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ANNUAL REPORT

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THE FEDERALIST SOCIETY  
*for Law & Public Policy Studies*





Union Station being prepared for the  
2017 Antonin Scalia Memorial Dinner.



## OUR PURPOSE

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

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

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

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**Leonard A. Leo, Executive Vice President; Eugene B. Meyer, President; and Lee Liberman Otis, Senior Vice President.**



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**Debate. Discuss. Decide.** Attendees of the National Student Symposium exchange ideas during dinner.



## THE PRESIDENT'S MESSAGE

The Federalist Society enjoyed great success at every level during the last year as our Annual Report and press clippings detail. The breadth of our activities continues to expand with our Regulatory Transparency Project, our Article I Initiative, our work with state courts, and all of the activities of our student and lawyers chapters and our practice groups.

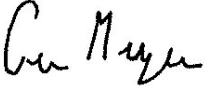
The Federalist Society was much in the news in 2017, especially in conjunction with judicial selection. It delights us that many of those involved with the Society who care deeply about the principles we discuss and debate are serving their country and in one way or another, attempting to apply their principles in practice.

For from its first days, the Society has focused on ideas. We have fostered intellectual discussion of ideas in general, and of originalism and textualism in particular, in every sector of the legal community. In addition to building on our aforementioned results, we see an extra challenge ahead for free speech and open inquiry. To counter these trends, those who view themselves as intellectually oriented must make a point to fully understand the views of those they disagree with.

Too often we think that a person's position is based solely on one reason which, at the end of the day, we believe foolish.

But often there are other key reasons for the opinion and the person might not even hold such beliefs except for those other reasons. You may still differ sharply, but it will not be as easy to label the opponent as evil. But perhaps even more importantly, the more thoroughly you understand the ideas you disagree with, the more profitable engaging with them is. It is from significant differences of views fully aired and understood that society develops better ideas. Our liberal democracy and perhaps Western civilization depends on such exchanges, but they simply will not be valuable if, rather than debating and discussing what we seriously believe, we simply engage in ad hominem attacks and refuting straw men.

In this effort, as in all of our activities, we depend on our thousands of volunteers and donors across the country. We thank you for your help and look forward to continuing to work with you.

Sincerely,  
  
Eugene B. Meyer  
President





Student members enjoying the Harvard Chapter's Spring Banquet. Below Center: Hon. Lavenski Smith at the National Student Symposium; Below Right: Bennett Hampillos and Kwonsun Jung at the 2017 Symposium Banquet.



# STUDENT DIVISION

The First Amendment enshrines some of our most important freedoms, so the Student Division kicked off 2017 by exploring “The First Amendment in Contemporary Society” at the National Student Symposium. The Columbia Law School Chapter hosted hundreds of students in New York City to hear debates and panels on religious freedom, free speech on campus, the freedom of the press, and more. First Amendment scholars like Michael McConnell, Marci Hamilton, Douglas Laycock, Eugene Volokh, and Philip Hamburger engaged each other in spirited discourse over free speech and tolerance in a free society.

At the symposium banquet, Professor William Baude received the Bator Award, and Professor Richard Epstein delivered a keynote address—“A Common Law Approach to the First Amendment”—applying his contrarian approach to the First Amendment. Students left energized by the discussions and their new friendships with students across the country.

In the spring, the Yale Law School Federalist Society Chapter celebrated Justice Clarence Thomas’s twenty-fifth year on the court with a day-long symposium in his honor. Judges and constitutional scholars gathered in New Haven to deliver papers on Justice Thomas’s contributions to Supreme Court jurisprudence. The Justice himself attended and delivered remarks commending the Yale Chapter for its determined work defending the Constitution.

# 68,485

PEOPLE ATTENDED STUDENT EVENTS  
THIS YEAR, NEARLY 5,000 MORE  
THAN LAST YEAR





2017 HIGHLIGHTED EVENTS

- HOW TO DECIDE A CASE WITH HON. DIANE SYKES  
*Stanford Law School, January 27*
- SAVING THE RULE OF LAW WITH HON. EDITH JONES  
*University of Chicago Law School, February 7*
- CELEBRATING JUSTICE THOMAS: 25 YEARS ON THE SUPREME COURT  
*Yale Law School, February 10*
- NATIONAL STUDENT SYMPOSIUM  
*Columbia Law School, March 3-4*
- ORIGINALISM & THE FEDERALIST SOCIETY WITH PROF. JEFFREY POJANOWSKI  
*Notre Dame Law School, August 29*
- MASTERPIECE CAKESHOP: A DEBATE BETWEEN TEXAS SOLICITOR GENERAL SCOTT KELLER AND PROF. LARRY SAGER  
*University of Texas School of Law, October 5*
- JUDICIAL ACTIVISM, RESTRAINT, & ENGAGEMENT: A DEBATE BETWEEN ROGER PILON AND PROF. ERIC SEGALL  
*Georgia State University College of Law, October 11*
- STOP SAYING THAT: DISSENT & DISAGREEMENT AT PENN LAW WITH PROF. AMY WAX  
*University of Pennsylvania Law School, October 11*
- PRACTICING BEFORE THE SUPREME COURT WITH KANNON SHANMUGAM & PROF. LINDA GREENHOUSE  
*Yale Law School, October 25*
- REDISTRICTING, GERRYMANDERING & DEMOCRACY: A DISCUSSION OF *GILL V. WHITFORD* WITH MISHA TSEYTLIN, SOLICITOR GENERAL OF WISCONSIN  
*Harvard Law School, November 27*

1,060

TOTAL EVENTS ORGANIZED

BY OUR 200+ STUDENT CHAPTERS

ACROSS THE COUNTRY



Georgetown member Peter McGinley meets Hon. Thomas Hardiman on the Society’s rooftop.



Evan Berlanti, Catholic University, and Rebecca Deucher, Georgetown, at a mixer for students in DC.



The Ohio State Chapter celebrates after receiving the James Madison Feddie for Chapter of the Year.



Shiva Logarajah, 2017 National Student Symposium Chairman, enjoys a lighter moment at the Symposium banquet.

Across the country, the Federalist Society continues to be the premier student organization on law school campuses. Thanks to generous donor funding, the Student Division has made a concerted effort to host debates at its chapters on the proper role of the courts, free speech and intellectual freedom, the burdens of the regulatory state through the Regulatory Transparency Project, the proper role of Congress through the Article I Initiative, as well as the necessary interplay between capitalism and the rule of law. These events contribute enormously to the quality and diversity of intellectual engagement on campus.





# LAWYERS CHAPTERS

The Lawyers Chapters of the Federalist Society enjoyed their most productive year in the division's history, with a record-setting pace of new membership, new chapters, and programming. Our 90+ lawyers chapters hosted over 400 programs throughout the year. Ten new lawyers chapters were launched.

Additionally, six state conferences were held in California, Florida, Ohio, Kentucky, Texas, and Pennsylvania. Several other chapters hosted annual dinners and other signature events, including anniversary programs. These programs serve as state-level versions of the National Lawyers Convention, gathering leading members of the bench and bar to promote fellowship and to expand the mission of the Society to new constituencies.

Local lawyers chapter programming focused on some of the most compelling topics in law and public policy. In particular, chapters focused on the nomination of Justice Neil Gorsuch, the legacy of Justice Scalia, the administrative state, religious liberty, gerrymandering, and executive branch overreach. A number of chapters also hosted events in partnership with the Federalist Society's Article I Initiative and Regulatory Transparency Project.

# 150

**ATTENDEES OF THE INAUGURAL  
KENTUCKY CHAPTERS CONFERENCE  
AT THE KENTUCKY STATE CAPITOL**

Allison Ball moderates a panel with Hon. Amul Thapar, Barry Dunn, and Jeff Calabrese, at the Inaugural Kentucky Chapters Conference.



2017 HIGHLIGHTED EVENTS

- ANNUAL WESTERN CHAPTERS CONFERENCE  
*Simi Valley, CA, January 28*
- THIRD ANNUAL FLORIDA CHAPTERS CONFERENCE  
*Lake Buena Vista, FL, February 3-4*
- INAUGURAL MINNESOTA LAWYERS CHAPTER ANNUAL DINNER  
*Minneapolis, MN, March 9*
- INAUGURAL OHIO LAWYERS CHAPTERS CONFERENCE  
*Columbus, OH, March 31*
- MICHIGAN LAWYERS CHAPTER ANNUAL DINNER  
*Plymouth, MI, May 2*
- MILWAUKEE 25TH ANNIVERSARY PANEL & DINNER  
*Milwaukee, WI, May 24*
- DC YOUNG LAWYERS CHAPTER SUMMER ASSOCIATE RECEPTION WITH SEN. MIKE LEE  
*Washington, DC, June 12*
- INAUGURAL KENTUCKY LAWYERS CHAPTERS CONFERENCE  
*Frankfort, KY, September 14*
- THIRD ANNUAL TEXAS CHAPTERS CONFERENCE  
*Houston, TX, September 22-23*
- SHAKESPEARE & THE LAW  
*Boston, MA, September 26*
- DC YOUNG LAWYERS CHAPTER WINTER RECEPTION WITH ASSOCIATE AG RACHEL BRAND  
*Washington, DC, November 30*

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NEW LAWYERS CHAPTERS  
(90+ TOTAL CHAPTERS)

- Reno, Nevada
  - Jefferson City, Missouri
  - North Dakota
  - Augusta, Georgia
  - Emerald Coast/Pensacola, Florida
- Puerto Rico
  - Winston-Salem, North Carolina
  - Chattanooga, Tennessee
  - Knoxville, Tennessee
  - Vermont

The Federalist Society has also continued its outreach to a new generation of young lawyers, with vibrant young lawyers groups in both Washington, DC and New York City. Young lawyers outreach continues throughout the country, with special attention paid to summer associates and recent graduates in cities such as Atlanta, Houston, and St. Louis.

