

The Magazine of the Federalist Society

The Federalist Paper

Fall 2014

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FALL
• ISSUE •

INSIDE:

Student Leadership
Conference Recap

FedSoc Legacy Circle

Faculty, Lawyers,
Practice Groups &
State Courts Updates



THE FEDERALIST No. 78



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

LETTER FROM THE EDITOR

Dear Friend of the Society,

We are pleased to bring you the fall issue of *The Federalist Paper*. Inside, as always, we review the many programs and publications the Federalist Society has sponsored through its various divisions and special projects over the past months.

The Student Division began another stellar year of events at nearly every law school across the country. Over the summer, our staff held the annual Student Leadership Conference in Washington, DC to prepare incoming chapter presidents for the duties of running a successful chapter.

The Practice Groups and Faculty Division teamed up once again to offer their Annual Supreme Court Round-Up to review the Court's 2013 Term and their Annual Supreme Court Preview to discuss the Court's upcoming 2014 Term.

Also included in this issue are full updates from the many activities of our Lawyers Chapters, State Courts Project, International Law & Sovereignty Project.

We are looking forward to our 2014 National Lawyers Convention in Washington, DC on November 13-15.

Stay tuned on fed-soc.org and FedSocBlog.com to stay updated on our Teleforum Conference Calls, SCOTUScasts, Practice Group Podcasts, newest *Engage* articles, and white papers.

As always, we invite and encourage friends and members to send in comments and suggestions to Christian.Corrigan@fed-soc.org—and we look forward to hearing from you!

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Student Division Report

By Caroline Moore

Assistant Director, Student Division

The Student Division is in full swing for the 2014-2015 academic year. As of October 1, our student chapters already had 291 events planned for this semester. We look forward to events that ensure a vigorous discussion of ideas. Several of our chapters including **Nebraska, Harvard, California-Berkeley, Florida Coastal, Columbia, Barry, Michigan, Louisiana State, Penn, Yale, Montana,** and **Northwestern** have each already held events with 100 or more attendees.

In July, the Student Division hosted 200 incoming student chapter presidents for the Annual Student Leadership Conference. The Conference took place July 18-20 and covered topics that may have been overlooked by the outgoing leadership. It also introduced students to several Federalist Society speakers. The Conference began with a reception on Friday evening. On Saturday, former U.S. Solicitor General Paul Clement addressed the attendees. Next, the Student Division staff and Federalist Society President Eugene Meyer spoke on “How to Run a Federalist Society Chapter.” The students enjoyed hearing suggestions and tips on how to be the most successful student organization on campus.

On Saturday afternoon, they heard about how the Federalist Society is impacting online education from Tyler Lowe of the Federalist Society. They had the chance to learn more about Public Interest Litigation from: John

Eastman, Claremont Institute Center for Constitutional Jurisprudence; Jordan Lorence, Alliance Defending Freedom; and Clark Neily, Institute for Justice. The Student Division staff gave insight into outreach with the second panel titled, “Getting the Word Out: Marketing and Communications on the Campus and Beyond.” The Conference concluded on Saturday with a speech on “Tips from a Current National Speaker,” by Prof. Gregory

McNeal of Pepperdine Law. A highlight of the Conference was the Annual Supreme Court Reception. Students were able to meet and take pictures with Justice Samuel Alito and his wife, as well as many of our speakers from the Washington, DC area who attended the event. The weekend concluded on Sunday with an address

by Federalist Society co-founder Hon. David McIntosh, a panel on troubleshooting from the Federalist Society staff, and a speech about Lawyers Chapters from our Vice President & Lawyers Chapters Director, Lisa Ezell. The **Baltimore** chapter was presented with the Benjamin Franklin Spring Breakout Freddie at the closing of the Conference.

We encourage student chapters to hold recruitment meetings each fall to make their chapters known to incoming 1Ls. Recruitment can include tailgates, organizational fairs, 1L receptions, and new member induction ceremonies. Over 50 of these recruitment events



Case Western Reserve Chapter President Jonathan Fagan (center) and his wife (left) with U.S. Supreme Court Justice Samuel Alito. Justice Alito attended the Supreme Court Reception as a part of the annual Student Leadership Conference in July. Incoming chapter presidents had the opportunity to visit and take pictures with Justice Alito as well as other Federalist Society speakers.

have been held in the last month. Recruitment meetings give 1Ls a chance to become members of the national organization, as well as assist officers in deciding which speakers their chapter should host during the upcoming year.

The **Brigham Young** chapter has worked diligently to do this, as well as to keep their current members engaged at student chapter events. The chapter had the Federalist Society website displayed on a laptop at their recruitment meeting and had 10 new members sign up on the spot. They are also utilizing the social media platform Instagram for students to post their favorite quotes and pictures from each event while it's taking place. Other chapters like **Case Western** and **Minnesota** are working to get new members involved by hosting informal happy hours and building closer ties with their local lawyers chapter counterparts. Minnesota had 54 new people sign up for their email list and hosted an informal happy hour with 25 1Ls.

Supreme Court reviews and previews are always highly anticipated events for all of our chapters. The **South Texas** chapter held a panel for a Supreme Court Roundup, featuring: Ilya Shapiro from the Cato Institute; Prof. Josh Blackman of South Texas Law; and Prof. Charles Rhodes from South Texas Law. This panel drew an audience of 55 student and faculty members. **California-Berkley** hosted a Supreme Court review with Profs. John Yoo and Jesse Choper from California-Berkeley. This event drew 150 attend-

ees. **Florida State** hosted a Supreme Court preview with Trevor Burrus from the Cato Institute and Florida State Law Prof. Fernando

Teson. There were 45 attendees at this event. Justice David Stras from the Minnesota State Supreme Court participated in three Supreme Court Previews this fall: **William Mitchell** with 45 attendees, **St. Thomas-Minnesota** with 70 attendees, and **Minnesota** with 75 student and faculty attendees. **California Western** hosted a panel with Prof. Michael Ramsey from San Diego Law and Prof. Glenn Smith of California Western Law. There were 60 attendees at this panel. Chapters at **Utah, Southwestern, Southern**

California, Toledo, New York Law, and Chicago also plan to host Supreme Court Previews this semester.

Religious liberty topics, including *Burwell v. Hobby Lobby* and same-sex marriage, continue to be prevalent on student chapter agendas this year. Twenty-three of our chapters are hosting events on *Hobby Lobby* this fall. The **Florida A&M** chapter held a

debate titled, "The *Hobby Lobby* Decision" with Prof. Nathan Chapman of Georgia Law vs. Prof. Patricia Broussard from Florida A&M Law with 60 attendees. **McGeorge** hosted Prof. John Eastman from Chapman Law for an event on *Hobby Lobby* with 60 student and faculty attendees. Jeff Mateer from The Liberty Institute debated Sarah Haan of Idaho Law on *Hobby Lobby* before the **Idaho** student chapter. "Who Should Pay for Your Hobbies?: A Debate on *Hobby Lobby*, Corporate Rights, and Religious Liberties" was the title



University of Minnesota Chapter officers Rebecca Furdek (right) & Ian Blodger (left) host a table at a law school organizational fair in September to recruit new members.



