



THE FEDERALIST SOCIETY

for
LAW AND PUBLIC POLICY
STUDIES

2008 Annual Report

“The Courts must declare the sense of the law; and if they should be disposed to exercise will instead of JUDGMENT, the consequences would be the substitution of their pleasure for that of the legislative body.”

THE FEDERALIST 78

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

Dear Friends and Supporters:

We all know economic times are hard. But from viewing the ballroom during any of our many panels during our Annual National Lawyers Convention last November, you would never know that. Those inside the beltway who have never quite understood what makes the Federalist Society successful were expecting the economy and, in their view, the election to have a negative effect on this year's convention. Both the mood of the gathering and the 1,400 participants (our second best only to last year's 25th anniversary) proved them wrong.

The reason is simple. The Federalist Society has always been about ideas. Indeed, when asked recently about the changing Washington landscape by *The Legal Times*, I said that I thought the organization would thrive in the new era because the Federalist Society is, and always has been, about ideas. The assumption in Washington is that the closer you are to power, the more influence you have. But, as my father told me, at the end of the day, power has the second to last word in the affairs of men. *Ideas* have the last word.

With the change of Administration, the opportunity for the Federalist Society to generate critical and incisive discussion of ideas will be greater than ever. There will be many legal issues pertaining to the financial bailout but there will also be a vast number of other policy proposals emanating from the new Administration. Many of these issues will be high profile, and the Federalist Society is poised to conduct significant programming and scholarship on them. Other very important issues will undoubtedly pass under the radar.

The Federalist Society now has 4,000 active volunteers with expertise in every nook and cranny of the law. Our volunteers may well notice key proposals that are not receiving attention and discussion. Our laws and regulations will be far better if we assure that critical proposals receive a vigorous airing before becoming law. Now more than ever, we will call on our volunteers for assistance in alerting us to such proposals and then generating discussion about them.

In our effort to change the legal culture, we will continue to bring traditional legal principles, through debate and discussion, to law students, lawyers, and others in our ever-broadening community. Now more than ever, we must present the best minds and the best arguments to our audiences so that all sides of important legal questions will be brought to light.

In 2008 the Society was able to bring our programs to the largest number of law students in our 26-year history. We are pleased to note that there is a Federalist Society Student Chapter on every law school campus in America. Participation in our Lawyers Chapters and Practice Groups has also expanded throughout the country. Our State Courts and media efforts also ensure that these principles reach far beyond the academic world. The development of our Faculty Division will help assure a vigorous discussion of our ideas in the law schools.

This fiscal year, which ended September 30th, our revenues increased by 15 percent, following an upward trend that began six years ago. In these uncertain



Federalist Society President Eugene B. Meyer and Executive Vice President Leonard A. Leo meet with featured speaker U.S. Attorney General Michael B. Mukasey and his wife Susan, and U.S. Supreme Court Justice Samuel A. Alito, Jr. before the 2008 Annual Dinner. Pictured from left to right: Eugene Meyer, General and Mrs. Mukasey, Leonard Leo, and Justice Alito.

economic times, we will be cautious about our commitments but we will do everything we can to raise enough money to continue to produce Federalist Society programs everywhere they are requested and needed at law schools, at Lawyers Chapters, in Practice Groups and special projects across the country.

We will depend on the support of people, like you, who understand the value of our continuing mission to introduce traditional legal principles to a new class of law students each and every year, to keep those ideals before conservative and libertarian lawyers in all parts of the country and through our scholarship and special projects to try to inform and educate the public on the role of the courts.

You should know that the contributions you have made to the Federalist Society represent good value. We still get more bang for our buck than many organizations because so many of our highly competent members volunteer their talents to lead programs all over the country. Every dollar we raise counts.

This will be a challenging time ahead. As discussed above, there is much to be done and a difficult climate in which to do it. But with the help of our members and donors, we are confident that we can continue building the next generation and advancing the rule of law.

Sincerely,

Eugene B. Meyer

President

STUDENT CHAPTERS ADVANCE VIGOROUS DISCUSSION OF IDEAS ON CAMPUS

Thanks to the hard work of the Federalist Society's volunteer chapter leaders, ever increasing numbers of law school students are hearing intellectually engaging discussions of conservative and libertarian approaches to legal questions. A total of 60,000 students, professors, and community members were exposed to our ideas at the 1,145 student chapter events held across the country in the 2007-2008 academic year. These numbers represent significant growth from last year, and testify to the continued vibrancy of our student program. Just a few of these events are described below.

Student chapter events discussed both timely legal issues and the perennial questions of jurisprudence. The varied legal issues arising out of the War on Terror continue to draw significant student interest. David Rivkin, Jr. of Baker Hostetler debated Prof. George Fletcher before 150 students at **Columbia** on the detention of suspects at Guantanamo. Prof. Michael Lewis from Ohio Northern University took on a professor who consults for the ACLU and an attorney for four Guantanamo detainees for a debate on "National Security v. Civil Liberties" at **Drake**. Over two hundred **Pennsylvania** students attended a debate between author Dinesh D'Souza and Prof. Bill Burke-White of the University of Pennsylvania Law School faculty on the question: "Does the War on Terror Undermine Our Freedom?" **Georgetown** students heard first-hand accounts of the importance of lawyers and the rule of law from three Iraqi attorneys who are leaders in their regional bar associations. Former U.S. Attorney General John Ashcroft spoke to a packed hall of over 800 at **Cornell** on the politics of national security.



Former U.S. Solicitor General Theodore Olson (right) chats with students after addressing more than 125 people at the **Harvard** Chapter's Annual Banquet on April 11, 2008.



U.S. Supreme Court Justice Samuel A. Alito, Jr. mingles with Max Chiz (left) and Brandon Thibodeaux (right) of **Tulane Law School** at the annual Olson Barbeque during the Student Leadership Conference in Washington, D.C. in July.

In a related matter, the role of international law and institutions in American law and policy drew significant discussion. Former U.S. Ambassador to the United Nations John Bolton addressed a large crowd at **Columbia** on the role of international institutions in American foreign policy. Prof. John McGinnis of Northwestern Law School debated Prof. David Fontana of **George Washington University** Law School before over 110 students on whether American courts should consider foreign law when interpreting the U.S. Constitution. In a unique event, R. Ted Cruz, former Solicitor General of Texas, and Professors Randy Barnett of Georgetown, John Baker of Louisiana State, and Ernie Young and Elizabeth Hardy of Texas participated in a moot Supreme Court argument on *Medellin v. Texas*, an important international law case, before 100 **Texas** students. Sixty students turned out at **California Western** to hear their Prof. William Aceves debate Prof. Ronald Rychlak of Ole Miss on "Resolved: The International Criminal Court is an Obstacle to Peace."

The constitutional law surrounding the takings clause was a hot topic in the wake of *Kelo v. New London*. Prof. Richard Epstein of Chicago debated that decision at **Harvard** with Prof. David Barron of the faculty. Over 100 students from **Georgetown** attended a debate between Judge Alex Kozinski of the U.S. Court of Appeals for the Ninth Circuit and Chip Mellor of the Institute for Justice (IJ), which funded the *Kelo* litigation. Scott Bullock, also from IJ joined Michael Greve of the American Enterprise Institute and Prof. Zygmunt Plater of the Boston College Law School for a panel discussion on *Kelo* before 125 students of the **Boston College** Chapter. Bullock also



Former U.S. Attorney General John Ashcroft speaks to a group of more than 200 students at Yale Law School in October exploring the subject of “Leadership in Difficult Times.”

discussed the decision at **Miami** and **Rutgers–Newark**.

Decisions pending before the U.S. Supreme Court drew just as much attention as recently decided precedent. Student groups sponsored a number of events focused on affirmative action and *Parents Involved*. For instance, the **Duke** Chapter sponsored a panel with Roger Clegg from the Center for Equal Opportunity, Prof. Neil Siegel of the Duke faculty, and Anurina Bhargava of the NAACP Legal Defense Fund to discuss the legal implications of *Parents Involved*. Clegg participated in a similar panel before 160 students at **New York University**

alongside Dennis Parker of the ACLU’s Racial Justice Program, Prof. Shavar Jeffries of Seton Hall University, and Prof. Kim Yuracko of NYU. Victor Bolden, an ACLU attorney, also defended affirmative action in a debate with Prof. Nicholas Capaldi of Loyola University (New Orleans) at **Fordham**. Professors Richard Sanders of UCLA Law, Richard Lempert of Michigan Law and Daniel Malamud of NYU participated in a panel analyzing quantitative data on affirmative action at **New York University**. Prof. Sanders debated Prof. Kevin Brown of the **Indiana (Bloomington)** School of Law before 210 students at that school on whether affirmative action is actually detrimental to the students who receive preference in admission. Judge Jeffrey Sutton, U.S. Court of Appeals for the Sixth Circuit, discussed earlier cases dealing with schools and civil rights in a speech to the **Vanderbilt** and **Michigan** Chapters.

Students were equally interested in the *District of Columbia v. Heller* gun rights litigation before the U.S. Supreme Court. Co-counsel Clark Neily of the Institute for Justice debated Prof. Mark Tushnet of the Harvard Law faculty before nearly 100 **Harvard** students on the question, “Whose Right to Bear Arms?” Fellow co-counsel Robert Levy of the Cato Institute debated Tom Goldstein of Akin Gump on the D.C. gun ban before 100 students at **Texas**, while trial counsel Alan Gura debated Prof. Jack Rakove of Stanford before a similar-sized crowd at **UCLA**. Levy debated Prof. Erwin Chemerinsky at **Duke** on whether the Second Amendment protects a communal or individual right to bear arms; he tackled the same topic with New York City Councilman David Yassky before 60 students at **Brooklyn**.

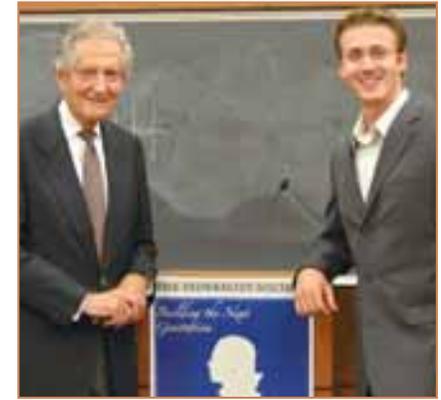
In addition to its individual cases, the Roberts Court as a whole was the subject of significant discussion. More than 150 **Columbia** students turned out to hear M. Edward Whelan III, President of the Ethics and Public

Policy Center, debate Emily Bazelon of *Slate* magazine on the Roberts Court. Whelan debated the same topic with Prof. Robert Post at **Yale**, while he discussed activism on the Court at **Stanford** and **Santa Clara** and the impact of the 2008 election on the Court at **Harvard**. Also at **Harvard**, ABC News legal correspondent Jan Crawford Greenburg previewed her new book, *Supreme Conflict: The Inside Story of the Struggle for Control of the Supreme Court*. Joan Larsen, Richard Primus, Christine Whitman, and Evan Carminker of the **Michigan** Law faculty gave over 200 students a round-up of the Court’s previous term. Judges Alex Kozinski and Stephen Reinhardt, of the U.S. Court of

Appeals for the Ninth Circuit, discussed the same term at **Stanford**. James Ho of Gibson, Dunn & Crutcher gave a similar “Supreme Court Round-up” at **Oklahoma** and **Chicago**, while Prof. Stephanos Bibas of the University of Pennsylvania Law School focused on the jurisprudence of Justice Antonin Scalia in a speech to 55 **Temple** students. Former U.S. Attorney General Edwin Meese III took a step back from this particular term to ask **Georgetown** students, “Would the Founding Fathers recognize today’s Supreme Court?” Similarly, Dean Kenneth Starr of Pepperdine Law School put the Roberts Court in a historic framework for 125 **Columbia** students, describing it as “The Enduring Hamiltonian-Jeffersonian Colloquy.”

Of course, the Court’s greatest attraction is its members. Justices Anthony Kennedy and Stephen Breyer spoke to students at **Yale**, while Justice Antonin Scalia participated in a question and answer session on the Constitution with **Valparaiso** students. Justice Clarence Thomas stopped at **Chapman** for his book tour to discuss his autobiography, *My Grandfather’s Son: A Memoir*.

While the day-to-day and year-to-year questions of the Court and the law fluctuate between school years, some topics never fail to attract interested students. For instance, **Yale** students turned out to hear successive speeches the same week in May by Judge Brett Kavanaugh of the U.S. Court of Appeals for the D.C. Circuit on “Textualism and Separation of Powers” and by Judge Diarmuid O’Scannlain of the U.S. Court of Appeals for the Ninth Circuit on “The Role of the Judge in the Constitutional Framework.” Judge Douglas Ginsburg of the U.S. Court of Appeals for the D.C. Circuit spoke to **Harvard** and **Northwestern** students on law and economics, while Judge Edith Jones of the U.S. Court of Appeals for the Fifth Circuit spoke to **Northwestern** students on judicial restraint. Ginsburg’s D.C. Circuit



Judge J. Clifford Wallace of the U.S. Court of Appeals for the Ninth Circuit poses with Samson Elsbernd (right) after a presentation at University of the Pacific, **McGeorge School of Law** in Sacramento.

colleague, Judge Janice Rogers Brown, drew a standing room only crowd for a speech on “Faith and Freedom in the 21st Century” before **Regent** students. Approximately 230 students from **Columbia** turned out to hear Judge Richard Posner of the U.S. Court of Appeals for the Seventh Circuit describe “How Judges Think;” a similar number heard Judge Posner debate David Lat of *Above the Law* at **Chicago** on judges as public figures. “Constitutional Clichés: Does Trite Make Right?” was the question Prof. Randy Barnett from Georgetown put to a crowd of 75 students at **Kentucky**. Judge Michael McConnell of the U.S. Court of Appeals for the Tenth Circuit joined Professors Jack Balkin and Akhil Amar of the Yale faculty to talk about varieties of originalism before 100 **Yale** students. **Yale** students also heard Prof. Richard Epstein of Chicago Law School debate Prof. Jules Coleman of the Yale faculty concerning the roles of economics and moral reasoning in the law of torts. At **Georgetown**, Roger Pilon from the Cato Institute debated Prof. Mike Seidman on whether judges should secure unenumerated rights. Dr. Pilon gave the same talk at **Baylor**, **San Diego**, and **Arizona State**.

Across the country’s 200 law schools, Federalist Society students sponsor high-quality events like these. Such programming offers the rising generation of attorneys and policy-makers ideas for addressing the pressing and perennial issues facing America’s legal community that may not have been discussed in the classroom.



Student Division Director Peter Redpath (left) and Assistant Director Kate Beer (right) organize student volunteers from the **Harvard** and **University of Virginia** Chapters to help out at the National Lawyers Convention in November.

