

# The Federalist Society

FOR LAW AND PUBLIC POLICY STUDIES

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ANNUAL REPORT 2007

*“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

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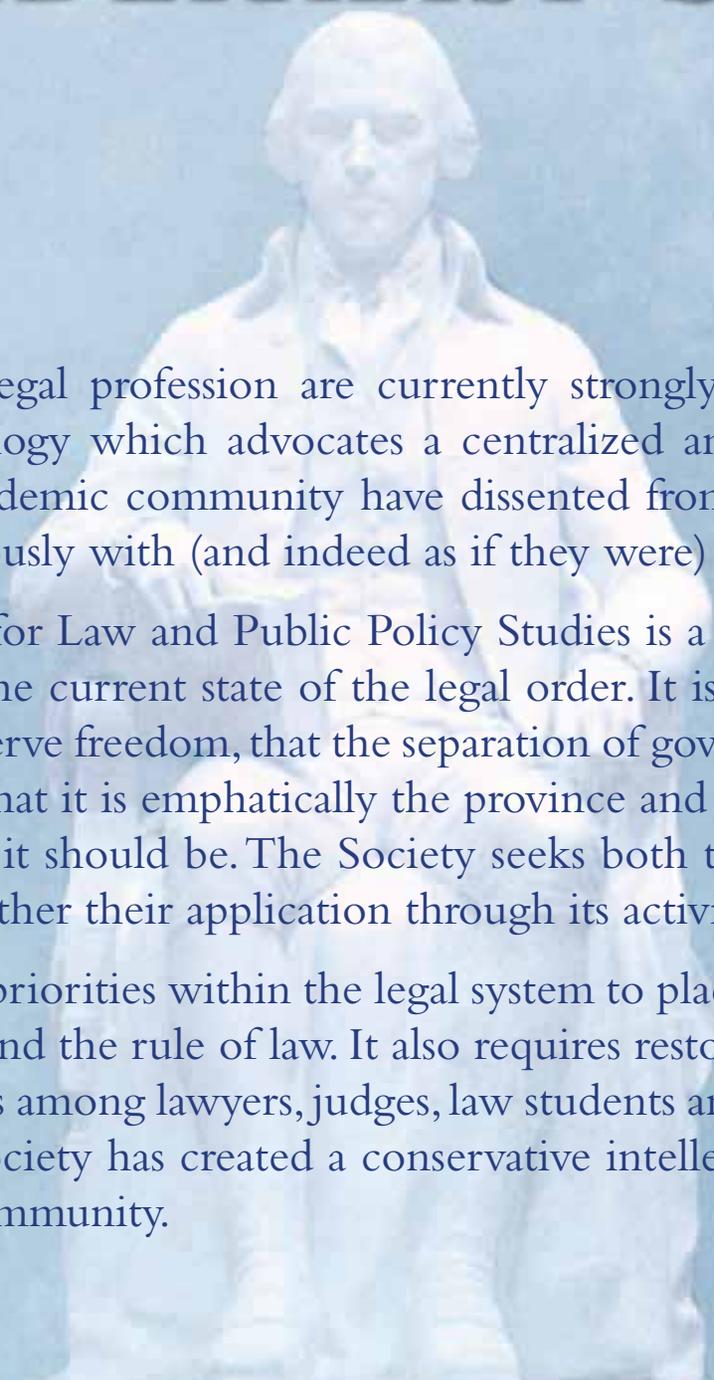
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## TABLE OF CONTENTS

From the President .....	Page 3
Student Chapter Programs .....	Page 4
Lawyers Chapter Programs .....	Page 7
National Conferences .....	Page 10
Practice Groups .....	Page 16
State Courts Project .....	Page 21
International Affairs .....	Page 23
Special Projects .....	Page 25
National Press .....	Page 26
Publications .....	Page 27
Benefactors .....	Page 29
Chapters .....	Page 34
Audited Financial Statements .....	Page 36

# THE FEDERALIST SOCIETY



Law schools and the legal profession are currently strongly dominated by a form of Lorthodox 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.

**“The Federalist Society’s educational programs encourage discussion about the Constitution and the law and reflect a commitment to vigorous and open debate.”**  
*Chief Justice John Roberts of the U.S. Supreme Court, from the Federalist Society’s 25th Anniversary Tribute video.*

*“The Federalist Society does not take policy positions, as the ABA does. It does not litigate or lobby unlike the ACLU, and its leaders and staff distance the organization from the individual achievements (or failures) of its members. They measure success, they say, by the vitality of the society’s ideas in public discourse. It is a debate club, they say—perhaps, the debate club.”*

***Legal Times, November 19, 2007***

**“I NEVER IMAGINED THAT THERE WOULD BE A CHAPTER AT EVERY MAJOR LAW SCHOOL IN AMERICA. WE THOUGHT WE HAD PLANTED A WILDFLOWER IN THE WEEDS OF ACADEMIC LIBERALISM. INSTEAD, IT WAS AN OAK.”**

**U.S. SUPREME COURT JUSTICE ANTONIN SCALIA  
IN REMARKS AT THE FEDERALIST SOCIETY’S  
25TH ANNIVERSARY GALA, NOVEMBER 15, 2007.**

**“The organization flexes its muscle not through lobbying or endorsing judicial nominees, but through something even more potent: standing for principles and defending them in open and robust debate...At a time when so much of what passes for public discourse is poisonous and extreme, the Federalist Society’s commitment to fostering dialogue and intellectual diversity is a priceless resource.”**

**Jeff Jacoby, *The Boston Globe*, November 21, 2007**

**“THE FEDERALIST SOCIETY REPRESENTS, WITHOUT A DOUBT, THE MOST VIGOROUS, DURABLE, AND WELL-ORDERED ORGANIZATION TO EMERGE FROM THIS RETHINKING OF MODERN CONSERVATISM’S POLITICAL STRATEGY.”**

**Steven Teles**

*The Rise of the Conservative Legal Movement*

**“The founding of the Federalist Society is one of the most important developments, perhaps the most important development, in law in the last 25 years.”**

*Judge Robert H. Bork*

### A QUARTER-CENTURY OF BUILDING

Dear Friends and Supporters:

Last November the Federalist Society celebrated the twenty-fifth anniversary of its founding. It was an exhilarating experience to pause and acknowledge all that has been accomplished by this organization. In 1982 it was ignited by the spark of a handful of conservative and libertarian law students who wanted their education to include more than the liberal orthodoxy they were receiving in their classes at some of America's most distinguished law schools. This report highlights many of the events the Society conducted commemorating that milestone.

There is little argument, even from our critics, that the Federalist Society has profoundly influenced the legal culture. We have established a Student Chapter at every ABA-accredited law school in America, a Lawyers Chapter in every major metropolitan area, national Practice Groups in fifteen areas of the law which focus on cutting edge legal issues, and a community of thousands of active citizen-lawyers utilizing traditional legal principles to contribute to their communities and the nation. The Federalist Society is more than ever a unique source for vigorous and civil debate, and has the opportunity, given our increasing press attention and resources, to increase dramatically the number of people we reach with our programs.

It was gratifying to hear U.S. Supreme Court Justice Antonin Scalia reflect in characteristically eloquent fashion at our 25th Anniversary Gala, "I never imagined that there would be a chapter at every major law school in America. We thought we had planted a wildflower in the weeds of academic liberalism. Instead, it was an oak."

My profound thanks to all those involved with the Federalist Society for what you have done.

Now is the time to look forward to the next twenty-five years. Whatever the Federalist Society has accomplished is small compared to the new opportunities that lay before us. Successfully seizing these opportunities will vastly enrich the legal culture. Obviously the development of our chapters has created many of these opportunities. In addition, two other very exciting developments are the expansion of the Faculty Division and the implementation of the State Courts Project.

The expansion of our Faculty Division aims to foster intellectual diversity within law faculties and to enhance the prospect that opposing views will get a respectful hearing in the academic community. New initiatives will establish mentoring structures between older faculty, younger faculty, and law students interested in the academy. We will encourage talented



Federalist Society President Eugene B. Meyer (second from right) and Executive Vice President Leonard A. Leo (far right) with U.S. Supreme Court Chief Justice John Roberts and co-founders Lee Liberman Otis (far left) and Steven G. Calabresi (second from left) at the 2007 Annual Lawyers Convention.

law students to consider the academy as a career. We will provide young scholars with ample opportunities to hone their research skills and increase their number of published articles. We will also seek out faculty who are interested in traditional legal principles but who are not presently involved with the Federalist Society's programs.

In its second year, our State Courts Project is developing exactly as we had hoped it would, contributing to the understanding of our courts and the rule of law at the state level. We are encouraged to continue to find highly qualified and motivated citizen-lawyers in each state to help us focus on state courts. Our constitutional structure requires taking federalism seriously and being just as concerned about the proper role of courts in the states as at the federal level.

As we look forward to pursuing these new challenges and sustaining our long-term efforts with another generation of law students and young lawyers, we wish to thank our supporters for their help in our effort to promote the principles of limited government, the separation of powers, and the rule of law. Without our donors and our volunteers, none of what the Society has accomplished would have been possible. Thank you.

Sincerely,

Eugene B. Meyer  
President



## STUDENT CHAPTERS THRIVE ACROSS COUNTRY

The 2006–2007 academic year was an unparalleled success for the Federalist Society’s Student Chapters.

- Student Chapters hosted a record 998 events, up from 825 the previous year.
- Total attendance was over 46,000 people at Student Chapter events, with each event averaging an audience of approximately fifty.
- The 26<sup>th</sup> Annual Student Symposium on “Law and Morality” at Northwestern attracted about 1,000 attendees. As a result of the Symposium, the Northwestern chapter was awarded the University’s ‘Robert Bennett Outstanding Student Organization Award’ for its efforts.

Student Chapters hosted events addressing a number of pertinent legal issues over the course of the year. The War on Terror and national security remained popular topics for student chapters to address. In September, Victor Davis Hanson of the Hoover Insti-



Judge Janice Rogers Brown of the U.S. Court of Appeals for the D.C. Circuit talks with Craig Chosiad, president of the University of Michigan Law School Chapter at the National Lawyers Convention.



Judge Carlos Bea and Judge Consuelo Callahan, both of the U.S. Court of Appeals for the Ninth Circuit, pause during a summer event with student chapter members of the University of California, Berkeley School of Law-Boalt Hall. The barbeque, hosted by the Sacramento Lawyers Chapter, drew more than 100 law students and lawyers.

tution delivered a speech on the Iraq War to a crowd of 260 at **Minnesota**. Ambassador Robert Pearson, the former Director General of the Foreign Service, spoke on “Democracy, Islam, and the War on Terror” before fifty people at **Vanderbilt**. In addition, **Harvard** hosted a panel on the tension between freedom and security after 9/11 with Northwestern Prof. Steven G. Calabresi and Harvard Profs. Charles Fried and Laurence Tribe. George Washington Profs. Jonathan Turley and Gregory Maggs debated *Hamdan v. Rumsfeld* at **George Washington**, while Berkeley Prof. John Yoo and New York University Prof. Burt Neuborne debated the case at **New York University**. **Akron, Florida Coastal, George Mason, and Ohio State** sponsored debates on *ACLU v. NSA* and the legality of the NSA’s warrantless wiretapping program; and 150 people attended a debate at **California-Davis** on national security featuring Ronald Cass, Dean Emeritus of Boston University School of Law, and President of Cass & Associates, PC.

International legal issues continued to interest student chapters this past year as well. **Ohio State** hosted a debate between Northwestern Prof. John McGinnis and Ohio State Prof. John Quigley on international law in American constitutional adjudication. Prof. McGinnis also debated Creighton Prof. Michael Kelly at **Creighton** on “Should U.S. Courts Look to International Law When Making Decisions?” Similarly, U.S. Congressman Thaddeus McCotter of Michigan debated Prof. Paul Dubinsky at **Wayne State** on the application of international law in the United States.

National fervor over immigration inspired a number of student chapter events. **Western State** hosted Chapman Dean John Eastman to debate Western State’s Prof. David Brennan before seventy people. Dean Eastman also debated James Ho of Gibson Dunn & Crutcher LLP on birthright citizenship at **Southern California**. In February, **Arizona** hosted eight legal and immigration experts for a symposium on immigration reform, and West Point Prof. Margaret Stock debated Marquette Prof. Ed Fallon on “Fences, Amnesty, and Aliens” at **Marquette**.



Solicitor General of Texas R. Ted Cruz meets with Harvard Federalist Society members after mooted *Medellin v. Texas* before his argument in front of the U.S. Supreme Court as part of the Chapter’s Supreme Court Advocacy Project.

Many chapters sponsored events on affirmative action and the use of race in education. Texas Prof. Lino Graglia debated Loyola–New Orleans Prof. James Viator at **Loyola–New Orleans** and Louisiana State Prof. John Devlin at **Louisiana State** on affirmative action in higher education. Over sixty people attended each debate. An affirmative action debate at **Harvard** between author Dinesh D’Souza and Harvard Prof. Charles Ogletree attracted a crowd of 150. **California–Davis** hosted a panel on California’s Proposition 209, the 1996 ballot initia-



The Notre Dame Chapter poses with Judge Diarmuid O’Scannlain of the U.S. Court of Appeals for the Ninth Circuit after his speech.

tive that banned affirmative action in California; and Roger Pilon of the Cato Institute debated Rutgers–Newark Prof. James Pope at **Rutgers–Newark** on whether affirmative action and equal protection are compatible. **Michigan State** hosted a panel on “Alternatives to Affirmative Action After the Michigan Civil Rights Initiative,” and Ward Connerly spoke to **Louisville** on affirmative action in front of an audience of 500.

Religious and other civil liberties were the focus of several student chapter events



John Stossel, consumer reporter for ABC News 20/20, meets with the officers of the Yale Law School Student Chapter after his speech on “Freedom and Its Enemies” to 350 students in October.

during the 2006–2007 school year. A debate at **Baylor** between Kevin J. Hasson of the Becket Fund for Religious Liberty and the ACLU’s Dr. Jeremy Gunn attracted an overflow crowd of 175 people, local media, and even a crew from a Brazilian television station. Hasson also participated in similar religious liberty debates at **Cardozo, Columbia, DePaul, Nebraska, Northwestern, Pepperdine, Richmond, Southern Methodist, Texas Wesleyan, and Toledo**. In October, Jordan Lorence of the Alliance Defense Fund participated in two well-attended debates at **Marquette** and **Wisconsin** on same-sex marriage, while **Boston College** hosted Maggie Gallagher of the Institute for Marriage and Public Policy to debate Arline Isaacson of the Massachusetts Gay and Lesbian Political Caucus on the topic, “Is Same-Sex Marriage a Civil Right?” Similarly, Brigham Young Prof. Lynn Wardle participated in a debate on *Citizens for Equal Protection v. Bruning*, a case concerning the legal rights of same-sex couples, at **Nebraska** before 100 students.

Controversies and cases in election law prompted student chapters to hold events on

campaign finance and the Voting Rights Act. **Seton Hall** sponsored a debate on “Paying for Elections: Are We Restricting the Flow of Money or Speech in Politics?” between attorney James Bopp and Brenda Wright of the National Voting Rights Institute. Bopp also debated New York University Prof. Samuel Isaaccharoff on “Campaign Finance in the Aftermath of *Randall v. Sorrell*” at **New York University**. Similarly, **Texas** hosted Federal Election Commissioner Michael Toner, who spoke on “The Effect of McCain–Feingold Campaign Finance Reform on Politics” before sixty people. Abigail Thernstrom of the Manhattan Institute and the U.S. Commission on Civil Rights debated Pace Prof. Randolph McLaughlin at **Pace** and Harvard Prof. Charles Ogletree at **Yale** on the Voting Rights Act of 1965 and the reauthorization of its temporary provisions.

