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

The Federalist 78
The Federalist Society

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

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

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

Dear Friends and Supporters:

The events that have taken place during the past twelve months have only increased the national discussion about the proper role of government within a free society, and the subordinate problem of regulation as it expands or contracts that role. This surge in the national discussion on the nature of government is one of several factors that have made 2012 a good year institutionally for the Federalist Society. In the 2012 academic year the Society’s Student Division once again grew sharply, by over 20%, hosting 1,587 events. At the same time, attendance at Student Division events increased by approximately 10%. Likewise our Lawyers Chapters, Practice Groups, State Courts Project, and Faculty Division have shown solid growth, while retaining their focus on studying core constitutional principles and scrutinizing the role that government plays within a republic.

The Federalist Society’s major conferences stress this focus. The 2012 Student Symposium, held at Stanford Law School on March 2–3, discussed “Bureaucracy Unbound: Can Limited Government and the Administrative State Co-Exist?” and examined the connections between the rule of law, the administrative state, and limited government. The 2012 National Lawyers Convention, held in Washington, D.C. on November 15–17, addressed “The Future of U.S. Constitutional Law in the Supreme Court,” focusing particularly on issues of federalism and separation of powers in relation to Supreme Court jurisprudence historically and in our own time.

During the year ahead the Federalist Society will continue to explore these issues and to further develop the capable group of students and lawyers who, as friends and members of the Society, will persevere in defending and promoting our constitutional principles in the days to come. It is important for us to remember, as we mark 30 years of laboring to improve the state of the legal order, that ideas have a long gestation period, and that to gain ground, we must reinforce and advance them in each new generation of law students and legal scholars.

As economic difficulties persist in the United States, and even more abroad, it is an appropriate time to ask what effect the rule of law manifested in our constitutional structure has on the economy and, even more importantly, on society at large. Mindful of our current circumstances, I want to assure you that the Federalist Society will increase its emphasis on questions in this consequential area during the year ahead—in which task, as always, we look forward to collaborating with our many dedicated volunteers, whose assistance makes our work effective.

Sincerely,

Eugene B. Meyer
President
The 2011-2012 academic year broke records in every way. The number of student events increased tremendously, from 1,286 events in 2010-2011 to 1,587 events in 2011-2012. The number of recorded attendees increased from about 75,000 in 2010-2011 to 80,535 in 2011-2012. The Student Division could not have accomplished this without the help of the Student Chapter leaders, who are responsible for organizing, publicizing, and coordinating each event.

What do these numbers mean? Concretely, they mean that at every large school our average Federalist Society Student Chapter holds eight meetings without side guest speakers each year. That amount of activity ensures a hearing for a great number of ideas that otherwise would be absent from these students’ education, and signals genuinely robust chapters at many schools.

In fact, Federalist Society chapters continue to be the most active extracurricular groups at most of the 201 law schools where they are based. Despite the stress of coursework, jobs, and activities such as Law Review, our students choose to volunteer time to their school’s Federalist Society chapters. Without the volunteerism of these student leaders, conservative and libertarian ideas would not be debated on law school campuses.

In July, representatives from 197 of our 201 ABA-accredited chapters attended our annual Student Leadership Conference. The Student Chapter presidents participated in three days of panels, discussions, and exercises in preparation for the upcoming school year. The success of the conference contributed to the uptick in Student Chapter events, and helped to increase most chapters’ size as well, since chapter membership directly correlates to the chapter president’s participation in the conference. Another factor contributing to the increased membership is our focus on close relationships with each chapter, maintained by phone and email correspondence, which allows us to ensure throughout the semester that each chapter is running efficiently. We have also made all student resources electronically available, enabling access to materials ranging from reimbursement submissions to other chapters’ promotional flyers.

The growth of the chapters was well-distributed in 2011–2012. Over 50 chapters hosted 10 or more events in the academic year, with 15 chapters hosting more than 20 events. Harvard, Colorado, Louisiana

Representatives from Texas law schools gather at the Summer Leadership Conference in Washington, D.C. in July. The students joined hundreds of others from across the country to learn how to run a student chapter.

The Harvard Law School Chapter hosted then Indiana Governor Mitch Daniels in November. Gov. Daniels spoke about his experience fighting for secondary education reforms in Indiana, which many consider to be the most far-reaching changes adopted by any state.
State, Virginia, Notre Dame, Florida, Duke, Florida International, Illinois, Michigan, Temple, and Texas hosted events that drew over 100 attendees. Pepperdine, NYU, Michigan State, Georgetown, and several other chapters utilized social networking (such as Twitter, Facebook, and blogs) to publicize their events.

Northern Illinois hosted an event with Ilya Shapiro and NIU Law Prof. Robert Jones on the Affordable Care Act. The program was so successful that the chapter live-streamed it on a projector in an overflow room. Our Kansas chapter hosted an event with Roger Clegg on affirmative action, utilizing e-vites, Facebook, mailbox stuffing, and email to increase attendance. The publicity drew a crowd of over 115 faculty members and students.

The impact of Obamacare was a popular topic at many chapters, because the Supreme Court decision on the law was presented in June. Our chapters focused on various issues surrounding the litigation and drew huge crowds for each event. Four of the most popular issues were the Commerce Clause, the complexities of severability, the legislation’s economic and policy implications, and the role of judges in the decision.

Popular speakers for Obamacare events included Gregory Katsas of Jones Day, Richard Epstein of NYU law, Ken Klukowski of Liberty University, and Clark Neily from the Institute for Justice.

There were also many events on the topic of “Law and Growth” in the 2011–2012 academic year, thanks to a generous grant from the Kauffman Foundation. These events have become widely popular with our chapters and draw enormous crowds of students, because the events feature CEOs of businesses, and discuss the law in terms of business and the economy.

The active involvement of our Student Chapter leaders and members has created an environment of continual growth and achievement for the Student Division, and helped to do the same for the Society as a whole. We hope that all our Student Chapters will continue for many years with the work they do so well: presenting to each fresh group of students those important conservative and libertarian ideas which balance the liberal orthodoxy that remains prominent in our nation’s law schools.
The exceptional programming of the Federalist Society’s 75 Lawyers Chapters is critical to growing a nationwide infrastructure of citizen lawyers engaged with the policy world. These lawyers form a strong community dedicated to carrying the principles of liberty, the separation of powers, and the rule of law into current legal and public policy debates.

In fiscal year 2011–12, the Lawyers Chapters added a new page to their record of success, demonstrating strong leadership, programming, publications, media outreach, and involvement with the Society’s special projects, including the State Courts Project. The chapters organized over 320 programs and meetings, drawing an audience of over 27,000.

Several chapters were privileged to host U.S. Supreme Court Justices. This Fall Justice Antonin Scalia spoke before sold-out audiences (averaging nearly 300 lawyers and students) at Los Angeles, San Diego, New York City, Chicago, Philadelphia, Silicon Valley, San Francisco, and Washington, D.C. The Justice discussed his new book, Reading Law: The Interpretation of Legal Texts, answered audience questions, and signed copies for attendees.

Earlier in the year Justice Scalia spoke to 350 attendees at the Long Island Lawyers Chapter, in what proved to be their largest program ever. In June the Charlotte Chapter hosted U.S. Supreme Court Justice Clarence Thomas and U.S. Court of Appeals for the D.C. Circuit Chief Judge David Sentelle, with a capacity crowd in attendance.

In late January the Federalist Society’s Western Lawyer and Student Chapters hosted the Sixth Annual Western Chapters Conference at the Ronald Reagan Presidential Library in Simi Valley, California. About 200 lawyers and students gathered to hear panels on the Arizona immigration case and California’s economic decline. Judges Alex Kozinski and Stephen Reinhardt of the U.S. Court of Appeals for the Ninth Circuit reflected on their tenures on the bench and debated immigration and their differing judicial philosophies during a luncheon discussion.

