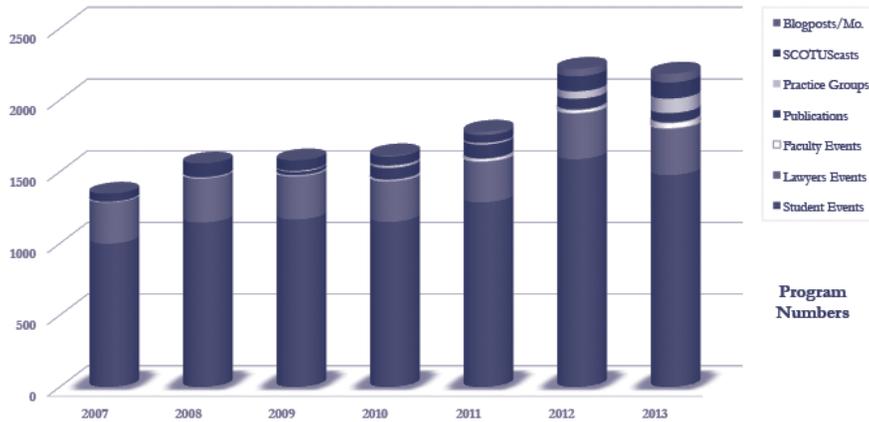
**Federal ist Society Membership
Growth Local and National
Involvement**



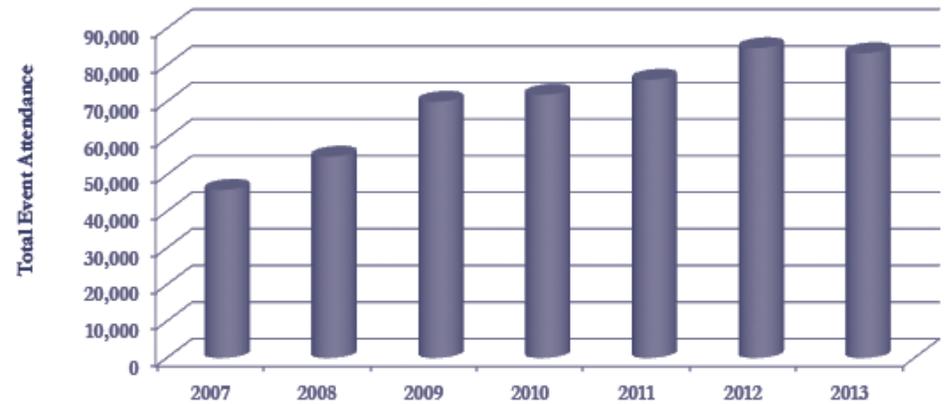
**Federal ist Society
Unrestricted Revenue Growth**



**Federal ist Society
Program Growth**



**Federal ist Society
Student Division**



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