William Kristol, founder and editor of The Weekly Standard (left), with Barry chapter president Elena Crosby (right) at the annual Supreme Court Reception during the Student Leadership Conference in July.

of a debate hosted by the **DePaul** chapter and featured Ilya Shapiro from Cato Institute debating Dean David Franklin of DePaul; the event had 60 attendees. **Pittsburgh** hosted Prof. Richard Duncan from Nebraska Law. The speech, which featured commentary Prof. Haider Hamoudi, was titled “Should the *Hobby Lobby* Decision Have Been Unanimous?” **Chicago** held a debate with Tim Carney from the *Washington Examiner* against Prof. Adam Chilton of Chicago Law. The debate was titled, “*Hobby Lobby* and Other Challenges to Obamacare.” **Cornell** hosted a debate featuring John Malcolm from The Heritage Foundation against Prof. Michael Dorf of Cornell Law. The event examined the *Hobby Lobby* decision and the future of religious exemptions. There were 95 attendees in the crowd for this event. **American** hosted a panel for their “The Aftermath of *Hobby Lobby v. Burwell*”

event. Those on the panel included: Hannah Smith from the Becket Fund for Religious Liberty, Lindsay Wiley of Washington College of Law, and Leila Abolfazli from the National Women’s Law Center. The event had a crowd of 72. **Washington & Lee** held their highest attended event in the last three years on “*Hobby Lobby* and *Conestoga*,” featuring Jordan Lorence from Alliance Defending Freedom. The chapter was proud to report there were 96 students and faculty in attendance for this event. **Miami, American, California-Davis, Georgia State, Brigham**

Young, St. John’s, Brooklyn, Harvard, Toledo, Houston, California-Berkeley, and Duquense have events on the *Hobby Lobby* decision planned for later this semester. On a related topic, **Michigan** drew their largest crowd in three years for the event “Health Care and *Halbig v. Burwell*,” where Prof. Jonathan Adler from Case Western Law debated Prof. Nick Bagley from Michigan Law before a crowd of 148.

In addition, our chapters have numerous events on same-sex marriage planned for this fall. **Akron** hosted a panel, “Marriage Matters,” which featured Kellie Fiedorek from Alliance Defending Freedom and Michael Fremo of Why Marriage Matters. Jeff Mateer from The Liberty Institute debated Prof. Chad DeVeaux of Concordia Law at **Concordia’s** religious liberty event, “The Status of Religious Liberty in America.” The event drew a crowd of 70 students, lawyers, and faculty, which is outstanding for a law school with 100 students. **California-Berkeley** hosted Prof. John Eastman from Chapman Law in a debate with Prof. Fred Smith of California-Berkeley on “Marriage Cases” and had a crowd of 105. Student chapters at **Cincinnati, Ave Maria, and Northwestern** also held events on the constitutionality of same-sex marriage laws.

Many chapters host events that are of interest to a wide range of students. One of those topics is national



(above) Judge Thomas Griffith of the U.S. Court of Appeals for the DC Circuit with Harvard Chapter students working in Washington, DC for the summer. (below) The American Chapter hosts a panel on the Hobby Lobby Decision featuring (left to right) Jeanna Lee, President of the WCL Democrats; Hannah Smith, Senior Counsel at the Beckett Fund for Religious Liberty; Lindsey Wiley, Associate Prof. of Law at American; Leila Abolfazli, Senior Counsel at the National Women’s Law Center; and Christina Pesavento, Co-President of the Federalist Society’s American chapter.



One of those topics is national

security. These remain among our highest attended events. **Nebraska** held their first event of the year with Prof. Ron Rychlak from Mississippi Law and commentary from Perry Prisch of Berry Law Firm. The event was titled, “Disinformation: Former Spy Chief Reveals Secret Strategies for Undermining Freedom, Attacking Religion, and Promoting Terrorism,” and it drew a tremendous crowd of 100 attendees. **Boston** had a “War on Terror” event with Prof. Gregory McNeal from Pepperdine Law and 65 attendees. **Barry** hosted Ambassador John Bolton for an event titled, “Foreign Policy Challenges Facing the United States.” The Barry chapter had over 130 attendees at this event. **Cornell** held a debate on “Can Drone Strikes Work?” with Major General Charles Dunlap from Duke Law debating Prof. Aziz Rana from Cornell Law. Cornell had 76 in the audience for this event. “Surveillance Drones on the Homefront: Privacy at Risk?” was the title of a speech with commentary at **Minnesota** and had a crowd of 68. The speaker was Prof. Greg McNeal from Pepperdine Law and the commentaor was Prof. John Radsan from William Mitchell Law. **SUNY Buffalo** hosted an event on “U.S. Drone Policy in the Middle East: The Legal, Moral, and Political Implications,” with Captain Glenn Sulmasy of the U.S. Coast Guard Academy and Christopher Rogers from Society Foundation. The event was co-sponsored by the Human Rights Center. The SUNY Buffalo student chapter president, Kathryn Hartnett, thought this event was very timely to host, because “with tensions in the Middle East escalating daily, members of both organizations felt it was important for students to hear from foreign policy experts not only about what is going on in the

Mideast, but about the legal and moral implications that the actions of the United States and its allies play in the “War on Terror.”” Kathryn was later quoted by the school paper saying, “allowing Captain Sulmasy and Christopher Rogers to have a conversation about the use of drone strikes in military operations and to provide differing perspectives will challenge students and audience members to think.” **St. Thomas-Florida, California-Davis, and Columbia** also plan to host events on national security later this semester.

One of our newer topics is entitled “The Wealth of States.” These events give insight about taxation, regulation, and other policies that differ from state to state and contribute to the economic growth of some states over others. **Ohio Northern** held a panel with Mario Loyola from the Texas Public Policy Foundation, and Profs. David Pimentel and Joane Brant from Ohio Northern Law. The panel was titled, “Rise and Fall of Detroit: How Government Ruined One of the World’s Greatest Cities/Unions” and drew a crowd of 65. Curtis Dubay from The Heritage Foundation participated in another Wealth of States event at **John Marshall-Savannah. Florida** hosted Rep. Dana Young from the Florida House of Representatives for an event titled, “Small Business Discriminations: Craft Brewers.” Later this semester, **Houston** will host Travis Brown from Pelopidas LLC for a Wealth of States event and **Massachusetts-Dartmouth** will host Becky Norton Dunlop from The Heritage Foundation for an event titled “Wealth of States: How the Elimination of the State Income Tax Would Benefit the Public Interest.” **Florida A&M, Case Western, Brooklyn, Pittsburgh, and Miami** also plan to host



Texas Supreme Court Justice Donald Divine with student from the Texas Chapter during the chapter’s New Member Introduction Event.

Wealth of States events.

Many chapters have decided to host more of our Robert H. Bork events this fall. These events continue to be important among our chapters because they cover: Originalism, the Constitution, the rule of law, and the role of a judge. **South Texas** hosted Judge Jennifer Elrod and Prof. Josh Blackman for an intriguing Constitution Day event. Judge Elrod examined the history of the Constitution. She then went into detail about how support for its ratification came to fruition. Prof. Blackman took the opportunity to explain the historical context and application of Amendments to the Constitution. South Texas had 50 attendees for this event. **Florida Coastal** hosted a Constitution Day celebration titled, "Constitution Day: Is Africa's Constitution Better than Ours?" The event featured three law professors from Florida Coastal: Prof. Rod Sullivan, Prof. Christopher Roederer, and Prof. Mary Margaret Giannini. There were over 100 attendees in the audience for this debate. **Columbia** kicked off their Madison Lecture Series by hosting Judge Reena Raggi from the U.S Court of Appeals for the Second Circuit for an event on "Federal Sentencing Reform." Judge Raggi spoke about federal sentencing regimes she has encountered while being on the bench. They had 100 students and faculty at this event. **UCLA** held a panel titled, "A Conversation with a Judge," with Judge Alex Kozinski, Chief Judge of the U.S Court of Appeals for the Ninth Circuit, and UCLA Law Prof. Eugene Volokh. The **Montana** chapter partnered with American Constitution Society to host their "Montana Supreme Court Candidate Forum." The panel included all four candidates: Justices Jim Rice and Mike Wheat from the Montana State Supreme Court,

Montana Solicitor General Lawrence VanDyke, and attorney David Herbert. The candidates were asked to describe their judicial philosophies, the role of the court in civil and criminal cases, and judicial elections. There were over 100 attendees in person, as well as 100 people who watched live online, and the event was covered by both the local Montana media and the Associated Press.