Several lawyers chapters alumni were nominated to the federal bench this year, and others were appointed to their state appellate and supreme courts. Others assumed leading positions in government. This demonstrates that lawyers chapter leadership is a critical credentialing qualification for positions of public service.



Hon. Rachel L. Brand, former Associate Attorney General, speaks at a DC Young Lawyers Chapter event.



Caitlin Halligan, Gibson Dunn, and Scott Keller, Texas Solicitor General, at the Annual Texas Chapters Conference.



Sen. Mike Lee, Hon. C. Alan Lawson, Hon. Ricky Polston, and Florida Chapter leadership enjoy a lunchtime discussion at the Annual Florida Chapters Conference at the Walt Disney World Resort.



Hon. Diane Sykes moderates a panel at the Western Chapters Conference.



Texas Lawyers Chapter members attend the closing reception for the Annual Texas Chapters Conference at the Houstonian.



Panelists discuss reform proposals for the administrative state. Bottom Center: Prof. Gail Heriot, University of San Diego School of Law. Bottom Right: Prof. John Yoo, UC Berkeley School of Law, addresses Jide Nzelibe, Northwestern University Pritzker School of Law.



# FACULTY DIVISION

In 2017, the Faculty Division continued to provide important opportunities for faculty members, especially junior faculty, to gain recognition and produce outstanding scholarship, all as part of a broad suite of programming designed to foster dialogue and viewpoint diversity within the legal academy. These programs aim to: (1) foster the exchange of ideas and build an academic community centered on discussion of important ideas, (2) assist current junior faculty, (3) identify aspiring conservative and libertarian law professors and support them in their efforts to join the academy, and (4) provide academic resources about the law to the public and press.

We are particularly pleased with our expanded series of monthly writing workshops, of which we have held more than a dozen over the past year. These workshops provide our fellows, along with like-minded fellows in other programs and academically inclined practitioners, the opportunity to present their papers and receive productive feedback from faculty members and each other. Although the workshops are held at the Federalist Society’s DC office, most attendees join remotely through video conferencing software. At a typical workshop, a fellow will either present his or her article at an early stage to gather feedback, or critique another fellow’s work-in-progress by presenting it with comments.

120

ATTENDEES OF THE 20TH  
ANNUAL FACULTY CONFERENCE  
IN SAN DIEGO, CA





## 2017 HIGHLIGHTED EVENTS

- 20TH ANNUAL FACULTY CONFERENCE  
*San Diego, CA, January 4-5*
- JOB TALK WORKSHOPS  
*Chicago, IL, June 9-11 & July 22-24*
- JAMES KENT SUMMER ACADEMY  
*Annapolis, MD, August 2-5*
- JUNIOR SCHOLARS COLLOQUIUM  
*Annapolis, MD, June 23-25*
- FEDERALIST SOCIETY RECEPTION AT 2017 SOUTHEASTERN ASSOCIATION OF LAW SCHOOLS  
*Boca Raton, FL, August 4*
- CHALLENGES TO THE RULE OF LAW: A ROUNDTABLE DISCUSSION AT THE AMERICAN POLITICAL SCIENCE ASSOCIATION ANNUAL MEETING  
*San Francisco, CA, September 1*
- ANNUAL SUPREME COURT PREVIEW PANEL  
*Washington, DC, September 27*
- WORKS-IN-PROGRESS WORKSHOPS FOR FELLOWS, VISITING ASSISTANT PROFESSORS, AND OTHER ASPIRING ACADEMICS
- COLLOQUIA CO-SPONSORED WITH THE LIBERTY FUND  
*Dallas, Las Vegas, Charlotte, and San Francisco*
- CONFERENCE ON FREE SPEECH AND OPEN INQUIRY, CO-SPONSORED WITH THE INSTITUTE FOR HUMANE STUDIES  
*Chapman University, Orange, CA, February 25*



Prof. William Baude, University of Chicago Law School, accepts the Paul Bator Award at the 2017 National Student Symposium.

We also note an important symposium on intellectual diversity during the recent Annual Meeting of the Association of American Law Schools in San Diego, CA. During this half-day program, two panels of legal academics discussed “Why Intellectual Diversity Matters (and What is to be Done).” Data regarding underrepresentation of conservatives and libertarians in the legal academy was presented, and there was general agreement that a widespread failure to expose students to arguments and perspectives beyond prevailing orthodoxies impeded development of skills essential to good lawyering. Ideas for corrective steps were debated, and the audience participation was quite active. Importantly, this program was not part of the Federalist Society Faculty Conference but was instead competitively selected by AALS as the topic for its symposium. AALS also actively promoted the program. Video of the panels can be found at <http://joshblackman.com/blog/2018/01/06/aals-2018-symposium-why-intellectual-diversity-matters-and-what-is-to-be-done/>.

75

EPISODES OF SCOTUScast  
PUBLISHED IN 2017

In addition, for the first time, at the AALS’s invitation, Federalist Society Faculty Conference events were integrated into other annual meeting programs in the main AALS hotel, making it easier for faculty members not involved in the Federalist Society to stop by. Both of these developments may suggest a growing recognition on the part of AALS leadership of the potential contributions of center-right faculty members to a vigorous academic enterprise.



Attendees of the 2017 James Kent Summer Academy enjoy a sailing outing in Annapolis, MD.

Carrie Severino, Andy Pincus, Orin Kerr, Samuel Estreicher, Kyle Duncan, and Jan Crawford (moderator) discuss the 2017 SCOTUS term at a September preview event.







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EVENTS HELD AT THE NATIONAL  
PRESS CLUB IN WASHINGTON, DC

Sen. Ted Cruz addresses an audience at the National Press Club on “The Role of Economic Liberty in the United States.”



## PRACTICE GROUPS

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The Federalist Society’s Practice Groups continue to grow in size and influence. With new volunteer leaders, we have been able to expand the breadth and frequency of our programming, from Teleforum calls and podcasts to in-person programming on topics like energy markets, corporate mergers, and occupational licensing. Earlier this year, Sen. Ted Cruz and Rep. Bob Goodlatte joined us for luncheon panels at the National Press Club. Besides the National Lawyers Convention and the Executive Branch Review Conference, the Federalist Society held three full-day conferences in 2017 on International Law in the Trump Era, Multidistrict Litigation, and Net Neutrality. We continued to provide CLE credit to our members through our conferences and a special hour-long Ethics CLE Teleforum.

The Practice Groups produce a large quantity of the scholarship and other content released by the Federalist Society. The FedSoc Blog continues to grow in influence, and is visited by lawyers and clerks alike.



## 2017 HIGHLIGHTED EVENTS

- FIFTH ANNUAL EXECUTIVE BRANCH REVIEW CONFERENCE  
*The Mayflower Hotel, May 17*
- HOUSE JUDICIARY COMMITTEE AGENDA, FEATURING HON. BOB GOODLATTE  
*National Press Club, February 4*
- ETHICS CLE TELEFORUM 2017: RECENT DEVELOPMENTS IMPACTING THE ETHICAL PRACTICE OF LAW, FEATURING PROFS. W. WILLIAM HODES AND JOHN S. DZIENKOWSKI  
*September 29*
- STATE “AROUND MARKET” ACTION AND FERC: THE END OF COMPETITIVE WHOLESALE ELECTRIC MARKETS?  
*National Press Club, April 18*
- COURTHOUSE STEPS TELEFORUM: MASTERPIECE CAKESHOP V. COLORADO CRC, FEAT. KIM COLBY  
*December 5*
- BEYOND THE YATES MEMO: A NEW ERA OF ENFORCEMENT?  
*National Press Club, June 13*
- WRITTEN OUT OF HISTORY: THE FORGOTTEN FOUNDERS WHO FOUGHT BIG GOVERNMENT TELEFORUM, FEATURING SEN. MIKE LEE  
*December 7*
- THE ROLE OF ECONOMIC LIBERTY IN THE U.S.  
*National Press Club, March 28*
- HILLBILLY ELEGY TELEFORUM, FEATURING J.D. VANCE AND ADAM J. WHITE  
*May 2*
- MULTIDISTRICT LITIGATION CONFERENCE  
*Kirkland & Ellis, October 18*

182

TELEFORUM CALLS  
RECORDED IN 2017

57

NEW VOLUNTEER  
PRACTICE GROUP  
LEADERS



Geoffrey Manne, Albert Foer, and Joshua Wright discuss recent developments in corporate mergers.



Hon. Richard Leon, Matthew Miner, George Terwilliger, and Alice Fisher explore “Beyond the Yates Memo.”



Dan Troy, Malini Moorthy, Timothy Pratt, and Prof. Brian Fitzpatrick discuss “Are MDLs Working?” at Kirkland & Ellis.



Hon. Mick Mulvaney delivers the keynote address at the Fifth Annual Executive Branch Review Conference.