Other highlights from 2006–2007 include lectures by many prominent judges and government officials. U.S. Supreme Court Justice Antonin Scalia met with chapters at **San Diego, St. Thomas–Minnesota, Texas, and Yale**; and U.S. Supreme Court Justice Clarence Thomas spoke to the chapter at **Georgia**. Former U.S. Attorney General Edwin Meese III spoke to the **Campbell** and **George Mason** chapters, while former U.S. Attorney General Richard Thornburgh delivered an address on “Corporate Investigations and the Thompson Memorandum” to 100 students at **Vanderbilt**. Former U.S. Attorney General John Ashcroft spoke to **Marquette** and **North Carolina**, where he drew a crowd of 1,100. In October, U.S. Department of Homeland Security Secretary Michael Chertoff spoke at **Harvard**; and former U.S. Department of Energy Secretary





Former U.S. Attorney General John Ashcroft greets Daniel Suhr, president of the Marquette University Law School Student Chapter, after his speech to the chapter in April.

and Federalist Society co-founder Spencer Abraham spoke at **Thomas Cooley-Oakland**. U.S. Solicitor General Paul Clement spoke before large crowds at **Michigan, New England, Suffolk**, and **Virginia**; while **Richmond** hosted both Virginia Attorney General Bob McDonnell and Virginia Solicitor General William Thro. As one of the attorneys arguing against the D.C. Gun Ban before the U.S. Supreme Court, Robert A. Levy of Cato presented his views of the case to several law schools, including **Northwestern, Chicago, Illinois** and **Loyola-Chicago** in a speech titled, “Second Amendment in the Cross-Hairs.” Once again, popular speaker Roger Pilon of the Cato Institute was warmly received by law schools across the country. One of his themes this year was “Liberalism and the Fourteenth Amendment: How Both Liberals and Conservatives Got It Wrong.” Georgetown Prof. Randy Barnett drew large crowds for his speech on “Individualism and the State” at **Chicago, Stetson** and **Florida State**.

## SELECTED STUDENT CHAPTER SPEAKERS

*Hon. Spencer Abraham, Former U.S. Secretary of Energy*  
*Hon. Alexander Acosta, U.S. Attorney, Southern District of Florida*  
*Prof. Jonathan Adler, Case Western Reserve University School of Law*  
*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*  
*Judge Duane Benton, U.S. Court of Appeals, Eighth Circuit*  
*Clint Bolick, Alliance for School Choice*  
*Prof. Gerard Bradley, Notre Dame Law School*  
*Hon. Rachel Brand, Former U.S. Assistant Attorney General, Office of Legal Policy*  
*Scott Bullock, Institute for Justice*  
*Prof. Steven G. Calabresi, Northwestern University School of Law*  
*Judge Ed Carnes, U.S. Court of Appeals, Eleventh Circuit*  
*Hon. Paul Clement, U.S. Solicitor General*  
*Ward Connerly, American Civil Rights Institute*  
*Justice Maura D. Corrigan, Michigan Supreme Court*  
*Prof. Richard Epstein, University of Chicago Law School*  
*Steve Forbes, CEO, Forbes, Inc., Former Presidential Candidate*  
*Prof. Charles Fried, Harvard Law School*  
*John Fund, The Wall Street Journal*  
*Prof. Nicole Garnett, Notre Dame Law School*  
*Prof. Rick Garnett, Notre Dame Law School*  
*Judge Neil Gorsuch, U.S. Court of Appeals, Tenth Circuit*  
*Michael Greve, American Enterprise Institute*  
*Judge Thomas Griffith, U.S. Court of Appeals, D.C. Circuit*  
*Judge Raymond Gruender, U.S. Court of Appeals, Eighth Circuit*  
*Kevin J. Hasson, The Becket Fund for Religious Liberty*  
*Judge Edith Jones, U.S. Court of Appeals, Fifth Circuit*  
*Hon. Gregory Katsis, U.S. Deputy Assistant Attorney General, Civil Division*  
*Judge Brett Kavanaugh, U.S. Court of Appeals, D.C. Circuit*  
*Prof. Orin Kerr, Georgetown University Law Center*  
*Judge Alex Kozinski, U.S. Court of Appeals, Ninth Circuit*  
*Robert A. Levy, Cato Institute*

*Justice Stephen Limbaugh, Missouri Supreme Court*  
*Justice Stephen Markman, Michigan Supreme Court*  
*Judge Michael McConnell, U.S. Court of Appeals, Tenth Circuit*  
*Senator Mitch McConnell, U.S. Senate, Kentucky*  
*Hon. Bob McDonnell, Virginia Attorney General*  
*Prof. John McGinnis, Northwestern University School of Law*  
*Hon. David M. McIntosh, Mayer Brown LLP, Former U.S. Congressman*  
*Hon. Edwin Meese III, Former U.S. Attorney General*  
*Clark Neily, Institute for Justice*  
*Judge Paul Niemeyer, U.S. Court of Appeals, Fourth Circuit*  
*Judge Diarmuid O’Scanlain, U.S. Court of Appeals, Ninth Circuit*  
*Roger Pilon, Vice President for Legal Affairs, 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 Antonin Scalia, U.S. Supreme Court*  
*Judge David Sentelle, U.S. Court of Appeals, D.C. Circuit*  
*Judge Laurence Silberman, 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, Department of Law, U.S. Military Academy, West Point*  
*John Stossel, ABC News*  
*Judge Jeffrey Sutton, U.S. Court of Appeals, Sixth Circuit*  
*Judge Diane Sykes, U.S. Court of Appeals, Seventh Circuit*  
*Judge Deanell Reece Tacha, U.S. Court of Appeals, Tenth Circuit*  
*Justice Clarence Thomas, U.S. Supreme Court*  
*Hon. Dick Thornburgh, Former U.S. Attorney General*  
*Judge Gerald Bard Tjoflat, U.S. Court of Appeals, Eleventh Circuit*  
*Commissioner Hans von Spakovsky, Federal Election Commission*  
*Judge Clifford Wallace, U.S. Court of Appeals, Ninth Circuit*  
*Prof. Amy Wax, University of Pennsylvania Law School*  
*Edward Whelan III, Ethics and Public Policy Center*  
*Prof. John Yoo, University of California, Berkeley School of Law – Boalt Hall*  
*Justice Robert Young, Michigan Supreme Court*

Overall, 2006–2007 was a remarkably successful year for the Federalist Society’s Student Chapters. Their efforts to advance the rule of law and foster debate on important issues will continue to influence the legal culture on their campuses and in their communities for years to come.



Prof. Randy Barnett of Georgetown Law Center spoke on “The Ninth Amendment – Does It Mean What It Says?” to several student chapters this year.

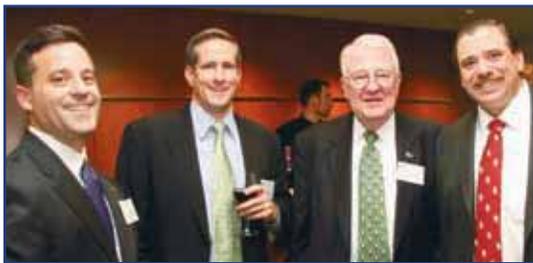
## LAWYERS CHAPTERS LINK CITIZEN-LAWYERS

- The Lawyers Chapters in 65 cities across the nation are the cornerstone of activity in the Lawyers Division. The constant high quality of programming in the local chapters is crucial to maintaining a strong community presence.
- In 2007, the Lawyers Chapters held a record 290 events.
- Over 20,000 attended lawyers chapters events, averaging over 70 attendees per event.

The lawyers chapters focus their programming on topics of both national and local interest. Topics addressed include the War on Terror, state judicial selection, federal judicial confirmations, eminent domain, immigration reform, same-sex marriage, racial preferences, the Second Amendment, the role of state attorneys general, climate control, tort reform, and many others.

Some of the significant programs this year include:

- Several visits by U.S. Supreme Court Justice Clarence Thomas to lawyers chapters were the highlight of the programming year.



Orange County Chapter Executive Board Members (L to R) Mike Friedland, Bill Brown and John Dodd pose with former U.S. Attorney General Edwin Meese III after honoring him at the chapter's annual Madison Dinner.



Standing under an imposing painting of Abraham Lincoln, U.S. Solicitor General Paul Clement delivered the Philadelphia Chapter's Fourth Annual Supreme Court Round-up to more than 270 people last summer.

Chapters in **New York City, Atlanta, Nebraska, Chicago, Dallas, and Orange County** attracted crowds of several hundred to more than a 1,000 lawyers each at events co-sponsored by the Heritage Foundation in each city. Justice Thomas reflected on his new book, *My Grandfather's Son: A Memoir*. The book and his remarks revealed his fractured childhood, his early struggles through college and law school, and his career and personal life through his confirmation to the U.S. Supreme Court. Following his brief remarks, Justice Thomas answered questions from the audience, often engaging the audience for an hour or more. Questions ranged from his views on judicial philosophy, what advice he would offer to individuals preparing for college as well as

law school, how he recruits law clerks, and how he regarded his time on the bench. After each program, Justice Thomas signed books for attendees.

U.S. Supreme Court Justice Samuel Alito attended a gathering of **Los Angeles** Federalist Society leaders in August. About 80 lawyers, local judges, and student lead-



U.S. Supreme Court Justice Clarence Thomas signs hundreds of copies of his book after speaking to overflow audiences at several Federalist Society Lawyers Chapters in the fall.

ers attended this reception. The event was graciously hosted by John and Mary Lee Malcolm. Justice Alito delivered brief remarks about his confirmation to the Court and then took questions. U.S. Supreme Court Justice Antonin Scalia attended a lunch meeting with the **Colorado** Chapter in October and a breakfast meeting with **San Diego** Federalists in September.

- The **Southern California** Chapters jointly sponsored a day-long conference at the Ronald Reagan Presidential Library in Simi Valley in late January. The conference honored the service of former U.S.





The Sacramento Chapter hosted a reception for members of the California Supreme Court. Guests included Superior Court Judge Raoul Thornbourne, his wife Vivian, and U.S. District Court Judge Morrison England (right).

Attorney General Edwin Meese III and the legacy of the Department of Justice that he led. Former U.S. Solicitor General Theodore Olson offered the luncheon remarks. Judge Lois Haight of the California Superior Court, Claremont McKenna Prof. Michael Uhlmann, Michigan Supreme Court Justice Stephen Markman, University of San Diego Law Prof. Michael Rappaport, and William Bradford Reynolds of Howrey LLP offered their recollections of their time working for General Meese at the Justice Department.



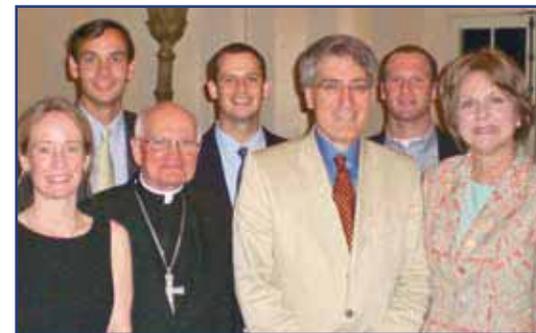
Judge Edith Jones, U.S. Court of Appeals for the Fifth Circuit, participated in a Supreme Court Round-up panel before the Houston Chapter in July.

University of San Diego Law Prof. Gail Heriot interviewed General Meese about his time in office and his reflections on President Reagan. A final panel discussed the development of “Originalism.” Over 200 lawyers and students from throughout California attended the program, which marked the First Western Chapters Lawyers Conference, which has become an annual event.

- Several chapters considered the very timely issue of commander-in-chief authority last spring. As members of Congress attempted to place a timetable for the withdrawal of U.S. troops from Iraq, the Society’s lawyers chapters held a number of panel discussions concerning the separation of powers issues involved. Discussions were held in **Pittsburgh, Cleveland, Columbus, Miami, Orlando, Houston, Phoenix, Louisville, Chicago, Macon, Little Rock, and Denver**. Featured speakers included Chapman University Dean John Eastman, David Rivkin of Baker & Hostetler, national security commentator Glenn Sulmasy, LSU Prof. John Baker Jr., James Carafano and Mackenzie Eaglen from the Heritage Foundation, Andrew McCarthy from the Foundation for the Defense of Democracies, and Ronald Cass, Dean Emeritus of Boston University School of Law, and President of Cass & Associates, PC. Some chapters included Iraqi war veterans as participants in the panel discussion, such as Major William Fay, who participated in the **Phoenix** Chapter’s program.
- Nearly 500 lawyers attended the **Boston** Chapter’s annual Shakespeare performance. Under the direction of Chapter Chairman Dan Kelly, leading community opinion

leaders, judges, and lawmakers performed a staged reading of “Measure for Measure.” Actors included U.S. District Court Judges Nancy Gertner, Nathaniel Gorton, Rya Zobel, Dennis Saylor, Mark Wolf, Patti Saris, and Douglas Woodlock; U.S. Civil Rights Commission Member Jennifer Braceras; Massachusetts Attorney General Martha Coakley; and Associate Massachusetts Supreme Court Justices Robert Cordy and Judith Cowin. ABC News Legal Correspondent Jan Crawford Greenberg and Daniel J. Kornstein, author of *Kill All the Lawyers: Shakespeare’s Legal Appeal*, moderated the discussion after the play. The discussion following the play addressed the judicial selection process, whether political or social predispositions affect judicial decisions, the fairness of labeling a judge as “conservative” or “liberal,” and how far a judge could or should go when he or she believes that strict enforcement of the law will produce an unfair result.

- Solicitor General Paul Clement delivered the **Philadelphia** Chapter’s fourth an-



Princeton Prof. Robert George, along with Judge Edith Brown Clement, U.S. Court of Appeals for the Fifth Circuit, meets with Archbishop of New Orleans Alfred Hughes and members of the New Orleans Chapter after his speech on “Natural Law and Human Rights.”



The Boston Lawyers Chapter's annual Shakespeare presentation featured an after-performance discussion led by *Supreme Conflict* author Jan Crawford Greenburg.

nual U.S. Supreme Court Round-up to more than 270 attendees at the Union League. Clement discussed the major cases of the term, while emphasizing several of the term's business cases. Solicitor General Clement also spoke to the **Pittsburgh** and **Milwaukee** Chapters, previewing the 2007 Supreme Court term. Several other chapters held U.S. Supreme Court Round-ups over the summer. The **Houston** Chapter featured a panel discussion with Judge Edith Jones of the U.S. Court of Appeals, Fifth Circuit, Texas Solicitor General R. Ted Cruz, and Professor Lino Graglia of the University of Texas Law School. Kannon Shanmugam of the U. S. Solicitor General's office spoke to both the **Kansas City** and **Wichita** Chapters. And, of course, former U.S. Solicitor General Theodore Olson presented his annual reprise of the term to more than 500 at the **Washington, D.C.** Chapter.

- The **Birmingham** Chapter hosted former U.S. Attorney General John Ashcroft at a September dinner. General Ashcroft was introduced by U.S. Senator Jeff Sessions of Alabama. Attendees included Judge William

Pryor Jr. of the U.S. Court of Appeals, Eleventh Circuit, U.S. Attorney Alice Martin, and Alabama Supreme Court Justice Harold See. General Ashcroft offered his observations about his time at the Justice Department. He took several questions, commenting on the War on Terror, immigration policies, and the future of the U. S. Supreme Court after the 2008 elections.

- The lawyers chapters have taken critical roles in organizing State Court Project initiatives. Chapters in **Milwaukee, St. Louis, Nashville, Memphis,** and **Kansas City** were among those that took leading roles in 2007 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 what the proper role of the state courts should be. Several other chapters sponsored programs debating state judicial selection methods, judicial free speech restrictions, and judicial activism versus judicial restraint.