The chapter was pleased with this event and suggests other chapters hold similar ones if given the opportunity. There are more Bork events planned at **California-Berkeley, Virginia, Harvard, Yale, Chicago, InterAmerican, and Kentucky** this semester.

We anticipate many of our students will attend the National Lawyers Convention on November 13-15. We had 150 student volunteers at the National Lawyers Convention last year. We believe at least that many students will attend this year because the panels will focus on "Millennials, Equity, and the Rule of Law." The Student Division also looks forward to the Annual Student Symposium this spring, which will be held at the University of Chicago, February 20-21. The topic of the student symposium is "Law and Innovation." Current students should mark their calendars now, because the symposium is something they won't want to miss.



(above) Jeff Manteer, Liberty Institute (left) with Concordia Prof. Chad DeVeaux (right) after an event. (below) BYU Chapter President Matt McCune (right) & Vice President Joel Hood (left) run a table at the fall student organizational fair to recruit new members for their chapter.



Faculty Division Launches New Colloquia, Previews 2014 Supreme Court Term

*By Anthony Deardurff
Deputy Director, Faculty Division*

Although school was out, discussion and debate continued unabated over the course of the Faculty Division's summer programs and events. With October now underway, we are getting ready to mark the beginning of a new Supreme Court term, a new academic year, and the productive programming that fall brings.

This summer the Faculty Division began its fifth *Law and Liberty* series, co-sponsored with the Liberty Fund. During these ever-popular colloquia, faculty, practitioners, and academically-inclined students gather for a day and half to discuss pre-assigned readings. The participants arrive ready to engage in intense but amiable debate and discussion of the colloquium's topic. The first installment of the series, "Constitutional

Theory and Liberty: The Current State of Originalism," took place in Minneapolis, Minnesota on July 25–26. Participants gathered to explore the different variations

of, justifications for, and criticisms of originalism. Next, participants convened in Chicago on August 15–16 for "Liberty of Conscience and the Law." At this colloquium, participants addressed the legal status of "conscience" in light of our history and traditions as well as Court precedent, including last term's *Hobby Lobby* decision.

In July, the Faculty Division launched its second colloquia series

under a grant from the John Templeton Foundation. The series, which focuses on religious liberty and free enterprise issues, began in Denver on July 25–26 with "Law and the Moral Sense," during which participants dis-



Adam J. White, Counsel at Boyden Gray & Associates (left) & Carrie Severino, Chief Counsel & Policy Director at the Judicial Crisis Network (right) participate in the Annual Supreme Court Preview Panel at the National Press Club in Washington, DC in September.



D.C. Lawyers Chapter President Doug Cox (left); Noel J. Francisco, Partner, Jones Day (center); and Thomas G. Hungar, Partner, Gibson Dunn & Crutcher (right), at the Federalist Society's 2014 Annual Supreme Court Round Up, held at the Mayflower Hotel in July in Washington, DC.

cussed the Enlightenment concept of the “moral sense” and the role that moral sentiments play with respect to social norms, the rule of law, and the structure of government. Next in the series was “The Classical Liberal Constitution.” Participants convened in Philadelphia on September 19–20 to consider the extent to which classical liberal thought should inform our understanding of the Constitution. Guiding the exploration of this topic was Richard Epstein’s new book *The Classical Liberal Constitution*.

For the second time, the Faculty Division sponsored a reception for law students and recent graduates who are considering a career in legal academia. Like last year, the event, held in DC on July 10, attracted a sizeable crowd of students, recent graduates, and current law professors. Prof. John Duffy (University of Virginia) spoke on the challenges and rewards of an academic career and gave advice on preparing for this vocation. After Prof. Duffy’s remarks, students and recent graduates had the opportunity to network with and learn from several area faculty that were in attendance.

On August 5, the Faculty Division sponsored its customary, and quite popular, afternoon reception at the annual Southeastern Association of Law Schools (SEALS) meeting, held this year in Amelia Island, Florida. Over 100 legal academics with varying ideological backgrounds joined to network with other legal academics, learn more about upcoming Federalist Society programming.

The Faculty Division made its second trip to the annual meeting of the American Political Science Association (APSA) on August 28–31. This event draws hundreds of professors of government, political science, law, and theory at the undergraduate or graduate (non-law school) level.

While crisp weather, changing leaves, and pumpkin lattes all signal the onset of fall, the Faculty Division turned its attention to another of fall’s harbingers: the annual Supreme Court Preview Panel, co-sponsored with the Practice Groups. On September 23, students, practitioners, and members of the press gathered to hear

an excellent lineup of panelists discuss what are likely to be the most significant cases of the High Court’s docket for the 2014 Term. *New York Times* Supreme Court Correspondent, Adam Liptak, moderated the panel which featured legal luminaries including Will Consovoy (Wiley Rein), Orin Kerr (George Washington University), Virginia Seitz (Sidley Austin), Carrie Severino (Judicial Crisis Network), and Adam White (Boyden Gray & Associates). To see the full Preview Panel online, please visit <http://www.fed-soc.org/multimedia>, or check out highlights featuring the major cases the Court will be

hearing and others that may come before it on our YouTube channel.

With the start of the new Supreme Court term, the Faculty Division will also begin posting new “SCOTUScast” podcasts in which an academic or practitioner with expertise in the relevant field of law gives brief, expert analysis of Supreme Court oral arguments and decisions. Visit <http://www.fed-soc.org/multimedia/page/scotuscast> to listen to new podcasts.

Preparations are underway throughout the Society for the National Lawyers Convention on November 13-15 in Washington, DC. There, for the first time, the Faculty Division will host a roundtable over lunch on Thursday, November 13 from 12:00 to

1:45 on “Teaching Law.” The program will be directed toward lawyers interested in exploring teaching options. It will feature a mix of speakers who are involved in teaching in different ways and who will provide an overview concerning the three main paths for teaching at a law school: becoming a member of the regular tenure-track faculty, becoming a clinical faculty member, or teaching as an adjunct. We will also be hosting a breakfast for faculty members on Friday, November 14 from 8:00 AM to 9:00 AM.

Preparations also continue for our 17th Annual Faculty Conference, which will be held in Washington, D.C. on January 3–4, 2015. The conference program will include discussion panels, works-in-progress paper presentations, and presentations of competitively selected papers by junior faculty members.



William Consovoy, Partner, Wiley Rein LLP, during the annual Supreme Court Preview Panel at the National Press Club in September.

Alumni Relations

By *Caroline Moore*
Director of Alumni Relations

The Federalist Society works diligently to bring members together. In the past, we've relied on the National Lawyers Convention Alumni Breakfasts to fill the gaps in alumni relations. The goal this summer was to bring alumni from a number of law schools together to connect or re-connect by hosting student and alumni receptions in New York City and Washington, DC. We hope that annual summer receptions and gatherings in conjunction with law school alumni weekends featuring alumni speakers will encourage our student and lawyers members to build relationships with one another and engage in a vigorous discussion of ideas.

In July, we held four alumni chapter events. The **Harvard** Alumni Chapter hosted a reception in New York City with over 30 attendees to connect current students who were working for the summer in NYC with alumni who now reside there. The alumni that attended graciously advised students and gave them insight into clerkships and career tracks.

Later in July, the **Harvard** Alumni Chapter hosted a reception with Hon. Paul Clement, former U.S. Solicitor General under President George W. Bush and current partner at Bancroft, PLLC. Some of General Clement's most famous cases are: *McConnell v. FEC*, *Bond v. United States*, and *Burwell v. Hobby Lobby*.