FERC Commissioner Cheryl A. LaFleur discusses state “around market” action.



Attendees enjoy a presentation at the Fifth Annual Executive Branch Review Conference at the Mayflower Hotel in Washington, DC.





# STATE COURTS PROJECT

## 2017 HIGHLIGHTED EVENTS

- CONVERSATION WITH STATE SUPREME COURT JUSTICES, FEATURING HON. CLINT BOLICK, HON. STEPHEN MARKMAN, AND MODERATOR HON. DIANE SYKES  
*January 28*
- INTERPRETING STATE CONSTITUTIONS, FEATURING HON. JUDITH FRENCH, HON. JEFFREY S. SUTTON, AND HON. STEVE YARBROUGH  
*March 31*
- 2016-2017 CALIFORNIA SUPREME COURT ROUNDUP, FEATURING LAURA W. BRILL, DANIEL M. KOLKEY, AND JEREMY B. ROSEN  
*June 29*
- REVIEW OF THE TEXAS SUPREME COURT'S 2016-17 TERM, FEATURING HON. JEFF BROWN  
*August 22*
- WHAT IS THE RIGHT METHOD FOR CHOOSING JUDGES? FEATURING PROF. CHRIS BONNEAU, REP. BRYAN CUTLER, RON HICKS, AND JOHN SOROKO  
*October 19*
- WISCONSIN SUPREME COURT PANEL DISCUSSION, FEATURING MATT O'NEILL, RICK ESENBERG, MISHA TSEYTLIN, AND HON. DIANE SYKES  
*October 24*
- MICHIGAN SUPREME COURT PREVIEW, FEATURING TIMOTHY BAUGHMAN, JOHN BURSCH, & B. ERIC RESTUCCIA  
*October 25*
- CONNECTICUT SUPREME COURT REVIEW, FEATURING HON. PETER ZARELLA  
*December 5*

The State Courts Project engages in a comprehensive effort to promote discussion of the legal culture in states across the country. This year, we both created new and reinvigorated old forms of programming to raise the profile of the impact courts have on state legal environments.

In 2017, we promoted state supreme court review events, which took place in eight states throughout the year: California, Connecticut, Iowa, Kansas, Michigan, Tennessee, Texas, and Wisconsin. These events not only go over the state docket, but also allow for critical commentary on the courts and how the justices are ruling. The attendance at and interest in our state supreme court review events have been phenomenal. Several additional states are planning review events for 2018, and we look forward to continued success with this series.

We also continue to publish *State Court Docket Watch* to highlight cases of interest that are being decided at the state court level. These articles are shorter, sharper, and posted live to our blog to capitalize on the timeliness of each case. Since July, we have produced a *Docket Watch* article each week, creating a tremendous amount of commentary on the state courts cases.

This year, we also renewed our focus on the debate over methods of judicial selection at the state level. Through the reintroduction of our *Guide to Judicial Selection in State High Courts*, the commissioning of a series of white papers on the topic, and the promotion of events through our lawyers chapters, we hope to foster discussion of methods of state judicial selection as the legal communities in states react to legislative proposals to reshape the way their judges are chosen. The discussion we have sparked on the issue of judicial selection continues to resonate around the country. This is just one of the many ways in which members of our network have shown increasing interest in serving on the state bench.



Hon. Norma Lindsey, Hon. Wendy Berger, and Hon. Beatrice Butchko at the Antonin Scalia Memorial Dinner.



Hon. Jeff Brown, Texas Supreme Court, moderates a panel on executive authority at the Texas Chapters Conference at the Houstonian.



B. Eric Restuccia, Chief Legal Counsel, Michigan AG's Office; John Bursch, Bursch Law PLLC; and Timothy Baughman, Wayne County Special Assistant Prosecuting Attorney.



# CAPITOL HILL

## 2017 HIGHLIGHTED EVENTS

- EXECUTIVE ORDERS, FEATURING PROF. JONATHAN TURLEY AND ADAM J. WHITE  
*February 21*
- INTERNATIONAL LAW, FEATURING PROF. JAMIL JAFFER AND HON. LAWRENCE KORB  
*March 3*
- THE FUTURE OF SCOTUS, FEATURING CARRIE SEVERINO, ED WHELAN, AND ILYA SHAPIRO  
*April 11*
- IMMIGRATION, FEATURING PROF. ILYA SOMIN AND HON. SCOTT KELLER  
*April 25*
- MENS REA, FEATURING JOHN MALCOLM AND TIMOTHY O'TOOLE  
*May 22*
- LAWYERING ON CAPITOL HILL, FEATURING ROBERT PARMITER, MEGAN LACY, WILLIAM PAYNE, AND PRERAK SHAH  
*June 29*
- SCOTUS REVIEW, FEATURING VIRGINIA SEITZ, BETH BRINKMANN, ERIN MURPHY, CARRIE SEVERINO, AND ILYA SHAPIRO  
*July 14*
- COMMERCIAL FREE SPEECH, FEATURING MEGAN BROWN, STEPHEN OBERMEIER, ERICA SMITH, KAREN HARNED, AND MARK CHENOWETH  
*September 8*
- THE ROLE OF SPECIAL COUNSEL, FEATURING HON. KENNETH T. STARR AND ADAM J. WHITE  
*September 28*
- REDISTRICTING, FEATURING MISHA TSEYTLIN AND ROBERT POPPER  
*October 18*
- ANTITRUST & INNOVATION, FEATURING JULIE CARLSON, DON ROSENBERG, ROB STEIN, TAD LIPSKY, AND HON. DOUGLAS GINSBURG  
*October 24*
- SCALIA SPEAKS, FEATURING ED WHELAN AND CHRISTOPHER SCALIA  
*November 13*

The Capitol Hill Project continues to educate members of Congress and their staffers about the relationship of important first principles—including the rule of law and limited, constitutional government—to issues they deal with every day.

Through these efforts, we also seek to build a network of staffers who appreciate the principles of limited, constitutional government.

We achieve these goals by sponsoring events, and networking opportunities, introducing staffers to subject-area experts, and exposing staffers to the content produced by the Society.

Through the incorporation of students, young lawyers, and alumni of the Hill into our events, we have created an expansive network that creates new opportunities in public service for the brightest young members of the Society.



Megan Lacy, formerly of the Senate Judiciary Committee; William Payne, Senate Judiciary Committee; and Prerak Shah, Sen. Ted Cruz.

# STATE ATTORNEYS GENERAL

## 2017 HIGHLIGHTED EVENTS

- SOLICITORS GENERAL IN AN AGE OF TRUMP, FEATURING SCOTT KELLER, LIZ MURRILL, AND LEE RUDOFISKY  
*November 3*
- LAW ENFORCEMENT AND SANCTUARY CITIES: ATTORNEY GENERAL JEFF LANDRY  
*May 17*
- LUNCHEON, FEATURING NEVADA ATTORNEY GENERAL ADAM LAXALT  
*July 18*
- LUNCH WITH THE ATTORNEY GENERAL OF GEORGIA, FEATURING CHRISTOPHER CARR AND RANDY BARNETT  
*January 18*
- STATE SOLICITORS GENERAL DISCUSSION, FEATURING LAWRENCE VAN DYKE, LEE RUDOFISKY, ANDREW BRASHER, MITHUN MASINGHANI, AND PAUL WATKINS  
*March 23*
- STATE EFFORTS TO REIN IN ADA LAWSUITS, FEATURING ARIZONA ATTORNEY GENERAL MARK BRNOVICH  
*July 20*

Through its programming, publications, and personal relationships, the State AGs Project has conditioned the environment for an unprecedented level of discussion about the role state attorneys general should play in our form of government.

This year, the Society has seen a tremendous increase in involvement by AGs and their staff at chapter events across the country.

Additionally, this year we launched a new website specifically focused on State AGs—State Attorneys General Guide ([StateAGs.com](http://StateAGs.com)). Through the website, we hope to educate our membership and the general public on the current landscape of State AGs, provide information on the offices, and share information and commentary created by our experts.



Lawrence Van Dyke, Solicitor General, Nevada; Andrew Brasher, Solicitor General, Alabama; Paul Watkins, Chief Civil Litigation Officer, Arizona Attorney General's Office; Lee Rudofsky, Solicitor General, Arkansas; and Mithun Mansinghani, Solicitor General, Oklahoma.



# ALUMNI RELATIONS

## 2017 HIGHLIGHTED EVENTS

- SUMMER RECEPTION WITH JUDGE THOMAS HARDIMAN  
*Georgetown Alumni Chapter*
- SUMMER RECEPTION WITH HON. RACHEL BRAND  
*Harvard Alumni Chapter*
- SUMMER RECEPTION WITH PRINCIPAL DEPUTY SOLICITOR GENERAL JEFFREY WALL  
*University of Virginia Alumni Chapter*
- ANNUAL LUNCHEON WITH JUDGE BRETT KAVANAUGH  
*Yale Alumni Chapter*
- ANNUAL LUNCHEON WITH DON MCGAHN  
*Notre Dame Alumni Chapter*
- ANNUAL LUNCHEON WITH JUDGE RAYMOND KETHLEDGE AND PROF. DANIEL CRANE  
*Michigan Alumni Chapter*
- ANNUAL LUNCHEON WITH ATTORNEY GENERAL KEN PAXTON  
*University of Virginia Alumni Chapter*
- ANNUAL LUNCHEON WITH GREGORY GARRE, PARTNER, LATHAM & WATKINS, FORMER SOLICITOR GENERAL OF THE UNITED STATES  
*George Washington Alumni Chapter*
- HARVARD ALUMNI SYMPOSIUM  
*Harvard Alumni Chapter*

Alumni Relations capitalizes on the unique link between students and alumni of the same schools, connecting members from across the country. Over the past year, we have worked closely with local chapter leadership to identify opportunities to foster interaction between student and alumni networks. This effort has resulted in higher quality programming and has led to both record event attendance and greater overall interest in alumni programming.