SELECTED STUDENT CHAPTERS SPEAKERS

Prof. Jonathan Adler, Case Western Reserve University School of Law
 Prof. Hadley Arkes, Amherst College
 Hon. John Ashcroft, former U.S. Attorney General
 Prof. John Baker, Jr., Louisiana State University Law Center
 Prof. Randy Barnett, Georgetown University Law Center
 Hon. Bob Barr, former U.S. Congressman
 Judge Carlos Bea, U.S. Court of Appeals, Ninth Circuit
 Clint Bolick, Goldwater Institute
 Hon. John Bolton, American Enterprise Institute, former U.S. Ambassador to the United Nations
 Hon. Rachel Brand, Assistant Attorney General, Office of Legal Policy, U.S. Department of Justice
 Justice Stephen Breyer, U.S. Supreme Court
 Judge Janice Rogers Brown, U.S. Court of Appeals, D.C. Circuit
 Scott Bullock, Institute for Justice
 Judge Jay Bybee, U.S. Court of Appeals, Ninth Circuit
 Judge Edith Brown Clement, U.S. Court of Appeals, Fifth Circuit
 Hon. Paul Clement, former U.S. Solicitor General
 Ward Connerly, American Civil Rights Institute
 Justice Maura D. Corrigan, Michigan Supreme Court
 Hon. R. Ted Cruz, former Texas Solicitor General
 Justice Robert Edmunds, Jr., North Carolina Supreme Court
 Justice Allison Eid, Colorado Supreme Court
 Prof. Richard Epstein, University of Chicago Law School
 Prof. Charles Fried, Harvard Law School
 Prof. Nicole Garnett, Notre Dame Law School
 Prof. Rick Garnett, Notre Dame Law School
 Todd Gaziano, The Heritage Foundation

Prof. Robert P. George, Princeton University
 Judge Douglas Ginsburg, U.S. Court of Appeals, D.C. Circuit
 Judge Neil Gorsuch, U.S. Court of Appeals, Tenth Circuit
 Jan Crawford Greenburg, ABC News
 Michael Greve, American Enterprise Institute
 Judge Thomas Griffith, U.S. Court of Appeals, D.C. Circuit
 Alan Gura, Gura & Possessky, PLLC
 Kevin J. Hasson, The Becket Fund for Religious Liberty
 Judge Edith Jones, U.S. Court of Appeals, Fifth Circuit
 Hon. Gregory Katsas, Deputy Assistant Attorney General, Civil Division, U.S. Department of Justice
 Judge Brett Kavanaugh, U.S. Court of Appeals, D.C. Circuit
 Justice Anthony Kennedy, U.S. Supreme Court
 Prof. Orin Kerr, George Washington University School of Law
 Prof. Doug Kmiec, Pepperdine University School of Law
 Judge Alex Kozinski, U.S. Court of Appeals, Ninth Circuit
 Robert A. Levy, The Cato Institute
 Justice Stephen Markman, Michigan Supreme Court
 Judge Michael McConnell, U.S. Court of Appeals, Tenth Circuit
 Hon. Bob McDonnell, Virginia Attorney General
 Prof. John McGinnis, Northwestern University School of Law
 Hon. Edwin Meese III, The Heritage Foundation, former U.S. Attorney General
 Clark Neily III, Institute for Justice
 Judge Paul Niemeyer, U.S. Court of Appeals, Fourth Circuit
 Hon. Theodore Olson, Gibson, Dunn & Crutcher, LLP, former U.S. Solicitor General
 Judge Diarmuid O’Scanlain, U.S. Court of Appeals, Ninth Circuit

Roger Pilon, The Cato Institute
 Ramesh Ponnuru, *National Review*
 Judge Richard Posner, U.S. Court of Appeals, Seventh Circuit
 Judge William Pryor Jr., U.S. Court of Appeals, Eleventh Circuit
 Justice John Roach, Kentucky Supreme Court
 Justice Antonin Scalia, U.S. Supreme Court
 Justice Harold See, Jr., Alabama Supreme Court
 Judge David Sentelle, U.S. Court of Appeals, D.C. Circuit
 Christina Hoff Sommers, American Enterprise Institute
 Dean Kenneth Starr, Pepperdine University School of Law
 Prof. Margaret D. Stock, U.S. Military Academy, West Point
 Judge Jeffrey Sutton, U.S. Court of Appeals, Sixth Circuit
 Justice Clifford Taylor, Michigan Supreme Court
 Judge Deanell Reece Tacha, U.S. Court of Appeals, Tenth Circuit
 Justice Clarence Thomas, U.S. Supreme Court
 Former Commissioner Hans von Spakovsky, Federal Election Commission
 Judge J. Clifford Wallace, U.S. Court of Appeals, Ninth Circuit
 Prof. Amy Wax, University of Pennsylvania Law School
 M. Edward Whelan III, Ethics and Public Policy Center
 Prof. John Yoo, University of California, Berkeley School of Law – Boalt Hall
 Cathy Young, *Reason Magazine*
 Justice Annette Kingsland Ziegler, Wisconsin Supreme Court

RECORD-SETTING YEAR FOR LAWYERS CHAPTERS

In 2008, the Federalist Society's seventy Lawyers Chapters continued their recent success, as measured by the strength of their leadership, programming, publications, media outreach, and involvement with the Society's special projects, including the State Courts Project. The chapters held a record-setting 310 events in the last fiscal year, drawing an audience of over 22,000 lawyers.

The quality of the programming continues to be at the highest level, reflecting the Society's strong local leadership. This programming is critical to ensuring a strong community presence. The chapters organize programs with a variety of formats, including speeches, debates, and panel discussions, often in conjunction with the Practice Groups, Student Division, and the State Courts Project.

One of the highlights of the past programming year occurred in October 2008, when the **Cincinnati** Lawyers Chapter co-hosted a conference with the John M. Ashbrook Center on the "Presidency and the Courts" headlined by President George W. Bush. Over 600 people attended the President's speech, which reflected on his legacy of judicial appointments. The conference included two panel discussions and a luncheon address by former U.S. Attorney General Edwin Meese III. Panelists included Ethics & Public Policy President M. Edward Whelan III, Wendy Long of the Judicial Confirmation Network, and Dean Louis D. Bilionis of the University of Cincinnati College of Law who discussed the interplay between the Executive and the Court, including how the President shaped the Court through appointments (and in some cases, threats of changing the number of justices on the Court), and in turn how the Court shaped the implementation of administration policy through its decisions. The second panel, featuring former U.S. Solicitor General Paul Clement, Prof. David Forte of the Cleveland-Marshall College of Law, Robert Alt of the Heritage Foundation, and Prof. Michael J. Gerhardt of the University of North Carolina School of Law explored how the Founders understood the role of the U.S. Supreme Court. Discussion focused on the renewed emphasis on originalism and a comparison of originalism to the other interpretive methodologies practiced by the Court.

In addition to this conference, Lawyers Chapters were actively involved in other aspects of the Society's Role of the Courts Project in 2008. The project focused attention on the U.S. Supreme Court, using as the backdrop the importance of issues surrounding the proper role of the courts as well as the judicial confirmation process. Chapters focused on two major components of this project. First, chapters organized programming on the U.S. Supreme Court and its role, on the current business before the Court and emerging trends, and on the importance of the respective roles of the



Pepperdine Dean Kenneth Starr and Prof. Nicholas Quinn Rosenkranz of the Georgetown University Law Center were invited to lead a discussion on "the Authority of Kings, Presidents and Judges" after a reading of *King Lear*. Members of the Federalist Society **Boston** Chapter joined other Massachusetts lawyers for their annual Shakespeare reading last spring.

President and Congress in the nomination and confirmation of judges. Chapters in **Indiana, North Carolina, Nevada, New Jersey, Missouri, Michigan, Ohio, Florida, Pennsylvania, Missouri, and Colorado** raised these issues in panels, debates, and speeches throughout 2008. Chapters also discussed the Court's jurisprudence. Many chapters hosted speeches and debates on *District of Columbia v. Heller* (the "D.C. Gun Ban" case) throughout the spring.

"U.S. Supreme Court Round-Ups" and "Previews" were once again highlighted events for Lawyers Chapters around the country. As in previous years, former U.S. Solicitor General Paul Clement attracted large audiences of local attorneys in **Philadelphia** and **Milwaukee**. Former U.S. Solicitor General Theodore Olson delivered his annual speech reviewing the past term of the U.S. Supreme Court before more than 500 Washington, D.C. attorneys. The **Minneapolis, San Francisco, Houston, Orange County, Austin, Montgomery, Nashville, and Indianapolis** Chapters hosted similar programs.

The Lawyers Chapters have taken critical roles in organizing State Court Project initiatives. Chapters in **Alabama, Florida, Michigan, Mississippi, Louisiana, Ohio, Wisconsin, Missouri, and Texas** were among those that



U.S. Supreme Court Justice Antonin Scalia meets with the officers of the **Philadelphia** Lawyers Chapter after one of four lectures on his recently published book, *Making Your Case: The Art of Persuading Judges*. He also spoke to the **Chicago, Colorado, and Boston** Chapters. Lisa Budzynski Ezell, Director of Lawyers Chapters, is at the far left.

took leading roles in 2008 in hosting programs with state and appellate court judges, drafting White Papers and articles on state court jurisprudence for *Docket Watch*, identifying media experts and local scholars, and taking a leading role in the discussion on the proper role of the state courts. Several other chapters sponsored programs debating state judicial selection methods, judicial free speech restrictions, judicial activism vs. judicial restraint, and state supreme court jurisprudence. **California** Lawyers Chapters held a series of programs discussing the repercussions of that state's supreme court decision in legalizing gay marriage.

This year, the Lawyers Chapters were honored to host several programs featuring U.S. Supreme Court Justice Antonin Scalia. Justice Scalia spoke about his recently published book, *Making Your Case: The Art of Persuading Judges*, to chapters in **Washington, D.C., Denver, Chicago, Boston, and Philadelphia**. These events drew an average of over 400 attendees. Following brief remarks, Justice Scalia answered questions from the audience. Questions covered diverse topics such as his judicial philosophy, how he selects law clerks, and how he regards his tenure as a Justice. Justice Scalia also spoke to chapters in **Memphis** and **Baltimore** in the past year.

The Second Annual Western Regional Conference took place at the Ronald Reagan Presidential Library in Simi Valley, California. Over 200 lawyers and students from across California attended the day-long program on February 23 on "Direct Democracy: Voice of the People or Undermining

Representative Government?" Featured speakers included Ward Connerly, former California Governor Pete Wilson, U.S. Court of Appeals for the Ninth Circuit Judges Alex Kozinski and Stephen Reinhardt, and Pepperdine School of Law Dean Kenneth Starr. Attendees also took the opportunity to tour the museum and grounds of the library.

The **Boston** Chapter held its annual Shakespeare Play in May. Over 350 attended the staged reading of "King Lear." Pepperdine School of Law Dean Kenneth Starr hosted a post-performance discussion on issues of national sovereignty and the independence and authority of the branches of government. K&L Gates Partner and former American Bar Association President Michael S. Greco starred as King Lear. Former Massachusetts Governor Paul Cellucci; Massachusetts Supreme Judicial Court Judges Robert Cordy and Judith Cowin; U.S. District Court Judges Nathaniel Gorton, Patti Saris, F. Dennis Saylor IV, Douglas Woodlock, and Rya Zobel; and many other leading Boston attorneys participated in the reading at the Cutler Majestic Theater.

Annual chapter dinners and meetings are other highlighted events from this past year. Many of these special events recognize lawyers and judges who have served as an inspiration to chapter members, and these events offer the opportunity to thank these Federalists for their service. The **New York City** Chapter held its annual dinner in June to honor its long-time chapter chairman Nicholas Stathis with its James Madison Award. Over 100 attorneys attended the sold-out dinner at Fraunces Tavern, the site of President George Washington's farewell to his officers. Author David O. Stewart offered some remarks about his book, *The Summer of 1787: The Men Who Invented*



U.S. Senator Jon Kyl of Arizona (left) poses with officers of the **Phoenix** Chapter the week of the elections when he addressed their concerns about President-Elect Obama's judicial philosophy and how it could affect the courts.

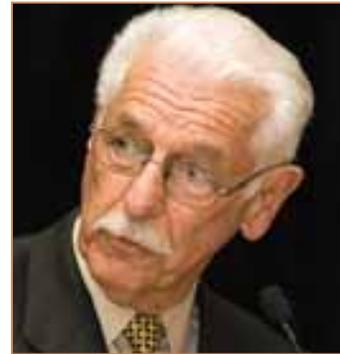


President George W. Bush greets a Marine in the audience at a conference co-sponsored by the Federalist Society **Cincinnati** Lawyers Chapter and the Ashbrook Center. Entitled “The Presidency and the Courts,” the conference attracted more than 600 participants last fall to hear the President speak about the legacy of his judicial appointments.

the Constitution. The **Michigan** Chapter hosted its annual dinner honoring Michigan Supreme Court Justice Robert Young, Jr. with its Joseph D. Grano Award. His colleagues on the Michigan Supreme Court, Chief Justice Clifford Taylor and Justices Stephen Markman and Maura Corrigan, also attended. U.S. Congressman Thaddeus G. McCotter of Michigan offered the keynote remarks. The **San Diego** Chapter hosted former U.S. Attorney General Edwin



Special honors were presented to leading Florida lawyers at the **Florida** Chapter reception in Boca Raton. Honorees included General Counsel to the Governor Jason Gonzalez (left), Chapter leader Alan Orantes Forst (center) and Florida Supreme Court Justice Raoul Cantero III (right).



Judge Carlos Bea of the U.S. Court of Appeals for the Ninth Circuit was the featured speaker at an **Orange County** Chapter banquet hosted in the spring.

Meese III at the Chapter’s 15th Anniversary Dinner. General Meese received the Chapter’s Professor Bernie Siegan Award. Assemblyman Joel Anderson’s office presented a resolution adopted by the California State Assembly honoring the Chapter for 15 years of service at the dinner. The **Orange County** Chapter also hosted an annual dinner with special guest Judge Carlos Bea of the U.S. Court of Appeals for the Ninth Circuit. The chapter also honored local Student Chapter presidents at the dinner. The **Florida** Lawyers Chapters organized a reception during the annual meeting of the Florida Bar in Boca Raton on June 19. There were approximately 100 people in attendance, including a substantial number of judges. Special Madison Honors were presented to leading Florida lawyers for their “public service and furtherance of the rule of law.” Honorees included interim U.S. Attorney for the Middle District of Florida Robert O’Neill, Florida Deputy Attorney General Joe Jacquot, General Counsel to the Governor Jason Gonzalez, Chairman Alan Orantes Forst, and Florida Supreme Court Justices Raoul Cantero III, and Kenneth Bell.