Clement spoke about his extensive experience litigating in front of the U.S. Supreme Court. After he spoke, he took several questions about the state of the Court and then stayed after the event to visit one-on-one with several alumni. The reception was filled with a great mix of 50 student and alumni attendees.

The **Yale** Alumni Chapter held a Washington, DC, reception in July. Many of the recent graduates are working at firms, on Capitol Hill, or clerking. This event gave alumni a chance to take a break from their busy lives and connect with other Yale alumni in DC.

The **University of Chicago** Alumni Chapter hosted "Bourbon and Boggs," which was a bourbon tasting in Washington, DC, featuring Judge Danny Boggs of the U.S. Court of Appeals for the Sixth Circuit. Judge

Boggs explained his involvement with the Federalist Society over the years. All 30 alumni enjoyed the relaxed nature of the event and engaged in friendly conversation with Judge Boggs and his wife, Judith Boggs. We look forward to working with the University of Chicago Alumni Department to organize fu-



Former U.S. Solicitor General Hon. Paul Clement (center) with Harvard Chapter officers David Casazza (left) and May Davis (right) at the Harvard Alumni reception in Washington, DC in July.

ture events with this chapter.

This fall, **Georgetown University** Alumni Chapter held a reception in Washington, DC in conjunction with the Georgetown University's alumni weekend. We plan on



(above) Michael J. Daugherty speaks this summer at the University of Michigan Alumni Event in Washington DC. The reception was held at the Cosmos Club.

hosting fourteen Alumni Chapter breakfasts at the National Lawyers Convention in Washington, DC on November 15, 2014. It is our intention that many alumni chapters will use this opportunity to organize future alumni events for their respective schools and have the chance to build relationships with one another.

If you are interested in being involved with an alumni chapter please contact Caroline Moore at alumni@fed-soc.org or find the above alumni chapters' Facebook groups online: "Federalist Society UVA Alumni Chapter," "Federalist Society Michigan Alumni Chapter," "Federalist Society Harvard Alumni Chapter," "Federalist Society Yale Alumni Chapter," "Federalist Society University of Chicago Alumni Chapter," or

"Federalist Society Georgetown Alumni Chapter." All of these chapters now have LinkedIn groups with corresponding titles. We will post relevant alumni chapter information on Facebook about upcoming events and members of these groups will post relevant content online. These private groups will be managed by the Federalist Society. We look forward to expanding the current alumni groups and using them to build a strong Federalist Society alumni network.



Prof. John Harrison speaks this summer during the UVA Alumni Event in Washington, DC.

Practice Groups Update

By Will Courtney, Assistant Director of Practice Groups,

Juli Nix, Director of Conferences,

David C.F. Ray, Associate Director of Practice Groups

The **Administrative Law and Regulation Practice Group** hosted a highly successful Teleforum conference call on the D.C. Circuit's July 22 decision to strike down Affordable Care Act subsidies in *Halbig v. Burwell*. Prof. Jonathan Adler and Prof. Nicholas Bagley gave an overview of the decision to over 300 Federalist Society members. The practice group also hosted a call with Prof. Philip Hamburger and Adam White on Prof. Hamburger's new book, *Is Administrative Law Unlawful?*

The **Civil Rights Practice Group** co-sponsored a one-day conference in Washington, DC on "Civil Rights in the United States" with the Cato Institute and the Heritage Foundation. Panels included "Disparate Impact and the Rule of Law: Does Disparate Impact Liability Make Everything Illegal?" featuring Roger Clegg, Hon. Peter Kirsanow, Prof. Theodore Shaw, and John Malcolm; "Racial Preferences and Promoting Diversity: Are These Policies Taking Us in the Right Direction?" with Hans Bader, Prof. Louis Michael Seidman, Stuart Taylor, and Dr. Roger Pilon; "The Future of Voting Rights" with David Gans, Ilya Shapiro, Hans von Spakovsky, and Michael Barone; and "Passion and Prudence in the Political Process: The Debate Over Federal Civil Rights Policy" featuring Diana Furchtgott-Roth, Lara Kaufmann, Hon. Gail Heriot, and Robert Barnes.

High-frequency trading has been a controversial topic since the publishing of Michael Lewis' *Flash Boys* this spring, and the **Corporations, Securities, & Antitrust Practice Group** joined the discussion by hosting a Teleforum Conference Call titled "The Highs—and Lows—of High-Frequency" with Brian Mannix and Joanne Medero.

The **Criminal Law & Procedure Practice Group** coordinated a number of important and timely Teleforum Conference Calls. Prof. John Baker provided a thorough analysis of the indictment of Texas Governor Rick Perry days after the news broke, and with Ferguson, Missouri in the news Profs. Willam Otis and Samuel Walker participated in a Teleforum titled "Federal Monitoring of Local Policing."

The **Environmental Law & Property Rights Practice Group** organized a luncheon discussion at the National Press Club between Hon. Theodore Olson and Prof. Neal Katyal on the current class action litigation surrounding the 2010 BP Deepwater Horizon oil spill, and other issues prevalent in class action litigation today.

The **Financial Services & E-Commerce Practice Group** launched a new monthly series of Teleforum conference calls in July updating practitioners on recent developments at the Consumer Financial Protection Bureau. The first three installments of the series featured Hon. Wayne Abernathy, Prof. Todd Zwicki, and Julius Loeser.

The **International & National Security Law Practice Group** hosted numerous Teleforums throughout the summer. The group held a Teleforum, "Dealing with Putin's Russia: What is the Best Approach," examining recent developments in Russia, in the aftermath of the annexation of Crimea and recent downing of Malaysia Airlines Flight MH17 by Russian-backed separatists in Ukraine. Latitude, LLC founder and former Assistant U.S. Secretary of State for International Organization Affairs Brian H. Hook and Human Rights First Senior Fellow in National Security Heather Hurlburt participated in this Teleforum, offering analysis of these developments.

U.S. Senate Judiciary Committee Chairman Patrick J. Leahy recently introduced a bill seeking to revise aspects of certain NSA surveillance programs under the Foreign Intelligence Surveillance Act. Former Homeland Security Department Assistant Secretary for Policy Stewart A. Baker, now of Steptoe & Johnson, and Center for Democracy & Technology Freedom Security and Surveillance Project Senior Counsel and Deputy Director Harley Geiger examined the merits of Sen. Leahy's proposed legislation in a timely Teleforum, titled "Privacy and National Security: The Merits of the Leahy FISA Reform Bill."

In light of heightened awareness of government surveillance activities, the practice group held a unique

insider Teleforum featuring two members of the Privacy and Civil Liberties Oversight Board (PCLOB) Rachel L. Brand and James X. Dempsey. The PCLOB recently released its report on the surveillance program authorized under Section 702 of the Foreign Intelligence Surveillance Act. Ms. Brand and Mr. Dempsey discussed the report on this Teleforum, “Surveillance, National Security, and Privacy: The PCLOB Report on Section 702 Surveillance,” and answered audience questions.

Our **Labor & Employment Law Practice Group** held another of our Courthouse Steps Teleforums, “Unionizing Domestic Workers?: *Harris v. Quinn* Decided,” examining the ruling in *Harris* and the likely impact on collective bargaining jurisprudence going forward. The Teleforum featured University of Michigan Law School Prof. Samuel Bagenstos and Cato Institute Adjunct Scholar and Baker & Hostetler Associate Andrew M. Grossman.