Several chapters hosted their popular annual U.S. Supreme Court Round-Ups this summer. Because of the many high-profile cases decided this term, including health care reform, Arizona’s immigration law, the ministerial exception, Knox v. SEIU, and Sackett v. EPA, these reviews drew significant attention from chapter members, the greater legal community, and the media. The Washington, D.C. Lawyers Chapter hosted former U.S. Solicitor General Theodore B. Olson in July for its much-anticipated annual
round-up. The Philadelphia Lawyers Chapter hosted former U.S. Solicitor General Paul Clement; and the Milwaukee Chapter brought him in for its 100th program, which drew a capacity crowd. The Los Angeles Lawyers Chapter once again hosted Prof. John Eastman of Chapman University School of Law and Dean Erwin Chemerinsky of UC Irvine School of Law. Judge Sandra Ikuta of the U.S. Court of Appeals for the Ninth Circuit moderated the discussion, which attracted a sold-out audience of over 150 attendees. Prof. Eastman also offered round-ups in both Rochester and Buffalo. The San Francisco Lawyers Chapter hosted Profs. John Yoo and Jesse Choper of Berkeley Law for a round-up as well, attracting over 100 attendees. The Houston Lawyers Chapter offered a round-up with Judge Catharina Haynes of the U.S. Court of Appeals for the Fifth Circuit, Judge Dan Hinde of the 269th Judicial District Court of Harris County, Prof. Ernest A. Young of Duke University Law School, and Evan Young of Baker Botts. Former Texas Solicitor James Ho delivered round-ups in Austin, Dallas, and Iowa. The Triangle Chapter hosted Gibson, Dunn & Crutcher attorney Miguel Estrada for a Supreme Court review. Kannon Shanmugam of Williams & Connolly previewed the upcoming Supreme Court term in presentations before the Indianapolis and Kansas City Chapters. The Birmingham and Nashville Chapters hosted former Alabama Solicitor Kevin Newsom and Prof. Brian Fitzpatrick of Vanderbilt Law School for their annual round-ups.

Many chapters addressed the constitutionality of health care, previewing and recapping the oral arguments and analyzing the final decision. The media coverage of these programs was impressive, as many of these events showcased litigators involved in the Obamacare lawsuit. The Charlotte, Houston, Iowa, and Memphis Lawyers Chapters hosted Gregory Katsas of Jones Day, who was involved in oral arguments. Kentucky Senator Rand Paul spoke to over 150 Louisville attorneys about his brief in the Obamacare case, which questioned whether the Court should overrule Wickard v. Filburn. The Madison and Milwaukee Chapters both hosted debates on Obamacare’s constitutionality with Robert Levy of Cato Institute. Karen Harned of the National Federation of Independent Businesses previewed the case in addresses to the Philadelphia and Phoenix Lawyers Chapters. Other chapters that hosted programming on the issue include Las Vegas, Los Angeles, St. Louis, San Diego, San Francisco, Tallahassee, Tampa, Washington, D.C., and Winston-Salem, while Chicago, Colorado,
Indianapolis, Minnesota, Mississippi, and San Diego organized post-decision programs.

Many chapters also addressed the controversy over religious conscience rights in the Obamacare legislation, as well as other questions relating to religious liberty. The Washington, D.C. Lawyers Chapter hosted Notre Dame Law School Prof. Carter Snead, and the D.C. Young Lawyers Chapter hosted Matthew Bowman of Alliance Defending Freedom. The Birmingham Lawyers Chapter hosted Kyle Duncan of the Becket Fund, who spoke on “The HHS Mandate and the Proper Role of Religious Groups in Civil Society.” His colleague Eric Kniffin addressed the same issues in a speech to the Triangle Chapter. Chapters in Colorado, Dallas, Fort Worth, and Houston also organized programs on the HHS mandate, religious liberty, and conscience rights, focusing on the constitutional challenge.

The presidential election provided numerous opportunities for chapters to discuss voting rights issues, voter ID, voter fraud, and the effects of Citizens United. Hans von Spakovsky, a former FEC Commissioner and current Senior Legal Fellow and Manager of the Civil Justice Reform Initiative at the Heritage Foundation, discussed voter ID before the Atlanta, Baltimore, Birmingham, Colorado, Indianapolis, Iowa, and San Francisco Lawyers Chapters. The Minnesota Lawyers Chapter hosted a voter ID debate with Hennepin County Attorney Mike Freeman and John Fund, author of Who’s Counting: How Fraudsters and Bureaucrats Put Your Vote at Risk. Campaign finance and the Citizens United case also attracted the attention of the Dallas, Portland, and Sacramento chapters.

Several lawyers chapters hosted annual dinners in 2011–2012. The Michigan Chapter hosted a dinner with Michigan Attorney General Bill Schuette, attended by members of the Michigan Supreme Court and lower state courts, several federal district court judges, and other leading members of the bar. The Los Angeles Lawyers Chapter hosted its annual dinner with Dean Deanell Reece Tacha of Pepperdine University School of Law, who was honored for her service as the former Chief Judge of the U.S. Court of Appeals for the Tenth Circuit, and Dr. John C. Eastman, Henry Salvatori Prof. of Law & Community Service and former dean of Chapman University School of Law.


Mindful of the Federalist Society’s founding by young lawyers, the Lawyers Division continues its outreach to the next generation of lawyers. Both the Washington, D.C. and New York Young Lawyers Chapters...
continue to grow. The **D.C. Young** Lawyers chapter hosted several events, including a summer reception with Paul Clement, a Fall reception with U.S. District Court Judge Richard Leon, and happy hours that encouraged networking amongst attendees. The **New York Young** Lawyers Chapter launched with speakers Senator Mike Lee of Utah and Kannon Shanmugam of Kirkland & Ellis.

The Lawyers Chapters continue to be an essential influence on the State Courts Project and in matters of regional concern. Chapter leadership provides many of the volunteers who perform media outreach, write white papers, and organize debates on important state and local issues. In 2012 chapter leaders in **North Carolina** and **Michigan** were active in raising awareness of state judicial elections, hosting panel discussions and candidate forums and publishing white papers on the issues. The **Florida** chapters focused several Fall programs on their Supreme Court retention elections. Chapters in **Nashville** and **Memphis** sponsored debates over the federal model judicial selection proposal in Tennessee. The **Madison** Lawyers Chapter hosted State Representative Robin Vos, University of Wisconsin Prof. Kenneth Mayer, and Christian Schneider of the Wisconsin Policy Research Institute for a program on “Reconsidering Wisconsin’s Constitutional Recall Provision: Should the Recalls be Recalled?”

New chapters were launched in 2012 and defunct ones revived, including **Tarrant County (Fort Worth)**, **Mobile**, **New Jersey**, **Tulsa**, and **Virginia Beach**. These chapters, directed by their dedicated volunteer leadership, will continue to shape the debate about legal and public policy in their communities, forming the next generation of Federalist Society members into a national network of legal opinion leaders.
International Program Breaks New Ground

The Federalist Society’s International Affairs Division made great strides this year in continuing its mission, begun in 2009, of promoting the Western cultural and legal tradition through our infrastructure of European partner organizations and spreading discussion of “First Principles”—such as the separation of governmental powers, an independent and law-abiding judiciary, the rule of law, and limited government—throughout Europe. While co-hosting events on the nature and importance of liberty, especially in Central and Eastern Europe, the Society also worked to build discussion on legal principles among the European judicial and legal elite.

The International Affairs Division co-sponsored a two-part European Advocacy Academy event in March and April with other Brussels-based organizations. The Academy, an educational seminar taught by leading policymakers, judges, and other experts on EU institutions, focused on providing young people with the tools to promote Western legal principles within the EU.