Megan Brown, Wiley Rein, leads a Q&A with Dean Martha Minow at the Harvard Alumni Symposium.



Texas Attorney General Ken Paxton addresses the University of Virginia Alumni Chapter.



Attendees of the Georgetown summer alumni reception: Lindsay Ashby, Scott Nielson, MJ Kirsch, and Chris Brock.



Prof. Randy Barnett, Georgetown Law, and Mark Paoletta, General Counsel at Office of Management and Budget, enjoy a summer alumni reception held on the rooftop of the Federalist Society.

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ATTENDEES OF ALUMNI  
LUNCHEES AT THE NATIONAL  
LAWYERS CONVENTION



# INTERNATIONAL AFFAIRS

## 2017 HIGHLIGHTED EVENTS

- **ATTENDED OPENING CEREMONY OF 2017 SESSION OF THE EUROPEAN COURT OF HUMAN RIGHTS**  
*Strasbourg, France, January*
- **LAUNCH EVENTS FOR FRENCH LAW AND LIBERTY CIRCLE**  
*Paris Nanterre University & Grenoble, March & November*
- **MEETING OF SEN. MIKE LEE WITH TOCQUEVILLE FELLOWSHIP PROGRAM**  
*Washington, DC, July*
- **SPONSORED CLASSES AT SUMMER SCHOOL HOSTED BY CONSTITUTIONAL COURT OF THE REPUBLIC OF GEORGIA**  
*Professor Nathan Sales, Syracuse University College of Law (now the U.S. State Department's Ambassador-at-Large and Coordinator for Counterterrorism), and Jim Kelly, Director of International Affairs at the Federalist Society Batumi, Georgia, July*
- **FEDERALIST SOCIETY EUROPEAN JUDICIAL NETWORK CONFERENCE, 19 JUDICIAL ATTENDEES**  
*Vienna, Austria, September*
- **ATTENDED CONGRESS OF THE WORLD CONFERENCE ON CONSTITUTIONAL JUSTICE**  
*Vilnius, Lithuania, September*
- **TALK ON ORIGINALISM AT RUNNYMEDE SOCIETY'S CHAPTER AT DALHOUSIE LAW SCHOOL**  
*Hon. Edith Jones, U.S. Court of Appeals for the Fifth Circuit Halifax, Nova Scotia, September*
- **"THINK TENT" PANEL, "SHOULD THE EUROPEAN COURT OF JUSTICE HAVE A POST-BREXIT REMIT IN THE U.K.?"**  
*Lord Edward Faulks QC, Member of the European Parliament Nirj Deva, Martin Howe QC, and Managing Director in Public Affairs at FTI Consulting Alex Deane Manchester, U.K., October*
- **EVENT WITH POLITEIA ON BREXIT TRANSITION DEAL**  
*Martin Howe QC, London, U.K., October*
- **EUROPEAN ADVOCACY ACADEMY TRAINING SEMINAR**  
*Brussels, Belgium*

Throughout 2017, the Federalist Society's International Affairs Division continued to provide a platform for a robust conversation on the foundational principles of constitutional government, the rule of law, and freedom among key allies in Europe and North America, thus creating global support for and furthering the effectiveness of our programs in the United States.

In Central and Eastern Europe, we added new judges to our European Judicial Network and hosted our fourth European Judicial Network Conference in Vienna, Austria, to discuss shared judicial challenges and proposed responses related to judicial independence and free speech.

In the United Kingdom, through a coalition of lawyers, academics, and members of civil society, and through programs with a growing number of partner organizations, we continued to use the country's focus on Brexit as an inflection point for an important discussion on the future of British institutions, including the judiciary, following the country's departure from the European Union.



**Stéphane Bonichot, Vergennes Institute, and Thibault Mercier and René Boustany of the Federalist Society's partner organization for French students, the Law and Liberty Circle, at the Antonin Scalia Memorial Dinner.**



**The Federalist Society's Fourth European Judicial Network Conference, where jurists from Central and Eastern Europe gathered in Vienna to discuss their approach to issues such as judicial independence and the freedom of expression.**

In France and Canada, we helped build new infrastructure on existing freedom movements dedicated to debates on Federalist Society principles such as national sovereignty, the rule of law, and the importance of separation of powers, working with budding student organizations on law school campuses across both countries.

In Belgium, we supported a discussion among civil society representatives from across Europe on how to promote the values of religious freedom in their home countries.

Online, we continued to provide a steady stream of updates on the global governance movement and its broad environmental, economic, social, and cultural agenda on our website [GlobalGovernanceWatch.org](http://GlobalGovernanceWatch.org).

The work of the International Affairs Division is based on the important idea that the United States cannot stand alone in support of the values that underlie the unrivaled success of our country's constitutional tradition. To this end, we will continue to amplify the voices of our allies in other countries who wish to join the exchange of ideas on how best to advance freedom and the rule of law around the world.



# NATIONAL LAWYERS CONVENTION

ADMINISTRATIVE AGENCIES AND THE REGULATORY STATE  
NOVEMBER 16-18, 2017 • WASHINGTON, DC

2,180

ATTENDEES OF THE ANTONIN  
SCALIA MEMORIAL DINNER  
(A NEW RECORD)





Hon. C. Boyden Gray, George Will, Paul Clement, Alex Clement, and Ed Whelan at the Antonin Scalia Memorial Dinner.



Steven Kenninger, Gail Jaquish, Eugene Meyer, and Gary Lawson



Jay Stephens, Debbie Cooper, and Chuck Cooper



Asheesh Agarwal, Aaron Nielsen, and Lisa Huang Fleischman



Kellyanne Conway and Hon. Jeff Sessions chat before the dinner.



Leonard A. Leo greets Justice Neil Gorsuch before his dinner speech.

The National Lawyers Convention attracted an unprecedented degree of participation from lawyers, government officials, judges, and policy leaders, as well as law school faculty and students.

Nearly 3,000 guests participated in the three-day event held at Washington, DC's historic Mayflower Hotel to hear speakers and panelists discuss administrative agencies and the regulatory state. The three-day slate featured many high-profile speakers, including Sen. Tom Cotton, Attorney General Jeff Sessions, EPA Administrator Scott Pruitt, and U.S. Department of Labor Secretary Alex Acosta.

Guests enjoyed a special treat when White House Counsel Don McGahn shared background stories regarding the administration's judicial selections at the 17th Annual Barbara K. Olson Memorial Lecture.

After a ten-year hiatus, the Antonin Scalia Memorial Dinner (formerly the Annual Dinner) returned to Washington's Union Station for the banquet's 35-year anniversary. The elegant hall was festively decorated with Federalist Society colors and our signature Madison head logo. Over 2,000 guests mingled with old friends, made new acquaintances, and heard Justice Neil Gorsuch share his thoughts on his eventful year and the future of the Supreme Court.



John Scalia, Maureen Scalia, Trish Scalia, and Eugene Scalia enjoy the pre-dinner reception.



Angela Meyers, Alan Gocha, Kari Gocha, and Michael Goldfarb.



Jason Gonzalez, Hon. Gregory G. Katsas, and Justice Neil Gorsuch



Spencer Abraham, Lee Liberman Otis, and William Otis at the Antonin Scalia Memorial Dinner at Union Station.





Roger Severino discusses religious freedom and the administrative state.



Hon. Jennifer Walker Elrod moderates a panel on public interest litigation.



Prof. Jennifer L. Mascott discusses agencies and the federal judiciary.



Sen. Tom Cotton delivers opening remarks for the 2017 National Lawyers Convention on the “regulatory state.”

“*America was founded on the belief that people should be trusted to govern themselves.*”



U.S. Department of Labor Secretary R. Alexander Acosta speaks on the need to deregulate for liberty's sake.



Hon. Jeff Sessions, Attorney General of the United States, speaks to a full house at the NLC.



Hon. Scott Pruitt, Administrator of the Environmental Protection Agency, discusses regulatory clarity.





Mr. Donald F. McGahn, II, White House Counsel, delivers the 17th Annual Barbara K. Olson Memorial Lecture.



Attendees of the Tenth Annual Rosenkranz Debate were treated to a spirited discussion of *Lochner v. New York*.

22%

INCREASE IN REGISTRATION  
FROM 2016 TO 2017



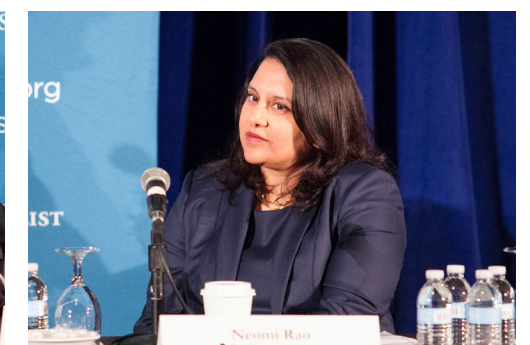
Hon. Ted Olson, Douglas Cox, George T. Conway, III, Hon. Edith Jones, and Hon. R. Alexander Acosta enjoy the Barbara K. Olson Memorial Lecture by Mr. Donald F. McGahn, II.