The **Litigation Practice Group** and the **Professional Responsibility & Legal Education Practice Group** jointly sponsored a book review Teleforum discussing the latest book by *Bloomberg Businessweek* Assistant Managing Editor and Senior Writer Paul M. Barrett. The book, *Law of the Jungle: The \$19 Billion Legal Battle over Oil in the Rain Forest and the Lawyer Who’d Stop at Nothing to Win*, examined the story of Steven Donziger, a self-styled social activist and Harvard educated lawyer, who signed on to a budding class action lawsuit against multinational Texaco (which later merged with Chevron to become the third-largest corporation in America). The suit sought reparations for the Ecuadorean peasants and tribes people whose lives were affected by decades of oil production near their villages and fields. Twenty years of legal hostilities in federal courts in Manhattan and remote provincial tribunals in the Ecuadorean jungle between Mr. Donziger and Chevron’s lawyers followed. In the end, he won a \$19 billion judgment against Chevron—the biggest environmental damages award in history. But the company refused to surrender. Instead, in its counter-attack Chevron revealed evidence of his politicking and manipulation of evidence. Suddenly the verdict, and decades of Mr. Donziger’s single-minded pursuit of the case, began to unravel. Our Teleforum featured both Mr. Barrett and our Professional Responsibility & Legal Education Practice Group Chairman, Mr. John J. Park, Jr. of Strickland Brockington Lewis. Mr. Park interviewed Mr. Barrett before opening the call to questions from our call-in audience.

The **Religious Liberties Practice Group** hosted a

Teleforum examining President Obama’s recent Executive Order amending EO 11246, which was issued in 1965. The new EO added sexual orientation and gender identity to the list of prohibited bases of employment discrimination by federal contractors. The order applies to all employees of a contractor, not just those working on a federal contract. It also requires the contractor to hold itself out to the public as an equal opportunity employer with respect to these newly protected classes, and to post in conspicuous places notice to employees and job applicants of its nondiscrimination duties. Our Teleforum examined the authority of the President to issue this new order and its implication for religious liberty in the case of faith-based contractors and featured University of Missouri-Columbia School of Law Prof. Carl H. Esbeck, Institutional Religious Freedom Alliance Founder and President Stanley W. Carlson-Thies, who served as Director of White House Office of Faith-Based & Community Initiatives in the early years of the Obama Administration, and University of Illinois College of Law Program in Family Law and Policy Director, Prof. Robin Fretwell Wilson.

In light of the ongoing debate about the Federal Communications Commission’s net neutrality policy efforts, the **Telecommunications & Electronic Media Practice Group** held a Teleforum examining the latest FCC proposal. In this Teleforum, three experts with divergent views addressed whether there is any need for the FCC to adopt any new neutrality regulations and, if so, whether the agency possesses the legal authority to do so. Two principal legal theories that may support FCC action were discussed – using the FCC’s existing authority under Section 706 of the Communications Act or classifying internet service providers as common carriers under Title II of the Act. The panelists also discussed the most important question of all: whether and how net neutrality regulation might affect consumer welfare. The panel included Federal Trade Commissioner Maureen K. Ohlhausen, Boston College Law School Prof. Daniel Lyons, and Public Knowledge Vice President Michael Weinberg, and was moderated by Free State Foundation President Randolph J. May.

As the most recent Supreme Court term came to a close, the **Federalism & Separation Powers Practice Group** held a Teleforum call to discuss one of the Term’s most anticipated decisions, *NLRB v. Noel Canning*. In a unanimous decision authored by Justice Stephen Breyer, the Court held that recess appointments made in pro forma sessions are invalid. Our experts: Mr. Noel J. Fran-

cisco, Partner at Jones Day, Prof. Kristin E. Hickman, the Harlan Albert Rogers Prof. in Law and Associate Director of the Corporate Institute at the University of Minnesota Law School, and Prof. Michael B. Rappaport, the Hugh and Hazel Darling Foundation Prof. of Law, and Director of the Center for the Study of Constitutional Originalism at the University of San Diego School of Law, discussed the decision and its implications.

In July, the **Federalism & Separation Powers Practice Group** hosted a Teleforum Call discussing “Cooperation or Coercion on Climate: Is the EPA Trying to Deputize the States?” The call featured Prof. Michael S. Greve of the George Mason University School of Law, Mr. Mario Loyola, Senior Fellow at the Texas Public Policy Foundation, and Dr. Bryan W. Shaw, Chairman of the Texas Commission on Environmental Quality.

The **Federalism & Separation Powers Practice Group** hosted a Teleforum Call to discuss *Take Care*

Now: Stare Decisis and the President’s Duty to Defend Acts Of Congress,” a law review article co-authored by Curt A. Levey, President and Executive Director of The Committee for Justice. Prof. Neal E. Devins of the William & Mary Law School offered a rebuttal and our experts took questions from the live audience.

The **Intellectual Property Practice Group** looked at two important Supreme Court decisions in a Teleforum titled, “Property Rights in the Supreme Court: *Limelight* and *Nautilus*.” *Nautilus v. Biosig Instruments* concerned definiteness and the scope of patents. In *Limelight Networks v. Akamai Technologies*, the Court held that a defendant is not liable for inducing infringement under 35 U.S.C. § 271(b) when no one has directly infringed under Section 217(a) or any other statutory provision. The call featured two practitioners: Aaron M. Panner, partner at Kellogg, Huber, Hansen, Todd, Evans & Figel, P.L.L.C and Thomas G. Saunders, partner at WilmerHale. These experts discussed the decisions and their implications.

In July, the Intellectual Property Practice Group held a Teleforum entitled, “*Aereo Shot Down as Copyright Violator: ABC v. Aereo*.” The decision held that Aereo publicly performs copyrighted works, in violation of the Copyright Act’s Transmit Clause, when its technology allows its paid subscribers to watch television programs over the Internet in near real-time as the programs are broadcast over the air. Prof. Mark Schultz, Associate Prof. and Director of Faculty Development at Southern Illinois University and Senior Scholar and Co-Director of Academic Programs for the Center for the Protection of Intellectual Property at George Mason University School of Law, discussed whether the decision increased certainty and predictability in the world of copyright or if the Court’s reasoning inject more uncertainty.

Prof. Tom W. Bell of Chapman University’s Fowler School of Law, participated in a Teleforum conference call on the topic, “Copyright

Originalism,” discussing his new book, *Intellectual Privilege: Copyright, Common Law, and the Common Good*, for the Intellectual Property Practice Group. In the book he argues that copyright in the United States has mutated into something the Founders would have hardly recognized. Prof. Christopher Newman, Associate Prof. of Law at the George Mason University School of Law, joined the call to offer his comments and questions.

In October, the Intellectual Property Practice Group hosted Prof. Kristen Osenga, Prof. of Law at the University of Richmond School of Law, discussing the just completed oral argument in *Teva Pharmaceuticals USA, Inc. v. Sandoz, Inc.* The issue at hand is the extent of the power the special federal appeals court has in reviewing trial court rulings regarding invention claims in a patent dispute. Prof. Osenga reviewed the transcript of the oral argument and shared what the implications of the decision could be.



New York Times Supreme Court Correspondent Adam Liptak moderates the 2014 Supreme Court Preview Panel at the National Press Club in September.

Lawyers Chapters Update

By Lisa Ezell

Vice President & Director, Lawyers Chapters

The Federalist Society's Lawyers Chapters hosted a very active summer programming schedule, with several U.S. Supreme Court round-ups and state supreme court candidate forums, along with many events focusing on national security as a popular topic of discussion. We review here their recent activities.