The Federalist Society’s Student Chapter at Oxford, the Benjamin Disraeli Society, has assisted in arranging events at Oxford’s famed debating society, the Oxford Union, including a February debate on the separation of politics and religion, which feature Judge William Pryor of the Eleventh Circuit U.S. Court of Appeals and Northwestern Prof. John McGinnis. In October the Society co-sponsored another event at the Oxford Union, in which former U.S. Attorney General and Federalist Society board member Michael B. Mukasey delivered a speech on the threat of terrorism before a packed house. Judge Mukasey’s trip also included a speech on the same topic at the House of Lords in Parliament, and a luncheon with dozens of British MPs and members of the press, both of which were organized by the Henry Jackson Society, our conservative partner organization in London.

The Division has also developed new relationships with groups in Paris and Italy. One such group, the Institut de Formation Politique, which organizes weekend workshops for young professionals, hosted its inaugural “Law and Policy Circle” seminar in Paris in December with the Federalist Society’s assistance. The seminar brought together young people interested in law and public policy to discuss current important legal issues in France. The Society has also seen exciting growth in its partner organization in Sicily, Academia Res Publica, which hosted a June conference for attorneys, judges, and academics on “Design the Future: Begin from the Constitution.”

The Division continues to support grassroots chapters and established partner groups in Central and Eastern Europe, helping students and young professionals who seek to break with old guard socialism in favor of limited
government and economic and religious liberty. In February and July, International Affairs Director Jim Kelly and George Mason Prof. Nathan Sales traveled to universities in the Republic of Georgia to teach on freedom of religion and the American concept of originalism, and to meet with Georgian officials and others interested in promoting the First Principles. The programming was co-sponsored by the Constitutional Court of the Republic of Georgia. In May, Constitutional Court Judge George Papuashvili published a retrospective of the history of Georgia’s 1921 Constitution in Engage, the Federalist Society’s law journal.

In July, the Division partnered with Hungary’s Common Sense Society to sponsor the Summer Leadership Academy in Budapest. The Academy offered sessions on philosophy, economics, politics, and constitutional law to young leaders interested in the principles of a free society. The Division also sent a representative to the annual summer school of the Croatian Center for Renewal of Culture, which seeks to engage gifted Croatian university students in discussions about the foundations of a liberal democracy and the implications of the nation’s anticipated EU membership in 2013.

In addition to spreading the Western legal debate among the youth of Europe, the Federalist Society has also sparked an exchange between established legal minds of Europe and the United States. At its November 2012 National Lawyers Convention, the Society hosted nearly twenty top French attorneys and officials, and welcomed ten eminent judges from seven European countries, many from Central and Eastern Europe. Following the Convention, these jurists participated in the Society’s inaugural European Judges Conference, during which they discussed issues such as judicial independence, judicial interpretation, the relationship between national and supranational courts, and the development of international soft law norms and their effect on national sovereignty, together with four U.S. circuit court judges. The conference generated a candid conversation on jurists’ difficulties in Europe and the U.S. and, through experiences of the attendees’ various countries, produced strategies for approaching thorny judicial issues. The conference highlights were a visit from Supreme Court Justice Samuel Alito and a trip to the Court for a luncheon with Justice Antonin Scalia.

Looking forward, the Division seeks to build on this exciting exchange with further judicial conferences and an initiative which aims to enable online discussion by European judges of important national legal issues. In January of 2013, the Federalist Society co-sponsored another event at the Oxford Union, this time with former UN ambassador John Bolton; and after the successful initial event of the Law and Policy Circle in Paris, the Division plans to co-host similar events in the coming year.

Finally, 2012 saw Deputy International Affairs Division Director Ken Wiltberger step down and return to the U.S. with his family. He is replaced by former Publications Director Paul Zimmerman. The Federalist Society owes Ken a debt of gratitude for his three years of dedicated work in Europe, which laid the foundation for the Division’s current success in that region.

In taking over the Deputy Director position, Paul eased the transition by visiting the Society’s European partners. In October, Executive Vice President Leonard Leo traveled with Paul to Hungary, Austria, Croatia, and Poland to visit organizations and individuals interested in forming groups modeled on the Society. In conjunction with Judge Mukasey’s October events, Leonard and Paul met with leaders of our partner organizations in London, Oxford, and Paris; and in November, Paul traveled to Serbia, Romania, Austria, and Poland to meet our contacts in those countries, and to plan future cooperation with them in disseminating discussion of Western legal principles throughout Europe.
Faculty Division Continues to Grow by Leaps and Bounds

The Faculty Division, now in its fifth year of expanded operations, substantially increased its programming and participation. The Division provided new opportunities for faculty members, especially young faculty, to gain recognition and produce outstanding scholarship, while at the same time maintaining its core programs designed to foster dialogue within the legal academy.

NEW IN 2012

**Junior Scholars Colloquium**

The Division's inaugural Junior Scholars Colloquium took place June 1-2, 2012. It provided seven junior scholars (faculty members who have been teaching for no more than seven years or aspiring academics who have not yet obtained their first tenure-track appointment) with the opportunity to present competitively selected unpublished papers and receive critical feedback from more senior faculty members and via group discussion. The Division expects this event to be annual, with the next Colloquium taking place in June 2013.

**Junior Faculty Workshops**

The inaugural Junior Faculty Workshops were held in the spring and summer of 2012. Under the organization of a junior faculty member,

younger faculty from various schools gather to spend a day workshopping each others’ papers. This year’s workshops focused on Constitutional and International Law, Law and Religion, and Election Law and took place at George Mason, DePaul, and Loyola-Los Angeles.

**Papers on Derivatives**

Four papers by Professors William Birdthistle (Chicago-Kent College of Law) and Todd Henderson (University of Chicago Law School), Professors Shawn Cole (Harvard Business School) and David Yanagizawa-Drott (Harvard Kennedy School), Professor Sean Griffith (Fordham Law School), and Professor Christian Johnson (University of Utah College of Law) made significant contributions on the governmentalization of previously self-regulatory financial oversight boards, the value of diversity in global derivatives regulation, and the likely unintended consequences of the CFTC’s efforts to combat regulatory arbitrage in the derivatives market.

**Book Events**

The Division launched a series of D.C.-based events to stimulate opinion leaders’ buzz about important new books by faculty members. These events have been co-sponsored with the American Enterprise Institute and funded by the Searle Freedom Trust. Generally the author presents his book’s key points, followed by comments from two or three panelists, a public question-and-answer session, and a private dinner with the participants and the press.

The first event on February 21 featured Michael Greve’s *The Upside-Down Constitution*, which offers a fresh perspective on the past and future of federalism. The next events, featuring Jack Goldsmith’s *Power and Constraint:*
The Accountable Presidency After 9/11 (March 21) and John Yoo and Julian Ku’s Taming Globalization: International Law, the U.S. Constitution, and the New World Order (April 19), examined Presidential powers and accountability in the aftermath of 9/11, and the effects of globalization and international institutions on American constitutional law. The final event, on May 8, centered on John Inazu’s Liberty’s Refuge: The Forgotten Freedom of Assembly, which argues for the importance of the neglected constitutional right of assembly.

The first book event for Fall 2012, held on October 2, was a standing-room-only presentation by Justice Antonin Scalia of his new book, Reading Law: The Interpretation of Legal Texts. The second event, held on November 8, featured Prof. David Skeel’s (Penn) argument that the U.S. should establish a state bankruptcy structure, as reflected in his edited essay collection When States Go Broke: The Origins, Context, and Solutions for the American States in Fiscal Crisis. Panelists E.J. McMahon (Manhattan Institute), and Damon Silvers (AFL-CIO) took issue with this proposal from different perspectives, with Michael Greve (George Mason & AEI) moderating. The Wall Street Journal blog and Newsmax’s blog Moneynews covered the event.

In Spring 2013 the book events will discuss corporate governance questions raised in books by Stephen Bainbridge (UCLA) and Lynn Stout (Cornell), as well as one on Arbitration and the Constitution, based on Peter “Bo” Rutledge (Georgia)’s book on the topic.