SELECTED LAWYERS CHAPTERS SPEAKERS

Hon. Paul Atkins, former U.S. Securities & Exchange Commissioner
 Prof. Randy Barnett, Georgetown University Law Center
 Judge Carlos Bea, U.S. Court of Appeals, Ninth Circuit
 John Bolton, American Enterprise Institute, former U.S. Ambassador to the United Nations
 Hon. Rachel Brand, Assistant Attorney General, Office of Legal Policy, U.S. Department of Justice
 Judge Janice Rogers Brown, U.S. Court of Appeals, D.C. Circuit
 Linda Chavez, Center for Equal Opportunity
 Justice Ming W. Chin, California Supreme Court
 Prof. Jesse H. Choper, University of California, Berkeley School of Law—Boalt Hall
 Hon. Paul Clement, former U.S. Solicitor General
 Ward Connerly, American Civil Rights Institute
 Hon. Charles Cooper, Cooper & Kirk, PLLC
 Hon. R. Ted Cruz, former Texas Solicitor General

Dean John Eastman, Chapman University School of Law
 Judge Jennifer Walker Elrod, U.S. Court of Appeals, Fifth Circuit
 Prof. Richard Epstein, University of Chicago Law School
 John Fund, *The Wall Street Journal*
 Alan Gura, Gura & Possesky, PLLC
 Judge Douglas Ginsburg, U.S. Court of Appeals, D.C. Circuit
 Michael Greco, Past President of ABA and Partner, K&L Gates LLP
 Jan Crawford Greenburg, ABC News
 Chief Justice Wallace Jefferson, Texas Supreme Court
 Judge Edith Jones, U.S. Court of Appeals, Fifth Circuit
 Prof. Neal K. Katyal, Georgetown University Law Center
 Judge Brett Kavanaugh, U.S. Court of Appeals, D.C. Circuit
 Judge Alex Kozinski, U.S. Court of Appeals, Ninth Circuit
 Prof. Sanford Levinson, University of Texas Law School
 Robert A. Levy, The Cato Institute
 Prof. John McGinnis, Northwestern University School of Law

Hon. Thaddeus McCotter, U.S. House of Representatives
 Hon. Edwin Meese III, The Heritage Foundation, former U.S. Attorney General
 Hon. Theodore Olson, Gibson, Dunn & Crutcher LLP, former U.S. Solicitor General
 Alfred S. Regnery, *The American Spectator*
 Justice Antonin Scalia, U.S. Supreme Court
 Judge Laurence Silberman, U.S. Court of Appeals, D.C. Circuit
 Hon. Arlen Specter, U.S. Senate
 Dean Kenneth Starr, Pepperdine University School of Law
 Justice Evelyn Lundberg Stratton, Ohio Supreme Court
 Justice Clarence Thomas, U.S. Supreme Court
 Judge John Daniel Tinder, U.S. Court of Appeals, Seventh Circuit
 Kenneth Wainstein, Assistant to the President for Homeland Security and Counterterrorism
 M. Edward Whelan III, Ethics and Public Policy Center

FACULTY DIVISION FOSTERS BROADER DIALOGUE IN THE LEGAL ACADEMY

Expanding the range of ideas seriously discussed at American law schools has been one of the Federalist Society's key objectives since it was founded 26 years ago. While law professors have always been central to the Society's efforts, our programming and activities directed specifically to faculty members have until recently been fairly limited.

In 2007, however, with the hiring of Lee Liberman Otis, one of the Society's Founding Directors, as Senior Vice President, the Society launched a major expansion of the Faculty Division. This past year has seen the fruits of this expansion with major new programming aimed at promoting a broader and deeper range of discussion within all levels of the law faculties themselves. Special emphasis was placed on ideas like the original understanding of the Constitution, the separation of powers, and the importance of property rights and markets to a successful legal regime.

The new programs are also designed to foster dialogue and build *esprit de corps* and confidence among faculty members interested in these kinds of ideas. They should also help diminish poorly informed, politically-based antagonism on the part of many law professors toward these concepts and those who are interested in them. They will also help identify strong faculty candidates to encourage and assist them in honing the skills they need to be successful legal academics. Finally, they will also help develop mentoring structures among older faculty, younger faculty, and law students who share these ideas and are also interested in the academy.

Specifically, over the course of the last year and a half, we have launched or enhanced the following interrelated efforts to accomplish these goals:

SUBJECT MATTER COLLOQUIA

Since its inception, the Federalist Society has sought to promote ideas about law primarily through debate and discussion. This approach is even more warranted in the academic context. Accordingly, we have launched a series of subject matter colloquia designed to bring together up to fifteen professors from a variety of law schools, at different points in their careers, and with varying points of view, to discuss a particular issue. We also invite to each colloquium several individuals with strong scholarly promise who have an interest in teaching law and have done academic work relevant to the colloquium topic. The colloquia are intended to help define the scope and terms of academic legal debate and deepen the participants' understanding of the issues



Faculty Division Director Lee Liberman Otis (left) and Prof. Ilya Somin of George Mason University School of Law discuss the Faculty Division at the National Lawyers Convention.

presented, as well as to forge professional relationships, create a community of scholars, and foster a better understanding of competing points of view.

Our first colloquium, "What is Intellectual Property?," held July 17-18, outside Seattle, considered different conceptions of intellectual property, including minority approaches grounded in both economic efficiency and normative principles that would give intellectual property more thoroughgoing protection similar to that accorded other kinds of property. We held our second colloquium, "Rethinking Securities Law," on October 10 at New York University School of Law. Participants discussed potential reform to the securities litigation regime, the form and function of the Securities & Exchange Commission, and causes of and solutions to the current financial crisis. The discussion was first-rate and the response to both events was enthusiastic. We plan to build upon these successes further with next year's colloquia.

ANNUAL FACULTY CONFERENCE

The most recent Faculty Conference, held January 8-9, 2009 in San Diego, marked the eleventh consecutive year the Federalist Society has provided a unique setting for discourse and for fostering the development of quality scholarship among law school faculty. A full report of the Faculty Conference can be found on page 15.



Prof. John McGinnis of Northwestern University School of Law (center) moderated the featured debate between Prof. Richard Epstein of the University of Chicago Law School (right) and Prof. Roderick Hills of New York University School of Law (left) at the 2009 Faculty Conference in San Diego on FDA Regulation vs. State Tort Liability.

SEARLE JUNIOR SCHOLARS RESEARCH FELLOWSHIPS

The Searle Junior Scholars Research Fellowship, established in 2007 and awarded for the first time in the fall of 2008, is designed to enable up to two current faculty members in their second to fifth year of teaching at schools with relatively heavy teaching loads and lower research budgets to take a semester-long research leave and work on a significant piece of scholarship. The fellowship and the work the fellows produce should also enhance their professional standing and reputation, including opportunities for them to move to other schools where their voices will be amplified. We received 24 applications. Our selection committee of distinguished academics recently awarded the fellowships to Prof. Robert Miller, Villanova University School of Law, and Prof. Jason Yackee, University of Wisconsin Law School.

RESOURCES FOR PROSPECTIVE FACULTY MEMBERS

- ***Olin/Searle/Smith Fellowship***

The Faculty Division continues to offer the Olin/Searle/Smith Fellowships in Law to law school graduates interested in teaching as a profession. These one-year fellowships provide a \$50,000 stipend to fellows who have strong academic qualifications and seem likely to contribute to intellectual diversity in the legal academy. The fellows spend their time at a top school working on academic scholarship. Two-thirds of past recipients have ended up in tenure-track positions at law schools including George Mason, Georgetown, Harvard, Rutgers, Missouri, and many others. This year's recipients were Steven Erickson (who will complete his fellowship at the University of Pennsylvania), Joshua Kleinfeld (at the University of Frankfurt), Jeffrey Pojanowski (at the University of Virginia), Carrie Severino (at Georgetown), and Nathaniel Stewart (at Yale).

- ***Job Talk Workshop and Related Efforts***

We hosted our first Faculty Division Job Talk Workshop in Chicago. Ten candidates for academic jobs in fall 2008 participated as presenters, and an additional ten future candidates (including several of our Olin Fellows for the coming year) participated as observers. At the workshop, each 2008 candidate had the opportunity to present his or her job talk before a panel of professor-commentators with different political and philosophical perspectives as well as different subject matter and methodological expertise. Presenters received both substantive and stylistic feedback on their talks, including tips about how to manage potential ideological discrimination from hiring committees. They also had the opportunity to participate in mock interviews and receive input about their resumes and related materials. In addition to the Chicago workshop, we have also worked individually with job candidates residing in the Washington, D.C. area to set up mock interviews and job talks before groups of D.C.-based professors, and have worked to make introductions between job market candidates and current faculty members who may be interested in their work.

- ***Panel at Student Symposium***

The past two years we have also held a panel at the annual Student Symposium for promising students, primarily at top schools, who are interested in an academic career to receive early advice. Prof. Rick Garnett of Notre Dame Law School, Prof. Thomas Merrill of Yale Law School, and Lecturer Joan Larsen of the University of Michigan Law School were the panel participants this year.

ALUMNI OUTREACH EFFORT LAUNCHED

The Federalist Society hosted a series of law school specific breakfasts for alumni at the National Lawyers Convention. These events provided an opportunity for alumni, current students, and faculty of different schools to reminisce and renew ties. Alumni from 13 law schools including Catholic, Chicago, Columbia, George Mason, George Washington, Georgetown, Harvard, Michigan, Notre Dame, Stanford, Texas, Virginia, and Yale gathered for different breakfasts at this year's Convention.

The early morning meetings included short talks by prominent alumni, current faculty members, and student chapter leaders. The trend is expected to grow as alumni from several additional law schools have expressed an interest in organizing similar events at next year's Convention.

The success of these breakfasts and other efforts by various student chapters to maintain ties with alumni involved in the Society when they were students has prompted interest in other ways to stay in touch and build relationships with each other and with their school on a more regular basis. The Society's Membership Director will also serve as the Director of Alumni Relations and will work with interested alumni and students to facilitate the effort.

NATIONAL LAWYERS CONFERENCE DRAWS NEARLY 1,500



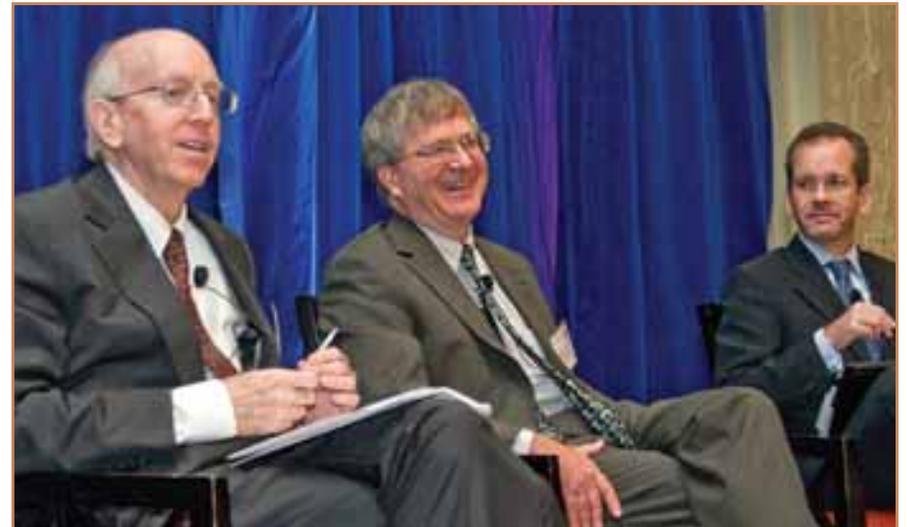
Federalist Society President Eugene B. Meyer (right) meets with former U.S. Solicitor General Theodore Olson (left) and Judge Edith Jones of the U.S. Court of Appeals for the Fifth Circuit, just before she gave the Eighth Annual Barbara K. Olson Memorial Lecture on Limited Government and the Spirit of Freedom.

The Federalist Society's 2008 National Lawyers Convention, which took place last November at the Mayflower Hotel in Washington, D.C., was once again the showcase of the organization's year, with nearly 1,500 individuals taking part in one or more of the events. More than 1,200 people were in attendance at the Annual Dinner on the first night of the Convention when the keynote speaker, U.S. Attorney General Michael B. Mukasey, gave a thoughtful and heartfelt address reviewing the Administration's record on War on Terror issues, assessing the challenges the new Administration will face, and calling for a continuation of the Administration's policies in this area.

Other highlights included a conversation with U.S. Supreme Court Justice Antonin Scalia to close the Convention, the Barbara K. Olson Memorial Lecture on Friday evening, delivered this year by Judge Edith Jones, U.S. Court of Appeals for the Fifth Circuit, and the First Annual Rosenkranz Discussion, featuring distinguished jurists Michael W. McConnell, U.S. Court of Appeals

for the Tenth Circuit, and Richard Posner, U. S. Court of Appeals for the Seventh Circuit, and moderated by Prof. Nicholas Quinn Rosenkranz of the Georgetown University Law Center. Mark Steyn, outspoken columnist and author of *America Alone: The End of the World as We Know It*, was warmly welcomed by a standing room only crowd on Friday afternoon and did not disappoint the audience.

The more than 25 panels and speeches featured nearly 100 distinguished members of the legal and policy community to discuss law and public policy issues within the framework of the Convention's theme, "The People and the Judiciary." Showcase panels on that theme included, "Judicial Selection: Federal and State," "Judicial Tenure: Life Tenure or Fixed Nonrenewable Terms?" "Second Look Doctrines: Should Congress be Empowered to Override the Court? Should Voters in State Initiatives and Referenda be Able to Override State Supreme Courts?" and "Regulation of Judicial Conduct: Silencing Judges or Avoiding Improper Influence?"



Well-known jurists Richard Posner of the U.S. Court of Appeals for the Seventh Circuit (left) and Michael McConnell of the U.S. Court of Appeals for the Tenth Circuit (center) were featured in the First Annual Rosenkranz Discussion at lunch on Saturday of the Convention. The event was moderated by Prof. Nicholas Quinn Rosenkranz of the Georgetown University Law Center (right).



The Federalist Society's National Lawyers Convention featured more than 25 panels and speeches involving over 100 distinguished speakers from the bench, bar, legal academy and business world. Nearly 1,500 participants attended one or more convention events.

The mix of diverse legal minds from the bar, the court, and the academy with many of the leading practicing attorneys from across the country never fails to produce lively and thought-provoking sessions at the Convention and this year was no different. Growing numbers of participants come to Washington, D.C. every year to exchange ideas with their peers and hear what the leading legal minds are saying about cutting edge legal topics. One convention-goer said, "I work on these problems day after day. I come here once a year to recharge my intellectual batteries and remember why I'm arguing like I do for my clients and my principles."