- Federalist Society Board of Visitors member Robert A. Levy spoke before the **D.C.** lunch in December on the *District of Columbia v. Heller* case which is before the U.S. Supreme Court this term. Attorney Alan Gura, who argued the gun ban case, has spoken about it to the **Michigan, North Coast, San Diego, Orange County, Philadelphia, Puget Sound** and **Minnesota** Chapters.

### SELECTED LAWYERS CHAPTERS SPEAKERS

*Justice Samuel Alito, U.S. Supreme Court*  
*Hon. John Ashcroft, Former U.S. Attorney General*  
*Hon. Paul S. Atkins, U.S. Securities & Exchange Commission*  
*Hon. Haley Barbour, Governor, Mississippi*  
*Michael Barone, U. S. News and World Report*  
*Judge Carlos Bea, U.S. Court of Appeals, Ninth Circuit*  
*Hon. Matt Blunt, Governor, Missouri*  
*Judge Robert H. Bork, Ave Maria School of Law*  
*Judge Pasco Bowman, U.S. Court of Appeals, Eighth Circuit*  
*Hon. Rachel Brand, Former U.S. Assistant Attorney General, Office of Legal Policy*  
*Justice Stephen Breyer, U.S. Supreme Court*  
*Judge Janice Rogers Brown, U.S. Court of Appeals, D.C. Circuit*  
*Hon. Paul Clement, U.S. Solicitor General*  
*Ward Connerly, American Civil Rights Institute*  
*Jay Cook, President, State Bar of Georgia*  
*Prof. Richard Epstein, University of Chicago Law School*  
*Prof. Robert George, Princeton University*  
*Michael Horowitz, Senior Fellow, The Hudson Institute*  
*Judge Edith Jones, U.S. Court of Appeals, Fifth Circuit*  
*Bill Kristol, The Weekly Standard*  
*Robert A. Levy, Cato Institute*  
*Judge James B. Loken, Chief Judge, U.S. Court of Appeals, Eighth Circuit*  
*Heather MacDonald, John M. Olin Fellow, Manhattan Institute*  
*Hon. Bill Marshall, Solicitor General, Ohio*

*Alice H. Martin, U.S. Attorney, Northern District of Alabama*  
*Justice Elliott Maynard, West Virginia Supreme Court*  
*Andrew McCarthy, Foundation for Defense of Democracies*  
*Senator Mitch McConnell, U.S. Senate, Kentucky*  
*Hon. Edwin Meese III, Former U.S. Attorney General*  
*Chip Mellor, President, Institute for Justice*  
*Shannon P. Minter, National Center for Lesbian Rights*  
*Hon. Michael B. Mukasey, U.S. Attorney General*  
*Hon. Gale Norton, Former Secretary of the Interior*  
*Hon. Theodore Olson, Former U.S. Solicitor General*  
*Roger Pilon, Vice President for Legal Affairs, Cato Institute*  
*David Rivkin, Baker Hostetler LLP*  
*Prof. Paul Rubin, Emory University*  
*Deirdre Cummings, Massachusetts PIRG*  
*Justice Antonin Scalia, U.S. Supreme Court*  
*Justice Harold See, Alabama Supreme Court*  
*Dean Kenneth Starr, Pepperdine University School of Law*  
*Justice Clarence Thomas, U.S. Supreme Court*  
*Prof. Eugene Volokh, UCLA School of Law*  
*Judge J. Clifford Wallace, U.S. Court of Appeals, Ninth Circuit*  
*Edward Whelan III, Ethics & Public Policy Center*  
*Prof. John Yoo, University of California, Berkeley School of Law-Boalt Hall*  
*Justice Robert Young, Michigan Supreme Court*



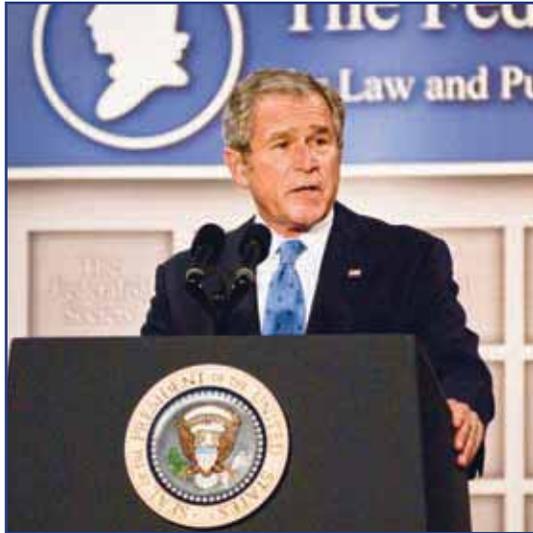


## FEDERALIST SOCIETY CELEBRATES 25 YEARS

### LARGEST EVER LAWYERS CONVENTION SHINES

In recognition of the Federalist Society's Silver Anniversary, President George W. Bush addressed the organization's 25<sup>th</sup> Anniversary Gala on November 15<sup>th</sup> during the 2007 National Lawyers Convention in Washington, D.C. He stressed two of the Society's areas of interest: interpreting the Constitution as the founders wrote it, and the judicial confirmation process.

Although most events took place, as usual, at the Mayflower Hotel, the Gala was held at the elegant and historical Washington Union Station on the first night of the convention. More than 1,700 people attended the black tie event, which, in addition to the President of the United States, featured brief comments by U.S. Supreme Court Justices Antonin Scalia, Clarence Thomas and Samuel Alito, and former U.S. Attorney General



President of the United States George W. Bush gives the keynote speech at the Federalist Society's 25<sup>th</sup> Anniversary Gala.

Edwin Meese III. Former U.S. Solicitor General Theodore Olson served as Master of Ceremonies.

Besides the Gala, other highlights of the convention included the Barbara K. Olson Memorial Lecture given on Friday night by U.S. Supreme Court Chief Justice John Roberts. His speech touched on issues of judicial independence, using as a backdrop the



Federalist Society Executive Vice President Leonard Leo chats with U.S. Secretary of Labor Elaine Chao and her husband, Senate Minority Leader Mitch McConnell at the Gala.

Supreme Court appointments of President James Madison. One of the other popular convention programs was the address, question period, and book signing on Thursday morning by U.S. Supreme Court Justice Clarence Thomas about his newly released book *My Grandfather's Son: A Memoir*.

The theme for the plenary sessions of this 25<sup>th</sup> Anniversary Convention was "Shining City Upon a Hill: American Exceptionalism." Showcase panels were entitled: "Beacon of Freedom: Does America Have a Special Mission?" "Is America Different from Other Major Western Democracies?"

"The Constitution & American Exceptionalism: Citation of Foreign Law," and "American Exceptionalism, the War on Terror and the Rule of Law in the Islamic World."

More than 1,500 guests attended one or more of the convention's 22 different panels and other programs involving over 60 distinguished speakers from the bench, bar, legal academy, and business world. The wide array



Former U.S. Solicitor General Theodore Olson visits with Nina Totenberg, the legal affairs correspondent of National Public Radio, following the Seventh Annual Barbara K. Olson Memorial Lecture on Friday evening of the Convention.



Judge William Pryor Jr. of the U.S. Court of Appeals for the Eleventh Circuit talks to Prof. Nadine Strossen of New York Law School and president of the ACLU at the National Lawyers Convention.

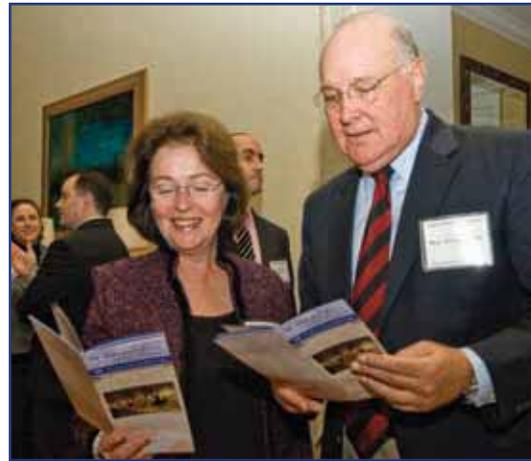
of opinions expressed by featured speakers ensured lively debate and standing-room-only crowds for many sessions. The convention was heavily covered by the national press and some portions of the program were taped by C-SPAN.

The Convention opened with an address by President Bush's appointment to the European Union, Ambassador C. Boyden Gray, who is a former member of the Federalist Society's Board of Visitors. Kicking off the theme of American Exceptionalism, the first showcase panel featured Michael Barone of *U.S. News and World Report*, Prof. Richard Epstein of the University of Chicago Law School, Prof. Charles Fried of Harvard Law School, and Prof. Gordon S. Wood of Brown University. The panel was moderated by Hon. J. Harvie Wilkinson III, U.S. Court of Appeals, Fourth Circuit.

On Friday, after an address by U.S. Senate Minority Leader Mitch McConnell of Kentucky, federal judges Alex Kozinski and

Stephen Reinhardt, both of the U.S. Court of Appeals, Ninth Circuit, debated on the subject of "Property Rights in the United States," with James S. Burling of the Pacific Legal Foundation moderating. Former Mayor of New York City Rudy Giuliani addressed the convention Friday afternoon.

The Convention Luncheon on Saturday was a retrospective look at the founding



Judith Jacobs of New York and her husband Judge Dennis Jacobs, U.S. Court of Appeals, Second Circuit, peruse the on-site brochure before the National Lawyers Convention begins.

and development of the Federalist Society featuring Former U.S. Attorney General Edwin Meese III, who is now chairman of the Heritage Foundation's Center for Legal & Judicial Studies; Manuel Klausner of the Reason Foundation; Alfred Regnery of the *American Spectator*, and Spencer Abraham, former U.S. Senator and U.S. Secretary of Energy and co-founder of the Federalist Society. Abraham also offered some remarks about the founding of the Society's anchor journal, the *Harvard Journal of Law and Public Policy Studies*, which he helped to establish.



Michael Barone of *U.S. News and World Report* and Prof. Richard Epstein of the University of Chicago Law School served on the opening showcase panel to discuss "Beacon of Freedom: Does America Have a Special Mission?"

Convention speakers from the Academy included: Prof. Steven G. Calabresi of Northwestern University School of Law and Chairman of the Federalist Society Board of Directors; Prof. Eugene Volokh of UCLA School of Law; Prof. Nadine Strossen, New York Law School and President of the ACLU; Prof. Neal Katyal of Georgetown University Law Center; Prof. Michael S. Paulsen of the University of Saint Thomas School of Law; Dean John Eastman of Chapman University School of Law; Prof. Marci Hamilton of Yeshiva University, Benjamin N. Cardozo School of Law; Prof. John Yoo of University of California, Berkeley School of Law-Boalt Hall; Prof. Douglas Kmiec of Pepperdine University School of Law; Prof. Randy Barnett of Georgetown University Law Center; Prof. James Lindgren of Northwestern University School of Law; Prof. Akil Reed Amar of Yale Law School; Prof. Nicholas Quinn Rosenkranz of Georgetown University Law Center; Prof. Gail Heriot





U.S. Supreme Court Justice Clarence Thomas enjoys part of the program at the Convention with his wife Ginni (right) and Gerald Walpin (left), the Inspector General of the U.S. Corporation for National and Community Service.

of the University of San Diego School of Law, and Prof. Scott Kieff of Washington University in St. Louis, School of Law.

Several federal judges were asked to serve on or moderate panels. They included: Judge Frank H. Easterbrook, U.S. Court of Appeals, Seventh Circuit; Judge Michael McConnell, U.S. Court of Appeals, Tenth Circuit; Judge David Sentelle, U.S. Court of Appeals, D.C. Circuit; Judge Carlos Bea, U.S. Court of Appeals, Ninth Circuit; Judge Stephen F. Williams, U.S. Court of Appeals, D.C. Circuit; Judge Janice Rogers Brown, U.S. Court of Appeals, D.C. Circuit; Judge Jerry E. Smith, U.S. Court of Appeals, Fifth Circuit; Judge Edith Jones, U.S. Court of Appeals, Fifth Circuit; and Judge Brett Kavanaugh, U.S. Court of Appeals, D.C. Circuit.

#### STUDENT SYMPOSIUM ATTENDANCE SOARS

The question of the role of morality in the law is no longer solely one for legal

academics and philosophers. With emotions running high and advocacy groups spending millions to mobilize their infantries in the so-called “culture wars,” the questions surrounding morality’s role in the law have assumed a central position within the national dialogue. The Federalist Society’s 2007 Student Symposium hosted by Northwestern University School of Law in Chicago sought to explore this issue of “Law and Morality” with about 1,000 law students from across the country in attendance.

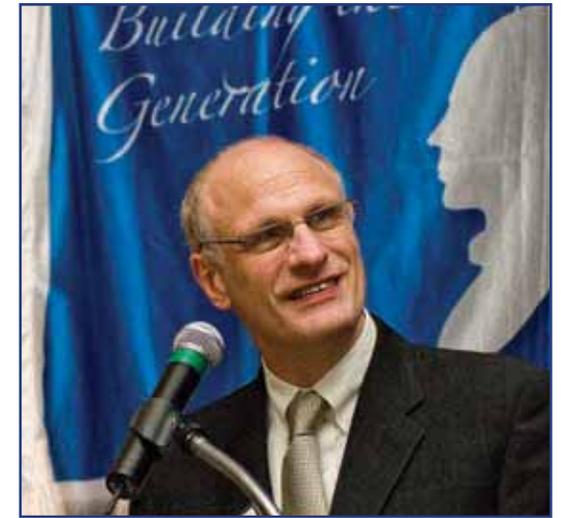
Interest in attending the Federalist Society’s Student Symposia by American law students has been climbing steadily over the past three years. After attracting about 600-700 students for several years, more than 900 people attended the Student Symposium at Harvard in 2005 and participation has been even stronger ever since. The next year more than 1,200 signed up for the event at Columbia Law School and again this year there were nearly 1,000 participating in the 2007 Symposium at Northwestern



Lawrence Auriana, a James Madison Club member from New York, chats with U.S. Supreme Court Justice Samuel Alito before the Annual Dinner at Union Station.

School of Law. The rise in attendance can be, in large part, attributed to the fact that more students at more law schools are being exposed to Federalist Society programs. There is now a Federalist Society Student Chapter at every accredited law school in America.

The debates and panels on “Religion in the Public Square,” “The Philosophical and Theological Foundations of Moral Debate,” “Moral Choices and the Eighth Amendment,” “Same-Sex Marriage, Public Policy, and the Constitution,” “Government Promotion of



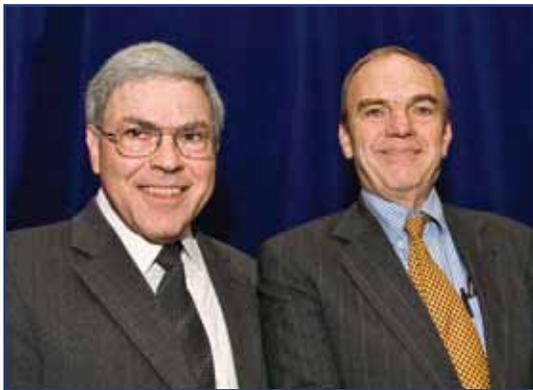
Federalist Society President Eugene B. Meyer welcomes participants to the Convention Luncheon on Saturday.

Moral Issues,” and “Morality of First Amendment Jurisprudence” served as useful vehicles to explore this topic.

The introductory debate on “Religion in the Public Square” on Friday evening pitted Kevin J. Hasson of the Becket Fund for Religious Liberty against Michael Newdow, best known for his Supreme Court case challenging the constitutionality of the

words “under God” in the U.S. Pledge of Allegiance. Federalist Society co-founder Hon. David M. McIntosh of Mayer Brown LLP moderated the lively exchange.