The **San Diego** Lawyers Chapter hosted United States Supreme Court Justice Antonin Scalia at a September 11 breakfast. Over 140 attended the breakfast. In his remarks, Justice Scalia stated that the cases he cares the most about are ones that address structural issues, including those concerning presidential power. He stated that in addition to the existence of a Bill of Rights, countries must actually enforce these rights to ensure that liberties are protected. Because these rights are often not enforced, only centralized power is preserved. Justice Scalia also emphasized the importance of state courts in affecting the daily lives of Americans. Additionally, he answered questions about the quality and effectiveness of legal education, bemoaning the de-emphasis on core law classes in favor of electives. Justice Scalia also recalled where he was on September 11, 2001, as he had just landed in Rome.

Several chapters hosted programs reviewing the 2013-14 Term of the United States Supreme Court. Once again, these were some of the most highly attended programs of the year. The Court's docket covered very high profile cases concerning recess appointments, campaign finance, religious liberty and conscience, and environmental law—topics which generated much interest amongst chapter members. The **Washington,**

DC Lawyers Chapter hosted its annual round-up before over 200 attendees, with speakers Thomas Hungar of Gibson, Dunn & Crutcher and Noel Francisco of Jones Day. The **Atlanta** Lawyers Chapter hosted its round-up with Georgia Solicitor General Nels Peterson and former Alabama Solicitor General Kevin Newsom before about 75 attendees, including members of the Georgia Supreme Court and Georgia Court of Appeals. The **Denver** Lawyers Chapter presented a panel discussion with Judge Tim Tymkovich of the U.S. Court of Appeals for the Tenth Circuit; Richard Westfall of Hale Westfall LLP; University of Denver Prof. Nancy Leong; and Rob Natelson of the Independence Institute.

The **Houston** Lawyers Chapter attracted over 100 attendees for an evening panel discussion, with panelists Judge Gregg Costa of the U.S. Court of Appeals for the Fifth Circuit; Texas Supreme Court Justice Jeff Brown; Erin Busby, an adjunct Prof. at the University of Texas's Supreme Court Clinic; and *Above the Law* columnist Tamara Tabo. Baker Botts attorney and chapter steering committee member

Aaron Streett moderated. The **Iowa** Lawyers Chapter hosted Bancroft PLLC partner Erin Murphy, who argued the *McCutcheon vs. FEC* case before the Court. The **Miami** Lawyers Chapter hosted its second annual round-up with Gibson Dunn & Crutcher appellate lawyer Miguel Estrada. Over 30 Florida state court judges attended the now traditional fall event. The **Philadelphia** Lawyers Chapter hosted Hon. Paul Clement of Bancroft, PLLC. This was the eleventh time the chapter has hosted General Clement. Over 80 attended this signature Philadelphia program. About 120 attended the **Los Angeles** Lawyers Chapter's annual Supreme Court round-up, which fea-



(left to right) Attorney David Herbert, Montana Supreme Court Justice Jim Rice, Former Montana Solicitor General Lawrence VanDyke, & Montana Supreme Court Justice Mike Wheat during the Montana Chapter's Supreme Court Candidate Forum.

tured returning speakers Chapman University School of Law Prof. John Eastman; Dean Erwin Chemerinsky of UC Irvine School of Law; and Judge Sandra Ikuta of the U.S. Court of Appeals for the Ninth Circuit. The **San Francisco** Lawyers Chapter hosted its traditional annual round-up with Profs. John Yoo and Jesse Choper of Berkeley School of Law. Judge Carlos Bea of the U.S. Court of Appeals for the Ninth Circuit served as moderator. Chapters in **Austin, Baltimore, Birmingham, Columbus, Dallas, Fort Worth, Nashville, New Jersey, Oklahoma City, San Diego, Tallahassee, and Tulsa** also hosted Supreme Court reviews. Additionally, the **New Orleans** Lawyers Chapter hosted a Fifth Circuit Round-Up with two of the Fifth Circuit judges, Judges Edith Jones and Stephen Higginson.

Several chapters hosted candidate forums. Both the **Charlotte** and the **Triangle** Lawyers Chapters hosted North Carolina Supreme Court forums, which attracted most of the candidates running for election this November. Seven candidates participated in the Triangle forum, in which campaign finance issues provoked some discussion. Candidates Justice Robin Hudson and Court of Appeals Judge Sam Ervin IV both voiced concerns about the impacts of outside money in the campaign, while other candidates downplayed any negative influence.

In **Montana**, the lawyers and student chapters co-hosted a Supreme Court candidate forum at the University of Montana Law School before over 100 attendees. All four candidates for the Montana Supreme Court participated in the exchange, which is the only supreme court candidate forum scheduled in the state this year. The candidates debated *Citizens United* and partisan influences, the relationship between the Montana Constitution and the federal Constitution, ways for Montanans to gain greater access to legal services, and how a judge should rule when his or her personal beliefs differ from the law. Incumbent Justices Jim Rice and Mike Wheat took issue with both the 2010 *Citizens United* decision and the U.S. Supreme Court's 2012 ruling in a Montana case that reaffirmed the decision. Recently, Justices Rice and Wheat both signed a brief asking a federal court to

uphold a 2008 state judicial rule prohibiting judicial candidates from seeking or accepting partisan endorsements. According to Justice Rice, "As we stated in our opinion, the State of Montana has a compelling interest in protecting and preserving a fair and impartial judiciary." Justice

Wheat agreed, contending, "This race is about our court being under attack from out-of-state money and out-of-state corporations who want to come into this state and influence who's going to be on this [supreme court]." Montana Solicitor General Lawrence VanDyke, who is challenging Justice Wheat, stated he would not have supported the recent brief, arguing it curbed the free speech rights of candidates.



Ilya Shapiro, Senior Fellow in Constitutional Studies at the Cato Institute, speaks to the Tulsa Lawyers Chapter.

Regarding spending limits, VanDyke singled out trial lawyers for spending significant amounts in this race, with no calls to regulate their spending. All candidates affirmed their support of judicial elections, despite misgivings about the campaign finance system. A spirited exchange between VanDyke and Justice Wheat focused on "results-oriented judging" and whether a judge could set aside a partisan past position. VanDyke emphasized his limited history of political involvement, which contrasted with his opponent's past as a Democratic legislator. The forum was webcast by the law school.

The **Nashville** Lawyers Chapter hosted a series of programs previewing amendments on the upcoming November ballot. University of Mississippi School of Law Prof. Ron Rychlak spoke about Amendment 4 and the history of gambling regulations in Tennessee. Former state senator David Fowler previewed Amendment 1, which would change the language in the Tennessee Constitution to enable state lawmakers to enact abortion laws short of a ban. Local lawyer Forrest Shoaf discussed Amendment 3, which would prohibit state legislators from allowing any state or local tax on payroll or earned personal income.

Several chapters hosted John Fund and Hans von Spakovsky, co-authors of the new book *Obama's Enforcer: Eric Holder's Justice Department*. Fund and von Spakovsky both spoke to the **Las Vegas** and **Long Island** Lawyers Chapter. Von Spakovsky also spoke to the **Cleveland** Lawyers Chapter, while Fund addressed the **Chicago, Orange County, Sacramento, and San Francisco** Law-

yers Chapters.

With recent headlines of violence in the Middle East, the emergence of ISIS, and troops in Syria, attention also turned to programs on national security and foreign policy. Prof. John Yoo of the University of California Berkeley School of Law and Prof. Alberto Coll of DePaul University College of Law engaged in a discussion before the **Chicago** Lawyers Chapter on “Making War in a World in Chaos.” The speakers discussed whether President Obama could launch U.S. forces into conflict on his own constitutional authority or whether he needed congressional approval to act first. They also discussed whether international law could constrain the White House’s ability to start a war. Dr. Mark Conversino of the Air War College discussed recent events in Russia and the Ukraine in a speech to the **Birmingham** Lawyers Chapter. The **Tampa** Lawyers Chapter hosted Gary Bernsten, a former CIA Agency Directorate, who offered an update on national security and its effects on the economy. The **Milwaukee** Lawyers Chapter hosted Prof. Jeremy Rabkin of George Mason University School of Law for a discussion on international law.