Prof. Randy Barnett, Prof. Nicholas Quinn Rosenkranz, & Prof. Akhil Amar.



Hon. Susan E. Dudley and Prof. Aditya Bamzai discuss regulation.



Hon. Neomi Rao, Administrator, Office of Information and Regulatory Affairs.



Dean A. Reuter, Federalist Society VP, with Hon. William H. Pryor Jr.



Hon. Don Willett and Prof. Jonathan H. Adler chat in the Grand Promenade.



Prof. Hadley Arkes and Dr. John S. Baker chat with NLC attendees.





# Regulatory Transparency Project

Unlocking Innovation & Opportunity

## 2017 TOP PAPERS

- **CRIPPLING THE INNOVATION ECONOMY: REGULATORY OVERREACH AT THE PATENT OFFICE**  
*Alden Abbott, Erika Lietzan, Adam Mossoff, Kristen Osenga, Brian O'Shaughnessy, Hon. Randall R. Rader, Robert Stien*
- **GOVERNMENT REGULATION: THE GOOD, THE BAD, & THE UGLY**  
*Howard Beales, Jerry Brito, J. Kennerly Davis, Jr., Christopher DeMuth, Donald Devine, Susan Dudley, Brian Mannix, John O. McGinnis*
- **OCCUPATIONAL LICENSING RUN WILD**  
*Dana Berliner, Daniel Greenberg, Paul J. Larkin, Jr., Clark Neily, Ryan Nunn, Jonathan Riches, Luke A. Wake*

## 2017 TOP FREE LUNCH PODCASTS

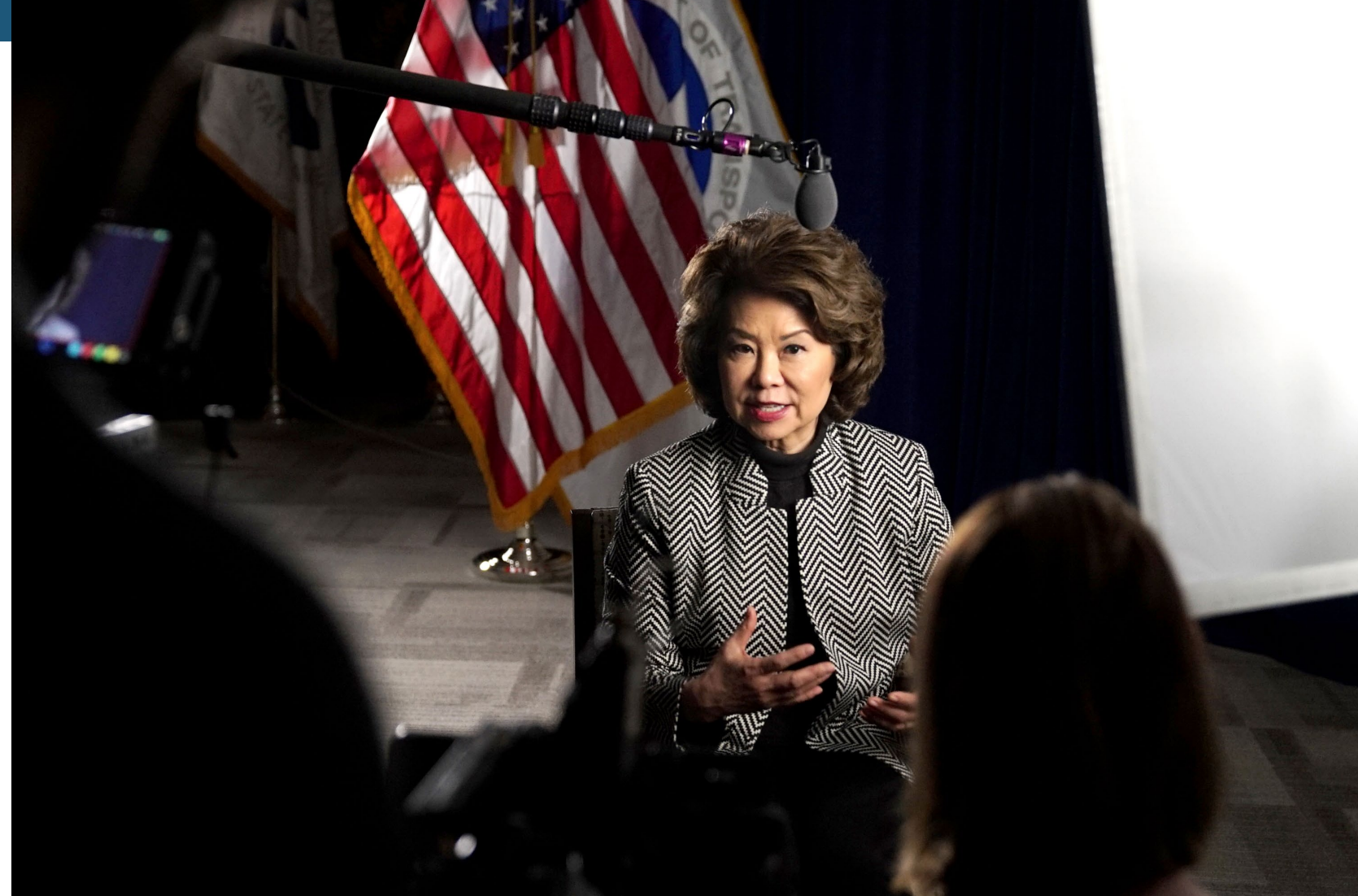
- **IS THERE A "DEATH SQUAD" AT THE U.S. PATENT OFFICE? EXAMINING THE PATENT TRIAL AND APPEAL BOARD**  
*Josh Malone, Kristen Osenga, Brian O'Shaughnessy*
- **HEIMLICH MANEUVER ON OPERATION CHOKE POINT?**  
*Pete Patterson*
- **CARDIAC ARREST: A CAUTIONARY TALE?**  
*Howard Root*
- **LAWS, REGULATIONS, & "REGULATORY DARK MATTER"**  
*Wayne Crews*

## 2017 TOP FOURTH BRANCH VIDEOS

- **REGULATION AND THE AMERICAN DREAM**  
*George J. Terwilliger, III, Susan Dudley, Christopher DeMuth, Sen. Dan Sullivan, Bill Wichterman*
- **REGULATION FROM WASHINGTON: EXPLORING UNSEEN COSTS**  
*Susan Dudley, Christopher DeMuth, George J. Terwilliger, III, Sen. Dan Sullivan, Bill Wichterman*
- **SHOULD YOU NEED A LICENSE TO MASSAGE A HORSE?**  
*Dana Berliner, Paul Avelar, Mark Flatten, Christina Sandefur, Koren Wong-Ervin, Gov. Doug Ducey, Sen. Mike Lee*

In the ultra-complex and interconnected digital age in which we live, government must issue and enforce regulations to protect public health and safety. However, despite the best of intentions, government regulation can fail, stifle innovation, foreclose opportunity, and harm the most vulnerable among us. It is for precisely these reasons that we must be diligent in reviewing how policies either succeed or fail, and think about how we might improve them.

Founded in 2016, the Federalist Society's Regulatory Transparency Project aims to identify areas in which regulatory policies can be improved and to foster a national conversation on the potential harms that regulations can create when not reviewed with a critical eye. To this end, the Regulatory Transparency Project's working groups have produced papers, videos, and Teleforum calls on various regulatory topics—all of which can be found on our website, [RegProject.org](http://RegProject.org). We invite you to join this examination and discussion and to share your stories if you have benefited or been adversely affected by regulation.



Secretary of Transportation Elaine Chao discusses transportation regulations for RTP's documentary series, Fourth Branch.



Gregory S. McNeal contributes to a Fourth Branch video on the intersection of regulation and innovation.



James C. Cooper, Lisa Kimmel, Koren Wong-Ervin, Hon. Maureen Ohlhausen, and Sarah Oxenham Allen discuss occupational licensing and antitrust implications in this RTP event.





## 2017 HIGHLIGHTED EVENTS

- ARTICLE I INITIATIVE CONFERENCE  
*Capital Visitor Center, January 12*
- HOUSE JUDICIARY COMMITTEE AGENDA WITH CHAIRMAN GOODLATTE  
*National Press Club, February 1*
- CAPITOL HILL PANEL DISCUSSION OF DC CONFIDENTIAL BY PROF. DAVID SCHOENBROD  
*Rayburn House Office Building, April 19*
- CONGRESS AND EXECUTIVE BRANCH: THE FIFTH ANNUAL EXECUTIVE BRANCH REVIEW (CO-SPONSORED WITH PRACTICE GROUPS)  
*The Mayflower Hotel, May 17*
- DC SUMMER ASSOCIATE RECEPTION WITH SEN. MIKE LEE (CO-SPONSORED WITH THE DC YOUNG LAWYERS CHAPTER)  
*Jones Day, June 12*
- THE CONSTITUTIONAL WAR POWERS OF THE EXECUTIVE AND LEGISLATIVE BRANCHES  
*Russell Senate Office Building, July 7*
- FUNDING THE GOVERNMENT: THE BUDGET PROCESS AND OMNIBUS SPENDING BILLS  
*Rayburn House Office Building, September 22*
- DEBATE: STATUTORY AUTHORITY AND SEXUAL ASSAULT  
*George Washington Law School, October 4*
- CONGRESSIONAL REDISTRICTING: GERRYMANDERING AND THE PEOPLE'S HOUSE  
*Rayburn House Office Building, November 27*
- CHECKING THE EXECUTIVE: THE IMPORTANCE OF CONGRESSIONAL OVERSIGHT  
*Longworth House Office Building, December 15*

This year, the Initiative more than doubled the number of Article I events it organized and facilitated on Capitol Hill and at our student and lawyers chapters across the country. To further support the Initiative's efforts, we launched a podcast called "Necessary & Proper" and a writing contest dedicated to "Restoring the Constitutional Congress."