Distinguished speakers from the legal academy showcased by the Symposium included: Prof. Ronald J. Allen of Northwestern University School of Law; Prof. John Baker Jr. of Louisiana State Law School; Prof. Randy Barnett of Georgetown University Law Center; Prof. Lillian R. BeVier of the University of Virginia School of Law; Prof. Robert Burns of Northwestern University School of Law; Prof. Steven G. Calabresi of Northwestern University School of Law; Prof. Laurence P. Claus of University of San Diego School of Law; Prof. G. Marcus Cole of Stanford Law School; Prof. Richard W. Garnett of Notre Dame Law School; Prof. Lino A. Graglia of University of Texas School of Law; Prof. Andrew Koppelman of Northwestern University School of Law; Prof. Steven Lubet of Northwestern University School of Law; Prof. Michael S. Moore of University of Illinois



Convention Luncheon speakers Manuel Klausner of Reason Foundation and Alfred Regnery of *The American Spectator* recapped the history of the founding of the Federalist Society.



Two legal legends, former U.S. Attorney General Edwin Meese III (left) and Justice Antonin Scalia of the U.S. Supreme Court, take a minute to greet each other at the Federalist Society’s 25<sup>th</sup> Anniversary Gala.

College of Law; Prof. Louis Michael Seidman of Georgetown University Law Center; Prof. Geoffrey Stone of University of Chicago Law School; and Prof. Amy Wax of University of Pennsylvania Law School.

Panels were moderated by Judge Timothy M. Tymkovich, U.S. Court of Appeals, Tenth Circuit; Judge Diane Sykes, U.S. Court of Appeals, Seventh Circuit; Prof. Steven G. Calabresi of Northwestern University School of Law and co-founder of the Federalist Society; and Prof. Orin S. Kerr of The George Washington University Law School.

The Symposium concluded with a moving address on the question of whether people of faith can be objective judges, delivered by Judge William Pryor Jr., U.S. Court of Appeals, Eleventh Circuit. Before he was finally confirmed on June 9, 2005, Judge Pryor was opposed and attacked by some for his devout Catholicism.

## CONFERENCE INSPIRES NEW STUDENT LEADERS

One clear indication of the Student Division’s development has been the growth, in terms of participation and importance, of the Student Leadership Conference held in Washington, D.C. each July. In two intensive days, the Society covers the cost to bring all our upcoming chapter presidents to Washington, D.C. for a crash course on how to run a successful chapter. They also hear from inspiring national legal experts and meet other chapter presidents from all over the country – new friends with whom they can consult during the school year. We attribute part of the remarkable success of our chapters in the last three or four years to these meetings. Most of the 195 accredited law school chapters in the U.S. sent student participants to this year’s conference which took place the weekend of July 13-15. Students heard





Prof. G. Marcus Cole of Stanford Law School and Prof. Lillian BeVier of the University of Virginia School of Law debated “Government Promotion of Moral Issues” at the 2007 Student Symposium at Northwestern University School of Law.

from Rachel Brand, former U.S. Assistant Attorney General in the Office of Legal Policy, who gave an insider’s view of the two Bush Administration Supreme Court nominations. The sessions of the conference led by Student Division Director Peter Redpath and Federalist Society President Eugene Meyer focused mainly on helping students learn the nuts and bolts of running a strong, successful chapter at their law school by instructing them how to use the resources of the national organization to produce results. The highlight of the weekend was a summer party Saturday evening at the home of former U.S. Solicitor General Theodore Olson, a longtime friend and mentor of the Society.

## ANNUAL CONFERENCE MAJOR PART OF EXPANDING FACULTY DIVISION

The 10<sup>th</sup> Annual Faculty Division Conference was held in New York City on January 3-4, 2008. The 60 faculty members who attended contributed to the thoughtful discussion prompted by panels on “Executive Discretion & the Rule of Law,” “Post-*Kelo* Reform,” and “American Law Schools: Envy of the World or General Motors Before the Fall?” Video and audio of the panels, debates, and speeches may be found at <http://www.fed-soc.org/publications/id.499/default.asp>.

The conference also featured a debate entitled “Is the D.C. Gun Ban Unconstitutional?” between Prof. Nelson Lund of George Mason University Law School and former law professor and New York City Council Member David Yassky, which was moderated by Prof. Randy Barnett of the Georgetown University Law Center. Brooklyn University History Prof. K.C. Johnson, who recently co-authored *Until Proven Innocent*, a book on the Duke Lacrosse Case, with Brookings fellow and *Newsweek/National Journal* legal correspondent Stuart Taylor, delivered an address on “The Duke Lacrosse Case and the Academy.”

Finally, eight, mostly younger, scholars gave seven-minute presentations on works in progress addressing topics ranging from “Originalism and the ‘Problem of Change’: The Many Mechanisms by Which Originalism Accommodates Change” to “The Use of Actuarial Data in Interpreting Insurance & Other Contracts.”

For the first time, the Faculty Division also held its own event at the 25<sup>th</sup> Annual

Lawyers Convention, in Washington, D.C. this past November. Some thirty-five faculty members attended a special Division breakfast at which they discussed a wide variety of topics relating to the Division’s activities. In addition, the Faculty Division took the lead in establishing another new Federalist Society project at the Convention. The Division organized twelve breakfasts for twelve different law schools. The breakfasts were attended by alumni, faculty, and students from those schools, and provided a great opportunity for different generations of Federalists to get to know each other, and for alumni to catch up with their former professors and discuss developments at their law schools. In upcoming months, the Society anticipates following up with additional events of this type, as well as updating its database to reflect members’ law schools in order to notify them of events of this type in the future.

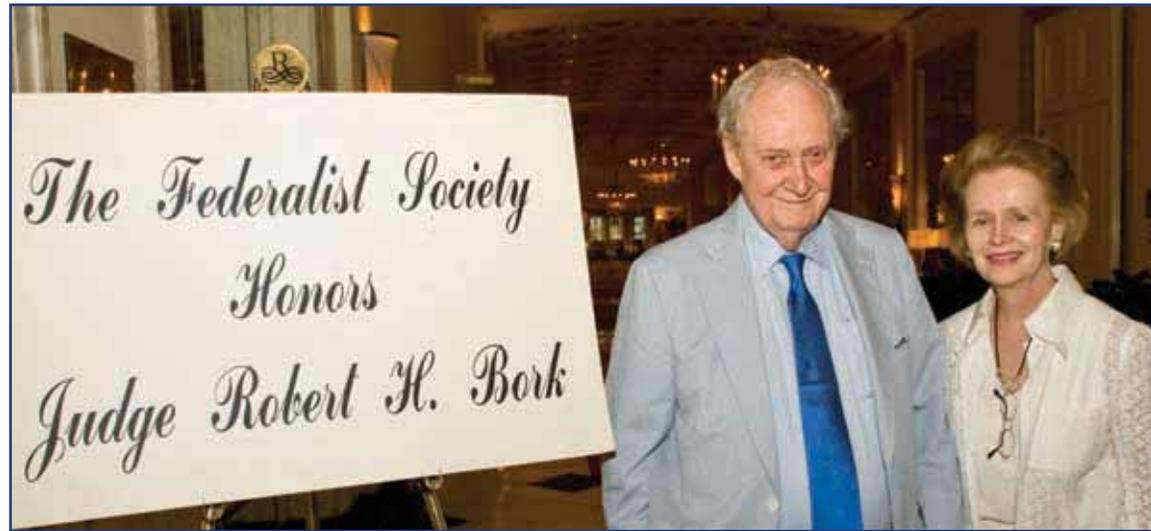
Feedback from Faculty Division Conference attendees continues to affirm the immense value of the conference for the scholars. They report their scholarship has been significantly improved by the interchange of ideas with other academics at the conference. These annual meetings energize the faculty members, who must daily address the biases that exist in the legal academy. Most importantly, they offer the opportunity for the interchange of ideas and review of each other’s work that is invaluable for scholars. The Faculty Division Conference provides an opportunity for these professors to share ideas and scholarship with each other that will facilitate the intellectually serious discussions we hope to promote in an effort to advance traditional legal principles in the legal academy and beyond.

With the appointment of Federalist Society co-founder Lee Liberman Otis as the full-time director of the Faculty Division, we anticipate being able to further develop our ability to serve as the center of a vigorous community of faculty members who are dedicated to adding to the discussion in the legal academy.

### CONFERENCE DISCUSSES LEGAL CONTRIBUTIONS OF JUDGE ROBERT H. BORK

As part of its twenty-fifth anniversary commemoration, the Federalist Society honored **Judge Robert H. Bork** in a day-long conference discussing his achievements and contributions to the legal culture. The Conference was a fitting tribute to Judge Bork and was very well attended. It included many who have worked with Judge Bork over his many years of public service.

The Conference, held at the Mayflower Hotel in Washington, D.C. on June 26<sup>th</sup>, began with an opening address by **Prof. Steven G. Calabresi** of Northwestern University School of Law, who is Chairman of the Federalist Society's Board of Directors. The Conference continued with four panels discussing some of the topics that Judge Bork has written about, beginning with a panel on judicial philosophy and originalism, based on principles in Judge Bork's *The Tempting of America: The Political Seduction of the Law*. The panel featured **Prof. John C. Harrison** of University of Virginia School of Law, **Prof. Kurt T. Lash** of Loyola Law School, **Prof. Saikrishna B. Prakash** of University of San Diego School of Law, and **Prof. Jonathan R. Turley** of The George Washington University Law School. The panel was moderated



Judge Robert H. Bork and his wife Mary Ellen pause by a placard announcing the Federalist Society event honoring his service to the country.

by **Hon. Edwin Meese III** of the Heritage Foundation. The next panel discussed competition law and the free market, and Judge Bork's book *The Antitrust Paradox: A Policy at War with Itself*. Panelists included **Judge Frank H. Easterbrook** of the U.S. Court of Appeals, Seventh Circuit, **Judge Douglas H. Ginsburg** of the U.S. Court of Appeals, D.C. Circuit, and **Prof. George L. Priest** of Yale Law School. **Dean Bernard Dobranski** of Ave Maria School of Law served as moderator.

The Conference lunch was opened by the **Hon. Theodore Olson**, former U.S. Solicitor General, and featured "A Conversation with Judge Robert H. Bork" conducted by **Judge A. Raymond Randolph** of the U.S. Court of Appeals, D.C. Circuit. The luncheon also featured a documentary video produced by the Federalist Society discussing Judge Bork's life and achievements.

The Conference continued with a panel discussing law and culture issues raised in *Slouching Towards Gomorrah: Modern Liberalism and American Decline*. The panel included **Prof. Steven G. Calabresi**, **Prof. Robert George** from the Department of Politics at Princeton University, **Prof. Ilya Somin** of George Mason University School of Law, with the **Hon. Daniel E. Troy** of Sidley Austin serving as moderator. The Conference concluded with a panel discussing international law and Judge Bork's book, *Coercing Virtue: The Worldwide Rule of Judges*. The panel featured **Prof. Gregory Maggs** of The George Washington University Law School, **Prof. Jeremy A. Rabkin** of George Mason University School of Law, and **Prof. John Yoo** of University of California, Berkeley School of Law-Boalt Hall. **Robert J. Giuffra Jr.** of Sullivan & Cromwell served as moderator.



## PRACTICE GROUPS EXAMINE EMERGING LEGAL ISSUES

The Federalist Society's 15 Practice Groups have developed into an efficient mechanism for disseminating traditional legal ideas through events and scholarship on nearly every current legal subject. In 2007, this work continued, as the nationwide Practice Groups reached even greater numbers of interested participants.

In February, the **Federalism & Separation of Powers Practice Group** held a panel at the National Press Club in Washington, D.C. called "Congressional Oversight vs. Executive Privilege." The panel featured Chris Bartolomucci of Hogan & Hartson, Douglas R. Cox of Gibson, Dunn & Crutcher LLP, Hon. Walter E. Dellinger III of O'Melveny & Myers and Former Interim U.S. Solicitor General, and Dr. Louis Fisher, Constitutional Law Specialist for the Law Library of the Library of Congress, with Edward Whelan III, President, Ethics and Public Policy Center, serving as moderator.

The **Federalism & Separation of Powers Practice Group** also hosted a time-



Under the auspices of the Corporations Practice Group, George Terwilliger III, White & Case, former Deputy U.S. Attorney General, was part of a panel entitled, "Is the U.S. Regime Undermining American Competitiveness?"



Judge Diane Sykes, U.S. Court of Appeals for the Seventh Circuit, moderated a Convention panel on "The Role of Religion in Public Debate," put together by the Religious Liberties Practice Group.

ly panel discussing the U.S. Attorney firings. The panelists included Mark D. Agrast, Senior Fellow at the Center for American Progress, Andrew McCarthy, Foundation for Defense of Democracies, Prof. Jonathan Turley of The George Washington School of Law, and Edward Whelan III, President of the Ethics and Public Policy Center.

The **Administrative Law & Regulation Practice Group** hosted a conference in October at the University of Minnesota School of Law entitled "The Future of Tax Shelters." The conference brought together top tax scholars and professionals as well as scholars from other disciplines to evaluate the present and future of tax shelters. *The Virginia Tax Review* published the symposium essays. The program was co-sponsored by Deloitte Tax LLP and the University of Minnesota Institute for Law & Economics, and was organized by Prof. Kristin Hickman of the University of Minnesota Law School.

The **Administrative Law & Regulation** and the **Environmental Law & Property Rights Practice Groups**, co-sponsored a panel entitled "Renewable Energy: Practical Alternatives or Costly Diversion of Resources?" in Raleigh, North

Carolina, in early June. As renewable energy has become a buzzword for policymakers, this panel addressed how the state and federal government have advocated renewable energy. Jeffrey Clark of Kirkland & Ellis LLP, Kenneth Green of the American Enterprise Institute, and Sam Watson, Senior Staff Attorney for the North Carolina Utilities Commission explored these questions.



Dean John Eastman, Chapman University School of Law and Prof. Marci Hamilton, Yeshiva University, Benjamin N. Cardozo School of Law, participated in a panel examining "Federalism: Religion, Early America and the Fourteenth Amendment." The panel was sponsored by the Federalism Practice Group.

In addition to co-sponsoring the panel on renewable energy, the **Environmental Law & Property Rights Practice Group** also hosted a live web cast entitled "Pluralities and Concurrences-How Should the Courts Interpret Split Decisions?" in late June. The Supreme Court occasionally renders plurality opinions, which may involve 4-1-4 decisions or any number of other formulations of justices where no clear majority on particular issues emerges. These plurality opinions often address significant issues, yet, due to the lack of a clear majority, are difficult for both the lower courts and the regulated community to interpret and apply. Various perspectives were offered by Prof.

Donald Kochan of Chapman University School of Law, Gene Schaerr of Winston & Strawn LLP, Prof. Louis Michael Seidman of Georgetown University Law Center, and Judge David Sentelle of the U.S. Court of Appeals, D.C. Circuit.

The **Corporations, Securities & Antitrust Practice Group** hosted a conference in New York entitled “Does Procedure Dominate Substance?: Of Class Actions and Pretrial Motions” in September. The first panel examined the standards for certifying a class in class actions. The panel was moderated by David S. Evans, Chairman of eSapience, Ltd., and included Prof. Richard Epstein of the University of Chicago Law School, Prof. Samuel Issacharoff of New York University School of Law, and Prof. Richard Nagareda of Vanderbilt University Law School. The second panel, on pretrial motions to dismiss and summary judgment, included Prof. Keith Hylton of Boston University School of Law, Prof. Geoffrey Miller of New York University School of Law, and J. Douglas Richards of Milberg Weiss. The moderator was Prof. Jack H. Friedenthal of The George Washington University Law School. The conference concluded with a lunchtime address by David Boies, Chairman of Boies, Schiller & Flexner.