Faculty Book Podcasts

This past year the Division also launched a new podcast series on recently published or forthcoming faculty books. These podcasts feature an author’s presentation of and a critical commentator’s observations on a new book. A dozen of these podcasts are now available online: http://www.fed-soc.org/publications/page/faculty-division-podcasts.

Fostering the Exchange of Ideas

Faculty Colloquia

The Division continues to host a growing number of faculty colloquia on a wide range of topics. These colloquia bring together faculty, practitioners, and aspiring academics (usually about 16 people total) for a day and a half of discussing a common set of readings. This allows the participants, who come from diverse backgrounds and perspectives, to learn from each other and develop camaraderie.

In addition to renewing our agreement with the Liberty Fund to host seven colloquia in 2013–14, the Division will again be hosting additional colloquia on topics relating to religious and/or economic liberty and private law. As a result, the Faculty Division expects to host a total of ten colloquia over the next 12 to 15 months.

Assistance for Aspiring Scholars

Olin/Searle/Smith Fellowships

The Faculty Division offers Olin/Searle/Smith Fellowships to law school
graduates interested in pursuing a career in legal academia. These one-year fellowships provide a $60,000 stipend to graduates whose strong academic qualifications make them likely to contribute to intellectual diversity in the legal academy, allowing them to spend a year working on articles at a top law school. Many past recipients have gone on to earn tenure track positions at top law schools. This year’s recipients were Robert Leider (Penn) and Judd Stone (Harvard).

**Job Talk Workshop**

The Division held its fifth annual workshop for law school graduates on the academic market in Chicago on June 21–24, 2012, running a fourth day this year to accommodate the growing number of strong potential participants. Thirteen candidates preparing to go on the tenure track market in the fall presented portions of their job talks before a panel of professor commentators, received substantive and stylistic feedback, participated in mock AALS interviews, and were given an individualized resume critique.

**Student Symposium Panel and On-Campus Meetings with Students Interested in Academia**

For the past five years the Faculty Division has sponsored a panel at the Student Symposium offering career advice to students interested in legal academia. This year staff from the Division will also be visiting several schools to meet with these students and to share information about the process.

**Outreach to New Faculty**

The Division held its sixth annual reception at the annual meeting of the Southeastern Association of Law Schools at Amelia Island, Florida in July. Faculty Division staff also attended the Annual Meeting of the Law and Society Association in August. Next year’s plans also include an outreach effort at the annual meeting of the American Political Science Association. The Division’s updated faculty brochure was distributed in the AALS bulletin in early 2013.

**Resources to Public and Press**

The Division, in collaboration with the Practice Groups, continued to produce original programming drawing on academic and practitioner expertise. These programs provide a valuable service to the public and the media, and offer faculty members a chance to raise their profiles.

**SCOTUScast**, a series of expert commentary podcasts on U.S. Supreme
Court cases as they are argued and issued, is now in its seventh year. These podcasts are designed to better educate the general public about cases in the Court and to enable faculty members and legal experts to address a wide audience. Over 100 podcasts for the 2011 Term, and over 30 from the October 2012 term, are available online: [http://www.fed-soc.org/publications/page/scotuscast](http://www.fed-soc.org/publications/page/scotuscast).


The Division and the Practice Groups also organize regular press calls with faculty and practitioner experts who analyze upcoming Supreme Court cases. These efforts give members of the press perspective on unfamiliar cases and help enhance the reputations of our experts. These calls are supplemented with press statements from experts with commentary on the Court’s recent activities that are given out as a resource to press. These statements have been picked up by the Associated Press, ABC, the New York Times, the Washington Post, the Los Angeles Times, Forbes, and many others.

Finally, the Division periodically posts audio and video recordings of notable faculty events, including the panels held at our annual Faculty Conference.

**Annual Faculty Conference**

Our 15th Annual Faculty Conference took place on January 4-5, 2013 in New Orleans, Louisiana, held simultaneously with the AALS Annual Meeting. Panels addressed the concept of judicial deference versus judicial engagement and problems created by the Dodd Frank Act. The annual luncheon debate focused on whether a treaty can expand Congress’s powers. (For more Faculty Conference coverage, see pages 16–17).

Alumni Relations

The Federalist Society continues to foster and inspire autonomous alumni chapters at leading law schools. In addition to supporting the networking and other benefits these chapters already provide, we encourage their members to become more involved in helping their law schools into places that are congenial to conservative and libertarian thought.

At this year’s National Lawyers Convention in November, the Federalist Society hosted separate breakfasts for a few hundred alumni from Catholic University, Chicago, Columbia, Georgetown, Harvard, Michigan, Stanford, the University of Texas, Virginia, and Yale. The breakfasts were hosted by distinguished alumni representatives from each school, including Judge Michael Massengale and Judge Randall Rader. Guest speakers included Chris DeMuth, Prof. Randy Barnett, then Representative-elect Tom Cotton, Judge Carlos T. Bea, Judge Edith Jones, FEC Commissioner Matthew Peterson, and Judge Jerry E. Smith.

Among other alumni highlights of the past year, the Harvard alumni chapter hosted a tour in March of the Ronald Regan exhibit at the National Portrait Gallery in Washington, D.C., followed by a well-attended happy hour. This past summer, also in D.C., University of Virginia alumni held a reception with guest speaker Prof. Lillian BeVier, which drew a large number of attendees. University of Michigan alumni also organized a summer reception with cocktails at D.C.’s Cosmos Club, featuring guest speaker Steven G. Bradbury, former acting head of the Office of Legal Counsel. Professor Lillian BeVier speaks to University of Virginia alumni during a reception at the Washington, D.C. office of Sidley Austin this summer.
Publications Reach New Audiences

Through its publications, the Federalist Society continues to give the media and the general public access to commentary from highly-respected national experts on current legal issues and their societal implications. This commentary takes the form of a scholarly journal, three regular newsletters, a member magazine, and white papers on various topics. All the Society’s publications are available online at www.fed-soc.org/publications.

Engage, the journal of the Federalist Society Practice Groups, appears triannually in electronic format. Ideas for Engage articles are generated by the fifteen Practice Groups; and occasionally there are special issues framed around a single theme. Articles from 2012 discussed the Department of Justice’s authority under the Foreign Corrupt Practices Act, analyzed the constitutionality of the America Invents Act, debated the merits of the Affordable Care Act, and made the case for defending against intergovernmental threats to internet freedom. In 2012, Engage took a major step forward by becoming available in Westlaw’s law journal database; this will increase the availability and prestige of Engage by giving practitioners, academics, and law students greater access to our content. We also continue to publish panel transcripts from the National Lawyers Convention in the Harvard Journal of Law and Public Policy and other national law reviews and journals.

State Court Docket Watch is a quarterly newsletter, composed primarily by members of the Society’s Lawyers Chapters, which reports on noteworthy or controversial state court trends and cases. This year’s subjects included state supreme court decisions on the constitutionality of non-economic damages caps in medical malpractice cases, whether citizens have a right to education under their state constitution, and whether plaintiffs can receive “phantom damages” for past medical expenses that were written off by the medical provider but never paid. The Federalist Society also once again produced a special issue focusing on recent court challenges to state tort reforms.

ABA Watch is a newsletter published to coincide with the American Bar Association’s mid-year and annual meetings. It provides an in-depth, independent look at the organization. The August issue discussed executive power; policies on religious profiling, SLAPPs, and campaign finance; judicial selection; Arizona v. United States; and the confirmation of judicial nominees.

Class Action Watch exists to inform Society members and the general public about recent class action litigation. The June 2012 issue featured articles on global warming nuisance suits, Ohio’s experience in deciding class certification, and the use of expert testimony at the class certification stage after Wal-Mart v. Dukes.

The Federalist Paper is the in-house magazine of the Federalist Society, printed winter, summer, and fall. The magazine, which highlights some of the activities and events of the Society’s Chapters, Practice Groups, and individual members, provides a glimpse into what divisions of the organization are doing nationally. The National Lawyers Conventions and Student Symposia are covered, and the State Courts and International Law Divisions provide updates on their work as well.