HEARTY LAW STUDENTS TREK TO STUDENT SYMPOSIUM

The 26th Annual Federalist Society Student Symposium "The People and the Courts" was brought to order on March 7th by Craig Chosiad, President of the University of Michigan Student Chapter, who welcomed the more than 500 students who trekked to the snowy Ann Arbor campus in the middle of a winter storm with the phrase oft repeated by the late William F. Buckley, "Don't immanentize the eschaton!" which simply means: "Do not try to make that which belongs to the afterlife happen here ..." or "Don't expect heaven on earth." He was using this phrase to convey Buckley's anti-utopian

sentiment that the law is not the answer to every problem, which dovetails nicely with the Federalist Society's founding principle that it is the province of the judiciary to say what the law is – not what it should be.

The students heard the country's best and brightest academics and jurists tackle some compelling panels on subjects including "The Merits of Electing Our Judges," "Tradition and the People's Constitution," "Is Law and Economics Anti-Democratic?" "Kelo, Grutter, and Popular Response to Unpopular Decisions," "Judicial Interference and Community Values," and "An Originalist Judge and the Media."

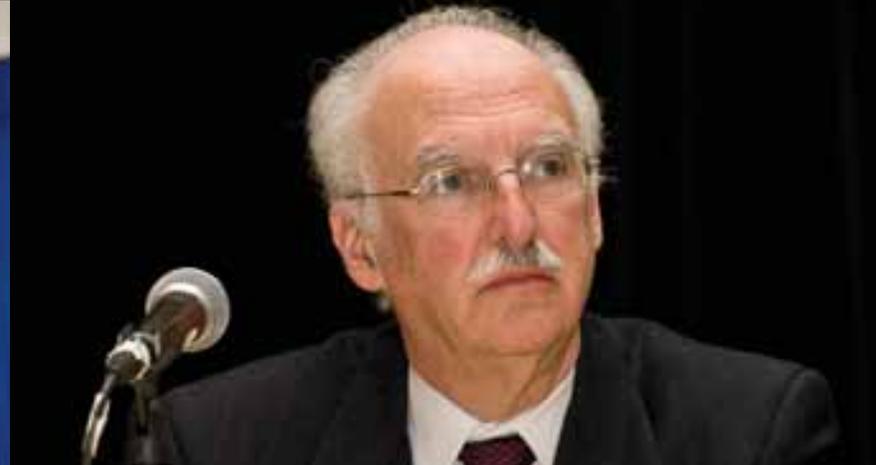
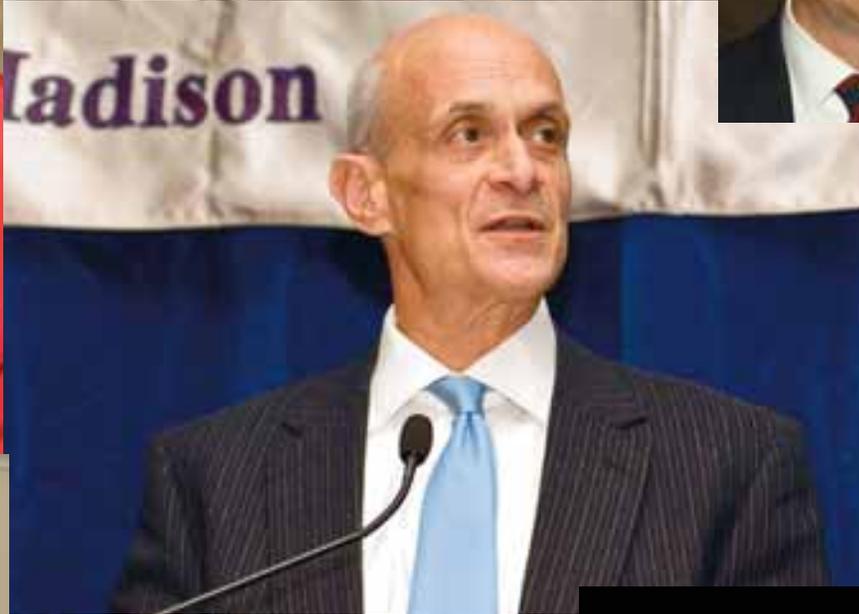
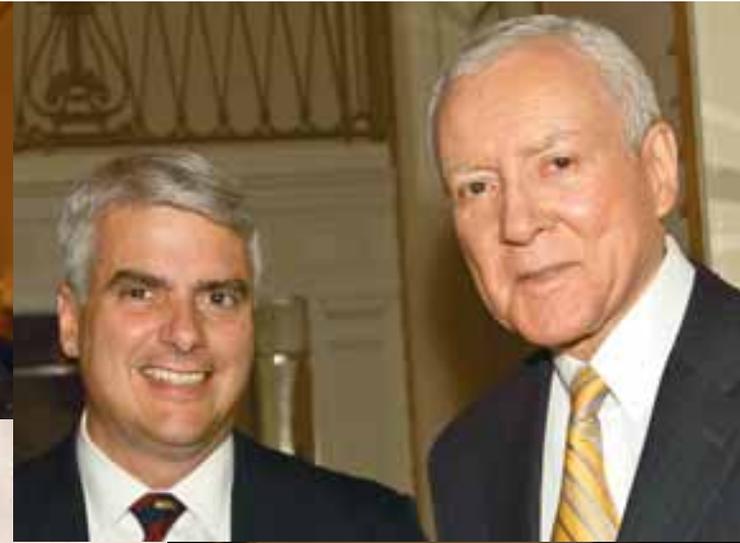
The State of Michigan was well-represented by its Supreme Court Chief Justice Clifford Taylor, and Justices Maura Corrigan, Stephen Markman, and Robert Young, Jr. Also participating were faculty members from the University of Michigan Law School, including Prof. Sherman Clark, Lecturer Joan Larsen, Prof. Douglas Laycock, Prof. Richard Primus, and Prof. A. W. Brian Simpson.

A small but determined group of activists showed up Saturday morning to protest the appearance of one of the speakers – Ward Connerly, founder



Hon. Larry Thompson, General Counsel of PepsiCo and former Deputy Attorney General of the U.S. Department of Justice (left) talks with Prof. Richard Epstein of the University of Chicago Law School at the Lawyers Convention.

2008 NATIONAL LAWYERS



CONVENTION HIGHLIGHTS





James and Allyson Ho of Dallas greet Bob Levy of the Cato Institute (right) and Chip Mellor of the Institute for Justice (center) at the book signing for their new book, *The Dirty Dozen: How Twelve Supreme Court Cases Radically Expanded Government and Eroded Freedom*, during the National Lawyers Convention. Levy is a member of the Federalist Society's Board of Visitors.

and chairman of the American Civil Rights Institute who participated in the panel examining “*Kelo*, *Grutter*, and Popular Responses to Unpopular Decisions.” The panel focused on plebiscite responses to unpopular judicial decisions in the context of Michigan’s history of successful referenda following the unpopular decision of the U.S. Supreme Court in *Kelo* which raised fears about the expansive scope of the government’s power and barring affirmative action in public education.

Connerly, a national figure who was influential in Michigan’s anti-affirmative action initiative, defended the limited use of popular referenda in those circumstances where representative government fails. He said the U.S. Supreme Court’s decision in *Grutter* was a direct contradiction of the Civil Rights Act of 1964 which adopted “colorblindness” as a national policy explicitly stating that individuals shall be treated as equals “without regard to race, color, or national origin.” Connerly’s ideas were opposed by both Prof. Sherman Clark of the University of Michigan who said that referenda do not necessarily represent the will of the people because of the overwhelming influence of special interests, and Prof. Marci Hamilton of Cardozo School

of Law, who argued that direct democracy risks the rank majoritarianism that republicanism is supposed to remedy.

The Symposium ended Saturday evening with a cocktail reception, banquet, and keynote address by Judge Janice Rogers Brown of the U.S. Court of Appeals for the D.C. Circuit. Judge Brown spoke movingly on the necessity of defending the Constitution which defends us all. She referred to Judge Learned Hand’s speech, “The Spirit of Liberty,” in which he said, “Liberty lies in the hearts of men and women; when it dies there, no constitution, no law, no court can save it. While it lies there it needs no constitution, no law, no court to save it.” She encouraged her listeners to pledge their allegiance to America’s exceptionalism, and its shared sense of destiny – ideas that are becoming embarrassing in popular culture and even legal cultures; for example, the U.S. Supreme Court increasingly cites foreign law, seemingly insecure about America’s uniqueness in the world. Judge Brown located American exceptionalism in culture and creed – a fidelity to human nature that has been absent in the other revolutionary regimes of the past three centuries. She warned that freedom must be taught over and over again, and charged her audience to decide whether the city on the hill will remain a beacon.



Judge Diane Sykes of the U.S. Court of Appeals for the Seventh Circuit (left) talks with James Madison Club member Nora Barry of Milwaukee.



Former Secretary of the U.S. Department of Energy and Founding Director of the Society Spencer Abraham (left), visits with Daniel Kelly (center) and Paul Cellucci, the former governor of Massachusetts (right), at the National Lawyers Convention. Cellucci and Kelly both practice at McCarter & English in Boston.

STUDENT LEADERSHIP CONFERENCE INSPIRES INCOMING OFFICERS

Each summer, the National Office hosts a training conference to prepare incoming Student Chapter presidents for their leadership duties. Nearly 200 chapter presidents representing almost every law school in the country come to Washington, D.C. in July for three days of seminars and social functions. Some of the conference's highlights this year included an opening address by Kate O'Beirne, President of the National Review Institute; a panel on public interest litigation featuring Jordan Lorence of the Alliance Defense Fund, Kevin Hasson of the Becket Fund for Religious Liberty, and the Institute for Justice's Clark Neily; and a reception at the home of former U.S. Solicitor General and long-time friend of the Federalist Society, Theodore Olson. Also present at the Olson party interacting with the students were U.S. Supreme Court Justice Samuel A. Alito, Jr., U.S. Homeland Security Secretary Michael Chertoff, Judge Robert H. Bork, and many other distinguished members of the Federalist Society's Washington legal community. The conference concluded with an address by former U.S. Congressman and Federalist Society Founding Director David McIntosh, who gave a motivating speech on inspired leadership in the legal community. The incoming chapter presidents left energized and well-equipped to plan and execute successful chapter programs on their campuses this year. Much of the growth and development in the Student

Division has been credited to these summer sessions which not only train new leaders but present opportunities for student officers from all over the country to meet each other and form friendships and working relationships for the upcoming academic year.

ANNUAL FACULTY CONFERENCE ENERGIZES ACADEMICS

This year's Annual Faculty Conference took place on January 8-9, 2009, in San Diego to coincide, as usual, with the annual American Association of Law Schools (AALS) convention. More than 50 faculty members from at least 40 different law schools who attended contributed to the thoughtful discussion by experts with differing views on such subjects as the "Lessons of the Subprime-Mortgage Crisis," "Guantanamo Bay: the Problem of Judicial Review Post-Boumediene," and "The Road Ahead for Climate Change Regulation." Video and audio of the panels, debates and speeches may be found at www.fed-soc.org/publications.

The Conference lunch featured a debate between Prof. Richard Epstein of the University of Chicago Law School and Prof. Roderick Hills of New York University School of Law on "When Should the FDA Regulation Preempt State Tort Liability?" The lively exchange was moderated by Prof. John McGinnis of Northwestern University School of Law.



Prof. Lino Graglia from the University of Texas (left) and Judge Robert H. Bork talked about old times when they ran into each other at the Convention in November.



Ward Connerly of the American Civil Rights Institute (left) greets Michigan Supreme Court Justice Robert P. Young, Jr. at the 2008 Student Symposium held at the University of Michigan Law School, where both men spoke.

In addition to the panels featuring well-known legal academics, there were two sessions where junior faculty members were invited to give seven-minute presentations on their works in progress on subjects ranging from “Trademark Meaning” to “Parental Rights Facing a Perfect Storm – and the Constitutional Levee That Can Save Them.” Feedback from attendees continues to affirm the Society’s belief that the opportunity for these young professors to exchange ideas and scholarship with each other and more seasoned academics is invaluable.

The Annual Faculty Conference has become a focal point of the Faculty Division’s efforts to provide meaningful Federalist Society programs and services to conservative and libertarian professors across the country. The annual Conference energized the attendees, who deal daily with the biases of many of their colleagues in the legal academy. Most importantly, it offered the opportunity for the interchange of ideas and the review of each other’s work that is so vital for serious scholars.



Mark Steyn, popular *National Review* columnist and author of the book deemed “provocative” by the Canadian government, *America Alone* (left), talks with Prof. Steven Calabresi of Northwestern University Law School before he speaks at the Convention on Friday. Prof. Calabresi is one of the Founding Directors of the Federalist Society and chairs the Board of Directors.



This year’s Annual Dinner took place on the first evening of the Convention at the Marriott Wardman Park. More than 1,200 people attended the dinner and heard remarks by U.S. Attorney General Michael B. Mukasey. Of the 120 tables of ten, 33 were purchased by national law firms so their associates and clients could attend.

PRACTICE GROUP EVENTS EXPLORE CURRENT LEGAL THEMES

This year, the Practice Groups hosted or co-hosted 152 events around the country, covering not only the legal landscape but the geographical landscape as well. Importantly, in an effort to expand the reach of its programming, the Practice Groups published, or received commitments to publish, transcripts from over 75 of its most significant panel discussions in various law reviews. As always, the Practice Groups also played the key role in planning the Society's National Lawyers Convention.

The ever-increasing number of events put on by the Federalist Society's Practice Groups followed certain legal themes which were emerging across the country in 2008. The Practice Groups are volunteer-driven and concentrate programs and scholarship on legal issues in each of 15 different legal subject matters. Practice Group members communicate with each other across the country by email and national conference calls. Each Practice Group boasts some of the country's top lawyers in that particular field.

CIVIL RIGHTS & RELIGIOUS LIBERTIES



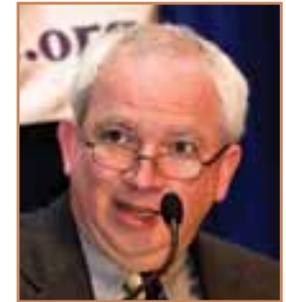
Judge Timothy M. Tymkovich, U.S. Court of Appeals for the Tenth Circuit, moderated a panel on "Labor Initiatives in the New Administration" for the **Labor & Employment Law Practice Group**.