Case Western University School of Law joined with the **Corporations, Securities & Antitrust** and the **Litigation Practice Groups** to host an October conference on “Scheme Liability, Section 10(b), and *Stoneridge Investment Partners v. Scientific Atlanta*.” The conference, which included a live video broadcast through the Case Western website, consisted of two panels and a debate. The first panel focused on



The International & National Security Law Practice Group sponsored a showcase panel on “The Constitution & American Exceptionalism: Citation of Foreign Law.” Judge Frank H. Easterbrook, U.S. Court of Appeals for the Seventh Circuit, and Prof. Nicholas Quinn Rosenkranz of Georgetown Law Center and a Federalist Society Board of Visitors member participated in the panel discussion.

the legal questions underlying the *Stoneridge* case, while the second panel focused on the policy questions at issue in *Stoneridge*, with a particular emphasis on how this case could affect the interests of shareholders, consumers, the business community, and U.S. competitiveness. For the debate, Eric Isaacson of Coughlin Stoia et al., and Ashley Parrish of Kirkland & Ellis each had the opportunity to present the strongest case for their respective firms’ position on *Stoneridge*.

Along with the Heritage Foundation, the **Corporations, Securities & Antitrust**, and the **Criminal Law & Procedure Practice Groups** hosted a panel entitled “The Future of the Attorney-Client Relationship in White-Collar Prosecutions.” The program analyzed the issues surrounding the Justice Department’s current policies and practices for investigating and prosecuting business organizations. Under current policy, corpora-

tions that agree to waive the attorney-client privilege are deemed to be “cooperating,” and therefore entitled to special consideration during investigation and even sentencing. The Heritage Foundation’s Hon. Edwin Meese III, Former U.S. Attorney General, delivered the introductory remarks. The panel included the Hon. George Terwilliger III, former U.S. Deputy Attorney General and member of the Practice Group Executive Committee, and the Hon. Larry D. Thompson of Pepsico, also former U.S. Deputy Attorney General.

At the beginning of April, the **Civil Rights Practice Group** hosted a pair of panels analyzing “Alternatives to Affirmative Action After the Michigan Civil Rights Initiative.” The program took place at Michigan State Law School and was repeated at the University of Michigan Law School. The panels considered the legal and policy questions surrounding Michigan law schools’ plans to revise admissions criteria for the purpose of achieving particular racial outcomes. These panels addressed 1) whether the Michigan Civil Rights Initiative prohibits the universities from designing their admissions criteria in an effort to limit the percentage of white and Asian students who are admitted; 2) whether the U.S. Constitution or other federal laws might prohibit this after the *Grutter* and *Gratz* decisions; and, 3) whether basing admissions decisions on whatever factors can be found to correlate with race will undermine the quality of the students admitted to the universities.

In April 2007, the **International & National Security Law Practice Group** held a panel discussing, “Are American Businesses a Threat to American Sovereignty?” The panel



explored the practice of American businesses, having received an unfavorable outcome in U.S. courts or agencies, particularly in anti-competition cases, taking their disputes to multinational authorities (such as the EU) or to foreign courts and other international bodies. The panel participants were Ronald Cass, Dean Emeritus of Boston University School of Law, and President of Cass & Associates, PC; Albert A. Foer, President, The American Antitrust Institute; Prof. Keith Hylton, Boston University School of Law; R. Hewitt Pate, Hunton & Williams; and Lorraine Woellert, *Business Week*, who served as moderator.

In late September, this Practice Group, in conjunction with the American Enterprise Institute, co-hosted a conference on the U.S. Supreme Court case, *Medellín v. Texas*, concerning the extent of executive authority to enforce non-self-executing treaties (in this case, the United Nations Charter, to which the U.S. is a signatory). Two panels examined this question. The first, composed of The George Washington University Law School Prof. Michael J. Matheson, Northwestern University School of Law Prof. John McGinnis, and Catholic University of America Columbus School of Law Prof. Peter B. “Bo” Rutledge, considered whether decisions of the International Court of Justice were binding on the United States. University of California at Berkeley School of Law Professor and former Deputy Assistant U.S. Attorney General John Yoo moderated the panel. The second panel, consisting of Texas Solicitor General R. Ted Cruz, University of San Diego School of Law Prof. Michael D. Ramsey, and The George Washington University Law School Prof. Edward T. Swaine, considered the



Prof. Michael S. Paulsen, St. Thomas School of Law and Prof. Neal Katyal, Georgetown University Law Center, both participated in a showcase panel on “American Exceptionalism, the War on Terror and the Rule of Law in the Islamic World.”

legal rationale for the Bush Administration’s position and the specific extent of and limitations on presidential authority to act, pursuant to his diplomatic affairs powers. Moderating the second panel was former U.S. State Department Legal Adviser Edwin D. Williamson, now of Sullivan & Cromwell.

The **International & National Security Law Practice Group** also sponsored a program discussing the United Nations Convention on the Law of the Sea in late June at the Heritage Foundation. The panel featured Frank Gaffney of the Center for Security Policy; Prof. John Norton Moore of the University of Virginia School of Law, and Director of the Center for National Security Law and the Center for Oceans Law and Policy; Baker Spring, F.M. Kirby Research Fellow in National Security Policy, The Heritage Foundation, and Rear Admiral William D. Baumgartner, Judge Advocate General, U.S. Coast Guard.

The Practice Group also partnered with the LSU Law Center and USAID to sponsor a two-part series on U.S. Security, Trade and Development. The series began with

a keynote address by Ambassador John R. Bolton, American Enterprise Institute, and was followed by a panel discussion on property rights. The second installment in the series featured a keynote address by William Kristol, editor, *The Weekly Standard*. The program continued with a panel discussion on “Business Organization and De-regulation,” which was followed by a luncheon address by Everett Eissenstat, Assistant U.S. Trade Representative for the Americas, Office of the U.S.



Judge Michael McConnell of the U.S. Court of Appeals for the Tenth Circuit moderated a panel on “Restricting Parental Speech.” Prof. Eugene Volokh, University of California, Los Angeles School of Law, participated in the panel sponsored by the Free Speech & Election Law Practice Group.

Trade Representative and a concluding panel discussing “Commercial Conflict Resolution: the Court Systems and Arbitration.”

The **Labor & Employment Law Practice Group** hosted a very timely debate in January on the Washington State statute banning the use of union dues collected from non-profit employees for political activities without the individual employee’s express consent. Washington State enacted its statute via public referendum, but the statute was overturned by the Washington Supreme Court on constitutional grounds. Washington State appealed the ruling to

the U.S. Supreme Court. This panel was co-sponsored by the **Free Speech & Election Law Practice Group** and included Washington Attorney General Rob McKenna who argued *Washington v. Washington Education Association* before the U.S. Supreme Court.

In March, the **Labor & Employment Law Practice Group** held a panel discussion on Capitol Hill considering the merits of the Employee Free Choice Act, which would codify the practice of allowing union organizers to submit a union certification application to the National Labor Relations Board after procuring enough signatures on union membership cards to constitute a majority of workers in a given unit. Currently, such practices violate NLRB requirements for a secret ballot election. Charlotte Montiel of the U.S. Senate Republican Steering Committee and former NLRB member John N. Raudabaugh maintained that there was potential for abuse and intimidation by union organizers under the EFCA proposal. Brian V. Kennedy, the General Counsel of the U.S. House of Representatives' Committee on Education and Labor and former NLRB member Sarah M. Fox both defended the proposal as a more effective way for employees to exercise their rights to form a union and collectively bargain without employer intimidation. Former NLRB General Counsel John S. Irving moderated and offered some of his own perspectives from his days at the NLRB.

In July, the **Labor & Employment Law Practice Group** resurrected a program concept originally held in 2002. In our "Labor Briefing II" panel, key legal heads from the three federal agencies gave an overview of recent significant cases and recent agency



The Labor Practice Group arranged a panel entitled "Labor: The Labor Movement, NGOs, International Labor Standards and American Values," which was moderated by Judge David Sentelle, U.S. Court of Appeals for the D.C. Circuit.

initiatives. Participating were Equal Employment Opportunity Commission General Counsel Ronald S. Cooper, National Labor Relations Board General Counsel Ronald E. Meisburg, and the Acting U.S. Department of Labor Solicitor Jonathan L. Snare. Moderating the briefing was a participant in the original Labor Briefing, former U.S. Department of Labor Solicitor Eugene Scalia.

The **Litigation** and the **Professional Responsibility & Legal Education Practice Groups** co-sponsored a panel discussion in October on "Mass Fraud in Mass Torts." Cardozo School of Law Prof. Lester Brickman presented a paper documenting various instances where science has been manipulated by expert witnesses and plaintiffs' counsel to portray a distorted picture of causation and defendants' liability. He was joined in making his argument by Patrick M. Hanlon of Goodwin Procter LLP. Joseph F. Rice of the firm of Motley Rice argued that the legal system operated effectively to mediate

competing scientific claims, and asserted that discoveries of fraud only proved the efficacy of the system in sorting out the facts. Duke Law School Prof. Francis E. McGovern weighed in on the side of the existing regime. D.C. Circuit Court of Appeals Judge Douglas H. Ginsburg served as the moderator.

In June, the **Litigation** and the **Professional Responsibility & Legal Education Practice Groups** also co-sponsored a pair of panels on the ethical considerations of plaintiff's counsel accepting cases on a contingency fee basis, particularly in light of the huge awards often given in class action cases, where some argue the plaintiff's attorneys become an interested party in the settlement. The panels were co-hosted by our Lawyers Chapters in Austin and Houston, Texas.

The **Religious Liberties Practice Group** continued its panel discussion series in partnership with the Pew Forum on Religion & Public Life. In September, the two groups, along with the American Constitution Society, hosted a debate titled "Conscience Clauses: First Amendment Right or Unconstitutional Barrier to Medical Care?" The debate between Becket Fund for Religious Liberty Founder and Chairman Kevin J. Hasson and National Women's Law Center Senior Counsel Jill Morrison considered the merits of statutes that authorize pharmacists to refuse to fill prescriptions or refer patients in contravention of their consciences, as informed by their religious beliefs. In November, the three groups joined again to present a preview of two partial-birth abortion cases (*Gonzales v. Carhart* and *Gonzales v. Planned Parenthood*) on the eve of their argument in the U.S. Supreme Court. After the decision was issued





With James S. Burling (right) of the Pacific Legal Foundation moderating, Judge Alex Kozinski, U.S. Court of Appeals for the Ninth Circuit, participates in a lively debate with Judge Stephen Reinhardt, also of the Ninth Circuit, who has opposing views. The debate was set up by the Environmental Law and Property Rights Practice Group.

in June, the three groups came together with a follow-up panel. The Court upheld the federal Partial-Birth Abortion Ban Act of 2003, establishing a concrete precedent for allowing abortion restrictions without making an explicit exception to protect a mother's health. Panelists examined the degree to which the Court's ruling was consistent with or counter to abortion jurisprudence of the past 35 years, primarily focusing on *Roe v. Wade* and *Casey v. Planned Parenthood of Southeastern Pennsylvania*.

The **Religious Liberties Practice Group**, in conjunction with our Los Angeles Lawyers Chapter, held a debate about California's Proposition 22, which established that the term "marriage" can only be conferred on heterosexual couples. Our panel included Dean Kenneth W. Starr of Pepperdine University School of Law, David C. Codell of the Law Office of David C. Codell, Dean John Eastman of Chapman University Law School, and Center for Lesbian Rights Legal Director Shannon Price Minter. Practice Groups Director Dean A. Reuter served as the moderator.

In May the **Financial Services & E-Commerce Practice Group** hosted a half-day program on "Basel Risk-Based Capitol Standards: Are they Workable?" U.S. Senator Chuck Hagel delivered the luncheon keynote address. The program began with a panel detailing the background of Basel. The second panel discussed the ideal Basel with panelists Wayne A. Abernathy of the American Bankers Association and former Assistant Secretary for Financial Institutions, U.S. Department of Treasury, Karen Shaw Petrou of Federal Financial Analytics, Michael Roster, Former Executive Vice President and General Counsel at Golden West Financial Corporation, and Charles Taylor, Director, Operational Risk of the Risk Management Association. Prof. Keith R. Fisher, Michigan State University College of Law, served as moderator. This program was co-sponsored by the American Bankers Association.

The **Free Speech & Election Law Practice Group** co-sponsored a discussion, with the Columbus, Ohio Chapter, entitled "Journalists' Privilege" last March. Panelists included Prof. Susan Gilles of Capital University Law, Darrell Heckman, Former Campaign County Prosecuting Attorney, and Jane Kirtley, Professor of Media Ethics and Law at the University of Minnesota. Judge Jeffrey Sutton, U.S. Court of Appeals, Sixth Circuit, served as moderator.

In March, the **Intellectual Property Practice Group** hosted "Are Patents 'Private Property' Under the Fifth Amendment?" discussing doctrinal, policy, and historical issues raised by the increasingly important constitutional question of whether patents are secured under the Takings Clause as "private



Former Chairman of the Intellectual Property Practice Group Prof. F. Scott Kieff of Washington University Law School offered his expertise on a panel examining the internationalization of intellectual property.

property." The panel included Prof. Shubha Ghosh, Southern Methodist University, Dedman School of Law, Michael A. Gollin of Venable LLP, Dean A. Monco of Wood Phillips, and Prof. Adam Mossoff of Michigan State University College of Law. Hon. Loren A. Smith, U.S. Court of Federal Claims, served as moderator.

The **Telecommunications & Electronic Media Practice Group** hosted a keynote address early in the year by Hon. Deborah Taylor Tate of the Federal Communications Commission on the future of Universal Service, the ten percent fee phone customers are obliged to pay. The \$7 billion a year garnered by the fee is designed to guarantee affordable telephone service to rural and low-income Americans, to reduce Internet connection costs for schools and libraries, and to enhance connectivity for rural health care providers. After her address, a roundtable discussion of leaders from Capitol Hill and various industry sectors explored solutions to the problem of reshaping Universal Service for the digital age.

## VOLUNTEERS FOCUS ON STATE COURTS

In 2007, the State Courts Project expanded its portfolio to include several states where judicial selection system reforms were being introduced by the state legislature and discussed by the press and the public, including Missouri, Tennessee, and Kansas. Wisconsin was also an important focus of attention, as there was an impending judicial election of some consequence that could be used as a vehicle for debating role of court issues.

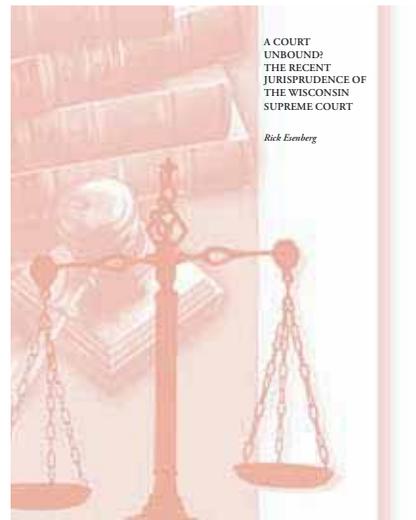
The approach in each of these states consists of three elements: an in-state earned media push involving media training and booking of local legal experts; events in various cities throughout targeted states; and unique scholarship on the state of state supreme court jurisprudence written by top law professors and practicing attorneys. The purpose of these efforts remains the same: to provide accessible information to the press and the public that will serve as a catalyst for real, meaningful debate and discussion about state constitutional and general legal jurisprudence; and to condition the environment for more productive attention to the role of state supreme courts and the judiciary more generally in our constitutional system, both now and in the future.

