

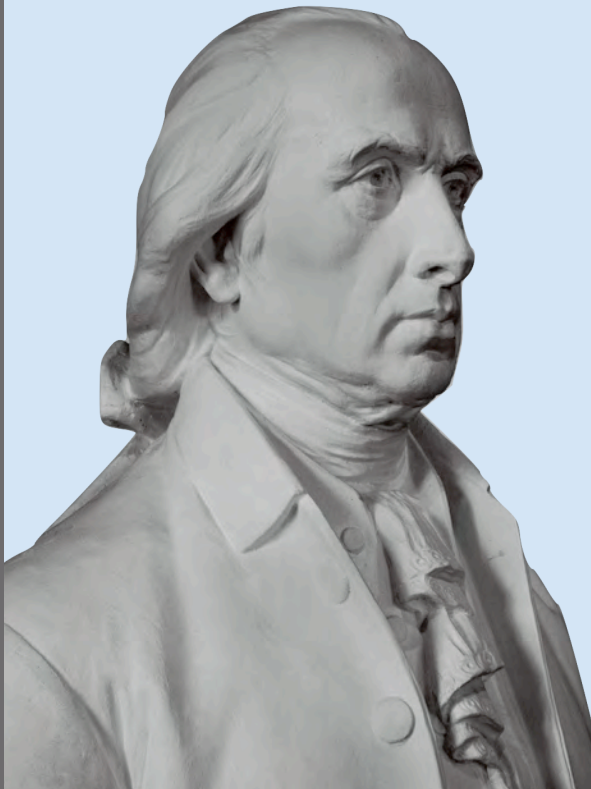


THE **Federalist** PAPER

THE MAGAZINE OF THE FEDERALIST SOCIETY • [FEDSOC.ORG](https://fedsoc.org)

Winter 2022

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“The courts must declare the sense of the law; and if they should be disposed to exercise **will** instead of **judgment**, the consequence would equally be the substitution of their pleasure to that of the legislative body.”

EDITOR'S LETTER



The 13th Annual Rosenkranz Debate and Luncheon at the May—ower Hotel in Washington, DC.

*Dear
Friend,*

The Federalist Society's National Lawyers Convention was held in November and, as always, it was a great event. The theme of the convention was "Public and Private Power: Preserving Freedom or Preventing Harm?" The program featured four Showcase Sessions and sixteen breakout sessions exploring this topic. The 13th Annual Rosenkranz Debate pitted against each other John Allison and Ashley Keller on the question of whether concentrated corporate power is a greater threat to individual freedom than government power.

Several distinguished speakers addressed the convention. Hon. Amul Thapar gave the opening address on Thursday morning and on Friday, Vivek Ramaswamy participated in a fireside chat with Prof. Todd J. Zywicki. Hon. Theodore Olson delivered the 20th Annual Barbara K. Olson Memorial Lecture, in which he reflected on the life and legacy of his wife, Barbara. Hon. Laurence Silberman delivered the Hon. Robert H. Bork Memorial Lecture. Finally, Senator Tom Cotton addressed the Antonin Scalia Memorial Dinner at Union Station. Visit fedsoc.org to watch videos, listen to audio recordings, and read transcripts of panels and speakers you missed!

The NLC isn't the only thing Fed Soc has done over the past few months. Inside this issue, you'll see that our Student Division is gearing up for the National Student Symposium, our Lawyers Chapters have hosted regional conferences and events with Hon. Jeffrey Sutton and Hon. Jennifer Elrod, and our Faculty Division hosted a mini-conference for scholars. The Article I Initiative and the Regulatory Transparency Project have been active, as has our Digital team. See inside for some of our online resources, all of which are available at fedsoc.org.

We hope you enjoy this issue of the Federalist Paper. Please send any comments to us at info@fedsoc.org. We look forward to hearing from you!

*Sincerely,
Editor*

STUDENT DIVISION



Register

2022 National Student Symposium

Hosted by University of Virginia Law School
Charlottesville, Virginia • March 4-5, 2022

A 50% travel scholarship is available for dues-paying student members



Members of the Notre Dame student chapter with Supreme Court Justice Clarence Thomas during his visit in September.



A recruitment event hosted by the Chicago student chapter in the fall.



The American University chapter hosted an event featuring Judge Ryan Holte.

CHAPTER SPOTLIGHT: ARIZONA STATE UNIVERSITY

The Arizona State chapter has grown its membership by 62 percent and held debates on topics ranging from abortion to the Second Amendment. In addition to instituting a monthly happy hour for FedSoc students and alumni, the chapter has maintained a full calendar of social events, where its members have barbecued, gone hiking, and even watched bull riding together.