This year the Practice Groups addressed several high-profile and emerging civil rights and religious liberties issues, examining the limits of personal freedom and responsibility. The **Civil Rights Practice Group** hosted a panel with The Heritage Foundation focusing on hate crimes legislation. It also sponsored a discussion on the proposed Akaka Bill featuring U.S. Congressman Steve King of Alabama and Joe Matal, Counsel to U.S. Senator Jon Kyl of Arizona on the Senate Judiciary Committee. In June, the **Religious Liberties Practice Group**, jointly with the Pew Forum on Religion and Public Life and with the Constitution Project, held a panel discussion on the effects of the U.S. Supreme Court holding in *Hein v. Freedom From Religion Foundation* that taxpayers lack standing to pursue a lawsuit claiming that conferences administered under the Bush Administration's Office of Faith-Based and Community Initiatives violated the First Amendment's Establishment Clause, since the program

involved discretionary executive branch spending. The issue of gay marriage and the role of the judicial branch was also a topic of great interest to our Practice Groups, which sponsored events not only in Washington, D.C., but also held multiple debates and panel discussions around the country with our Lawyers Chapters and Student Chapters. The Court's decision in *District of Columbia v. Heller*, striking down a restrictive gun control statute as a violation of the Second Amendment, was the subject for the **Civil Rights Practice Group** at the National Lawyers Convention. To continue the debate, the **Criminal Law & Procedure Practice Group** recently hosted an event with the Chicago Lawyers Chapter featuring a discussion of subsequent litigation in Chicago. Other pressing civil rights issues our Practice Groups plan to address this year include the Employee Free Choice Act, the Voting Rights Act, comparable worth, and more.



Hon. Gregory Katsas, Assistant Attorney General, Civil Division, U.S. Department of Justice, discussed "Civil Litigation Under the Roberts Court" on a panel put together by the **Litigation Practice Group**.



Hon. Walter Dellinger III of Duke University School of Law and former Acting U.S. Solicitor General (left), Hon. Paul Clement of Georgetown University Law Center (center) and former U.S. Solicitor General, and Dean John Eastman of Chapman University School of Law (right) expressed wide-ranging opinions when they participated in the **Federalism & Separation of Powers Practice Group** panel examining the Roberts Court.



Hon. Alice Fisher, Latham & Watkins LLP and former Assistant Attorney General, Criminal Division, U.S. Department of Justice, spoke on the topic of “Prosecution of Public Corruption” for the **Criminal Law & Procedure Practice Group**.

WAR ON TERROR

In addition to hosting events in Washington, D.C., our Practice Groups partnered with the Lawyers Division and Student Division in early 2008 to address federalism and other legal questions surrounding the War on Terror. For instance, the Chicago Lawyers Chapter sponsored with the **International & National Security Law Practice Group** a panel discussion examining the role of specialized courts, which featured David Rivkin, Jr. of Baker & Hostetler, Prof. Neal K. Katyal of the Georgetown University Law Center, Prof. Joseph Margulies of Northwestern University School of Law, and Prof. Glenn Sulmasy of the U.S. Coast Guard Academy. The event was moderated by Judge Frank H. Easterbrook of the U.S. Court of Appeals for the Seventh Circuit. At an event co-sponsored with the Austin, Texas Lawyers Chapter in February, University of Virginia School of Law Prof. Robert F. Turner debated University of Texas School of Law Prof. Sanford Levinson on the question of national security within constitutional constraints. Other Practice Group programs addressed the issues surrounding the National Security Agency’s (NSA’s) wiretapping program and the use of international and foreign law in Constitutional interpretation.



Prof. Neal K. Katyal, the Georgetown University Law Center, appeared on a panel on specialized courts in Chicago in May for the **International & National Security Law Practice Group**.



M. Edward Whelan III participated in a panel keynoted by U.S. Senator Arlen Specter of Pennsylvania on judicial confirmations sponsored in January by the **Telecommunications & Electronic Media Practice Group** and the **D.C. Lawyers Chapter**.

FEDERALISM

The Federalist Society’s Practice Groups also presented several programs discussing the recurring issue of the proper division of power between the federal and state governments.

The **Federalism & Separation of Powers Practice Group** co-sponsored an all-day conference with the American Enterprise Institute (AEI) discussing the “Future of Federalism.” Judge William Pryor Jr., of the U.S. Court of Appeals for the Eleventh Circuit, offered the keynote address. The conference also included three panels. The first panel, “Competitive and Cooperative Federalism,” considered whether we should strive for a system in which states compete with each other and with the federal government, or whether we should instead work to strengthen cooperation among the states and between federal and state governments. The second panel discussed the appropriate level of judicial review and the role of the judicial branch in adjudicating disputes over the scope of federal and state power. The third panel looked at the relevance of federalism in two hot-button



Judge Frank H. Easterbrook, U.S. Court of Appeals for the Seventh Circuit (left), chats with Prof. F. Scott Kieff, Washington University School of Law. Prof. Kieff is active in the **Intellectual Property Practice Group** and Judge Easterbrook is a popular speaker for Federalist Society Practice Group events.



Hon. Eileen J. O'Connor, former Assistant Attorney General, Tax Division, U.S. Department of Justice, moderated a panel for the **Administrative Law & Regulation Practice Group**.

public policy issues: health care and the environment.

The **Environmental Law & Property Rights Practice Group** co-sponsored a program with the Birmingham Lawyers Chapter on the “Federal Regulation of Water Transfers.” As local communities look to water transfers as a means of supplying water for municipal and industrial purposes, questions arise about the application of the Clean Water Act. The panel discussed the extension of federal regulation and whether it encroaches on the traditional role of states to allocate water resources, threatens the important balance of cooperative federalism, imposes unnecessary administrative burdens upon water managers, and diverts resources from other priorities.

The **Litigation Practice Group** co-sponsored a program with AEI discussing “Federal Preemption and the Supreme Court,” in which several recent U.S. Supreme Court cases were featured, including *Warner-Lambert v. Kent*, *Wyeth v. Levine*, *Altria v. Good*, and *Riegel v. Medtronic*. Panelists discussed the appropriate relationship between federal regulation and state tort law, the pros and cons of preemption, and the impact these cases have on product liability litigation and product safety.

FINANCIAL SERVICES CRISIS

Several of the Practice Groups were involved in activities monitoring the crisis in the financial services industry and its connection to other areas of law and public policy. The **Financial Services & E-Commerce Practice Group** held a half-day Consumer Credit Protection conference this year. The conference examined, among other things, the U.S. Senate hearings on “Turmoil in U.S. Credit Markets,” the American Housing Rescue and Foreclosure Prevention Act of 2008, the Neighborhood Stabilization Act of 2008, and proposed legislation to regulate the credit card companies. A panel on “Subprime Lending” discussed whether legislative or regulatory reform was required or even advisable, or if government intervention was necessary to stabilize the housing market and perhaps even the general economy. Six months later, the Practice Group’s National Lawyers Convention panel debated “The Latest in the Financial Services Crises of 2008: Government Control vs. the Free Markets.” The panel discussed the unprecedented and far-reaching steps the federal government has taken in response to the financial system crises. The panelists debated if these steps were necessary,



The **Litigation Practice Group** hosted a panel examining civil litigation under the Roberts Court which featured Roger Pilon of the Cato Institute. Dr. Pilon remains one of the most sought-after speakers for both the Society’s Student and Lawyers Divisions.

wise, what the moral-hazard risks are associated with these bailouts and what the consequences – intended or not – of the government’s actions will be.

The **Corporations, Securities & Antitrust Practice Group** focused on “The SEC and the Financial Services Crisis of 2008.” Critics complain that a number of SEC actions and inactions contributed to the crisis, while others defend the Commission’s actions. The panel engaged in a retrospective discussion of the Commission’s performance, took a look forward to consider possible regulatory reforms that may be undertaken by the Commission, and changes in the financial bureaucracy that may affect the Commission. In particular, the panel discussed whether it would be appropriate to merge the Commission and other financial regulators into one or two oversight agencies.

As a new Administration begins to make its own recommendations for reform in this area, the Federalist Society’s Practice Groups will continue to monitor, report, and provide timely programming on these issues.

MORE PRACTICE GROUP NEWS

The **Administrative Law & Regulation Practice Group** hosted a day-long conference on tax policy in early May entitled, “Our Nation’s Founding Principles and Our Tax Code: Consistent or In Conflict?” Panels examined tax policy concerns, healthcare, charitable giving, and social



Judge Brett Kavanaugh, U.S. Court of Appeals for the D.C. Circuit, moderated a panel on “The FCC and the First Amendment” for the **Telecommunications & Electronic Media Practice Group**.



Former White House Associate Counsel Rachel Brand greets Judge William Pryor Jr., U.S. Court of Appeals for the Eleventh Circuit, after a special session on judicial independence at the Convention. Both regularly contribute to Practice Group events.



Former Federal Communications Commission (FCC) Chairman Michael K. Powell spoke at the recent **Telecommunications & Electronic Media Practice Group** event discussing the future of the FCC.

policy. The conference featured Hon. Eileen O'Connor, a partner at Pillsbury, Winthrop, Shaw, Pittman LLP and a former Assistant Attorney General for the Tax Division of the U.S. Department of Justice, Michael F. Cannon of the Cato Institute, Kevin J. Hasson of the Becket Fund, Prof. Lily Batchelder of New York University School of Law and Leonard E. Burman of the Urban-Brookings Tax Policy Center.

In anticipation of the current U.S. Supreme Court term, which promised to be one of the most important in years for labor and employment issues, the **Labor & Employment Law Practice Group** held a panel in April to discuss the relevant upcoming cases. Moderated by Eugene Scalia, the former Solicitor of the U.S.

Department of Labor, the panel included employment law experts Eric S. Dreiband of Akin Gump Strauss Hauer & Feld LLP, Willis J. Goldsmith of Jones Day, Prof. Michael H. Gottesman of the Georgetown University Law Center and Joseph M. Sellers of Cohen, Milstein, Hausfeld & Toll, PLLC.

The **Intellectual Property Practice Group** hosted a discussion at the National Lawyers Convention on "Specialized Courts: Lessons from the Federal Circuit." The panel included Prof. F. Scott Kieff, Washington University School of Law in St. Louis, Don W. Martens, Knobbe Martens Olson & Bear LLP, Prof. Arti K. Rau of Duke University School of Law, and moderator Judge Randall R. Rader, U.S. Court of Appeals for the Federal Circuit.

The **Telecommunications & Electronic Media Practice Group** hosted a lively exchange between two former Federal Communications Commission (FCC) Chairmen, Michael K. Powell, senior advisor at Providence Equity Partners, and Reed E. Hundt, a principal at Charles Ross Partners. Powell and Hundt commented on the issues likely to confront the FCC under the new Administration.

The **Professional Responsibility & Legal Education Practice Group** hosted U.S. Senator Arlen Specter, ranking minority member of the U.S. Senate Judiciary Committee, who spoke on judicial confirmations and was followed by an insightful panel discussion. The panel featured Ethics and Public Policy Center President M. Edward Whelan III, Alliance for Justice Legal Director Simon Heller, and University of North Carolina School of Law Prof. Michael J. Gerhardt. *Los Angeles Times* Supreme Court reporter David G. Savage moderated the discussion.

The **Free Speech & Election Law Practice Group** had a day-long election law conference, with panels on voter fraud, the scope of the franchise, and the intricacies of campaign finance. Notable participants included James Bopp of Bopp, Coleson & Bostrom, former Federal Election Commission (FEC) Chairman Bradley A. Smith, former FEC Commissioner Scott E. Thomas, and John Fund of the *Wall Street Journal*.



Prof. Eugene Volokh, University of California, Los Angeles School of Law, spoke on "Freedom of Speech vs. Anti-Discrimination Laws" for the **Free Speech & Election Law Practice Group**.

SOCIETY TACKLES RULE OF LAW IN STATE COURTS

The Federalist Society's State Courts Project has expanded substantially since its launch in 2006 and is creating unprecedented levels of public debate about the proper role of the state supreme courts. The Project began as an initiative to spark robust public debate about the proper role of the state supreme courts as well as to motivate opinion leaders, press, and the general public to be more engaged on debating and highlighting issues of state judicial selection. The State Courts Project accomplishes its broad goal of educating the public, elected officials, and opinion leaders through legal experts, white papers and events.

In 2008, the State Courts Project which was active in a record number of states (15), reached more media, non-profits, public officials and lawyers as well as members of the general public than ever before. We were able to train dozens of media experts who then returned to their home states, and, with the help of many Society state-level volunteers, generated millions of dollars worth of print, radio and television media.

LEGAL EXPERTS PROGRAM

The State Courts Legal Experts Program offers media training to local legal experts who are interested in discussing issues surrounding state supreme court elections, the proper role of the courts, judicial activism, and judicial selection reforms. In-state volunteers more than tripled in 2008, from 35 to 110, an increase of more than 200%. The legal experts act as featured guests on radio and television, meet with editorial boards and print reporters, and publish op-eds and letters to the editor. Although their appearances are coordinated by the Project, these experts speak for themselves and not for the Society.

The Society was able to increase dramatically the level of substantive debate regarding the role of state courts. Our media impressions nearly doubled in 2008, from 22.19 million to 39.3 million, an increase of 77%, a notable accomplishment for state level activity.

Additionally:

- Polling results show the Society's media coverage is being absorbed by the public and having an impact on how they think through role of courts issues. Approximately 10% to 20% of voters saw and recalled information the Society generated.
- More people recall and understand the basic "role of courts" terminology, and their preferences about the proper judicial role seem to clarify considerably after our educational efforts. These efforts are resulting in more and more people who appreciate a limited judicial role in our sys-

tem of separation of powers. There is generally a 5% to 15% increase in appreciation for the limited judicial role after intensive earned media education.

- When presented with definitions of judicial activism and judicial restraint, an overwhelming majority prefer judges to evaluate a law's constitutionality, rather than "allow for new or evolving meaning of the law over time."
- The Society is playing a key role in addressing glaring "information underload" about judges. People want more, not less information, about judges. This is a highly unusual response, and the preference is high, at 50% to 60%.
- A 41% minority agreed (just 13% strongly) with the language that "we need somebody who's got the empathy to understand what it's like to be poor, or African-American, or gay, or disabled, or old" on the bench, while a 54% majority agreed (46% strongly) with the statement that judges should apply the law equally to all—"regardless of an individual's background or cultural or economic circumstances."



Former Alabama Supreme Court Justice Harold See, Jr., an expert on judicial selection issues, has debated the merits of the Missouri Plan and judicial speech in venues across the country as part of the State Courts Project.

WHITE PAPERS

In 2008, the Federalist Society issued 12 state level White Papers and issue reports.