### WISCONSIN

Judicial elections provide prime opportunities to focus public attention on state court jurisprudence. Prior to the April 2007 Wisconsin State Supreme Court election, the State Courts Project launched a state-wide educational program to foster debate

and discussion about the Wisconsin Supreme Court. The Project recruited a team of local legal experts to talk to the press about current and future work of the supreme court and the proper role of judges. The purpose of the program was to spark a more balanced and intelligent debate about whether the Wisconsin Supreme Court has been respecting its limited constitutional role. The following were the project components:

- Media-trained local legal experts, speaking for themselves, were made available to the press for commentary on the Wisconsin Supreme Court's jurisprudence and the proper role of the Court. The legal experts were featured on radio, were quoted in newspapers, and published op-ed articles.
- The Federalist Society hired a polling firm (the polling company™, inc.) to conduct a pre-election survey of Wisconsin citizens.



Prof. Rick Esenberg of Marquette University School of Law authored a white paper on the jurisprudence of the Wisconsin Supreme Court.

The survey tested the awareness and understanding of the process by which state supreme court justices are elected as well as citizens' familiarity with the candidates and general opinion of the Wisconsin Supreme Court and its decisions. One result showed that 72% of Wisconsin citizens believe judges should interpret the law as it is written and not take into account their own viewpoints and experiences. There was extensive coverage of the poll results from many media outlets, including Wisconsin Public Radio, and release of the poll results generated additional media interest in the legal experts being made available by the Federalist Society to comment on the supreme court race.

- A Wisconsin Supreme Court white paper acted as a news peg and was promoted to media throughout the state. The author, Prof. Rick Esenberg, was made available to the press for commentary, and the paper itself served as a useful reference resource for press covering the supreme court election. In fact, John Fund noted in *The Wall Street Journal* that Wisconsin business groups "widely distributed 'A Court Unbound?' a critique of [the court's] decisions by a prominent Wisconsin lawyer which was published by the Federalist Society." The Federalist Society white paper, its author, and pre-





election poll results were also featured in the *Wisconsin State Journal* and *La Crosse Tribune*.

The week before the election, the Milwaukee Chapter of the Federalist Society sponsored a luncheon event at the Milwaukee Bar Association. Milwaukee County Circuit Court Judge Michael Brennan introduced Prof. Esenberg who discussed the findings of his white paper and the most recent rulings of the Wisconsin Supreme Court. The audience included many state court judges, leaders of the bar, and representatives from local policy organizations.

### MISSOURI, TENNESSEE, AND KANSAS

In addition to fostering dialogue surrounding state judicial elections, the State Courts Project has entered the debate over state judicial selection methods. State appellate court judges are selected by different processes in different states: some by elections, some by gubernatorial appointment, and some by “merit selection,” a process where a judicial nominating commission submits a list of judicial candidates from whom the governor must choose to fill a court opening. Several states are considering changing how judges are selected for their highest courts, and the Federalist Society has encouraged and strengthened discussion of judicial selection issues in these states.

The process of “merit selection” was developed in Missouri and has since been known as the Missouri Plan. Since the initial passage of the Missouri Plan in 1940, twenty other states and the District of Columbia have adopted some form of the Plan. Critics of the Missouri Plan contend that the Missouri judicial selection commission is devoid of any executive or legislative check, and there-

fore among the most insulated from public input and least accountable in the country. Proponents of the Plan, however, contend that judicial applicant quality is improved by having this pre-appointment screening process involve state bar lawyers, and that the influence of partisan politics is diminished. Our Missouri effort – which has resulted in three *Wall Street Journal* editorials – included:

- The Federalist Society commissioned a poll of Missourians to survey their knowledge of the Plan and to probe their views about the judicial function. Local press outlets that covered the poll results included the *St. Louis-Post Dispatch*, *Jefferson City News Tribune*, and the *Missouri Lawyers Weekly*.
- Similar to the Wisconsin State Courts Media Program, the Federalist Society facilitated statewide media appearances by local legal experts. These media-trained attorneys, speaking for themselves, were made available to press for commentary on proposed reforms to the Missouri Plan, recent jurisprudence of the Missouri Supreme Court, and the proper role of the courts and judges. The legal experts were featured on radio, were quoted in newspapers, and produced op-ed articles. For example, the *St. Louis Post-Dispatch* and *Jefferson City News Tribune* quoted Federalist Society legal experts and poll results in their articles on Missouri Plan reform.
- The Federalist Society organized a number of events in both St. Louis and Kansas City. Several of these were styled as debates, and featured a number of distinguished speakers, including Governor Matt Blunt, Circuit Court Judge Robert H. Dierker Jr., and Douglas Copeland, former president of

the Missouri Bar Association, and former Governor Bob Holden. A number of media outlets covered the events, including the *St. Louis Post-Dispatch*, the *Kansas City Star*, and *Kansas City Daily Record*.

- The Federalist Society published a white paper on Missouri Supreme Court jurisprudence over the last fifteen years and the status of the current court. The paper, *The Consequences of Judicial Selection: A Review of the Supreme Court of Missouri, 1992-2007*, is co-authored by Prof. William Eckhardt of the University of Missouri-Kansas City School of Law, and John Hilton, former clerk to Judge Duane Benton of the U.S. Court of Appeals, Eighth Circuit. The white paper and its authors have received extensive state and national press coverage.

As in Missouri, judges in Tennessee and Kansas are also selected by “merit selection” and proposals for reform are being discussed in these states. The Federalist Society’s programs and white papers have garnered significant attention in these states as well. All of the major newspapers in both states have covered these events and papers, as well as a survey of citizens about the role of courts and judicial selection issues in Kansas.

As a result of all of the published white papers, event programming, educational polls, and outreach to media undertaken by the Federalist Society’s State Courts Project in 2007, issues of state court jurisprudence are receiving a greater amount of attention from government officials, the media, and the public than ever before. This is evidenced by the press attention garnered, which amounted to \$2 million in publicity value in just a few months.

## SOCIETY EXPANDS MONITORING OF INTERNATIONAL ORGANIZATIONS

Sovereignty is a simple principle – namely, that a community should be free as an independent political entity to make its own laws. Some have questioned whether the principle of American sovereignty, and its attendant benefits to individual freedom, is threatened by efforts to use international and foreign sources of law as a means of securing a policy agenda here at home that otherwise could not be achieved. There is a trend among American judges to invoke international sources of law to interpret our Constitution and other U.S. laws. Some also have pressed the United States to adopt and comply with the soft norms of international law that are the hallmarks of the United Nations and other multilateral organizations. The Federalist Society continues to study and monitor these concerns through its International Law and Sovereignty Project.

The Project has 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. Other volunteers track U.S. court cases. In the effort to make this quiet process transparent, information collected is transmitted to policy leaders, think tanks, businesses, scholars, and the press, with the



Chief Justice John Roberts and other U.S. Supreme Court justices meet with French President Nicolas Sarkozy in Paris in September. François-Henri Briard of the Federalist Society was instrumental in arranging the visit.

idea that more awareness will help ensure that no potentially damaging legislation will pass unnoticed. The second goal of the Project consists of balancing the debate about 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 – presently in Paris, London, and Brussels – are invaluable resources for accomplishing the stated purposes of the project. These chapters have been instrumental in the forging of a trans-Atlantic coalition of

Europeans who share Federalist Society ideas, including a commitment to the principles of limited government, the rule of law and sovereignty. The work of these chapters also helps us identify interested individuals who can aid us in monitoring and media outreach. Our Paris chapter has been particularly active this year. Under the leadership of François-Henri Briard, the French Government relied heavily upon the Paris group to help organize Chief Justice John Roberts' visit to France in July 2007.

Similar collaboration occurred in October with a visit from California jurists.

The Federalist Society remains very active in the monitoring of activities of various



A large component of the International Law and Sovereignty Project, the Global Governance Watch website launched with this accessible homepage in late March.



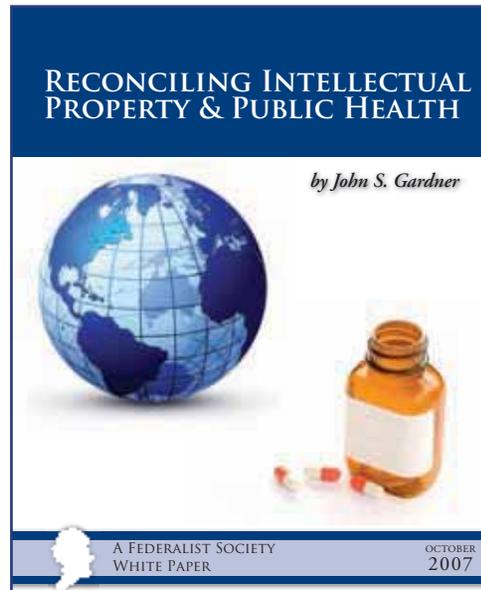


François-Henri Briard, president of the Federalist Society's Paris Chapter, moderates the Corporations panel on American competitiveness at the National Lawyers Convention.

international organizations in order to ensure that there is a fair hearing for such issues as intellectual property protection principles. We continue to make use of our media trained experts to help combat unquestioning acceptance of diluted intellectual property rights by providing a diversity of media coverage. The Society was present at the World Health Organization's 120<sup>th</sup> Executive Board Session in Geneva in January 2007. The Society has permanent observer status at the World Intellectual Property Organization (WIPO), and was able to have a presence at the Assemblies meeting in late September 2007. We remain interested in any developments at the Council on Human Rights and other, similar organizations. Daily Reports from these meetings can be accessed on the Federalist Society's website.

Society representatives have opened a dialogue with members of the European Parliament, as well as with U.S. missions to the UN, UNESCO, and the EU, with the

purpose of ensuring that intellectual property issues are the subject of a balanced dialogue. In October 2007, in preparation for the World Health Organization's (WHO) Intergovernmental Working Group (IGWG) meetings in November, the Society helped to organize visits to several key missions to the UN by a group of experts. These experts briefed the



trade officials at the missions on the IGWG report that was published in late July 2007, and which has been said to greatly overstep the mandate of the WHO. Former USAID General Counsel John Gardner also authored two important papers for the Federalist Society that explored the problems with the IGWG report, which were sent to all of the permanent missions to the UN in Geneva, as well as to key pharmaceutical industry players. In addition, during the WHO's IGWG meetings in the fall, Ronald Cass,

Dean Emeritus of Boston University School of Law, and President of Cass & Associates, PC, gave a briefing to mission and other international and pharmaceutical organization representatives entitled, "Compulsory Licensing, Patent Pools and Public Health."

Finally, in early December 2007, the Federalist Society hosted a briefing to discuss the recent draft of "Human Rights Guidelines for Pharmaceutical Companies in Relation to Access to Medicines" by Paul Hunt, UN Special Rapporteur on the Right to Health.

The Federalist Society, in partnership with the American Enterprise Institute (AEI), is in the process of restructuring its NGOWatch website. Over the past year, both organizations have come to believe the need that NGOWatch sought to fill had shifted from one of simply monitoring various NGOs to one of monitoring the global governance movement as a whole. The new Global Governance Watch website, which focuses on four topical issue areas - Human Security, National Security, Global Regulation, and Development - seeks to provide its visitors with a greater understanding of what constitutes global governance, and why it is important. The new website can be accessed at [www.globalgovernancewatch.org](http://www.globalgovernancewatch.org).

## SPECIAL PROJECTS COMMEMORATE SILVER ANNIVERSARY

### 2007 SEPARATION OF POWERS COURSE REMAINS POPULAR

**U.S. Supreme Court Justice Antonin Scalia** and **Prof. John Baker Jr.** of the Paul Hebert Law Center of Louisiana State University presented their biennial Separation of Powers CLE Course on September 10 and 11, 2007. The 10 hour CLE course was offered at the Ritz-Carlton, Bachelor Gulch in Avon, Colorado. The course was extremely popular and offered a unique opportunity for attendees to receive instruction directly from a Supreme Court Justice.

### FEDERAL SOCIETY ORGANIZES IRAQI JUDICIAL CONFERENCE

At the request of the State Department, the Federalist Society hosted approximately twenty members of the Iraqi and Kurdish Bar Associations in Washington, D.C. for a day-long conference in November designed to explore how the rule of law and the integrity of the legal profession can be fostered through the formation of bar associations. Several legal academics, distinguished attorneys, and senior Federalist Society staff addressed theoretical concepts and principles, as well as practical opportunities for structuring the bar. Presentations stressed the merits and stability of a legal community unified by profession rather than by religious or political affiliation, and emphasized the power that such a unified body, free from governmental control and intervention, can wield to effect positive



change in the legal system. These ideas were presented as a contrast to the current state of fragmentation in the Iraqi and Kurdish legal systems, in which there is little to no connection or communication between lawyers, judges, law students, and law professors.

### 25<sup>TH</sup> ANNIVERSARY VIDEO TELLS SOCIETY'S STORY

As part of the Federalist Society's anniversary celebration, the Society produced a twelve minute video that highlights the achievements of the Society over the last 25 years. The stirring video includes interviews from U.S. Supreme Court Chief Justice John G. Roberts and Justices Antonin Scalia, Clarence Thomas and Samuel Alito, and a number of Society participants. The video features an interesting look at the Society's history, with

The three founders of the Federalist Society, Steven G. Calabresi, Lee Liberman Otis and David M. McIntosh, were awarded the 2007 Salvatori Prize for American Citizenship by the Heritage Foundation. The prize includes a monetary award of \$25,000, which the founders contributed to the Society for the further advancement of its mission. The founders are pictured here holding their awards with Federalist Society President Eugene B. Meyer (center), and Counselor T. Kenneth Cribb (right).

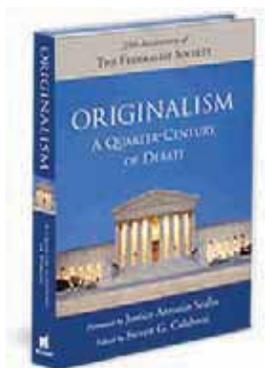
clips from each of the founders, and a discussion of what the Society has accomplished, by many who have supported its efforts since its inception. The 25<sup>th</sup> Anniversary Video can be found at our website, [www.fed-soc.org](http://www.fed-soc.org).





## PUBLICATIONS AND WEB SITE DELIVER 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 phenomena, a scholarly journal of considerable length, a member magazine and frequent white papers on a variety of topics.

The organization screens its publications rigorously, feeling an obligation to its members in law school, the bar, the judiciary and elsewhere, to provide quality material that is informative, relevant, and balanced; for that reason, when Society publications stake out opinions, the reader is directed to contrary viewpoints.

In observance of its twenty-fifth anniversary, the Federalist Society worked with Eagle Publishing to produce a book titled *Originalism: A Quarter-Century of Debate*, an impressive collection of speeches, panel discussions, and debates on the subject from some of the greatest and most prominent legal experts of the last twenty-five years. The book features an introduction by Federalist Society co-founder Prof. Steven G. Calabresi, a foreword by U.S. Supreme Court Justice Antonin Scalia and an epilogue by former U.S. Solicitor General Theodore Olson.

**Engage.** The flagship of Federalist Society publications, *Engage* has until last year appeared twice a year in print-bound version. We are pleased to say that a third hardcover issue has been added. Ideas are generated by our fifteen Practice Group executive committees. Articles in 2007 discussed climate change litigation, the Vienna Convention, universal jurisdiction, NSA surveillance, the *Carhart* decision, the *Seattle Schools* case, the Roberts Court's mental health and antitrust rulings, attorneys' fees in class actions, gasoline regulation and many exciting book titles and other topics. Transcripts from the 2007 National Lawyers Convention will appear in more than twelve law reviews in 2008.