For a decade, the Society has published White Papers that seek to generate debate over important legal issues. In 2012, the State Courts Project continued to inform the public about state judiciary issues with papers on mens rea and state crimes, the effect of Super PACs on judicial elections, and the judicial philosophies of state supreme courts. Other White Papers discussed American family law and Sharia-compliant marriages, the different approaches courts take regarding firearms possession after District of Columbia v. Heller, and Philadelphia tort litigation.

In these publications, as always, the Federalist Society takes no position on particular issues: the opinions expressed in the publications are those of the authors and not of the Society itself. With these papers and in all its programs the Society seeks to produce material that will encourage discussion of timely legal and public policy developments. Readers are encouraged to respond to what they read and to submit articles or ideas on new legal trends and developments.
The Federalist Society’s 30th annual National Lawyers Convention, “The Future of U.S. Constitutional Law in the Supreme Court,” was held on November 17, 2012, at the Mayflower Hotel in Washington, D.C. Attendance was up 15% from 2011, and anecdotal feedback from attendees was excellent. Additionally, a new Convention “App,” allowing attendees to view the schedule, speaker bios, and hotel maps on their smartphones, was very well-received and will be improved for the 2013 Convention. This year’s Convention also featured a “Business Lounge” for attendees to work, charge their electronic devices, rest between events, and enjoy a noise level that was mitigated.

The highlights of the Convention included the Fifth Annual Rosenkrantz Debate on Natural Law between Chief Judge Alex Kozinski of the Ninth Circuit Court of Appeals and Prof. Hadley Arkes of Amherst College; addresses by U.S. Supreme Court Justices Samuel Alito and Antonin Scalia; and speeches by Governor Rick Scott, Senator Mike Lee, and then Senator-elect Ted Cruz.

Significantly, three of the Convention panels addressed the aftermath of NFIB v. Sebelius. Showcase Panel I: “Federalism and Federal Power,” featured Prof. Randy Barnett, Hon. Paul Clement, Judge Frank Easterbrook, Prof. Heather Gerken, Prof. Neal Katyal, Prof. Robert Natelson, and moderator Judge Diane Sykes. It examined the Supreme Court’s federalism jurisprudence in light of the divisions made evident by the close vote on the healthcare law, and discussed what those divisions mean in terms of limits to federal power. The panel was followed by two other events that focused on the effects of the case: “The Spending Clause After the Health Care Decision,” hosted by the Federalism and Separation of Powers Practice Group, and featuring Prof. John Eastman, Lee Casey, Prof. Edward Rubin, Robert Gasaway, and moderator Judge Jerry Smith; and “The Administrative State after the Health Care Cases,” hosted by the Administrative Law Practice Group, and featuring the Hon. Ronald Cass, the Hon. Christopher DeMuth, Prof. Timothy Jost, Judge Brett Kavanaugh, and moderator Judge Thomas Hardiman.

The Convention continues to be the ideal platform from which to launch new Federalist Society initiatives. As in recent years, this year’s Convention included individual meetings of the Practice Group Chairmen, Federalist Society Lawyers Chapters Leaders, Alumni Groups, and Faculty...
Division Leaders. For the first time, we hosted a delegation of International Judges at the National Lawyers Convention; and in the days following the Convention, these judges participated in a Federalist Society conference to discuss constitutional courts, the role of the judiciary, and the rule of law. (For more on this and other international events, see pages 8–9).

**STUDENT LEADERSHIP CONFERENCE**

Every July, newly-elected Student Chapter Presidents travel to Washington, D.C. for the Student Leadership Conference. They spend three days participating in panel discussions, conversing with other chapter Presidents, and learning how to run their chapters efficiently. The 2012 conference was held on July 13–15 at The Key Bridge Marriott. The Society hosted a Friday night reception to facilitate conversation between chapter leaders. Saturday morning began with an address from Prof. Randy Barnett of Georgetown University Law Center. The professor’s address was followed by a panel in which Federalist Society President Gene Meyer and the Student Division staff discussed successful chapter leadership. This was first of several panels in which Federalist Society staff discussed how chapters can be most effective at fostering the discussion of ideas on campus. These panels were also designed to help students address any problems they might encounter. Later in the day John Hardin of the Charles G. Koch Charitable Foundation and Leslie Hiner of the Friedman Foundation for Educational Choice spoke to the students about their experience in the conservative and libertarian movement.

On Saturday afternoon, Jordan Lorence of Alliance Defending Freedom, Kyle Duncan of Becket Fund for Religious Liberty, and Clark Neily of Institute for Justice formed a panel on Public Interest Litigation. That evening students attended the Conference’s annual Supreme Court Reception, where they met with Federalist Society employees and speakers. On Sunday, the students heard from Prof. Gregory McNeal of Pepperdine, a former Student Chapter President and a Federalist Society speaker.

All in all, the Student Leadership Conference serves to stimulate attendees in their tireless work to build up the Federalist Society on their campuses and to propel their chapters to new heights.
Our 15th Annual Faculty Conference, held in New Orleans, Louisiana in conjunction with the Association of American Law Schools' annual meeting, drew over 75 law professors from nearly 50 schools, as well as interested practitioners, non-profit staff, and aspiring academics. The conference featured a roundtable moderated by Prof. Randy Barnett (Georgetown University Law Center) highlighting work by top-flight junior scholars on judicial deference and engagement, and a panel of leading scholars who discussed the Dodd-Frank Wall Street Reform and Consumer Protection Act. Associate Justice Antonin Scalia visited with faculty at our evening reception, where he emphasized the crucial role that faculty play in students’ long-term intellectual development.

This year’s eagerly anticipated luncheon debate featured a friendly, vigorous exchange between Prof. Nicholas Quinn Rosenkranz (Georgetown University Law Center) and Prof. Richard Pildes (New York University School of Law) over whether Congress’ enumerated powers can be increased by treaty. Betsy Andersen of the American Society of International Law, which co-sponsored the event, moderated.

For the fourth year, the Conference served as a forum for competitively selected papers from the Young Legal Scholars Paper Competition. Profs. Erin and Josh Hawley of the University of Missouri-Columbia and Prof. Randy Kozel of Notre Dame received comments from Prof. Michael McConnell (Stanford), while Prof. Dan Kelly of Notre Dame and Prof. Minor Myers of Brooklyn received comments from Prof. James Lindgren (Northwestern). Prof. Eugene Volokh (UCLA) moderated. Other faculty members took advantage of two additional panels dedicated to faculty works-in-progress to obtain feedback on their scholarship.

Overall the conference proved quite successful, and the high quality of discussion among panelists highlighted the Society’s commitment to academic rigor and productive debate.

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**Student Symposium Explores the Importance of Limited Government and the Administrative State**

For many students, Federalist Society chapters on law school campuses can be their only exposure to the conservative and libertarian ideas on which our nation was founded. The Student Division has worked tirelessly this year to expand our influence to every accredited law school campus in the United States.

Every year the Student Division hosts an annual Student Symposium, which is the most anticipated event of the academic year. Each spring, one of our Student Chapters is selected to host the two-day conference on a particular topic. The Student Symposium is one of the Federalist Society’s most well-attended events, designed to facilitate a forum for debate and discussion on the year’s most relevant topics.

The 31st annual Student Symposium was held on March 2–3, 2012 at Stanford University School of Law. Over 600 students traveled from around the country to hear speakers debate all aspects of the topic “Bureaucracy Unbound: Can Limited Government and the Administrative State Coexist?” Scholars and practitioners examined all facets of the rule of law, the administrative state, and limited government.

On Friday night, Larry Kramer, Dean of Stanford Law School, addressed the Symposium attendees. Dean Kramer thanked speakers and students for traveling from afar to attend. He reflected on his time attending the second
annual Student Symposium and showed his gratitude for the Federalist Society, stressing the vital role of the organization in molding the next generation’s conservative and libertarian leaders.