The **Washington, DC Young** Lawyers Chapter hosted two events to kick off their fall schedule. The Chapter hosted a breakfast with Ben Ginsberg of Jones Day, who previewed the 2016 presidential election and answered questions on election law and the 2014 midterm elections. The Chapter also hosted a small dinner with former SEC Commissioner Troy Paredes. On October 22, the Chapter co-hosted a discussion with the Alexander Hamilton Society on foreign policy and national security with Arnold & Porter attorney John Bellinger, who served as a legal advisor to the State Department during the George W. Bush Administration, and Dechert partner Steve Bradbury, who led the Office of Legal Counsel. Other chapters are also hosting programs geared toward young lawyers and students. The **Houston** Lawyers Chapter hosted its first young

lawyers networking reception in August. The event proved popular with the Chapter’s many young lawyers and law clerks already active with the Federalist Society. The **Miami** Lawyers Chapter co-hosted a reception designed to assist students with law review articles, with several lawyers and state court judges offering guidance. About 100 attended this second annual event. The **New York City Young** Lawyers hosted a post-bar



The New Orleans Lawyers Chapter hosted a Fifth Circuit Roundup featuring Fifth Circuit Judges Edith Jones (right) and Stephen Higginson (not pictured).

exam happy hour. Several other chapters hosted receptions geared toward welcoming summer associates to their communities, including chapters in **Atlanta, Chicago, and Triangle**. Other chapters hosting summer socials and networking happy hours over the summer and early fall include **Austin, Dallas, Madison, Michigan, and San Francisco**.

The **West Virginia** Lawyers Chapter hosted its re-launch event with Sidley Austin attorney Roger Martella, who addressed the new EPA “Clean Power Plan” rules which will require emissions cuts from coal plants by 30% by 2030. Martella, who served as General Counsel of the EPA, questioned the constitutionality of the plan and referenced a lawsuit filed by West Virginia Attorney General Patrick Morrissey. While he acknowledged that the rules may affect the generation of electricity in West Virginia less than other states, he contended that West Virginia and its mining industry will still be negatively impacted by export limits.

The **New York City** Lawyers Chapter hosted two high-profile events in October. On October 8, the chapter bestowed its James Madison award on United States District Court Judge Loretta Preska at a gala dinner at the Yale Club. On October 13, the chapter hosted U.S. Supreme Court Justice Antonin Scalia for a luncheon at the New York Athletic Club.

Many programs are scheduled in coming months, including the Annual Western Chapters Conference at the Ronald Reagan Presidential Library on January 24, 2015. For an update on all upcoming lawyers chapter programs, please visit our web-site at www.fed-soc.org.

Federalist Society Promotes Rule of Law and Liberty Across Europe

By Paul Zimmerman

Deputy Director, International Affairs

In partnering on high-level lectures, panels, and discussions in the past three months in the **United Kingdom, Hungary, the Republic of Georgia, Croatia,** and the United States, the Federalist Society's International Affairs

Division has advanced debate over the rule of law and principles of a free society and has become a trusted partner for quality programs on law and justice across Europe.

In July, the Federalist Society hosted a group of young professionals from the Tocqueville Fellowship program, giving French students an opportunity to learn about the history of the Society and about some best practices for launching a civil society movement. To enhance the Fellows' understand of U.S. law and politics, the Federalist Society arranged for a tour of the Capitol and a meeting with U.S. Senator Mike Lee of Utah.

In addition to its work with the Tocqueville Fellowship program, in July, the Federalist Society hosted the leaders of its new Paris-based partner organization, the Law and Liberty Circle. The young French attorneys, who founded the organization to bring much-needed debate on the rule of law and individual freedom to law schools in France, attended the Federalist Society's Student Leadership Conference, where they learned the time-tested process of organizing a successful student chapter in the U.S. The visit included a reception at the

U.S. Supreme Court and a dinner with Associate Justice Samuel Alito.

Meanwhile, in **London**, the Federalist Society continues to support dialogue and debate over the U.K.'s

relationship with the European Union and European Court of Human Rights. In July, the Federalist Society partnered with British think tank Politeia on a panel entitled "The Financial Services, the EU and the UK: What Principles for Renegotiation?" The panel featured Jacob Rees-Mogg MP,



In October, the Federalist Society sponsored a panel organized by the Institute of Ideas on "From Magna Carta to ECHR: Do We Need a British Bill of Rights?" in London.

Chief Economic Adviser to the Mayor of London Dr. Gerard Lyons, and financial adviser Barney Reynolds. Later in the month, with the Federalist Society's support, Politeia released a publication entitled "Zero Plus: The Principles of Renegotiation," in which respected barrister Martin Howe QC sets out various options for the U.K.'s future renegotiation of competences with the European Union. In September, Mr. Howe further developed his analysis from this paper at an event outside the Conservative Party Conference in Birmingham featuring Jacob Rees-Mogg MP and former British Attorney General Dominic Grieve MP in a packed conference room of over fifty attendees. The Federalist Society continues its fruitful partnership with Politeia in October when Politeia hosts events on the European Union and the U.K. Human Rights Act.

On a related note, to enhance its leadership role in scrutinizing the centralization of power in international and supranational organizations and resulting global governance trends, in July, the Federalist Society’s International Affairs Division updated its Global Governance Watch® website at <http://www.globalgovernancewatch.org>. The redesigned website features content on four broad subjects—International Organizations; Business and Human Rights; European Institutions; and, in partnership with Dr. Elizabeth Prodromou of Tufts and Harvard University, Global Political Islam—and contains an online library of documents, commentary, and resources on global governance developments.

In July, the Federalist Society supported its Hungary-based partner organization the Common Sense Society in hosting a Summer Leadership Academy Alumni Retreat in **Szirák, Hungary**, where over twenty students and young professionals gathered for discussions and lectures on the principles of a free society and individual freedom and the importance of culture in society.

In August, the Federalist Society organized the travel of Prof. Stephen Henderson of the University of Oklahoma College of Law to **Batumi, Republic of Georgia**, to teach a set of classes on criminal law and procedure to students at the Constitutional Court of Georgia. Later in August, the Federalist Society’s Deputy Director of International Affairs Paul Zimmerman attended the Freedom Forum in **Zadar, Croatia**, hosted by the Croatian Centre for the Renewal of Culture, where a group of students attended classes on subjects including the future of the European Union and the importance of U.S. foundational principles to today’s world. Following the Freedom Forum, Paul attended an event in **Zagreb, Croatia**, where Chilean economist José Piñera presented a lecture to an audience of Croatian bankers, financial analysts, and the press on the importance of free market economics to future prosperity in Croatia.

In September, the Federalist Society continued its successful series of Law and Liberty Circle meetings in

London, as representatives from the law and civil society met to discuss the possibility and implications of the U.K.’s renegotiation of its relationship with the European Union. Paul Zimmerman attended a launch event by the Institute of Ideas for its Battle of Ideas season, during which the Federalist Society sponsored two events: a “satellite event” in London on the potential replacement of the U.K. Human Rights Act with a British Bill of Rights; and a panel at the group’s keynote Battle of Ideas conference on challenges related to judicial activism in the U.K.

Later in September, the Society sponsored two panels organized by the British think tank The Freedom Association. The first, entitled “Freedom Under the Law – Magna Carta and Me,” featured U.K. Member of the European Parliament Syed Kamall, Member of Parliament and Executive Director of the Westminster Foundation for Democracy Andrew Rosindell, Councillor Helyn Clack of the Surrey County Council, Ted Bromund

of the Heritage Foundation, and Rory Broomfield of The Freedom Association. The second panel, entitled “Does the UK Need a Written Constitution?,” featured Member of Parliament Dominic Raab, former Member of the U.K. Commission on a Bill of Rights Martin Howe QC, Chief Executive of Conservative Way Forward Donal Blaney, and Vice President for Strategy at the Competitive Enterprise Institute Iain Murray.