**ABA Watch.** One of the Society's most popular publications, *ABA Watch*, is a semi-annual newsletter, timed to coincide with the American Bar Association's mid-year and annual meetings, and is meant to help readers form an independent opinion of the organization. The winter issue featured testimony from the dispute over ABA procedures connected with the Michael Wallace nomination to the U.S. Court of Appeals, articles on the ABA's various stances on the War on Terror, and recommendations on judicial conduct, gun control, law student participation in pro bono activities, Katrina, state secrets privilege, and judicial independence. *ABA Watch* will continue to provide information on the



**www.fed-soc.org** The continually evolving Federalist Society website is a wealth of information on legal topics and current events, and a valuable resource for lawyers, professors, and law students. Visitors can browse the event calendar to learn of chapter activity and functions around the country and register for upcoming events. The multimedia archive features audio and video from conferences, panels, and speeches. It also spotlights "**Originally Speaking**," a monthly online written debate, which offers legal experts an opportunity to discuss a wide gamut of current legal and judicial issues. When the Supreme Court is in session, new **SCOTUScasts** are posted nearly every day, in which prominent legal minds discuss the ramifications of oral argument and of decisions handed down by the Court. Every scholarly Federalist Society publication is available online, and additional resources such as suggested reading lists and bibliographies are also offered. The website is an invaluable tool to assist research, stimulate discussion, provoke thought, and increase interest in legal and public policy concerns.





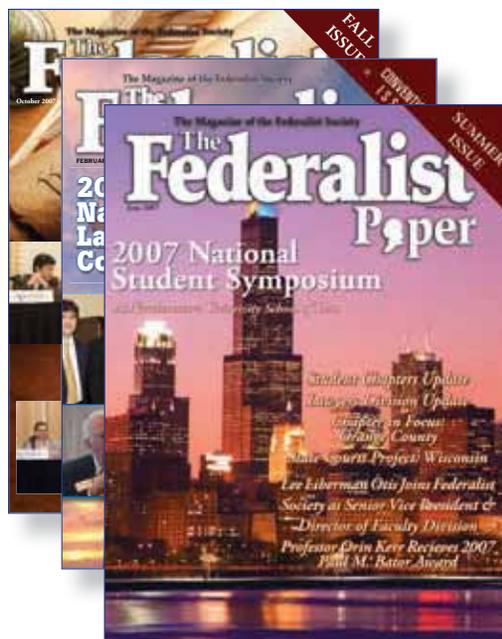
Association, to assist others in making a grounded assessment of its role and influence in American jurisprudence.

**State Court Docket Watch.** This newsletter, appearing four times in the 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, state abortion laws, public school funding, judicial speech and elections, union legal fees and collective bargaining rights cases, and asbestos litigation, among others.

**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* has reported this year on the ALI's Principles project, Vioxx litigation, the use of fluid recovery as common proof, the subsidence of welding fume mass torts, omissions in FACTA, the



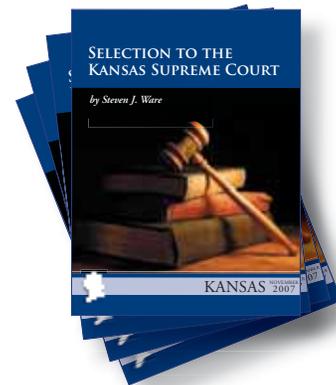
Milberg Weiss indictments, and state supreme court lead paint rulings, among other topics.



**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 magazine is meant to give members a sense of the kind of engagements occupying particularly active chapters, students, and lawyers. Each division of the Society reports on some of the more noteworthy events of the past season, including such things as the annual Student Symposium and National Lawyers Convention. The State Courts Project and Faculty and International Law Divisions provide updates on their respective doings as well.

**White Papers.** The Federalist Society increasingly turns out high level white papers focused on particular issues or areas of interest. As a continuation of a State Courts Project last fall, a number of white papers appeared on the jurisprudence of state supreme courts this year, including Kansas, Missouri, Tennessee, and Wisconsin. These discussed the past orientation and change in direction of the jurisprudential philosophy of these courts, in an effort to raise awareness of some of the issues at stake in state judiciaries. A number of white papers on other subjects appeared as well, including papers on Intellectual Property, civil rights and climate change litigation. These white papers are meant to generate a higher level of debate about important matters of law and policy.

Though the organization seeks to produce material that will encourage discussion over timely legal and public policy developments, 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 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.





## DONORS INCREASE CONTRIBUTIONS, SOCIETY EXPANDS PROGRAMS

The Federalist Society continues to grow at a fast pace – in number of chapters, in number of people involved in our community, in number of people exposed to our ideas. None of this would be possible if our revenue didn't continue to grow as well. As a matter of fact, it is the revenue growth that determines how many additional volunteers we can support to plan and produce our programming across the country and how many events we can ultimately add to our schedule. The increasing number of programs determines how many people the Federalist Society can actually reach with its message of traditional legal values such as limited government, the separation of powers, individual liberty and responsibility, and the rule of law.

Fortunately, our revenue has been increasing steadily since 2003. In fact, we reached an all-time high of \$9.2 million in fiscal year 2007, a 26.4 % increase over 2006. This increase in revenue is, in part, due to more and more people being exposed to the work of the Federalist Society, and subsequently wanting to support us financially because they believe we are successfully working to change the legal culture.

We are extremely grateful for these new donors. As we develop into a bigger organization and become better known we are attracting larger contributions. But even though these significant contributions have allowed the Society to expand rapidly there is no way we can adequately thank those who have been with us from the beginning, some since their law school days. Many of these long-time supporters are now members of the James Madison Club. Membership in the James Madison Club is open to those who contribute \$1,000 or more annually to the Federalist Society. In recognition of the commitment of these individuals, foundations and corporations, a list of the current members of the James Madison Club appears below:

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Federalist Society Board of Visitors members Robert A. Levy (right) and Prof. Lillian BeVier, and her son Nicolas Altree, socialize before the Annual Dinner.

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Erika Birg and Susanna Dukupil, both  
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Recent Harvard grads and James Madison Club members Hashim Mooppan and Lee Rudofsky converse with Justice Richard Sanders of the Washington State Supreme Court at the Annual Dinner.

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James Madison Club member Prof. Gail Heriot, John Fund of the *Wall Street Journal*, and Heather Higgins of the Randolph Foundation and her daughter, Delany, pose for a picture at the James Madison Club Reception.

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James Madison Club members Manuel Klausner, John Malcolm, and Roger Pilon enjoy the reception at the Convention.

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Nat and Abby Moffat (left) and Diana Spencer (right) of the Shelby Cullom Davis Foundation visit with Federalist Society President Eugene B. Meyer and his wife, Lori, (center) after the Barbara K. Olson Memorial Lecture.

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James Madison Club members Emil Arca and Vincent Vitkowsky of New York offer encouragement to law students Andrew Knaggs of William and Mary School of Law and Jeff Powell of St. Louis University School of Law during the National Lawyers Convention.

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W. Thomas Haynes of Atlanta escorts his daughter, Megan Haynes, to the James Madison Club Reception.

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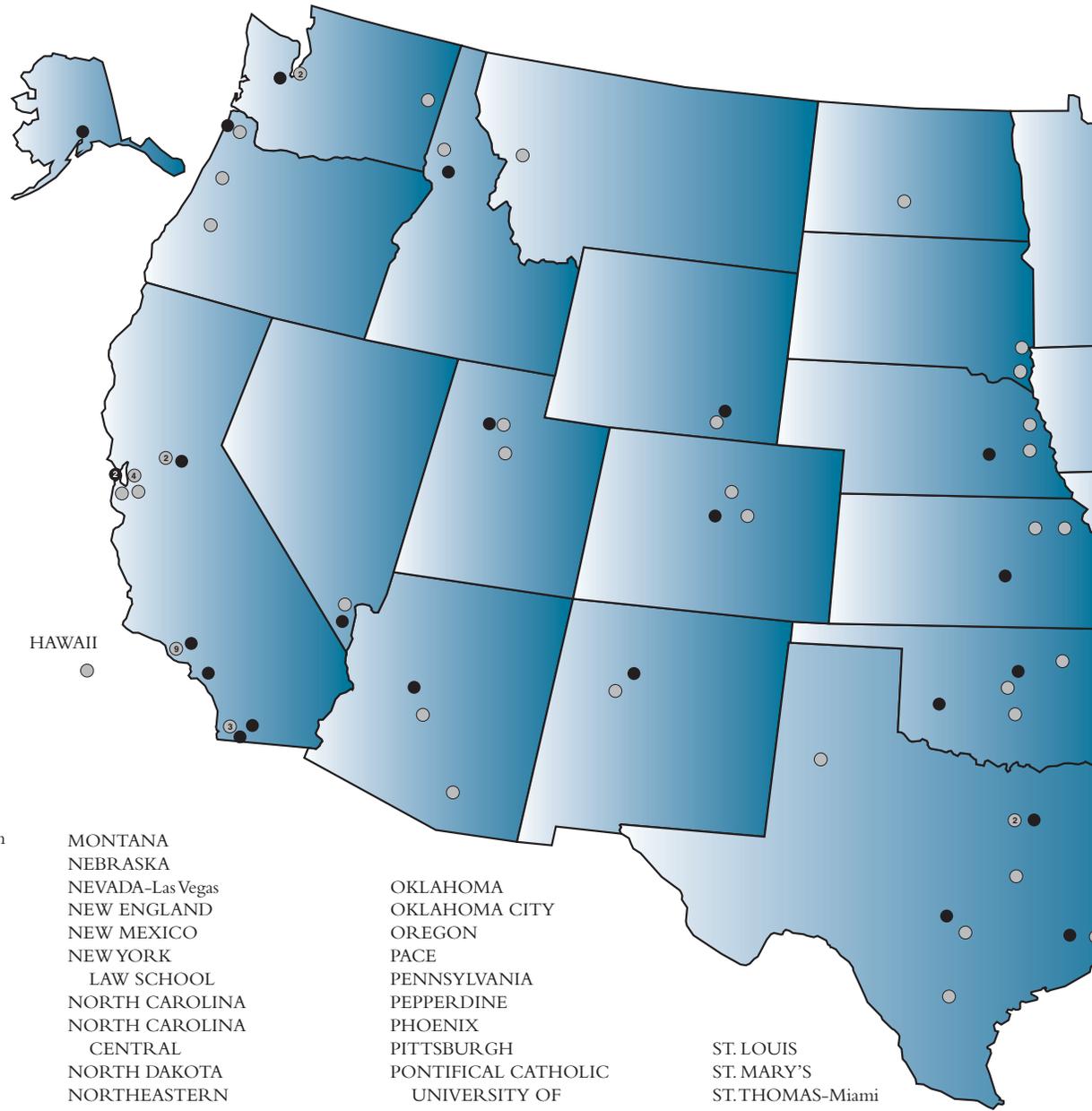
\* Denotes individuals who are Founding Members of the James Madison Club.



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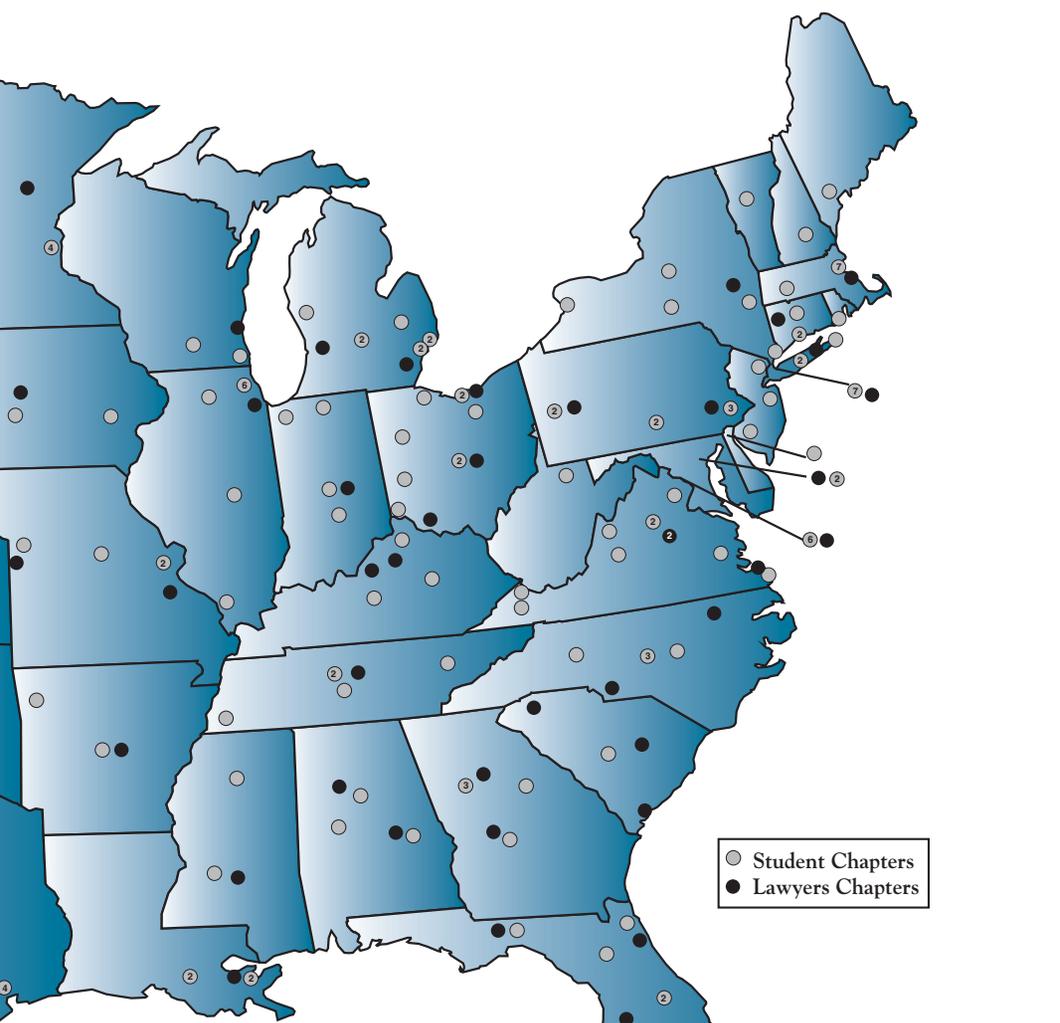
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REPORT OF INDEPENDENT AUDITORS

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Board of Directors  
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 1015 18th St., N.W. - Ste 4125  
 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, 2007 and 2006 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 audit.