Dean Kramer’s speech was followed by the first panel, “The Rule of Law and the Administrative State,” which was monitored by Judge Carlos T. Bea of the U.S. Court of Appeals for the Ninth Circuit. The speakers included Prof. Peter Shane of Ohio State University Law School, Prof. Richard Epstein of New York University School of Law, Prof. David Barron of Harvard Law School, and Judge Brett Kavanaugh of the U.S. Court of Appeals for the D.C. Circuit. Prof. Shane and Prof. Epstein attempted to define the terms “rule of law” and “administrative state,” while Prof. Barron chose to focus on the “reconfiguration of the practice of delegation.” Judge Kavanaugh focused on Congress’ impact on the expansion of the rule of law and the role of the courts in preserving it.

The second panel was titled, “Congress vs. Agencies: Balancing Checks and Efficiency: Gridlock, Organized Interests, and Regulatory Capture.” This panel featured moderator Judge Lois Haight of the Contra Costa County Superior Court in California and speakers Hon. C. Boyden Gray, former ambassador and White House Counsel, Prof. Lisa Heinzerling of Georgetown University Law Center, and Profs. Michael McConnell and David Engstrom of Stanford Law School. This panel focused on the effectiveness of constraints placed on agencies and on problems posed by “regulatory capture.”

Prof. Sandy Levinson of University of Texas School of Law addressed the third topic, “Perspectives on Executive Power: Czars, Libya, and Recent Developments,” describing the rise of czars as an “unfortunate development.” Prof. John Yoo of Berkeley Law School disputed Prof. Levinson’s critique of the executive, followed by Prof. Mariano-Florentino Cuellar of Stanford Law School, who explained that Congress is to blame for the expansion of the executive office. Lastly, Prof. John Harrison of University of Virginia School of Law argued that the expansion of executive power is a result of the difficulty of amending the Constitution to fit modern needs.

The debate following the third panel was titled, “The Constitutionality of the Affordable Care Act” and featured Prof. Randy Barnett of Georgetown University Law Center and Prof. Pamela Karlan of Stanford Law School. The speakers debated the constitutionality of the law through the lens of the Interstate Commerce Clause. Prof. Barnett and Prof. Karlan touched on how the Affordable Care Act could change the relationship between individuals and the federal government.
The fourth panel, “Technology and Regulation,” was moderated by Dean Larry Kramer of Stanford Law School and featured Mr. Anthony Falzone of the Fair Use Project at Stanford Law School, Prof. Mark Lemley of Stanford Law School, Facebook’s General Counsel Ted Ullyot, and Peter Thiel of Clarium Capital. The panel explored the drawbacks and benefits of technology, regulation, and the free market.

The Symposium closed with a reception and banquet featuring keynote speaker Senator Mike Lee of Utah. Senator Lee argued that Congress must reclaim the power to legislate from the bureaucracy to restore economic growth and reduce the size of government. The annual Paul M. Bator Award was presented to Prof. Eugene Kontorovich of Northwestern University at the Symposium Banquet.

The second annual Feddie awards were also presented at the banquet, honoring those chapters whose hard work and dedication throughout the fall resulted in soaring attendance numbers, increased membership, and an overall successful year. The Feddie awards encourage Student Chapters to engage in friendly competition with other chapters around the country, helping them to learn from each other how to improve in areas such as membership and publicity. The University of Chicago received the award for the Chapter of the Year, Penn for Most Improved Chapter, Texas for Greatest Membership Growth, and Pepperdine for most Creative Publicity. The fifth Feddie, the Benjamin Franklin Spring Breakout Award, was won by Louisville, and presented at the Student Leadership Conference in July.
2012 National Lawyers Convention
Photo Highlights
The Practice Groups continue to promote discussion in the legal, policy, and media worlds, and provide support, guidance, and expertise to the other divisions and special projects of the Federalist Society.

The most important development over the past year has been the institution of programming to engage members who for logistical reasons cannot attend meetings in person. The fastest growing Practice Group initiative, the Teleforum Conference call, illustrates this trend, allowing our programming to reach members outside major cities. The calls have been tremendously popular, creating a demand which led the Practice Groups to more than double the number of annual calls in 2012. The new “From the Courthouse Steps” format has also been extremely popular, broadening the base of active, participating members. In this variation on the standard format, one of our experts attends an oral argument at the Supreme Court, then recaps the argument and answers questions via Teleforum shortly after. All of our members are invited to participate in these calls.

The Practice Groups are also a source of experts for the press, the State Courts Project, the Capitol Hill chapter, and efforts covering the U.S. Supreme Court. Practice Group experts have also served as panelists and coordinators for student and lawyers chapter events across the country, written papers for special projects, and provided pro bono expertise, media outreach, and testimony before Congress and other governmental bodies. The Practice Groups contribute heavily to the Society’s online initiatives, including SCOTUSCast, and help ensure that conservative and libertarian perspectives are available to the press during conference calls covering the Supreme Court docket and other legal matters.

**Practice Group Programming Highlights**

The Corporations, Securities, and Antitrust Practice Group, the Free Speech and Election Law Practice Group, and the San Francisco Lawyers Chapter hosted a discussion on “Internet Search, Antitrust, and Free Speech” featuring Thomas Barnett of Covington & Burling, LLP, the Hon. Ron Cass of Cass & Associates, PC, and moderator Judge Carlos Bea of the U.S. Court of Appeals for the Ninth Circuit. The panelists discussed the extent to which government can regulate internet search engine results.

**Former Federal Trade Commission Chairman Hon. James C. Miller III (right) speaks at the “Antitrust Enforcement as Regulation?” event at the National Press Club. The event was moderated by Prof. F. Scott Kieff (left) from George Washington Law School and hosted by the Corporations, Securities, and Antitrust Practice Group.**
The Intellectual Property Practice Group hosted a Teleforum discussion between New York University Prof. Richard A. Epstein and George Mason Prof. Adam Mossoff on “Patent Rights: A Spark or Hindrance for the Economy?” The discussion centered on whether reduced patent rights would diminish U.S. competitiveness and depress innovation, and whether so-called “non-practicing entities” (NPEs) should have fewer patent rights than those which manufacture their inventions. The Group also hosted a Teleforum entitled “Boon or Bane for Technological Innovation?: Software Patents.” The panel featured Prof. Mossoff, Boston College Prof. David Olson, Robert Sachs of Fenwick & West LLP, and Prof. Mark Schultz of Southern Illinois University School of Law as the moderator.


In October, in anticipation of the national election, the Free Speech and Election Law and Civil Rights Practice Groups co-sponsored a National Press Club discussion entitled “Who’s Counting?: How Fraudsters and Bureaucrats Put Your Vote at Risk” featuring National Review columnist John Fund and Constitutional Accountability Center Chief Counsel Elizabeth Wydra. John Samples, Director of the Cato Institute’s Center for Representative Government, moderated.

The Federalist Society Practice Groups co-sponsored an evening program at the National Archives to celebrate the Constitution’s 225th birthday. The program featured U.S. Supreme Court Justice Clarence Thomas and Yale Law Prof. Akhil Amar, and was broadcasted by C-SPAN.

The Criminal Law Practice Group sponsored several Teleforum calls, including “The Future of the Expectation of Privacy After U.S. v. Jones,” during which George Washington University Prof. Orin S. Kerr and Jamil N. Jaffer of the House Permanent Select Committee on Intelligence discussed the Katz test and Justice Sotomayor’s proposal to re-evaluate this standard. In another call, Gerald Masoudi of Covington & Burling LLP and Rick Blumberg of the Food and Drug Administration discussed the

The Environmental Law and Property Rights Practice Group hosted a Teleforum on hydraulic fracking and federalism which featured Jason Hutt of Bracewell & Giuliani LLP, Scott Perry of the Pennsylvania Department of Environmental Protection, Craig Segall of the Sierra Club Environmental Law Program, and Joel Burcat of Saul Ewing LLP. The speakers discussed the comparative advantages of state and federal regulation of unconventional drilling. The group also hosted a Teleforum on the Supreme Court’s unanimous decision Sackett v. EPA and the reach of agency authority which featured Prof. Richard Frank of UC Davis’ California Environmental Law and Policy Center and Pacific Legal Foundation’s Damien Schiff, Counsel for the Petitioners.