To support its members' professional development, the chapter has continued to offer its attorney mentorship program, shared FedSoc-friendly job opportunities, and has maintained a close relationship with the Phoenix Lawyers Chapter. Arizona State's members have attended conferences and Lawyers Chapter events, and multiple

members are —ying out to the Student Symposium in March.

Arizona State's chapter will be hosting an event nearly every week next semester, including a formal cocktail reception for past and present student chapter members. ASU's chapter plans to close out its year with a much-anticipated Fourteenth Amendment Showdown between Professors Kurt Lash and Ilan Wurman, with State Supreme Court Justice Clint Bolick serving as moderator.

The ASU chapter's debates continue to be the best-attended events on campus. The Arizona State chapter has continued its tradition of strong leadership with its commitment to open dialogue and diversity of thought.



FedSoc Vice Presidents John Dennis and Lilly Harris recruit new members at the student org fair.



FedSoc members gather to watch bull riding.

LAWYERS CHAPTERS

Kentucky Chapters Conference
Frankfort • October 18



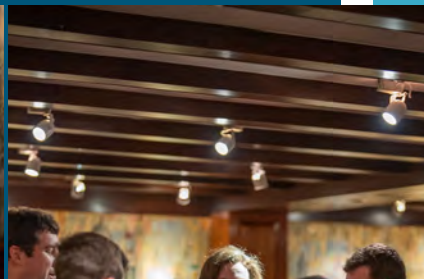
Reception with
Judge Jeffrey Sutton
DC Young Lawyers • October 14



Third Circuit Chapters Conference
Philadelphia • October 1



Small Group Dinner with Judge
Jennifer Elrod
DC Young Lawyers • December 14



FACULTY DIVISION

Works in Progress Mini-Conference 01.07.2022 via Zoom



This virtual mini-conference featured two Works in Progress panels. Each panelist presented his/her paper or idea in 7 minutes or less, with moderated discussion and audience Q&A.

Panel One:

Rabea Benhalim
University of Colorado
Scott Gerber
Ohio Northern
Michelle Kundmueller
Old Dominion University
Adam MacLeod
Faulkner University
Robert Pushaw
Pepperdine
Lee Strang
Toledo
Michael Morley
Florida State University
Moderator: Jason Mazzone
University of Illinois at Urbana-Champaign

Panel Two:

Jennifer Barrow
Harvard Climenko Fellow
Dmitry Karshtedt
George Washington University
Renée Lettow Lerner
George Washington University
Tamar Meshel
University of Alberta
Jean Powers
South Texas College of Law Houston
David Snyder
American University
Stephen Ware
University of Kansas
Moderator: Kristen Osenga
University of Richmond

The James Kent Summer Academy is for law students and recent graduates who demonstrate strong potential for being leaders among a future generation of legal scholars.

This all-expenses paid conference is tentatively scheduled to take place in person on August 3-6, 2022 in Annapolis, MD. The conference will include seminar-style sessions guided by a group of leading faculty. It will also include informational sessions and workshops for professional development, and the opportunity to connect with a community of talented students and scholars. Attendees will also receive invitations to ongoing events and academic and professional development resources throughout the year.

Applications should be submitted no later than March 31, 2022. Email Grace Gottschling with questions at grace.gottschling@fedsoc.org.

James Kent Summer Academy
08.03-06.2022 @ Annapolis

COMING JULY 2022

Classified: The Untold Story of Racial Classification in America

By David E. Bernstein

- Classified
- The Untold
- Story
- of Racial
- Classification
- in America

David E. Bernstein

OLIN-SEARLE-SMITH-DARLING FELLOWSHIP

The Olin-Searle-Smith-Darling Fellows in Law program offers top young legal thinkers the opportunity to spend one to two years writing and developing their scholarship with the goal of entering the legal academy. The fellowship offers full time research fellowships, part-time research fellowships, and a full-time clinical fellowship.

A distinguished group of academics select the Fellows, who must be dedicated to teaching and scholarship, possess a J.D. and extremely strong academic qualifications, have the promise of a distinguished career as a legal scholar and teacher, and be committed to the rule of law and intellectual diversity in the legal academy. The Fellowship is housed at a top law school, selected in consultation with the Selection Committee, the Fellow, and the law school.

All fellowship applications should be received no later than March 15, 2022. Questions should be directed to grace.gottschling@fedsoc.org.