We conducted our audit in accordance with auditing standards generally accepted in the United States of America. These standards require that we plan and perform the audit 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, 2007 and 2006 and the changes in 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  
 January 28, 2008



THE FEDERALIST SOCIETY FOR LAW AND PUBLIC POLICY STUDIES  
STATEMENTS OF FINANCIAL POSITION  
SEPTEMBER 30, 2007 AND 2006

<u>ASSETS</u>	<u>2007</u>	<u>2006</u>
<b>CURRENT ASSETS</b>		
Cash and cash equivalents	\$ 2,626,079	\$ 4,975,658
Investments	3,243,765	1,921,003
Grants receivable	655,161	797,750
Contributions receivable	290,975	383,441
Other receivables	17,731	13,475
Supplies inventory	156,537	2,135
Other current assets	66,383	139,259
	<u>7,086,671</u>	<u>8,232,721</u>
<b>GRANT AND CONTRIBUTIONS RECEIVABLE - LONG-TERM</b>		
Grants receivable	-	57,140
Contributions receivable	633,823	-
	<u>633,823</u>	<u>57,140</u>
<b>FIXED ASSETS</b>		
Computer equipment	175,424	192,166
Office furniture and equipment	94,118	64,569
Leasehold improvements	75,380	75,198
	<u>344,922</u>	<u>331,933</u>
Accumulated depreciation and amortization	(169,078)	(113,198)
	<u>175,844</u>	<u>218,735</u>
<b>OTHER ASSETS</b>		
	10,000	10,000
<b>TOTAL ASSETS</b>	<u>\$ 7,897,468</u>	<u>\$ 8,426,441</u>
<b><u>LIABILITIES AND NET ASSETS</u></b>		
<b>CURRENT LIABILITIES</b>		
Accounts payable and accrued expenses	\$ 118,514	\$ 347,857
Deferred revenue	272,615	273,275
	<u>391,129</u>	<u>621,132</u>
<b>NET ASSETS</b>		
Unrestricted	4,949,957	4,223,047
Temporarily restricted	2,285,917	1,577,407
Permanently restricted	19,000	19,987
<b>TOTAL NET ASSETS</b>	<u>7,230,794</u>	<u>5,809,934</u>
<b>TOTAL LIABILITIES AND NET ASSETS</b>	<u>\$ 7,897,468</u>	<u>\$ 8,426,441</u>

See Notes to Financial Statements



THE FEDERALIST SOCIETY FOR LAW AND PUBLIC POLICY STUDIES  
STATEMENTS OF ACTIVITIES  
FOR THE YEARS ENDED SEPTEMBER 30, 2007 AND 2006

	2007				2006			
	Unrestricted	Temporarily Restricted	Permanently Restricted	Total	Unrestricted	Temporarily Restricted	Permanently Restricted	Total
<b>REVENUE</b>								
Grants	\$ 1,441,541	\$ 1,385,404	\$ -	\$ 2,826,945	\$ 1,436,347	\$ 2,145,185	\$ -	\$ 3,581,532
Registration fees	529,493	-	-	529,493	537,412	-	-	537,412
Itemized donations	217,175	-	-	217,175	140,411	-	-	140,411
Membership dues	2,668,286	1,150,968	-	3,819,254	2,327,576	723,610	-	3,051,186
Investment income	430,727	-	-	430,727	260,421	-	-	260,421
Miscellaneous income	78,498	-	-	78,498	11,285	-	-	11,285
	<u>5,374,719</u>	<u>2,536,402</u>	<u>-</u>	<u>7,911,121</u>	<u>5,709,042</u>	<u>2,868,795</u>	<u>-</u>	<u>8,577,837</u>
<b>NET ASSETS RELEASED FROM RESTRICTIONS</b>								
Cancellation of restrictions	1,627,712	1,647,802	-	3,275,514	1,447,405	1,617,505	-	3,064,910
	<u>6,999,522</u>	<u>4,184,204</u>	<u>-</u>	<u>11,183,726</u>	<u>7,156,447</u>	<u>4,486,299</u>	<u>-</u>	<u>11,642,746</u>
<b>EXPENSES</b>								
Program services								
General program	643,377	-	-	643,377	541,637	-	-	541,637
Finance program	476,816	-	-	476,816	273,997	-	-	273,997
Student Outreach and Membership Services	422,427	-	-	422,427	438,447	-	-	438,447
Student Summer Program	1,212,589	-	-	1,212,589	915,108	-	-	915,108
Student National Symposium	148,124	-	-	148,124	195,176	-	-	195,176
Legates Division Chapter and Membership Services	470,217	-	-	470,217	547,157	-	-	547,157
Legates Division Symposiums/Events	147,915	-	-	147,915	521,177	-	-	521,177
Legates National Conference	673,999	-	-	673,999	492,799	-	-	492,799
State Chapters	112,421	-	-	112,421	-	-	-	-
Public Affairs	914,900	-	-	914,900	605,158	-	-	605,158
Other conferences	470,529	-	-	470,529	295,235	-	-	295,235
	<u>2,964,985</u>	<u>-</u>	<u>-</u>	<u>2,964,985</u>	<u>5,490,702</u>	<u>-</u>	<u>-</u>	<u>5,490,702</u>
General and administrative	419,215	-	-	419,215	392,631	-	-	392,631
Endowment	162,147	-	-	162,147	494,181	-	-	494,181
	<u>6,546,347</u>	<u>-</u>	<u>-</u>	<u>6,546,347</u>	<u>6,377,514</u>	<u>-</u>	<u>-</u>	<u>6,377,514</u>
<b>CHANGE IN NET ASSETS</b>	<u>422,140</u>	<u>(1,911,814)</u>	<u>-</u>	<u>(1,489,674)</u>	<u>789,435</u>	<u>1,671,594</u>	<u>-</u>	<u>2,461,029</u>
<b>NET ASSETS AT BEGINNING OF YEAR</b>	<u>1,229,927</u>	<u>1,177,672</u>	<u>10,000</u>	<u>2,417,600</u>	<u>1,628,212</u>	<u>2,817,171</u>	<u>10,000</u>	<u>4,455,383</u>
<b>NET ASSETS AT END OF YEAR</b>	<u>\$ 1,652,067</u>	<u>\$ 2,265,858</u>	<u>\$ 10,000</u>	<u>\$ 3,927,925</u>	<u>\$ 2,417,647</u>	<u>\$ 4,488,765</u>	<u>\$ 10,000</u>	<u>\$ 6,916,412</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, 2007 AND 2006**

	2007	2006
<b>CASH FLOWS FROM OPERATING ACTIVITIES</b>		
Change in net assets	\$ 1,988,590	\$ 2,492,653
Adjustments to reconcile change in net assets to net cash provided (used) by operating activities:		
Depreciation and amortization	26,435	31,107
Net appreciation in fair value of investments	(1,522,862)	(84,176)
Denial of securities	29,670	(4,111)
Increase (decrease) in:		
Grants received	1,081,393	495,651
Contributions receivable	(540,687)	23,212
Other receivables	(5,281)	(2,000)
Supplies inventory	(124,502)	4,295
Other current assets	(2,035)	(16,197)
Increase (decrease) in:		
Accounts payable and accrued expenses	(9,313)	(31,444)
Deferred revenues	2,373	(86,151)
	<u>11,169,392</u>	<u>12,833,641</u>
<b>CASH FLOWS FROM INVESTING ACTIVITIES</b>		
Purchase of investments	(1,144,581)	(551,549)
Proceeds from sale of investments	900,032	611,155
Purchase of fixed assets	(19,058)	(32,225)
	<u>(11,360,007)</u>	<u>(141,629)</u>
<b>INCREASE (DECREASE) IN CASH AND CASH EQUIVALENTS</b>	<u>12,349,579</u>	<u>2,758,911</u>
<b>CASH AND CASH EQUIVALENTS AT BEGINNING OF YEAR</b>	<u>4,975,658</u>	<u>2,216,747</u>
<b>CASH AND CASH EQUIVALENTS AT END OF YEAR</b>	<u>\$ 2,626,079</u>	<u>\$ 4,975,658</u>

See Notes to Financial Statements



**THE FEDERALIST SOCIETY OF THE AMERICAN REPUBLICS FINANCIAL STATEMENTS**  
 FOR THE YEAR ENDED 31 DECEMBER 2007

**STATEMENT OF RECEIPTS**

	2007	2006
Contributions	1,234,567	1,123,456
Membership Dues	567,890	543,210
Interest Income	123,456	109,876
Investment Income	234,567	210,987
Other Income	98,765	87,654
<b>Total</b>	<b>2,259,245</b>	<b>2,075,183</b>

**STATEMENT OF EXPENDITURES**

	2007	2006
Salaries and Wages	1,100,000	1,050,000
Benefits	200,000	190,000
Travel	150,000	140,000
Printing and Postage	100,000	90,000
Office Expenses	80,000	75,000
Depreciation	50,000	45,000
Other	30,000	25,000
<b>Total</b>	<b>1,710,000</b>	<b>1,615,000</b>

**STATEMENT OF NET ASSETS**

	2007	2006
Assets	1,549,245	1,460,183
Liabilities	(100,000)	(95,000)
<b>Total</b>	<b>1,449,245</b>	<b>1,365,183</b>

**THE FEDERALIST SOCIETY OF THE AMERICAN REPUBLICS FINANCIAL STATEMENTS**  
 FOR THE YEAR ENDED 31 DECEMBER 2007

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**THE FEDERALIST SOCIETY OF THE AMERICAN REPUBLICS FINANCIAL STATEMENTS**  
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**STATEMENT OF EXPENDITURES**

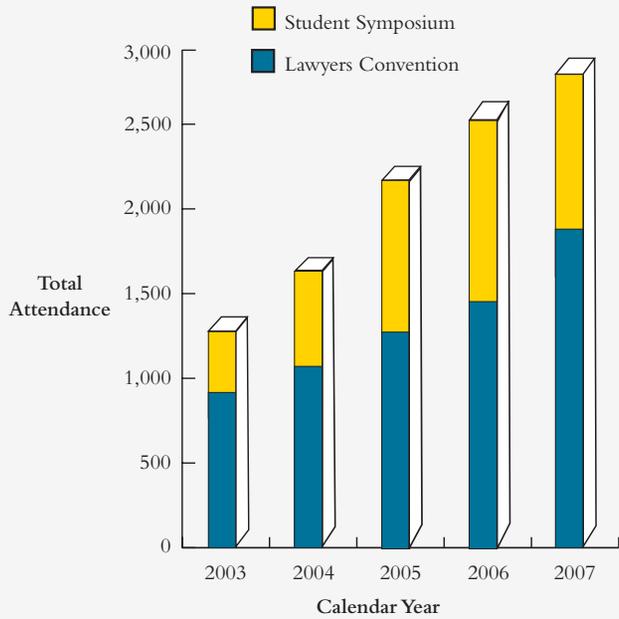
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**STATEMENT OF NET ASSETS**

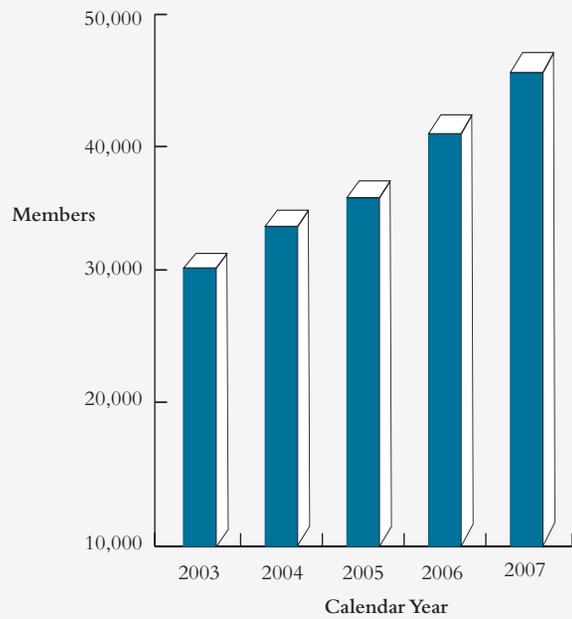
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END OF AUDITED FINANCIAL STATEMENTS

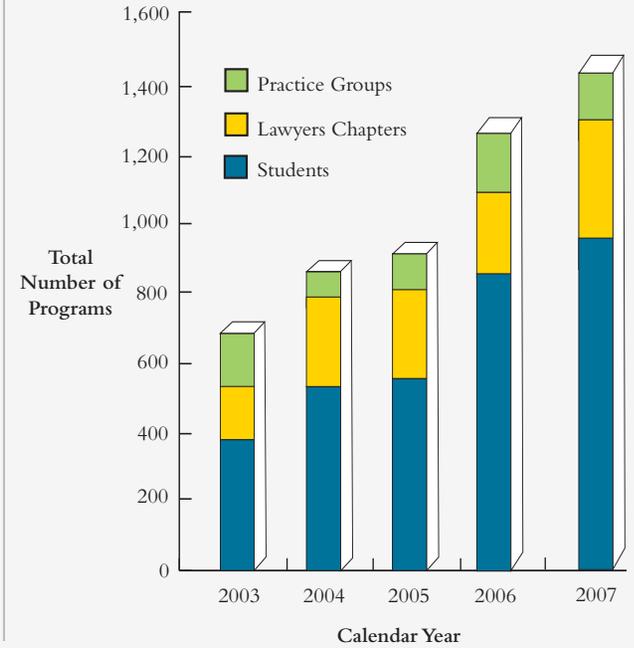
**NATIONAL CONFERENCE ATTENDANCE**  
National Lawyers Convention and Student Symposium



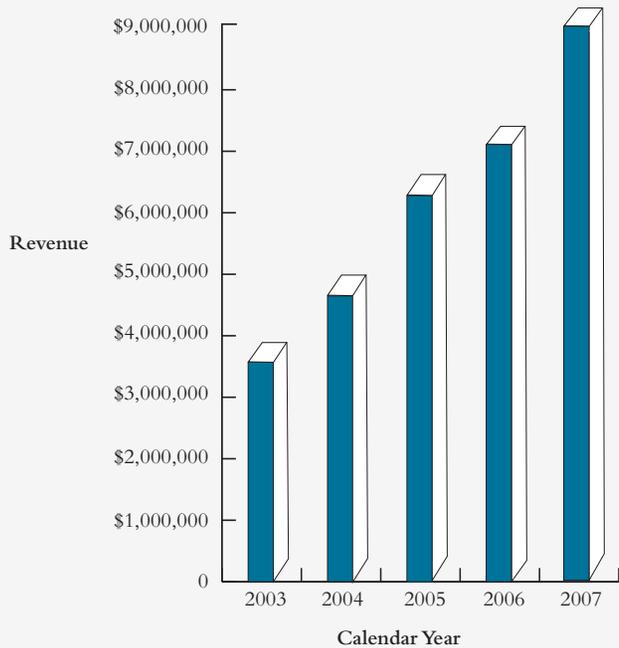
**FEDERALIST SOCIETY MEMBERSHIP GROWTH**  
Local and National Involvement



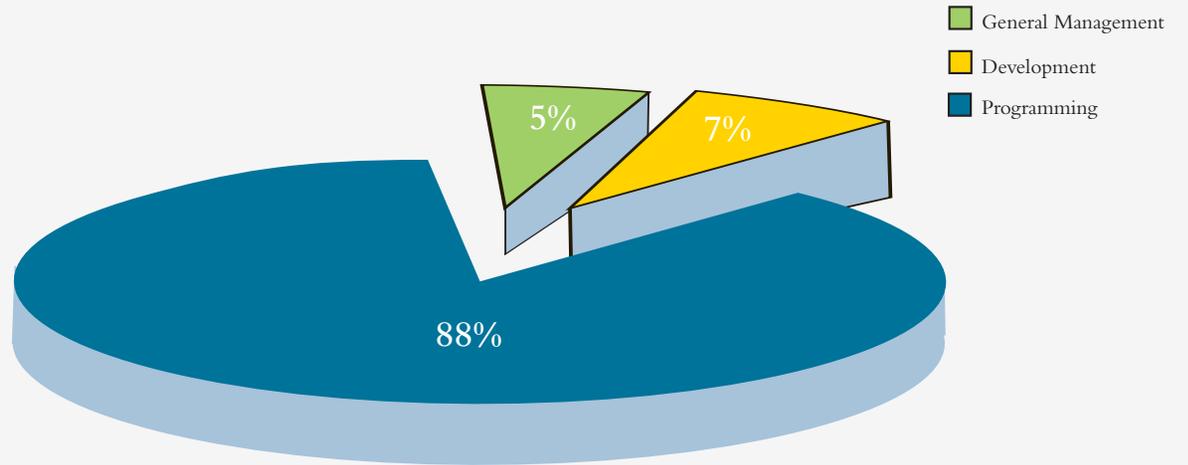
**FEDERALIST SOCIETY PROGRAM GROWTH**



**FEDERALIST SOCIETY REVENUE GROWTH**



**FEDERALIST SOCIETY EXPENDITURES-FISCAL YEAR 2007**



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