Soon after the U.S. Supreme Court decided the hotly debated immigration case, the Civil Rights Practice Group sponsored a Teleforum on “Arizona v. United States: Enforcing Immigration Laws,” which featured Dr. John C. Eastman of Chapman University and Prof. Margaret D. Stock of Lane Powell PC. The group hosted a Teleforum with Alan Gura of Gura & Possessky PLLC and George Mason Prof. Nelson Lund, who discussed developments in the lower courts post-Heller and post-McDonald. The group sponsored a panel on “Ledbetter and Beyond: Does the Media Oversimplify Gender Issues?” at the National Press Club. The panel was moderated by Committee for Justice President Curt Levey and featured Fatima Goss Graves and Marcia Greenberger of the National Women’s Law Center, Jennifer Braceras (formerly of the U.S. Commission on Civil Rights), and Sabrina Schaeffer of the Independent Women’s Forum.

In June, the Federalism & Separation of Powers Practice Group held a Teleforum discussing George Mason Prof. Michael S. Greve’s The Upside-Down Constitution. Dr. Greve’s book asserts that America’s Constitution has

been exploited by interest groups for power and influence. Dr. Greve and University of San Diego Prof. Michael B. Rappaport discussed the book and took callers’ questions. Also in June, Vanderbilt Prof. Brian T. Fitzpatrick participated in a Teleforum canvassing viewpoints on merit selection, and explained why its popularity has declined relative to other judicial selection methods. At the U.S. Supreme Court term’s close on June 27, the group hosted a Teleforum on Judicial Activism with Chapman Prof. John C. Eastman and George Mason Prof. Ilya Somin.

On June 28, the afternoon of the historic decision in the healthcare case *NFIB v. Sebelius*, the group hosted a very popular Teleforum call to discuss the decision. David B. Rivkin, Jr. of Baker & Hostetler LLP, the litigator who filed the lawsuit on behalf of numerous states and the NFIB, explained the decision and dissents. In July, after reflecting on the decision, the group hosted a Teleforum call with Georgetown Prof. Randy E. Barnett discussing the Commerce Clause, tax power, Medicaid decisions, and their implications. In August, the group hosted a Teleforum on “Repealing Obamacare” featuring George Mason Prof. Eric R. Claeys and Georgetown Prof. Louis Michael Sediman.

In September, Dr. Roger Pilon of the Cato Institute and Adam J. White of Boyden Gray & Associates reprised an online dialogue during a group Teleforum titled “Bickel’s *The Least Dangerous Branch*: Still Relevant, 50 Years Later?” which discussed the seminal work’s influence on conservative and libertarian legal thought.

With the passage of Dodd-Frank, the Financial Services and E-Commerce Practice Group hosted a Teleforum on “Solving the ‘Too Big to Fail’ Problem: Resolution Authority vs. Chapter 14.” It discussed, among other issues, whether Too Big to Fail has ended, whether the Dodd-Frank tools work in a crisis, and whether a revised bankruptcy code would actually provide more transparency and greater certainty to creditors. The speakers included Randall D. Guynn of Davis Polk & Wardwell LLP; David J. Schraa of the Institute of International Finance, and Pennsylvania Prof. David A. Skeel; Davis Polk’s John L. Douglas moderated. The group also hosted a Teleforum on “Risk Retention on Mortgages,” the interplay between the QRM rule and other Dodd-Frank requirements, the panoply of new rules, and their potential impact on the U.S. mortgage market. Speakers included...

In July, the Free Speech & Election Law Practice Group held a Teleforum to discuss the U.S. Supreme Court decision in United States v. Alvarez, which “dealt with [the] important and recurring First Amendment question” of when the government may ban lies. First Amendment experts Prof. Eugene Volokh and Erik Jaffe dissected the case and answered questions from the call-in audience. Later in July, in the wake of some extremely high-profile recall efforts, the Practice Group hosted an expert panel to discuss the intersection of campaign finance laws and recall elections. University of Southern California Prof. Elizabeth Garrett, Lisa T. Hauser of Gammage & Burnham, and William R. Maurer of the Institute for Justice discussed First Amendment speech rights in recall elections vis-à-vis conventional elections.


In June, the Labor & Employment Law Practice Group presented a Teleforum analyzing the recent Supreme Court decision in Knox v. SEIU Local 1000. Hogan Lovells associate Dominic F. Perella and W. James Young, Jr. of the National Right to Work Legal Defense Foundation discussed the decision’s implications. In September the group co-sponsored a program with the Cato Institute examining the role of public sector unions in local, state, and federal governments. The program included Citadel Prof. Mallory Factor and United Electrical, Radio, and Machine Workers of America Political Action Director Chris Townsend, and was moderated by Cato’s Trevor Burns.
In August, the **Litigation Practice Group** held a Teleforum on “Civil Asset Forfeiture,” featuring Institute for Justice (IJ) Senior Attorney Scott G. Bullock and Smith & Zimmerman partner David B. Smith. Smith authored the leading two-volume treatise *Prosecution and Defense of Forfeiture Cases*, and Bullock leads IJ’s project challenging civil forfeiture; they discussed the legal workings of forfeiture and how they are abused at the state and federal levels.

Also in August, the **Religious Liberties Practice Group** hosted two telefora. Amherst Prof. Hadley P. Arkes gave a presentation on his book, *Constitutional Illusions & Anchoring Truths: The Touchstone of the Natural Law*, in which he counters the legal academy’s current of judgments on classic cases such as *Lochner v. New York*, *Near v. Minnesota*, *New York Times Co. v. United States* (the Pentagon Papers case), and *Bob Jones University v. United States*. Later in August, the group provided a litigation update, via Teleforum, on the status of challenges to the contraception coverage mandate issued earlier this year by the U.S. Department of Health and Human Services.

The **Telecommunications & Electronic Media Practice Group** hosted Michael Calabrese of New America Foundation and Thomas W. Hazlett of George Mason to examine “Spectrum Policy in the Age of a Spectrum Crunch.” In September, Dan Isett of Parents Television Council and appellate litigator Erik S. Jaffe debated the recent Supreme Court decision *FCC v. Fox*, the “fleeting expletives” First Amendment case which examines government’s role in policing broadcast content.

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**IN MEMORIAM: ROBERT H. BORK 1927–2012**

Judge Robert H. Bork was born in Pittsburgh, Pennsylvania. He earned both his bachelor’s and law degrees from the University of Chicago. After a period of service in the U.S. Marine Corps, Bork went into private practice before becoming a professor at Yale Law School. He later served as Solicitor General (1973-77) and as a judge for the U.S. Court of Appeals for the D.C. Circuit (1982-88), before being nominated to the U.S. Supreme Court by President Reagan. Bork’s later work included several years as a fellow at the American Enterprise Institute and the Hudson Institute, as well as tenures as a professor at both the University of Richmond School of Law and Ave Maria School of Law. He served as co-chairman on the Federalist Society’s Board of Visitors for twenty years.

Judge Bork was a legal giant, and a man of unsurpassed integrity, intellect, courage, and kindness. He has been a friend, an inspiration, and an intellectual guiding light to the Federalist Society since its inception.

Our nation owes Judge Bork an enormous debt of gratitude for his irressible and forceful defense of the Constitution as it was written and understood by our Founding Fathers. He pioneered a jurisprudence of original meaning that has had enormous influence in the legal academy as well as in the courts.

The Judge’s unparalleled wisdom and wonderful wit will be missed. Fortunately much of it will endure through his enormous body of published writings, speeches and lectures which future generations will enjoy and from which they can profit.