- West Virginia: Kristen M. Leddy, Russell S. Sobel, and Matthew T. Yanni, *Should We Keep this Court? An Economic Examination of Recent Decisions Made by the West Virginia Supreme Court of Appeals.*
- Ohio: Jonathan H. Adler and Christina M. Adler, *A More Modest Court: The Ohio Supreme Court's Newfound Judicial Restraint.*
- Mississippi: Kyle Duncan, *On the Side of Angels: Updating the Mississippi Supreme Court's View of the Judicial Role, 2004-2008.*
- Alabama: E. Berton Spence, *Alabama Supreme Court Justice Harold See: His Twelve-Year Legacy.*
- North Carolina: Scott Gaylord and Joshua Davey, *The North Carolina Supreme Court: A Special Issue Report.*

- Michigan: Matthew Schneider, *Michigan's Big Four: An Analysis of the Modern Michigan Supreme Court*.
- California: Damien Schiff and Timothy Sandefur, *The Modern California Supreme Court: Progressivism and Practical Constraints*.
- Louisiana: John S. Baker, Jr. and Jason Dore, *The Louisiana Supreme Court: Interpreting the Law or Making Policy?*
- Texas: Aaron Streett, *The Supreme Court of Texas: A Balanced Court*.
- Washington: David K. DeWolf, Andrew C. Cook, and Seth L. Cooper, *The State of the Washington Supreme Court: A 2008 Update*.
- Wisconsin: Rick Esenberg, *Everyone's Business: Emerging Issues in the Wisconsin Supreme Court*.
- Tennessee: Brian Fitzpatrick, *A Report on Reauthorization of the Tennessee Plan*.

EVENTS

Concurrent with the release of the White Papers and legal experts' commentary, panel discussions are sponsored by local Federalist Society chapters. These events are critical opportunities for public education and media attention. These events are almost always structured as debates in order to help facilitate open dialogue, as is the normal Federalist Society practice.

Some 2008 State Highlights

Missouri

Missouri is the birthplace of the so-called "Missouri Plan," the blueprint for merit selection of state judges. Missourians have been aggressively debating whether judges should be picked this way or whether direct elections or the federal model would be better. In order to further open the debate, the Federalist Society has engaged in a highly effective educational program focused on the public's knowledge about who selects judges in Missouri, the composition of the selection committee, whether those polled are happy with that composition, the retention process, the extent to which lawyers are involved in the Missouri Plan, and the concepts of "judicial activism" and "judicial restraint" generally.

Importantly, Missourians are increasingly weighing in on judicial selection issues. The Society's legal experts authored opinion pieces in papers across the state, including the *Kansas City Star*, emphasizing the importance of judicial selection, and, as a result, Missouri media now rely on the Society's members and experts for commentary on the issues of the day concerning the legal culture.

The Missouri Plan is now undoubtedly *the* top issue of discussion in Missouri's legal community. In total, Missouri educational efforts amounted to

18,244,203 total impressions (in a state with a population of roughly 6 million people), reaching Missouri voters across the state and fostering stronger relationships with state and local media that firmly branded our spokespeople as unbiased legal experts.

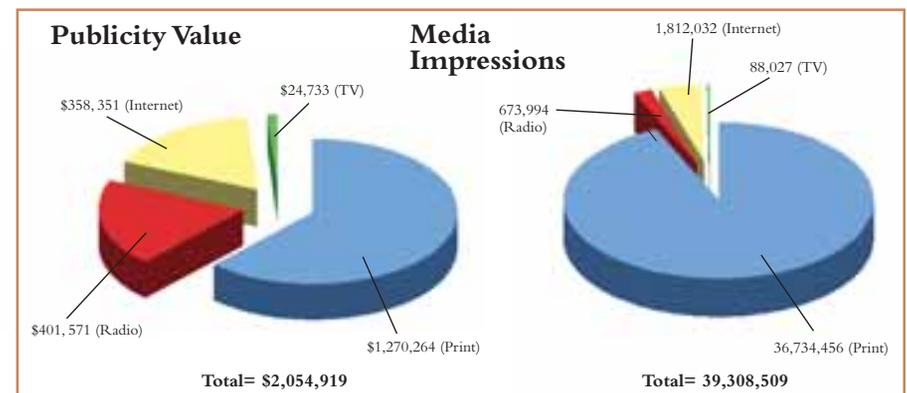
Ohio

In 2008, the Society experienced great success using two state supreme court races to educate Ohio citizens about the impact of their state courts. The project began with an expert media training session in mid-September 2008. The team of experts included practicing attorneys, scholars, and the former Chairman of the Federal Elections Commission. Case Western Reserve University Law Prof. Jonathan Adler released a very well-received White Paper that enabled Prof. Adler and the Federalist Society's public relations firm, CRC Public Relations, to reach thousands of Ohioans.

The Federalist Society also commissioned The Polling Company to conduct a statewide survey of 502 likely Ohio voters to assess the Ohio Supreme Court and the state's current system of judicial selection. A 51% majority of respondents indicated that they will look for a "candidate who will interpret the law as written," in sharp contrast to the 6% who said they would choose "a candidate who will take into account his personal views and experiences."

When asked questions about judicial selection, 83% of likely voters in Ohio approved of the current method of non-partisan elections of supreme court justices.

In total, Ohio educational efforts amounted to 325,548 total impressions. During this time, legal experts authored opinion pieces in the state's two largest daily newspapers, and Ohio media proactively sought their commentary, resulting in radio, print, and TV coverage.



By assisting with the placement of editorials and the arrangement of media interviews for select legal experts with television, print, radio and online news reporters, the Federalist Society has raised public awareness on important legal issues in individual states through the State Courts Project.

SOCIETY CONTINUES TO EXAMINE INTERNATIONAL LAW AND AMERICAN SOVEREIGNTY

Issues relating to international law and the principles of sovereignty continue to be a major focus for the Federalist Society. The use of international and foreign sources of law in our courts and in other ways has encouraged the Society to redouble its work studying and monitoring these trends through its International Law and Sovereignty Project. From the launching of our Global Governance Watch® project and our expanded networking efforts with like-minded Europeans, to our presence at several major international conferences, the Society has become a leader in studying and educating others on current issues in international law.

The Project continues to have two main goals. The first is to monitor attempts to incorporate international law into the American legal system. The Federalist Society and its European volunteers observe and participate in various meetings convened by the United Nations and other international organizations, generating reports on the activities and the agendas that are pushed. In an effort to make this quiet process transparent, information collected is transmitted to policy leaders, think tanks, businesses, scholars, and the press. The second goal of the Project consists of balancing the debate about



François-Henri Briard, president of the Federalist Society's Paris Chapter (far left), led a delegation of distinguished lawyers and justices from France to the 2008 National Lawyers Convention.

adopting international legal norms by adding another voice to an often one-dimensional discussion, a voice which reminds people of the indispensability of sovereignty principles. We take action by sponsoring speeches, panels, and debates, as well as by publishing articles and scholarship meant to provoke thought and encourage dialogue. Importantly, since earned media has a multiplier effect, we prioritize the media training and mobilization of experts who can articulate the impact of these legal trends, thereby disseminating much-needed, timely information.

The Federalist Society's chapters in Europe – located in Paris, London, and Brussels – are invaluable resources for accomplishing the stated purposes of the project. Our chapters are designed to help foster the traditional ideas of Western identity that the U.S. and Europe share by creating a network of transnational law and policy leaders who can advance those ideas in the public square. This is done both through the chapter model mentioned above, and by nurturing and partnering with already existing European organizations who know local conditions, have already identified some useful mechanisms of support and salient issues to explore, and understand how issues translate into their political parlance. After identifying these groups, the Federalist Society makes every effort to send one or more of its members to meet with them. This helps us gain a better understanding of the problems and prospects in individual nations. Our emissaries also recruit individuals to be part of our network of volunteer experts, who can impart valuable knowledge of the features, such as the organizational structure and student orientation, that have made the Federalist Society so successful over the years. Finally, the Federalist Society undertakes joint projects with these groups largely in the area of international organizations and international law.

François-Henri Briard in particular has continued to provide excellent leadership for our Paris chapter, organizing a reception in May for French and American lawyers, judges, and law students. This event provided an excellent opportunity for extended informal conversations to take place between the Americans and French in attendance regarding legal, political, and philosophical issues of interest and concern to the two groups. The evening event also served as a nice prelude to a brief meeting between Briard and President George W. Bush on the President's visit to France only twelve days later. President Bush was pleasantly surprised to learn from Briard of the Federalist Society's activities in Paris. Additionally, the Paris Chapter helped to host a Federalist Society conference in December marking the 60th Anniversary of the Universal Declaration of Human Rights. The conference

was held in Strasbourg and featured two roundtable discussions on “International Human Rights Law and the Freedom of Speech” and “International Human Rights Law and Positive Discrimination.”

In addition to our three established European chapters, the Society has expanded its outreach efforts into Central Europe. In October, Prof. Nathan Sales of George Mason University School of Law met with several professors, judges and policy makers in Poland and the Czech Republic to introduce them to the Society’s work. The response to the Federalist Society’s mission and founding principles was encouraging, and we are looking forward to deepening our involvement with like-minded individuals in this part of Europe.

The Federalist Society remains very active in monitoring the activities of various international organizations in order to ensure that there is a fair hearing for such issues as intellectual property protection principles, the international regulation of human rights, and corporate social responsibility. In July, Prof. Mark Schultz of Southern Illinois University served as the Federalist Society’s official representative to the World Intellectual Property Organization’s (WIPO’s) Committee on Development and Intellectual Property meetings. Alyssa Luttjohann, Deputy Director of the Society’s International Law Project, was also present at three major international human rights conferences in Europe which discussed such issues as the global regulation of human rights education, corporate social responsibility, and city-level human rights efforts. Observations from each meeting or conference were published on the Global Governance Watch® website and sent to key policy makers and leaders. Finally, Leonard A. Leo, Executive Vice President of the Federalist Society, was recently appointed to succeed James P. Kelly III as the Federalist Society’s representative to the U.S. National Commission to the United Nations Educational, Scientific, and Cultural Organization (UNESCO) and as Chair of the National Commission’s Social and Human Sciences Committee.

The Society has also furthered its connections with prominent European judges, lawyers, and policy makers. For the first time, a delegation from the Paris chapter attended the Federalist Society’s National Lawyers Convention in Washington, D.C. Members of the delegation included the Solicitor General of the *Cour de cassation* (the French Judiciary Supreme Court) and the President of the French Administrative Courts. Additionally, Leonard A. Leo led a Federalist Society delegation including Judge Edith H. Jones, U.S. Court of Appeals for the Fifth Circuit and Judge A. Raymond Randolph, U.S. Court of Appeals for the D.C. Circuit, to visit the European Court of Human Rights and the European Court of Justice and met with several judges there.

In April, the Federalist Society, in partnership with the American Enterprise Institute (AEI), officially launched its Global Governance Watch® website with a program entitled “Dictating Norms: Who Decides What Is



Justice Jeannette Bougrab of the French Supreme Court was a featured speaker at the Strasbourg Conference which was sponsored by the International Law & Sovereignty Project. A number of other justices and scholars from France, Poland, the Czech Republic, Spain, Norway, Ireland and the UK were in attendance for the Federalist Society’s meetings. Strasbourg is an historical French city and the home of the European Court of Human Rights.

Right for the World?” and featuring keynote speaker Ambassador John Bolton. The new Global Governance Watch® website, which focuses on four topical issue areas – Human Security, National Security, Global Regulations, and Development – seeks to provide its visitors with a greater understanding of what constitutes global governance, and why it is important. Since its launch, the website has reported on several important global governance developments including the world food crisis, climate change issues, corporate social responsibility developments, regulation of human rights education, and the right to health. The Global Governance Watch® website can be accessed at www.globalgovernancewatch.org.

The new **Global Governance Watch®** website seeks to provide its visitors with a greater understanding of what constitutes global governance, and why it is important.

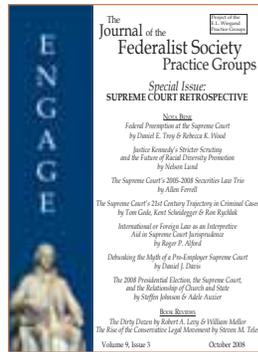


PUBLICATIONS AND WEBSITE DELIVER FEDERALIST SOCIETY MESSAGE

The Federalist Society has always placed a very high premium on its ability to bring debate and scholarship to the public. To that end, the publications arm of the organization has grown apace with the organization itself, so that there are now three regular newsletters dealing with various legal institutions and issues: a scholarly journal of considerable length, a member magazine, and frequent White Papers on a variety of topics.

ENGAGE

Engage appears three times a year in print-bound or electronic format. Ideas are generated by our fifteen Practice Groups. Articles in 2008 discussed climate change litigation, the effort to accord House representation to the District of Columbia, the return of the Equal Rights Amendment, the housing and financial crisis, Google's book project, state voter ID cases, state judicial selection, and other topics. In addition, we regularly review many exciting book titles in the journal, and occasionally present special issues framed around a general theme, such as October's Supreme Court Retrospective. The National Lawyers Convention issue, which formerly presented the edited transcripts of all the speeches and panels from that three-day conference, is now dispersed among law reviews across the country in an attempt to reach a wider audience. That change and other efforts begun in 2007 helped place nearly 100 transcripts of Federalist Society events in over 30 law journals.



STATE COURT DOCKET WATCH

This newsletter, appearing four times each year and largely composed by members of the Society's nationwide Lawyers Chapters, reports on noteworthy trends, interesting decisions, and controversial cases that are of interest outside their respective jurisdictions. For that reason, the newsletter is mailed to every state appellate judge and state attorney general, many trial judges, and an extensive list of corporate general counsels. Issues covered this year include same-sex marriage, campaign finance, and civil liability reform, among others.



ABA WATCH

One of the Society's most popular publications, *ABA Watch* is a semiannual newsletter, timed to coincide with the American Bar Association's mid-year and annual meetings, and meant to help readers form an independent opinion of the organization. The winter issue featured an interview with President-elect H. Thomas Wells, Jr., an overview of the ABA's death penalty moratorium project, recent amicus brief activity by the organization, and a digest of the proceedings of the House of Delegates. August saw reports on resolutions to be considered at the upcoming ABA meeting on gun control, attorneys fee negotiations, judicial nominations, the *Boumediene* decision, and ABA recommendations on racial profiling, the International Criminal Court, and medical care. *ABA Watch* will continue to provide information on the Association, to assist others in making their own assessment of its role and influence in America's legal culture.



CLASS ACTION WATCH

Published to apprise both Society membership and the public at large of recent trends and cases in class action litigation, *Class Action Watch* is an occasional newsletter mailed to experts in the field and those members who are interested. This year, it has focused on Cy Pres settlements, the *Stoneridge* case, FACTA, reverse bifurcation, class action tolling, medical monitoring, and public nuisance cases.



THE FEDERALIST PAPER

The in-house magazine of the Federalist Society, the *Federalist Paper* comes out in the winter, summer, and fall. Highlighting some of the activities and events of Society Chapters, Practice Groups, and individual members, the glossy magazine is meant to give members a sense of the kind of engagements occupying particularly active chapters, students, and lawyers. Each division reports on some of the more noteworthy events of the past season, including such things as the annual Student Symposium and Lawyers Convention. The State Courts and International Law Divisions provide updates on their respective activities as well.