We also worked with the *Philadelphia Inquirer* to publish a four-part series marking the 230th anniversary of the signing of the Constitution. The series explored the separation of powers and the first three articles of our founding document and featured thoughts from Hans von Spakovsky, Hon. Christopher DeMuth, Prof. John Yoo, Prof. Saikrishna Prakash, and Prof. Michael McConnell. These programs contribute to our overall goal of igniting a discussion on the proper role of Congress.

To learn more about the Initiative and stay up-to-date, please visit [fedsoc.org/articlei](https://fedsoc.org/articlei).



Sen. Rand Paul speaks at George Washington Law School. More than 3,000 people watched the live stream.



The Initiative presents a panel on congressional oversight in the House Committee on Ways and Means hearing room.



Jay Cost, *Weekly Standard*, discusses gerrymandering.





3M

YOUTUBE VIEWS IN 2017  
(UP 187% FROM LAST YEAR)

Prof. Kristen Osenga,  
University of Richmond  
School of Law, discusses  
the first principles of  
intellectual property.  
Watch the debate on  
our YouTube channel.



## DIGITAL

In 2017, FedSoc Digital produced 76 videos on Supreme Court cases, public policy topics, and Federalist Society events. With the addition of new talent to our team, we continued to increase the quality and reach of our videos. Our videos averaged 60,000 views in total (YouTube+Facebook), and four of our videos earned over 100,000 views. Google featured our “Why Can’t You Buy a Tesla in Utah?” video on their homepage, driving over 360,000 views. “Regulating Rideshare,” our documentary short on Uber and Lyft in Austin, TX, was accepted into the Anthem and Richmond International Film Festivals. Other video topics in 2017 included:

- Introduction to Common Law
- Why Read Tocqueville?
- Constitutional War Power: The Founders’ Framework
- Regulatory Takings Law: Exceptions to *Penn Central*
- and more...

FedSoc Digital not only creates new content but also serves the Society’s traditional programs through marketing, design, and multimedia production. Digital services include social media advertising, event recording, photography, podcast audio, and more.



2017 MOST-WATCHED VIDEOS

- CAPITALISM V. CRONYISM: WHY CAN'T YOU BUY A TESLA IN UTAH?  
*Featuring Greg Reed, Institute for Justice*
- WHAT IS BITCOIN MINING?  
*Featuring Peter Van Valkenburgh, Coin Center*
- INCOME INEQUALITY: IS IT FAIR OR UNFAIR?  
*Featuring Daniel Markovitz, Yale Law School, and Yaron Brook, Ayn Rand Institute*
- STUDYING THE COMMON LAW  
*Featuring Richard Epstein, NYU School of Law*
- CAN LAWS BE SIMPLE?  
*Featuring Richard Epstein, NYU School of Law*
- MASTERPIECE CAKESHOP V. COLORADO CIVIL RIGHTS COMMISSION  
*Featuring Mark Movsesian, St. John's University School of Law*
- OK, GOOGLE: ARE YOU LISTENING?  
*Featuring Ryan Radia, Competitive Enterprise Institute; Paul Rosenzweig, The George Washington University Law School; and Ehsan Zaffar, American University Washington College of Law*
- WHAT IS SELF-OWNERSHIP?  
*Featuring Richard Epstein, NYU School of Law*
- COMPLEX PROPERTY ARRANGEMENTS  
*Featuring Richard Epstein, NYU School of Law*
- DRIVERLESS CARS: INNOVATING REGULATION  
*Featuring Victor Schwartz, Shook, Hardy & Bacon*

2017 MOST-WATCHED LIVE STREAMS

- A CONVERSATION WITH SEN. RAND PAUL  
*George Washington University Law School*
- ADDRESS BY HON. JEFF SESSIONS  
*2017 National Lawyers Convention*
- INCOME INEQUALITY: IS IT FAIR OR UNFAIR?  
*Yale Law School*
- 2017 SUPREME COURT PREVIEW  
*The Mayflower Hotel*
- REMARKS BY VICE PRESIDENT MICHAEL R. PENCE  
*Congress Hall, Philadelphia, PA*
- TENTH ANNUAL ROSENKRANZ DEBATE  
*2017 National Lawyers Convention*
- ADDRESS BY SEN. TOM COTTON  
*2017 National Lawyers Convention*
- ADMINISTRATIVE AGENCIES & THE FEDERAL JUDICIARY PANEL  
*2017 National Lawyers Convention*
- THE FREE SPEECH VERNACULAR  
*University of Chicago Law School*
- MULTIDISTRICT LITIGATION CONFERENCE  
*Kirkland & Ellis*



In 2017, a generous grant allowed us to purchase state-of-the-art video equipment and renovate our video studio.



Tagboards at major events increase engagement on social media. #FedSoc2017 was used 7,800+ times at the NLC.

In 2017, we live streamed 40 events, including 17 events at the National Lawyers Convention, averaging 400 viewers (214 on YouTube and 186 on Facebook).

On June 15, *Scalia: Portrait of a Man & Jurist* premiered exclusively on Hulu. *The Washington Times* said of the documentary, “The wide array of primary sources gives viewers new insight into Scalia, even if they are already intimately familiar with the justice’s life and work.” Justice Thomas, who appears in the documentary, said, “That was an incredibly touching video. It really got to me. A beautiful film.” Other interviews include Chief Justice Roberts, Justice Alito, Justice Kagan, Justice Ginsburg, Antonin Scalia’s family, and many legal experts. The documentary is available for free to our student and lawyers chapters to show at events.

13K+

THE NUMBER OF HOURS OUR VIDEOS WERE WATCHED ON YOUTUBE IN 2017

Ryan Radia, Competitive Enterprise Institute, explains “Third-Party Doctrine” in a documentary short on digital privacy.

Sam Adkisson, Yale Student Chapter president, introduces Dr. Yaron Brook, Ayn Rand Institute, and Prof. Daniel Markovitz, Yale Law School, at a debate on income inequality. More than 1,200 people watched the live stream. The recording is available on YouTube and has over 250,000 views.



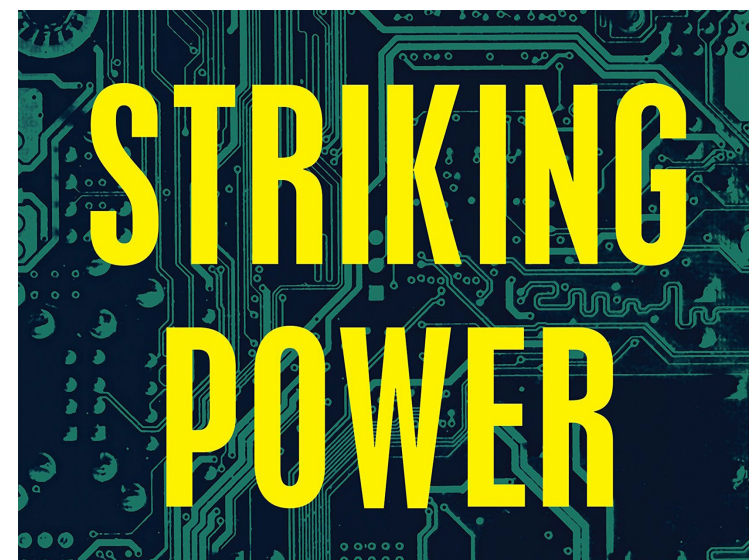


# PUBLICATIONS

## 2017 MOST-READ ARTICLES

- **BLAINE AMENDMENTS AND THE UNCONSTITUTIONALITY OF EXCLUDING RELIGIOUS OPTIONS FROM SCHOOL CHOICE PROGRAMS**  
By Erica Smith
- **THE PRINCIPLED SCALIA: A LIBERAL FRIEND ON SCALIA'S LIBERAL OPINIONS**  
By Stephen B. Presser
- **MORALLY INNOCENT, LEGALLY GUILTY: THE CASE FOR MENS REA REFORM**  
By John G. Malcolm
- **NET NEUTRALITY WITHOUT THE FCC?: WHY THE FTC CAN REGULATE BROADBAND EFFECTIVELY**  
By Roslyn Layton
- **THE RISKS OF REGULATING IN THE DARK**  
By Sofie E. Miller

*The Federalist Society Review* is our legal journal, featuring law review-style articles geared toward a non-academic audience of lawyers and law students. We published articles from Volume 18 of the *Federalist Society Review* throughout 2017, all of which can be found on our website and on Westlaw. Our most popular articles were *Blaine Amendments and the Unconstitutionality of Excluding Religious Options From School Choice Programs*, by Erica Smith, *The Principled Scalia: A Liberal Friend on Scalia's Liberal Opinions*, a review of David Dorsen's book *The Unexpected Scalia* by Stephen B. Presser, and *Morally Innocent, Legally Guilty: The Case for Mens Rea Reform*, by John G. Malcolm. We published articles on hot topics like net neutrality and voting rights, and on more obscure but no less important issues like Contract Clause jurisprudence and state non-compete laws. A federal judge shared his “modest proposal” for reducing the size of the federal judiciary, and we published five book reviews on a wide range of subjects. We hope you enjoy reading the *Federalist Society Review*, and we look forward to bringing you more excellent legal scholarship in Volume 19.