With these programs, and with our upcoming fall schedule, the Federalist Society is leading the way in promoting a crucial discussion on the rule of law, individual freedom, and limited government in countries across Europe. To share your comments about the International Affairs Division, or to learn more about its work, please contact Jim Kelly at jkellyiii@fed-soc.org and Paul Zimmerman at paulz@fed-soc.org.



Three leaders of the Federalist Society’s Paris partner organization the Law and Liberty Circle, (left to right) Thibault Mercier, Frédéric Pelouze, and René Boustany, attended the Society’s U.S. Supreme Court Reception in July.

State Courts Report

By Peter Bisbee
Assistant Director, External Relations

The State Courts Project monitors activities relating to the role of state courts, judicial selection, judicial philosophy, and the rule of law generally, consistently seeking to spark debate and increase the quality of the discussion surrounding important legal policy issues. The developments described below have drawn considerable attention in local legal communities and in some cases nationally.

KANSAS

In August, Governor Sam Brownback appointed Kansas Court of Appeals Judge Caleb Stegall to a seat on the Kansas Supreme Court, replacing former Justice Nancy Moritz who was appointed to the U.S. Court of Appeals for the Tenth Circuit. Kansas has a Missouri-Plan system of judicial selection, which means Gov. Brownback chose Stegall from a list of three finalists provided to him by the Kansas Supreme Court Nominating Commission. Brownback declared Stegall to be “one of the most qualified in state history to serve as a Justice.” Stegall’s appointment to the state’s highest court also gives Brownback the opportunity to fill another seat on the Kansas Court of Appeals. Since the Kansas Legislature voted in 2013 to replace the Missouri-Plan system of selection for the Court of

Appeals with a system of gubernatorial appointment and senate confirmation, Brownback will not have to rely on any nominating commission in naming Stegall’s replacement to the Kansas Court of Appeals.

MONTANA

On September 22, the Montana Lawyers Chapter of the Federalist Society and the American Constitutional Society held a state Supreme Court candidate forum at the University of Montana School of Law. Incumbent high court Justices Mike Wheat and Jim Rice were joined by challengers Lawrence VanDyke and W. David Herbert. The forum, which was the first time Montanans



(left to right) Chief Justice Mark Martin; Judge Ola Lewis; Justice Robert Hunter, Jr.; Judge Sam Ervin IV; Justice Robin Hudson; Judge Eric Levinson; Justice Cheri Beasley; and Mike Robinson participate in the Federalist Society’s Supreme Court of North Carolina Candidate Forum in Charlotte in October.

were able to see all four candidates together, provided each of them with an opportunity to share their views on political funding, partisanship, the Montana Constitution,

and several controversial legal decisions.

NORTH CAROLINA

In November, North Carolina voters will choose who sits on four of the seven seats of the Supreme Court of North Carolina. With the August retirement of Chief Justice Sarah Parker, Senior Associate Justice Mark Martin was appointed by Governor Pat McCrory to serve as Chief Justice until the November elections.

Martin will face Superior Court Judge Ola Lewis for the seat of Chief Justice. Shortly after Martin's appointment as Chief Justice, McCrory appointed North Carolina Court of Appeals Judge Robert Hunter, Jr. to fill Martin's seat as Associate Justice on the supreme court. Hunter will face court of appeals Judge Sam Ervin IV, who previously ran against Justice Paul Newby in 2012 for his newly appointed seat on the court. Associate Justice Cheri Beasley, who was a last minute appointment by outgoing Democratic Governor Bev Perdue, will face practitioner Mike Robinson for her seat on the court. Finally, Associate Justice Robin Hudson will face a challenge from Superior Court Judge Eric Levinson for her seat on the court.

The Federalist Society hosted two supreme court candidate forums in North Carolina this fall. The Triangle

Lawyers Chapter held the first forum in Raleigh on September 17 and the Charlotte Lawyers Chapter held the second forum in Charlotte on October 1. The Charlotte forum was noted as the first time all eight candidates were together since the races began. The forums allowed North Carolinians to see the candidates side by side articulating their views on a wide variety of topics, including the role of the courts, judicial elections, and recent court decisions.

The Society also published a White Paper titled "Recent Decisions of the Supreme Court of North Carolina." Authored by Adam Conrad, Bob Numbers, Brad Lingo, and Grayson Lambert, the White Paper aims to inform North Carolinians about some of the important cases decided in recent years by the state's supreme court. The White Paper discusses eight recent cases separated into four categories: constitutional law, election law, business law, and criminal law. Some of these cases highlight differences in judicial philosophy

among members of the court. We hope this paper will foster public discussion regarding the role of courts, and particularly the North Carolina Supreme Court, in our system of government.

TENNESSEE

In August, Tennessee voters decided to retain three justices on the Tennessee Supreme Court by the narrowest margins in the history of retention referendums. As we reported in our last issue, Lieutenant Governor Ron Ramsey led the effort to oust Justices Gary Wade, Sharon Lee, and Cornelia Clark, all of whom were appointed by Democratic Governor Phil Bredesen. Immediately after the three justices were retained, they were placed back into the spotlight as they were charged with selecting a new Attorney General to replace Democrat Robert Cooper.

Tennessee is unique in that its Attorney General is an officer of the judicial branch, appointed by the justices of the Tennessee Supreme Court rather than by the Governor, or by being elected by popular vote or vote of the legislature. During the August retention election, the position of the



Montana Solicitor General Lawrence VanDyke at the Montana Supreme Court Candidate forum, co-hosted by the Federalist Society's Montana Lawyers Chapter and the American Constitutional Society.

Attorney General became controversial, as efforts to remove the three justices tried to use Cooper's decisions to paint the justices who selected him as "too liberal for Tennessee."—notably Cooper's decision not to join a multi-state lawsuit against the Affordable Care Act was emphasized in this effort. In the wake of this criticism, the Tennessee Supreme Court selected Herbert Slatery III as the next Attorney General. Slatery, who steps down as Governor Bill Haslam's chief counsel, is Tennessee's first Republican Attorney General since Reconstruction.

What Will Your Legacy Be?

*"The advancement and diffusion of knowledge is the only guardian of true liberty."
- James Madison*



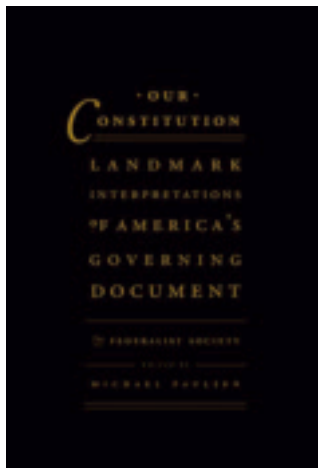
The Federalist Society's Legacy Circle is a special group of Federalist Society members who understand the importance of maintaining the foundations of a free society. They know that an investment in the Federalist Society through their will or living trust represents good value and will help our nation remain a place where liberty and the rule of law are secure for future generations.

By making a planned gift and becoming a member of our Legacy Circle, you can help us continue to grow in size and effectiveness so that we can continue to play an important role in reordering our legal system to respect individual liberty and the rule of law. For more information on the Federalist Society's Legacy Circle and the different ways you can help advance the work of the Federalist Society and create a legacy of freedom and opportunity for future generations, please contact Katelynd Mahoney at 202-822-8138 or via email at katelynd.mahoney@fed-soc.org.

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