WHITE PAPERS

The Federalist Society increasingly turns out high quality White Papers focused on particular issues or areas of interest. As a continuation of a State Courts Project campaign last fall, a number of White Papers appeared on the direction of state supreme courts this year, including North Carolina, West Virginia, Mississippi, California, Michigan, Texas, Washington, and Wisconsin. These reports discussed the past orientation and change in direction of the jurisprudential philosophy of each court in an effort to raise awareness of the importance of state court jurisprudence in American life. A number of White Papers focused on state supreme courts including topics on the judicial role of these courts, updates of recent court activity, and economic impacts of court rulings. These White Papers are meant to generate a higher level of debate about important matters of law and policy.



The organization seeks to produce material that will encourage discussion about timely legal and public policy developments; however, it is important to note that the Society takes no position on particular issues. Opinions expressed

in the organization's publications are those of the authors, not necessarily of the Society itself, and readers are encouraged to respond to what appears in those publications and to submit ideas or articles about trends and developments in the law themselves.

LEVERAGING TECHNOLOGY

The Lawyers and Faculty Divisions are developing original programming designed to foster substantially greater use of the Federalist Society's website: www.fed-soc.org. We have also made much better use of the web to disseminate information about our programs and the programs themselves in an effort to extend our message and create more of a virtual community among people with shared interests. Our website now features:

- "SCOTUScasts," i.e. podcasts of digital recordings of expert commentary on U.S. Supreme Court cases as they are argued and issued that may be downloaded from our website and listened to on MP3 players and computers.
- The Originally Speaking series, where experts from different sides of the ideological spectrum come together to debate the most recent legal topics in an online, written forum.
- An ongoing major update to the Conservative/Libertarian Bibliography, a topically-organized reading list for entering law students intended to provide a foundation in conservative/libertarian legal thinking. This bibliography is also being made available in separate online segments that can be accessed and updated by subject area online rather than exclusively as a single printed document.
- Audio and video from our National Lawyers Convention, Student Symposium, Faculty Division Conference, and other programs conducted by Practice Groups, Lawyers Chapters, and Student Chapters likely to be of interest to a broader audience.
- Opportunities to register online for all major programs.



The additional content on our webpage has caused a remarkable increase in web traffic. Media downloads have gone from just over 20,000 in June 2007 to over 40,000 downloads in October 2008. Meanwhile page views have more than doubled, from approximately 229,000 to almost 700,000, and unique visits to our website are up 28 percent as well. Our event podcasts and SCOTUScasts are regularly among the top thirty non-profit public affairs podcasts on the digital media application iTunes and frequently rank higher.

BOTH OLD AND NEW DONORS CONTRIBUTE TO RISING REVENUE

The Federalist Society's loyal long-time supporters and a lengthening list of new donors have contributed to our increasing revenues, allowing us to add to the number and quality of programs we provided for law students and lawyers across the country for the past 26 years. Again this year, we grew by about 15 percent and reached a new all-time record of raising more than \$10.6 million in FY 2008. Many of our long-time supporters are now members of the James Madison Club, which means they 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.

2008 JAMES MADISON CLUB ROSTER

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James Madison Club members Brad Berenson (left), John and Mary Lee Malcolm (center) and Susanna Dokupil (right) pose together at the Annual Dinner.

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Cherie Arkley (left) and Ann Corkery
visit at the James Madison Club
Reception.

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Madison Club members Gerald and Sheila Walpin (left) and Judith Jacobs (center) talk to pollster and television personality Kellyanne Conway (right) at the Barbara K. Olson Memorial Lecture.

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(\$1,000 - \$1,999)

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 Dorothy Gray*
 Thomas P. Griesa
 Gregory Grimsal



David Martin of the Law Enforcement Legal Defense Fund and his wife Diane arrive at the Annual Dinner.



Board of Visitors Member Andrew Redleaf of Minnesota (left) catches up with Judge Jerry Smith of the U.S. Court of Appeals for the Fifth Circuit at the Convention.

Alan Gura
 Eric D. Hargan*
 Elizabeth Harmer-Dionne
 R. Britt Harris, Jr.
 Marion Edwyn Harrison
 Brent O. Hatch
 Robert C. Hawk
 Benjamin P. Hayek
 Jim Haynes
 Sandra J. Hecker
 Gail Heriot
 John Hilton
 Robert Hishon
 James and Allyson Ho
 Joe G. Hollingsworth
 James Huffman
 J.C. Huizenga
 Thomas G. Hungar
 William T. Huston*
 Charles Hwang
 Nancy Iredale
 Erik S. Jaffe
 Eric J. Kadel, Jr.
 Paul J. Kaleta
 David and Alida Kass
 Thomas J. Kavaler
 Lawrence Keane
 James P. Kelly III
 Manuel S. Klausner
 Howard J. Klein
 Helen Kriebler



Michael Wiggins of Atlanta (left), Adam Ross of Dallas, (center) and Ted Cooperstein, currently stationed in Florida, and his wife Wipada, (right) enjoy the Annual Dinner.

Jeffrey C. Kubin
 Raymond J. LaJeunesse, Jr.
 Grant Lally*
 Glen Lavy
 Steven J. Law
 Robert H. and Anita Q. Lawe
 Foundation
 Kenneth K. Lee
 Andrew W. Lester*
 Raymond William Leyden
 Elizabeth Locke
 Robert L. Lofts
 Robert A. Lonergan
 Wendy E. Long
 Karen Lugo
 Letty G. Lutzker*
 Gregory Maier
 MaryRose Manczak
 Karen L. Manos
 Edmund R. Manwell
 David H. Martin
 Brian J. Maas
 Michael C. Massengale
 Steve A. Matthews
 Randolph J. May
 Douglas Kirk Mayer
 Letty McAdams
 Sean M. McAvoy
 Jennifer R. McCain

Robert D. McCallum
 Gregory McNeal
 Simone Mele
 Matthew D. Michael
 Roger Milliken
 Mark D. Mittleman
 Robert Montgomery
 Hashim Mooppa
 Edward A. Moritz
 Richard Morrison
 Peter Mulloney
 David Murray
 Eliza P. Nagle
 Jeffrey T. Neilson
 Douglas T. Nelson
 Larry Neubauer
 Dennis R. Nolan
 David J. Novak
 Coleman A. Nutter*
 James O'Connell, Jr.
 John C. O'Quinn
 John E. O'Neill
 Dwight D. Opperman
 Hugh Overholt
 Kevin and Dawn O'Scannlain
 Donald L. Padgitt
 R. Hewitt Pate
 Nicole and Scott Pearson
 Eric J. Pelton

Lovett Peters
 Stephen D. Poss
 George Priest
 Alfred E. Putnam, Jr.
 Alan Charles Raul
 Ronald D. Rotunda
 Lee and Soraya Rudofsky
 Charles F. (Rick) Rule
 John L. Ryder
 Robert Scarborough
 Peter Carey Schaumber
 Maimon Schwarzschild
 Ilya Shapiro
 Donald Shawler
 Robert P. Sheils, Jr.
 Brandon Simmons
 Loren A. Smith
 Douglas G. Smith
 Mark W. Smith
 Stephen C. Smith
 John A. Smyth III
 Abraham D. Sofaer*
 John J. Soroko*
 Jeffrey Spears
 Cheryl Stanton
 Charles Henry Still, Sr.
 Robert L. Strickland*
 Jane L. Stone
 J. Robert Suffoletta, Jr.
 Glenn M. Sulmasy
 Thomas Milburn Sweeney
 Heath Price Tarbert
 David H. Thompson
 Larry D. Thompson
 Michael and Janet Tierney
 Eric W. Treene
 G.L. Jidge Verity
 Vincent J. Vitkowsky
 David J. Volk
 Michael B. Wallace
 John L. Warden
 Lynn D. Wardle
 Richard E. Weicher
 Donn Weinberg
 David Weinstein
 Hill B. Wellford
 Steadman H. Westergaard

James Q. Whitaker
 Ketia Wick
 Rando Wick
 Michael Wiggins
 Richard E. Wiley
 William Reynolds Williams*



D.C. Lawyers Chapter President Doug Cox (left) and R. Ted Cruz, former Solicitor General of Texas, visit at the Convention.

Edwin D. Williamson*
 M. Craig Wolf/Wine and Spirits
 Wholesalers of America
 Woodford Foundation
 Christopher A. Wray
 Moin A. Yahya
 James W. Ziglar
 Julius J. Zschau

**Denotes individuals who are founding members of the James Madison Club.*

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

We have audited the accompanying statements of financial position of The Federalist Society for Law and Public Policy Studies as of September 30, 2008 and 2007 and the related statements of activities and cash flows for the years then ended. These financial statements are the responsibility of the Society's management. 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 audits to obtain reasonable assurance about whether the financial statements are free of material misstatement. An audit includes examining, on a test basis, evidence supporting the amounts and disclosures in the financial statements. An audit also includes assessing the accounting principles used and significant estimates made by management, as well as evaluating the overall financial statement presentation. We believe that our audits provide a reasonable basis for our 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, 2008 and 2007 and the changes in its net assets and its cash flows for the years then ended, in conformity with accounting principles generally accepted in the United States of America.



A Professional Corporation
Bethesda, MD
February 4, 2009

THE FEDERALIST SOCIETY FOR LAW AND PUBLIC POLICY STUDIES
STATEMENTS OF FINANCIAL POSITION
SEPTEMBER 30, 2008 AND 2007

| <u>ASSETS</u> | <u>2008</u> | <u>2007</u> |
|---|---------------------|---------------------|
| CURRENT ASSETS | | |
| Cash and cash equivalents | \$ 3,721,746 | \$ 2,626,079 |
| Investments | 2,686,807 | 3,243,965 |
| Grants receivable | 1,192,450 | 685,000 |
| Contributions receivable | 363,243 | 290,305 |
| Other receivables | 13,360 | 17,704 |
| Supplies inventory | 117,483 | 156,637 |
| Other current assets | <u>86,392</u> | <u>66,983</u> |
| | <u>8,181,481</u> | <u>7,086,673</u> |
| GRANT AND CONTRIBUTIONS RECEIVABLE - LONG-TERM | | |
| Grants receivable | 976,040 | - |
| Contributions receivable | <u>412,345</u> | <u>633,823</u> |
| | <u>1,388,385</u> | <u>633,823</u> |
| FIXED ASSETS | | |
| Computer equipment | 168,733 | 175,424 |
| Office furniture and equipment | 94,658 | 94,658 |
| Leasehold improvements | <u>15,388</u> | <u>15,388</u> |
| | 278,779 | 285,470 |
| Accumulated depreciation and amortization | <u>(165,146)</u> | <u>(165,018)</u> |
| | <u>113,633</u> | <u>120,452</u> |
| OTHER ASSETS | | |
| | <u>10,000</u> | <u>10,000</u> |
| TOTAL ASSETS | <u>\$ 9,693,499</u> | <u>\$ 7,850,948</u> |
| <u>LIABILITIES AND NET ASSETS</u> | | |
| CURRENT LIABILITIES | | |
| Accounts payable and accrued expenses | \$ 521,827 | \$ 338,519 |
| Deferred revenue | <u>179,557</u> | <u>272,645</u> |
| | <u>701,384</u> | <u>611,164</u> |
| NET ASSETS | | |
| Unrestricted | 5,006,854 | 4,943,867 |
| Temporarily restricted | 3,975,261 | 2,285,917 |
| Permanently restricted | <u>10,000</u> | <u>10,000</u> |
| TOTAL NET ASSETS | <u>8,992,115</u> | <u>7,239,784</u> |
| TOTAL LIABILITIES AND NET ASSETS | <u>\$ 9,693,499</u> | <u>\$ 7,850,948</u> |

See Notes to Financial Statements

THE FEDERALIST SOCIETY FOR LAW AND PUBLIC POLICY STUDIES
STATEMENTS OF ACTIVITIES
FOR THE YEARS ENDED SEPTEMBER 30, 2008 AND 2007

| | 2008 | | | | 2007 | | | |
|--|---------------------|------------------------|------------------------|---------------------|---------------------|------------------------|------------------------|---------------------|
| | Unrestricted | Temporarily Restricted | Permanently Restricted | Total | Unrestricted | Temporarily Restricted | Permanently Restricted | Total |
| REVENUE | | | | | | | | |
| Grants | \$ 3,497,095 | \$ 3,574,913 | \$ - | \$ 7,072,008 | \$ 1,449,651 | \$ 1,185,404 | \$ - | \$ 2,635,055 |
| Registration fees | 845,487 | - | - | 845,487 | 529,193 | - | - | 529,193 |
| Membership dues | 227,612 | - | - | 227,612 | 217,275 | - | - | 217,275 |
| Contributions | 4,408,809 | 72,043 | - | 4,480,852 | 2,988,286 | 1,140,998 | - | 4,129,284 |
| Investment income | (86,194) | - | - | (86,194) | 430,027 | - | - | 430,027 |
| Miscellaneous income | 15,778 | - | - | 15,778 | 18,498 | - | - | 18,498 |
| | <u>8,708,587</u> | <u>3,646,956</u> | <u>-</u> | <u>12,355,543</u> | <u>5,632,930</u> | <u>2,326,402</u> | <u>-</u> | <u>7,959,332</u> |
| NET ASSETS RELEASED FROM RESTRICTIONS | | | | | | | | |
| Satisfaction of restrictions | 1,957,612 | (1,957,612) | - | - | 3,617,892 | (3,617,892) | - | - |
| | <u>10,666,199</u> | <u>1,689,344</u> | <u>-</u> | <u>12,355,543</u> | <u>9,250,822</u> | <u>(1,291,490)</u> | <u>-</u> | <u>7,959,332</u> |
| EXPENSES | | | | | | | | |
| Program services | | | | | | | | |
| General program | 836,827 | - | - | 836,827 | 945,377 | - | - | 945,377 |
| Fellows program | 871,006 | - | - | 871,006 | 416,838 | - | - | 416,838 |
| Student Chapter and Membership Services | 607,371 | - | - | 607,371 | 422,422 | - | - | 422,422 |
| Student Speakers Bureau | 1,458,528 | - | - | 1,458,528 | 1,252,586 | - | - | 1,252,586 |
| Student National Symposium | 130,818 | - | - | 130,818 | 198,324 | - | - | 198,324 |
| Lawyers Division Chapter and Membership Services | 478,651 | - | - | 478,651 | 410,217 | - | - | 410,217 |
| Lawyers Division Speakers Bureau | 843,951 | - | - | 843,951 | 687,935 | - | - | 687,935 |
| Lawyers National Conference | 1,327,453 | - | - | 1,327,453 | 803,956 | - | - | 803,956 |
| State Courts | 1,568,956 | - | - | 1,568,956 | 972,421 | - | - | 972,421 |
| Practice activities | 1,003,978 | - | - | 1,003,978 | 914,909 | - | - | 914,909 |
| Other conferences | 346,811 | - | - | 346,811 | 479,520 | - | - | 479,520 |
| | <u>9,474,350</u> | <u>-</u> | <u>-</u> | <u>9,474,350</u> | <u>7,504,505</u> | <u>-</u> | <u>-</u> | <u>7,504,505</u> |
| General and administrative | 482,322 | - | - | 482,322 | 419,815 | - | - | 419,815 |
| Fundraising | 646,540 | - | - | 646,540 | 603,562 | - | - | 603,562 |
| | <u>10,603,212</u> | <u>-</u> | <u>-</u> | <u>10,603,212</u> | <u>8,527,882</u> | <u>-</u> | <u>-</u> | <u>8,527,882</u> |
| CHANGE IN NET ASSETS | 62,987 | 1,689,344 | - | 1,752,331 | 722,940 | (1,291,490) | - | (568,550) |
| NET ASSETS AT BEGINNING OF YEAR | <u>4,943,867</u> | <u>2,285,917</u> | <u>10,000</u> | <u>7,239,784</u> | <u>4,220,927</u> | <u>3,577,407</u> | <u>10,000</u> | <u>7,808,334</u> |
| NET ASSETS AT END OF YEAR | <u>\$ 5,006,854</u> | <u>\$ 3,975,261</u> | <u>\$ 10,000</u> | <u>\$ 8,992,115</u> | <u>\$ 4,943,867</u> | <u>\$ 2,285,917</u> | <u>\$ 10,000</u> | <u>\$ 7,239,784</u> |