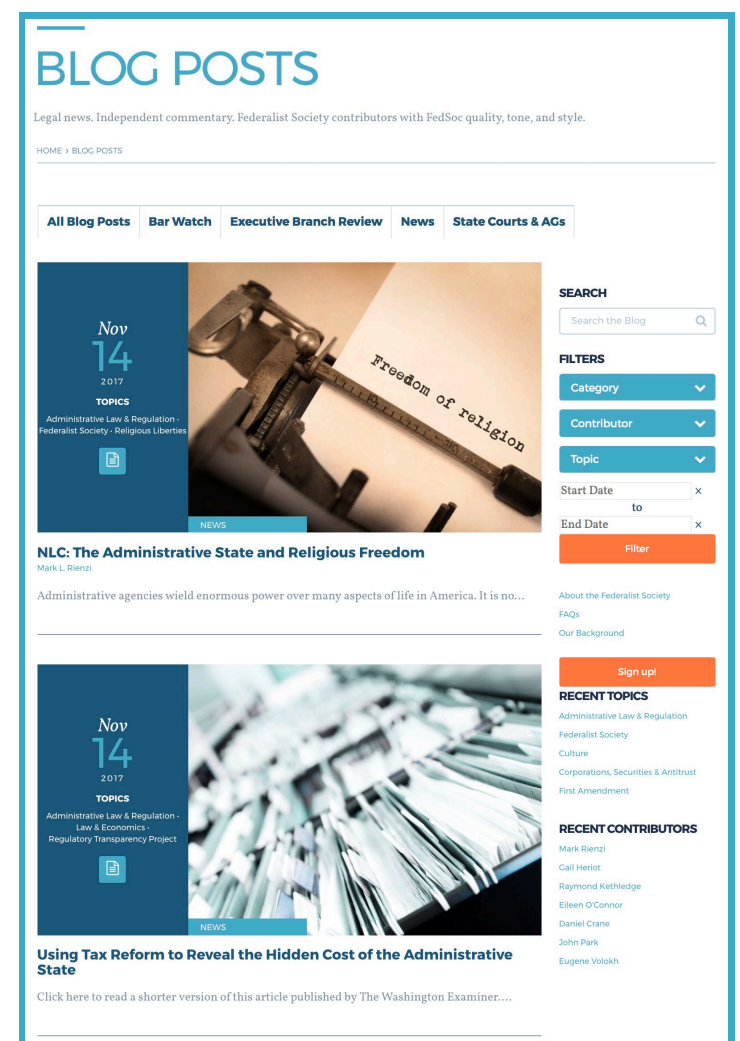
In November, Vincent Vitkovsky wrote a review of Jeremy Rabkin & John Yoo's book, *Striking Power: How Cyber, Robots, and Space Weapons Change the Rules for War*.

# BLOG

## 2017 MOST-READ BLOG POSTS

- **“UNCOMMONLY SILLY”—AND CORRECTLY DECIDED: THE RIGHT AND WRONG OF *GRISWOLD V. CONNECTICUT* AND WHY IT MATTERS TODAY**  
By Evan Bernick
- **SCOTUS DECLARES THAT THE PTO IS NOT A SAFE SPACE**  
By John Shu
- **ATTORNEY GENERAL DIRECTS DOJ TO STOP CIRCUMVENTING APA**  
By Susan E. Dudley
- **DC CIRCUIT STRIKES DOWN “GOOD-REASON” REQUIREMENT FOR HANDGUN CARRY LICENSES**  
By Carl T. Bogus & Joseph Greenlee
- **WILL TRUMP HAVE THE FIRST NUMERATE ADMINISTRATION?**  
By James Scanlan
- **RACIAL IMPACT STATEMENT LAWS IN NEW JERSEY AND ELSEWHERE**  
By James Scanlan
- **THE SCOTUS TAX CASE TO WATCH: *MARINELLO V. UNITED STATES***  
By Erica Marshall
- **COMPLIANCE NIGHTMARE LOOMS FOR BALTIMORE POLICE DEPARTMENT**  
By James Scanlan
- **KENNEDY, KOREMATSU, AND THE TRAVEL BAN**  
By John Reid
- **JUSTICE THOMAS'S LONG HISTORY OF CRITICIZING ASSET FORFEITURE**  
By Nick Sibilla

The FedSoc Blog is dedicated to disseminating intellectually diverse, high quality, and regular commentary developed by our experts. The platform serves the mission of the Society by acting as a source for open, fair, and serious discussion on contemporary legal issues. In 2017, we published 113 blog posts with topics spanning across all Federalist Society practice groups and divisions. The blog endeavors to continue to be a pulse for the legal world with its commitment to quality arguments and its characteristic FedSoc tone, style, and charm.



130,000+

VISITS TO OUR BLOG IN 2017

Topics and expertise drawn from the Federalist Society practice groups and divisions.



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The Federalist Society wishes Hon. Orrin Hatch all the best in retirement. We sincerely appreciate his leadership and wisdom over the years.



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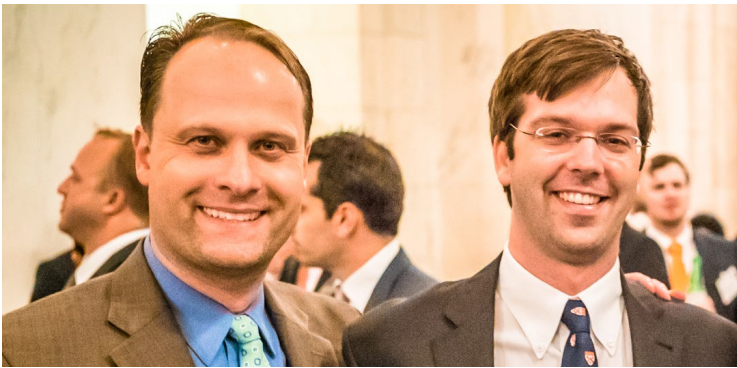
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Charles Yates  
Anonymous (1)



Peter K. Redpath, Federalist Society VP, and Richard Cleary at the Student Leadership Conference Reception.



Devon Westhill, Director of the Regulatory Transparency Project, and Dr. Roger D. Klein at the National Convention.



Jonathan Bunch, Federalist Society VP, Hon. Trevor McFadden, and Kelly McFadden at the Christmas Party.



Lisa B. Ezell and C. David Smith, Federalist Society VPs.



Sen. Marco Rubio of Florida addresses the Annual Florida Chapters Conference.



Hon. Jerry Smith introduces Allyson Ho and Andre Segura at the Annual Texas Chapters Conference.



Gov. Matt Bevin, Kentucky, at the KY Chapters Conference.



Hon. Raymond Kethledge at a DC Young Lawyers event.







NOTES TO FINANCIAL STATEMENTS
<b>NOTE 5: FAIR VALUE</b>
Generally accepted accounting principles define fair value as the price that would be received to sell an asset or paid to transfer a liability in an orderly transaction between market participants at the measurement date, establish a fair value reporting hierarchy and define three broad levels of inputs (the assumptions that market participants would use in pricing the asset or liability) as noted below:
<b>Level 1</b>
Inputs are unadjusted quoted prices in active markets for identical assets or liabilities that the reporting entity has the ability to access at the measurement date.
<b>Level 2</b>
Inputs are quoted prices for similar assets or liabilities in active markets, quoted prices for identical or similar assets or liabilities in markets that are not active or inputs that are derived principally from or corroborated by observable market data by correlation or other means.
<b>Level 3</b>
Inputs to the valuation methodology are unobservable and significant to the fair value measurement.
A financial instrument's level within the fair value hierarchy is based on the lowest level of any input that is significant to the fair value measurement. Following is a description of the valuation methodologies used for assets measured at fair value. There have been no changes in the valuation methodology used at September 30, 2017 and 2016.
<ul style="list-style-type: none"><li>Common stock, fixed income securities, and registered investment companies are valued using the reported closing price of those assets on the last day of the fiscal year.</li><li>Certificates of deposit are valued with the assistance of pricing services based on yields currently available on comparable issues with similar credit ratings and broker quotes from dealers who are market makers in these investments.</li><li>Cash equivalents are valued at cost, which approximates fair value.</li><li>The private equity fund is carried at the net asset value of the shares held by the Society at year end, which is based on the fair value of the underlying securities of the fund minus any liabilities of the fund.</li></ul>
The availability of observable market data is monitored to assess the appropriate classification of financial instruments within the fair value hierarchy. Changes in economic conditions or model-based valuation techniques may require the transfer of financial instruments from one fair value level to another. In such instances, the transfer is reported at the end of the reporting period. For the year ended September 30, 2017, there were no transfers in or out of levels 1, 2 or 3. Cash equivalents have been reclassified to Level 2 for consistency.
NOTES TO FINANCIAL STATEMENTS

NOTE 6: TEMPORARILY RESTRICTED NET ASSETS

As of September 30, 2017 and 2016, temporarily restricted net assets of \$12,442,415 and \$12,096,301, respectively, were available for education and research projects. Net assets released from restriction during the years then ended were released for those education and research projects.