FACULTY DIVISION AT THE STUDENT SYMPOSIUM

On March 5 at the 2022 Student Symposium, the Faculty Division will host a Breakout Session panel on “Becoming an Academic” featuring **Prof. Julia D. Mahoney** (University of Virginia), **Prof. John O. McGinnis** (Northwestern University), **Prof. Christopher J. Walker** (Ohio State University), **Prof. Paul Mahoney** (University of Virginia), and moderated by **Hon. Lee Liberman Otis**.

VISIT [FEDSOC.ORG](https://www.fedsoc.org)/OPPORTUNITIES TO APPLY

PRACTICE GROUPS

The National Lawyers Convention



November 11-13, 2021 | Mayflower Hotel

Public & Private Power: Preserving Freedom or Preventing Harm?

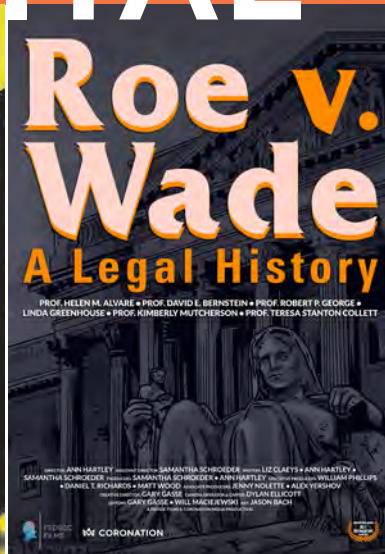
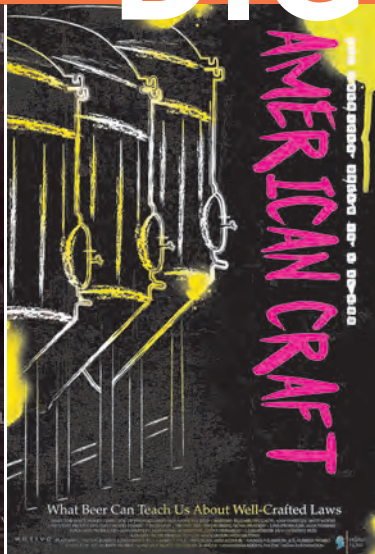
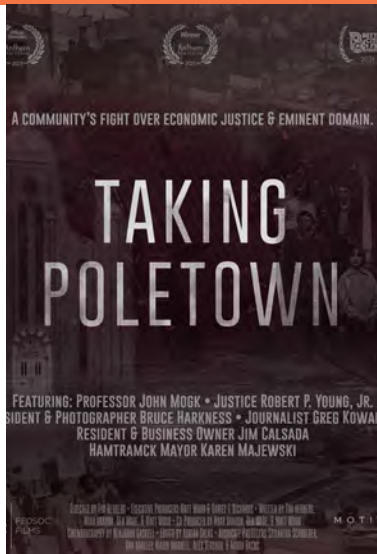
A SEAT AT THE SITTING THE SUPREME COURT DOCKET IN 90 MINUTES OR LESS



Thus far, we've welcomed Jonathan Adler, Sarah Harris, Kate Todd, Jennifer Lichter, Andrew Pincus, David Thompson, Beth Williams, Nicole Garnett, Adam Liptak, Brandon Moss, Ilya Shapiro, Mary Ziegler, Suzanna Sherry, Ilya Somin and Eugene Volokh to our monthly show and we hope to hear from many more in the coming months!

The Practice Groups launched a new initiative presenting the Supreme Court's docket sitting by sitting. Each month, a different group of legal experts convenes for *A Seat at the Sitting*. They discuss each month's major cases, talk judicial philosophy and approach, identify possible trends and voting patterns, make predictions, and share their expertise. The series has been widely watched and gives its viewers an opportunity to look at the Court's docket in concise parts. Particularly given the increased politicization surrounding hot button cases, *A Seat at the Sitting* gives its viewers a new appreciation for the wide array of cases the Court hears and presents viewers with an intelligent and integrated view of the Court's work.

DIGITAL



At the 2021 National Lawyers Convention, the Federalist Society's Digital team hosted our first-ever FedSoc Studios Showcase, an evening highlighting the best of our five years of FedSoc Films. At our FedSoc Studios Showcase we screened five of our best films from 2016 - today. We opened with our latest release, ***Taking Poletown: A Community's Fight Over Economic Justice & Eminent Domain***, which won an Award of Excellence at the Anthem Film Festival.

Our Showcase also included:

American Craft: What Beer Can Teach Us About Well-Crafted Laws (2019)

Roe v. Wade: A Legal History (2019)

Fashion & Intellectual Property (2018)

American Cincinnatus: George Washington Lays Down His Sword (2021)



Watch our Five Years of FedSoc Films trailer and all of our video content at youtube.com/thefederalistsociety.