See Notes to Financial Statements

THE FEDERALIST SOCIETY FOR LAW AND PUBLIC POLICY STUDIES
STATEMENTS OF CASH FLOWS
FOR THE YEARS ENDED SEPTEMBER 30, 2008 AND 2007

| | 2008 | 2007 |
|---|---------------------|---------------------|
| CASH FLOWS FROM OPERATING ACTIVITIES | | |
| Change in net assets | \$ 1,752,331 | \$ (568,550) |
| Adjustments to reconcile change in net assets to net cash provided (used) by operating activities | | |
| Depreciation and amortization | 29,080 | 26,405 |
| Net (appreciation) depreciation in fair value of investments | 319,230 | (152,862) |
| Donation of securities | (541,571) | (9,671) |
| Amortization of present value discounts on contributions received | (28,522) | - |
| (Increase) decrease in | | |
| Grants receivable | (1,454,968) | 169,393 |
| Contributions receivable | 148,540 | (540,687) |
| Other receivables | 4,344 | (4,281) |
| Supplies inventory | 39,154 | (154,502) |
| Other current assets | (19,409) | 72,306 |
| Increase (decrease) in | | |
| Accounts payable and accrued expenses | 183,306 | (9,313) |
| Deferred revenue | (93,087) | 2,370 |
| | <u>338,428</u> | <u>(1,169,392)</u> |
| CASH FLOWS FROM INVESTING ACTIVITIES | | |
| Purchase of investments | (989,658) | (2,060,730) |
| Proceeds from sale of investments | 1,769,157 | 900,302 |
| Purchase of fixed assets | (22,260) | (19,759) |
| | <u>757,239</u> | <u>(1,180,187)</u> |
| INCREASE (DECREASE) IN CASH AND CASH EQUIVALENTS | 1,095,667 | (2,349,579) |
| CASH AND CASH EQUIVALENTS AT BEGINNING OF YEAR | <u>2,826,079</u> | <u>4,975,658</u> |
| CASH AND CASH EQUIVALENTS AT END OF YEAR | <u>\$ 3,721,746</u> | <u>\$ 2,626,079</u> |
| Non-cash contributions | <u>\$ 541,571</u> | <u>\$ 9,671</u> |

See Notes to Financial Statements

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 Texas, 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 the relationship. Provides fellowship for junior faculty and those seeking to enter the legal academy.

Chapters and Member-at-Large Services

Provides regional 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 speakers, lawyers and legal scholars to law schools, colleges and university campuses and other public locations to speak about various matters of national significance.

Symposium and Conferences

A program of seminars, conferences and meetings of 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 journal conferences related to state courts.

Practice Activities

A program of regular periodicals and occasional white papers and journal 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 generally accepted accounting principles generally accepted in the United States of America.

Accounting Estimates

The preparation of financial statements in conformity with generally accepted 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 statements of financial position and revenues and expenses during the reporting period. Actual results could differ from these estimates.

Cash and Cash Equivalents

A highly liquid depository instrument with a maturity of three months or less at the time of purchase are considered cash equivalents.

Inventory

The supplies inventory is stated at cost and is computed using the first-in, first-out (FIFO) method.

NOTE 2: SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES - continued

Fixed Assets

Fixed assets are capitalized at cost and depreciated over estimated useful lives of 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

The Society has investments in marketable equity and debt securities that are classified at their fair market value as determined by quoted market prices.

Membership Dues

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

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 or their use. Temporarily restricted net assets are the portion of net assets resulting from contributions or other inflows of assets, without stipulations by donor-imposed stipulations that can be removed by the passage of time or other action of law for any purpose to which 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.

Contributions and Grants Receivable

Contributions and grants receivable are recorded at their fair value and any allowance for bad debts is the result of management's assessment of the collectibility of the receivables.

Advertising and Promotion

All advertising and promotion expense are charged to expense when incurred.

NOTE 3: GRANTS AND CONTRIBUTIONS RECEIVABLE

Included in the grants and contributions receivable are the following uncollectible provisions in cash as of September 30, 2008 and 2007, using the present value discount rates of 4.5%:

| Amounts to be received in | 2008 | 2007 |
|---------------------------|--------------|--------------|
| Less than one year | \$ 1,555,893 | \$ 975,300 |
| One to four years | 1,659,378 | 782,280 |
| Present value discount | (281,843) | (166,177) |
| | \$ 2,933,428 | \$ 1,591,403 |

As of September 30, 2008 and 2007, 50% and 63% respectively of the grants and contributions receivable are from non-profit grants and foundations that value are covered by management to be fully collectible.

NOTE 4: INVESTMENTS

At September 30, 2008 and 2007, the Society's investments consist of the following:

| | 2008 | 2007 |
|------------------|--------------|--------------|
| Corporate bonds | \$ 304,738 | \$ 363,481 |
| Government bonds | 1,659,378 | 1,246,334 |
| Common stocks | 1,323,722 | 1,034,150 |
| | \$ 2,987,838 | \$ 2,643,965 |

Investment income (which is recognized in the statements of activities) for the years ended September 30, 2008 and 2007 was as follows:

| | 2008 | 2007 |
|--|--------------|------------|
| Interest and dividends | \$ 253,136 | \$ 277,165 |
| Net appreciation (depreciation) in fair value of investments | 1,319,230 | 152,892 |
| | \$ 1,572,366 | \$ 430,057 |

NOTE 5: TEMPORARILY RESTRICTED NET ASSETS

As of September 30, 2008 and 2007, temporarily restricted net assets of \$3,975,261 and \$7,285,917 respectively, are available for education and research projects.

NOTE 6: COMMITMENTS AND CONTINGENCIES

The Society has an office lease that expires December 31, 2015. However, the Society has the option to terminate the lease on December 31, 2010 with a termination expense of \$127,500. Interest expense for the years ended September 30, 2008 and 2007 was \$300,878 and \$268,142, respectively. Also, September 30, 2008 required minimum lease payments are as follows:

| Year | \$ |
|------------|--------------|
| 2009 | 708,723 |
| 2010 | 354,607 |
| 2011 | 350,248 |
| 2012 | 317,697 |
| 2013 | 282,347 |
| Thereafter | 750,742 |
| | \$ 2,866,364 |

NOTE 7: 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 8: SIMPLIFIED EMPLOYEE PENSION PLAN AND THE FEDERALIST SOCIETY 401(K) PLAN

For October 1, 2007 through December 31, 2007 and the year ended September 30, 2007, the Society sponsored a simplified employee pension plan. For January 1, 2008 through September 30, 2008, the Society initiated the Federalist Society 401(k) Plan. For both 2008 and 2007, the Society had the right to borrow funds from its discretionary account. For both 2008 and 2007, the Society distributed 5% of its net contributions to the Federalist Society 401(k) Plan and the simplified employee pension plan. The Society contributions totaled \$42,390 and \$38,270 for the years ended September 30, 2008 and 2007, respectively.

NOTE 9: INCOME TAXES

The Society is exempt from federal income taxes, except for taxes on unrelated business income under Section 513(c)(3) of the Internal Revenue Code. There was no unrelated business income in the years ended September 30, 2008 and 2007.

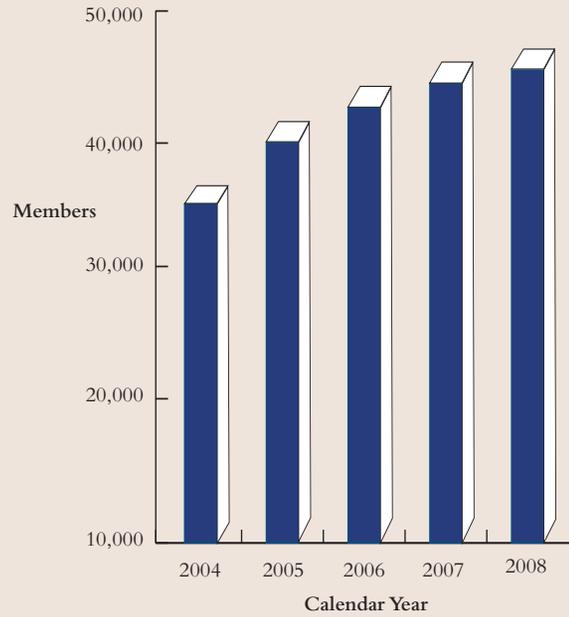
NOTE 10: CONCENTRATION OF CREDIT RISK

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 minimize its exposure to deposit institutions with federal institutions, it may, however, be exposed to a concentration of risk if a significant financial institution fails. The Society has no experience, and does not anticipate experiencing, any losses on such deposits.

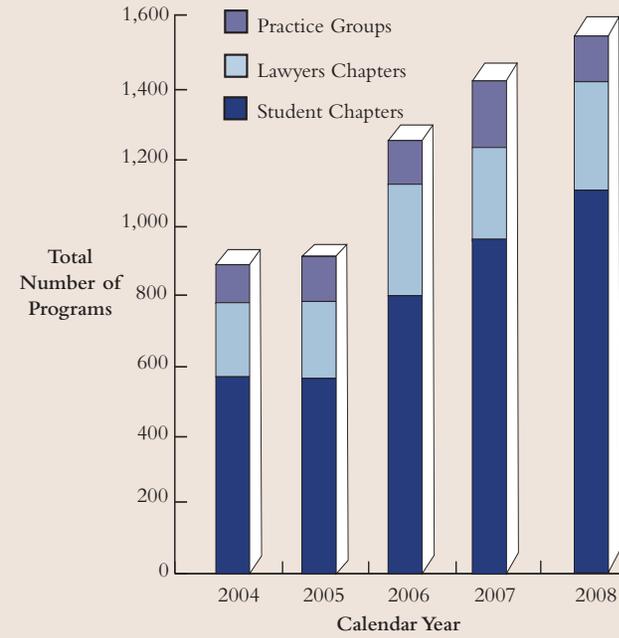
END OF AUDITED FINANCIAL STATEMENTS

FEDERALIST SOCIETY MEMBERSHIP GROWTH

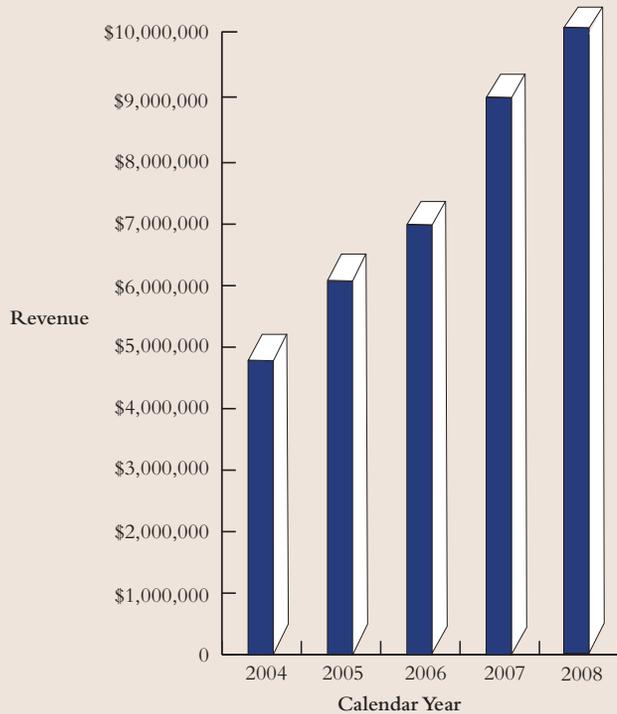
Local and National Involvement



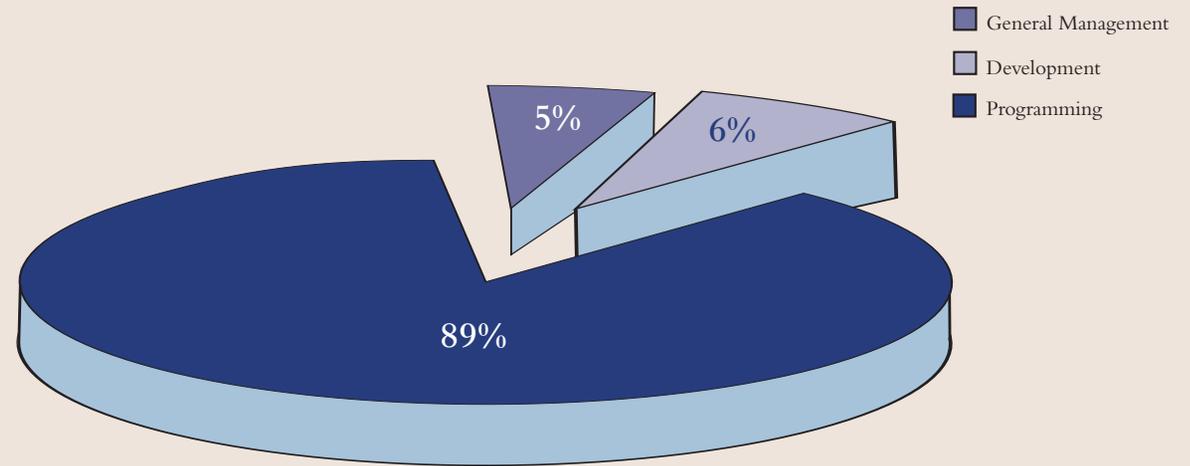
FEDERALIST SOCIETY PROGRAM GROWTH



FEDERALIST SOCIETY REVENUE GROWTH



FEDERALIST SOCIETY EXPENDITURES-FISCAL YEAR 2008



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