NOTE 7: COMMITMENTS AND CONTINGENCIES

The Society entered into a lease, for office space, effective May 2015 through April 2027. Under the terms of the lease, the Society received a rent abatement of fourteen months. Additionally the lease includes a provision for tenant improvements. The deferred rent and deferred tenant improvement allowance, net of accumulated amortization, totaled \$993,794 and \$87,533, respectively, as of September 30, 2017. The deferred rent and deferred tenant improvement allowance, net of accumulated amortization, totaled \$916,472 and \$96,667, respectively, as of September 30, 2016. Rent expense recognized for the years ended September 30, 2017 and 2016 was \$940,427 and \$931,098, respectively.

As of September 30, 2017, required minimum lease payments, for the years ending September 30, are as follows:

2018	\$	909,208
2019		931,938
2020		956,533
2021		982,261
2022		1,006,817
Thereafter		<u>4,942,985</u>
	\$	<u>9,729,742</u>

On August 13, 2014, the Society entered into a new employment contract with the President of the Society to serve a term from January 1, 2014 through December 31, 2018. The terms of the contract provide the President of the Society an initial annual salary of \$550,000, increasing 3% annually. In addition to the annual salary, the Society will compensate the President up to \$200,000 annually, increasing 3% annually, to purchase an annuity for retirement. This compensation for the annuity will be net of any amounts contributed for the President's 403(b) retirement plan, eligible nonqualified deferred compensation agreement, health insurance and long-term care insurance.
<b>NOTE 8: THE FEDERALIST SOCIETY 403(B) PLAN</b>
Effective January 1, 2008 the Society initiated the Federalist Society 403(b) Plan which allows the Society to provide discretionary retirement contributions on behalf of employees. For 2017 and 2016, the Society contributed 7% of eligible compensation to the Federalist Society 403(b) Plan. The Society contributions totaled \$178,581 and \$163,451, for the years ended September 30, 2017 and 2016, respectively.
<b>NOTE 9: INCOME TAXES</b>
The Society is exempt from income taxes, except for taxes on unrelated business income, under Section 501(c)(3) of the Internal Revenue Code and related statutes of the District of Columbia. There was no unrelated business income in the years ended September 30, 2017 and 2016.
The Society obtained its latest determination letter dated August 4, 2006, in which the Internal Revenue Service stated that the Society, as then designed, was in compliance with the applicable requirements of the Internal Revenue Code (IRC) and was qualified under Section 501 (c)(3) of the IRC.

NOTES TO FINANCIAL STATEMENTS

**NOTE 5: FAIR VALUE - continued**

As of September 30, 2017 and 2016, assets measured at fair value on a recurring basis are summarized by level within the fair value hierarchy as follows:

	2017			
	Level 1	Level 2	Level 3	Total Fair Value
Certificates of deposit	\$ -	\$ 5,678,699	\$ -	\$ 5,678,699
Registered investment companies	2,493,103	-	-	2,493,103
Common stock	1,907,862	-	-	1,907,862
Private equity fund	-	-	1,437,048	1,437,048
Fixed income securities	870,096	-	-	870,096
Total investments in the fair value hierarchy	5,271,061	5,678,699	1,437,048	12,386,808
Cash equivalents	-	13,911,369	-	13,911,369
	<u>\$ 5,271,061</u>	<u>\$ 19,590,068</u>	<u>\$ 1,437,048</u>	<u>\$ 26,298,177</u>

	2016			
	Level 1	Level 2	Level 3	Total Fair Value
Certificates of deposit	\$ -	\$ 8,384,641	\$ -	\$ 8,384,641
Registered investment companies	1,200,780	-	-	1,200,780
Common stock	1,123,739	-	-	1,123,739
Private equity fund	-	-	1,287,009	1,287,009
Total investments in the fair value hierarchy	2,324,519	8,384,641	1,287,009	11,996,169
Cash equivalents	-	12,819,828	-	12,819,828
	<u>\$ 2,324,519</u>	<u>\$ 21,204,469</u>	<u>\$ 1,287,009</u>	<u>\$ 24,815,997</u>

The table below represents a reconciliation for the years ended September 30, 2017 and 2016 of private equity assets measured at fair value on a recurring basis using Level 3 inputs.

	2017	2016
Beginning balance	\$ 1,287,009	\$ 1,192,868
Total gains or losses (realized/unrealized)		
Unrealized gains	150,039	94,141
	<u>\$ 1,437,048</u>	<u>\$ 1,287,009</u>

NOTES TO FINANCIAL STATEMENTS
<b>NOTE 9: INCOME TAXES - continued</b>
Accounting principles generally accepted in the United States of America require that management of an organization evaluate tax positions taken by the organization and recognize a tax liability if it is more likely than not that the position will not be sustained upon examination by the Internal Revenue Service. Management has analyzed the Society's tax positions and has concluded that as of September 30, 2017, there are no uncertain positions taken or expected to be taken that would require recognition of a liability in the financial statements. The Society is subject to routine audits by taxing jurisdictions; however, there are currently no audits in progress for any tax periods.
<b>NOTE 10: SPLIT-INTEREST AGREEMENT</b>
The Society has been named as remainderman on two charitable remainder trusts established in 2009. One trust was established in the amount of \$1,000,000 and the other in the amount of \$500,000. Distributions from each trust will be made during the life of the primary beneficiary and upon the death of that beneficiary any amount remaining in the trust will be distributed, free of restrictions, to the Society. The amounts of any distributions to the Society cannot reasonably be estimated and no provision for such distributions has been made in the financial statements.
<b>NOTE 11: CONCENTRATION OF CREDIT RISK</b>
Financial instruments that subject the Society to concentrations of credit risk include cash and investments which are held by financial institutions. While the Society attempts to limit its financial exposure, its deposit balances with financial institutions may, at times, exceed the limits insured by agencies of the U.S. government. The Society has not experienced, and does not anticipate experiencing, any losses on such deposits.
<b>NOTE 12: CONCENTRATION OF MAJOR GRANTOR</b>
In 2016, the Society received a one-time grant that represented 48% of the Society's total grant revenue for the year ended September 30, 2016.

END OF FINANCIAL AUDIT



Hon. Amy Coney Barrett speaks on the life and legacy of Justice Scalia at the National Lawyers Convention.



Prof. Richard Epstein discusses financial regulation at the National Lawyers Convention.



Steven Mairrella and Kathryn Ciano enjoy the reception following the Barbara K. Olson Memorial Lecture.



Alida Kass, Carrie Severino, and the newest member of FedSoc at the National Lawyers Convention.



Sen. Mitch McConnell, John Shu, and Chrissy Shu chat after the Antonin Scalia Memorial Dinner.

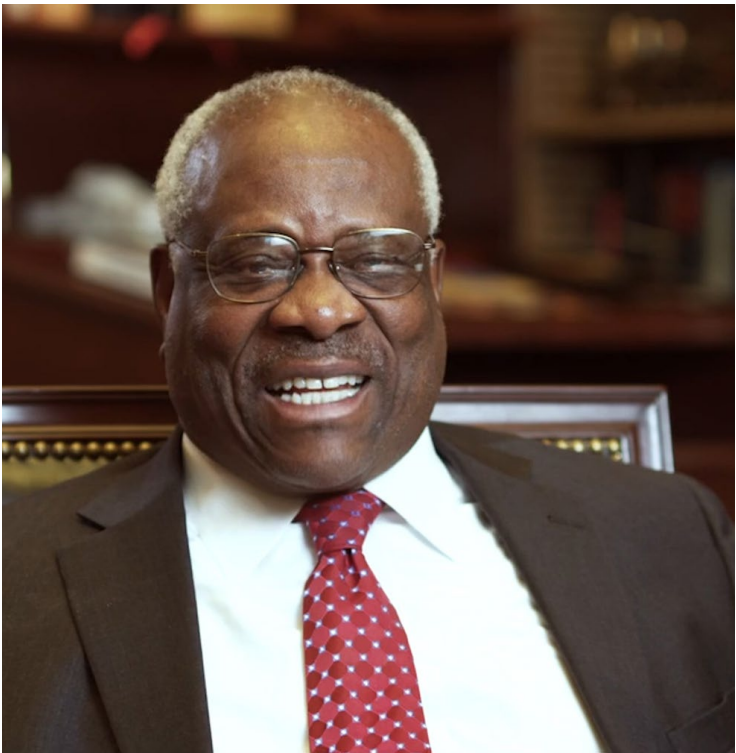


Jonathan Hague, Katie Blouin, Heidi Schneider, and Stacy Skankey at the National Lawyers Convention.





Vice President Michael R. Pence speaks to members of the Federalist Society at Congress Hall in Philadelphia, PA.



Justice Clarence Thomas laughs during his interview for *Scalia: Portrait of a Man & Jurist*.



Justice Samuel A. Alito and Martha-Ann Bomgardner Alito at the Antonin Scalia Memorial Dinner.

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*James Madison*