EXTERNAL RELATIONS

Featured article

State Court Docket Watch: Barnett v. Jones



“

Justice Mitchell explained that the search for the original public meaning of a constitutional provision is not “an attempt to discover and give effect to the intent of the drafters,” but “the objective meaning of the text itself—because that is the law that was adopted by the public.” “[O]riginal public meaning,” he wrote, “is ‘simply shorthand for the meaning the people understood a provision to have at the time they enacted it.’”

”



SCAN ME

Read the full article at fedsoc.org/publications by scanning this QR code.

SAVE THE DATE

2022 Ohio Chapters Conference
April 1 • Columbus, OH

2022 Midwestern Regional Conference
April 23 • Springfield, IL

2022 Wisconsin Chapters Conference
April 29 • Pewaukee, WI

For more information, visit fedsoc.org/events.

New at the
Regulatory Transparency Project



Videos



COVID-19 and IP Protections on Critical Medical Innovations
Kristen Osenga



Should Regulators Mandate ESG Practices and Disclosures?
Trent McCotter



Podcasts

An Update on Telemedicine Laws and Regulations

Christina Sandefur, Joshua Windham

The Regulation of E-Cigarettes and Vapes

Jeff Stier



Events

FTC's Revolution Through Rulemaking

Corbin Barthold, William Blumenthal, Svetlana Gans, Andrew Stivers

An Update on the Clean Power Plan Litigation

Jonathan Brightbill, James Coleman, Kevin Poloncarz



Papers

Putting Innovation First: The "New Madison Approach" to Patent Licensing and Antitrust

Alden Abbott, Andrew Mercado, Paul Michel, Adam Mossoff, Kristen Osenga

COVID Vaccine IP Waiver: A Pathway to Fewer, Not More, Vaccines

Alden Abbott, Adam Mossoff, Kristen Osenga, Zvi Rosen

Checks, Balances, and Emergencies: Tensions Between Emergency Management Acts and Constitutional Governance

Braden Boucek, Daniel Greenberg, Kimberly Hermann, Mithun Mansinghani, Clark Neily, Jon Riches, Luke Wake, Shoshana Weissmann



ARTICLE I

New at the
Article I Initiative

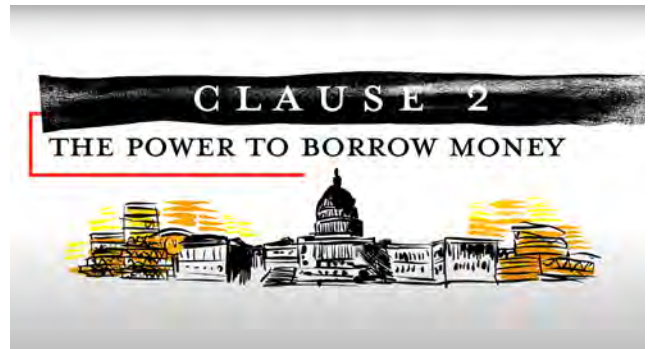


Senator James Lankford and an expert panel comprised of **G. William Hoagland** (Bipartisan Policy Center), **Matthew B. Lawrence** (Emory University School of Law), **Molly Reynolds** (Brookings Institution), and moderator **Ilya Shapiro** (Georgetown Center for the Constitution) recently joined the Article I Initiative to discuss the federal budget process and explore opportunities for greater transparency. Many topics were covered including the recently passed bipartisan “Taxpayers Right-to-Know Act” and a bill titled the “End Government Shutdowns Act.”

If you missed the event you can view the video on our website or listen to the audio on the Necessary & Proper podcast.

Can Congress Improve Budget Transparency and Process?

The Constitution Line by Line
Featuring Senator Mike Lee



In *The Constitution Line by Line* series, the Article I Initiative collaborates with "life-long student of the Constitution" and United States **Senator Mike Lee** to walk through Article I of the Constitution and re—ect on its meaning. Eight episodes were released in 2021 and eight more will be released in 2022. The videos are available to watch on our website and the Federalist Society YouTube channel.

Thanks to Free the People for partnering with us on this series.

Follow us
articleiinitiative.org



The Federalist Society
for Law and Public Policy Studies

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2022
NATIONAL STUDENT SYMPOSIUM
March 4-5, 2022
University of Virginia School of Law | Charlottesville, VA
The Federalists vs. The Anti-Federalists:
Revisiting the Founding Debates
fedsocsymposium.org

if you are not receiving our weekly emails, please contact membership@fedsoc.org.