Robert Bork’s contributions and achievements are already a part of the fabric of our country. His memory and legacy live on, and, we hope, will further help to preserve America’s exceptional commitment to limited, constitutional government and the rule of law.
State Courts Project Addresses Proper Role of State Judges and Method of Selection

The Federalist Society’s State Courts Project continues to raise the profile of state level issues by hosting timely programs, publishing white papers, and making legal experts available to media to provide substantive analysis on current events.

Publications

In 2012, the Society published a White Paper titled “A Survey of Empirical Evidence Concerning Judicial Elections” authored by Pittsburgh Prof. Chris Bonneau. In the White Paper, Prof. Bonneau outlines common arguments against judicial elections and evaluates them via empirical data. Other noteworthy topics from 2012 White Papers include an update on the public understanding of mens rea in light of the rise of “strict liability” in state crimes (John Baker) and an analysis of textualism’s role in the Michigan Supreme Court (Tom Ludden). The Society also publishes the quarterly State Court Docket Watch, which reports on notable state supreme court rulings and jurisprudential trends.

North Carolina: Judicial Elections and the Role of Super-PACs

In 2012, the re-election of Justice Paul Newby of the North Carolina Supreme Court captured a significant amount of attention, in large measure because the court is commonly characterized as narrowly divided (4–3), and Justice Newby is considered part of the more conservative majority, which is expected to review legislation passed by the Republican legislature and the newly-elected Republican governor. The Society took advantage of this inflection point by hosting a candidate forum that allowed Justice Newby and his opponent to answer questions about their approach to law. The forum was well-attended and generated news coverage from the Associated Press and local television stations.
Additionally, the Society used a heated debate generated by the formation of a Super PAC, the North Carolina Judicial Coalition, which supported Justice Newby’s re-election, to educate the press, the public, and opinion leaders about Super PACs and their impact. Elon Prof. Scott Gaylord authored a White Paper, “The Effect of Super PACs on North Carolina Judicial Elections,” which analyzed both sides of the debate and was widely covered in state media outlets.

**TENNESSEE: MERIT SELECTION DEBATE AND REFORM**

For nearly 40 years the state of Tennessee has questioned its method of judicial selection, with the debate becoming increasingly intense in the last several years. According to the Tennessee Constitution, “The Judges of the Supreme Court shall be elected by the qualified voters of the State.” Pursuant to legislation, however, Tennessee has used a form of the Missouri Plan, in which a commission selects nominees from which the governor must choose.

The debate attained new intensity in 2012 when Governor Haslam and the state’s top legislative leaders, hoping to finally end the controversy, called for a constitutional amendment. To promote dialogue on the issue, the Memphis Lawyers Chapter of the Society hosted an event entitled “The Role of the Courts in Our Constitutional System,” featuring Chapman Prof. Ronald Rotunda. Vanderbilt Prof. Brian Fitzpatrick, an expert on judicial selection, educated opinion leaders and members of the press and shared his scholarly findings, which suggest that the Missouri Plan has resulted in the nomination of more left-leaning judges than in states which utilize other forms of judicial selection.

After considerable discussion, a modified version of the federal method sponsored by Senator Brian Kelsey emerged in a compromise that garnered bipartisan support from over two-thirds of the state’s legislators in both chambers. Under the new amendment judges would be nominated by the governor, confirmed by the legislature, and stand for retention elections every eight years. Both chambers must reapprove the compromise by a two-third majority in the next two-year General Assembly, followed by voter approval on the 2014 ballot, before it can become law.
SOCIAL MEDIA

Through its social media outlets—blogs, Facebook page, and Twitter feed—the Federalist Society continues to broadcast its events, publications, and multimedia beyond its membership to the general public. Through these outlets, the Society informs its audience about the latest developments in the legal community and sparks debate on issues that impact the making and interpretation of the law.

FedSoc Blog

Our blog’s wide audience includes many lawyers and policymakers. It features news stories and op-eds, highly popular original podcasts, advertisements for upcoming events, FedSoc publications, and substantive summaries of panel discussions and other talks. Content is often picked up by high profile blogs, including the ABA Journal blog, Above the Law, and SCOTUSblog. The substantive summaries have been particularly praised for bringing the substance of events to persons who were unable to attend.

Facebook

Our Facebook page is extremely popular, with over 105,000 fans, allowing us to reach a far broader audience than our membership. A single popular post can be seen by as many as 20,000 people—enough to fill a basketball arena. We are using more images to attract attention (since images have been shown to be the most popular posts on Facebook), and have posted a number of high quality photos and videos from Federalist Society events. We have received compliments from persons in conservative social media on the content and popularity of our posts; indeed, some of them have asked for advice on emulating our success.

Twitter

Our Twitter feed currently has an impressive 9,800 followers—and those numbers continue to rise at a steady rate of 9 followers per day. Some of those followers have their own large followings, so that when they retweet our posts we reach a still greater audience.

We use the Twitter feed to publicize blog posts, relevant news and opinion (including FedSoc publications), and upcoming events. On special occasions, the feed becomes a virtual wire report. For instance, during the 2012 National Lawyers Convention we tweeted coverage in real-time; and it received a great deal of attention, including from C-SPAN and then Senator-elect Ted Cruz.

SCOTUSreport

This June, in conjunction with the Affordable Care Act decision, we launched a new blog, SCOTUSreport, which aims to be a repository of news and opinion regarding the Supreme Court. To a great extent, the new SCOTUSreport is designed to be the go-to resource for future Supreme Court nominees. Since the initial launch, a number of distinguished persons have blogged on the site, including Roger Clegg, Richard A. Epstein, John O. McGinnis, Nicholas Quinn Rosenkranz, and Ed Whelan. Their contributions have been highly sophisticated and extensive, and have been linked to by such respected and widely-read sites as SCOTUSblog.
Donors Fuel Federalist Society Expansion

In a year marked by debate over major constitutional questions, the Society has continued to expand programs for students, faculty, and members of the legal community. This growth was possible only because of the unwavering support of the donors to the James Madison Club. These donors contribute $1,000 or more annually to the Society. In recognition of the commitment of those individuals, foundations, and corporations, a list of the current members of the James Madison Club appears below.

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$100,000 or more
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- Claude Lamb Foundation
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(left to right) Federalist Society Executive Vice President Leonard Leo, Federalist Society Co-Founder Prof. Steven Calabresi, Supreme Court Justice Samuel Alito, and Federalist Society President Eugene Meyer at the 30th Anniversary Gala.
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Fred Young, Jr.

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$5,000 to $9,999
Anonymous (2)
Adrienne Atkinson
American Banker Association
The Appar Foundation
Bartlit Beck Herman Palenchar & Scott LLP
The Becket Fund
The Beechwood, Co.
Wendell R. Bird
Mr. & Mrs. Roger Brooks
Brownstein Hyatt Farber Schreck LLP
Barbara Bruin
Ying Chen
Daniel P. Collins
The G.L. Connolly Foundation
Contran Corporation
Covington & Burling LLP
Robert J. Crnkovich
Dick & Betsy DeVos Foundation*
William S. Edgerly
Christopher JD Haig
Gail Heriot
Charles & Anne Johnson Foundation
Eric Kadel, Jr.
Michael & Rosalind Keiser Charitable Trust
Roger D. Klein
Lincoln Financial Group

Letty G. Lutzker
Bill & Kathleen Mumma
Munger Tolles & Olson Foundation
Ronald G. & Bette B. Nehring
Theodore B. Olson*
San W. Orr, Jr.
William & Lee Otis*
Gregory W. Piasecki
Raytheon
David B. Rivkin, Jr.
The Roe Foundation
Steptoe & Johnson, LLP
The Sunmark Foundation
The Susquehanna Foundation
Nicholas J. Swenson
Whitcomb Charitable Foundation
Wilkinson Barker Knauer LLP
Wilson Sonsini Goodrich & Rosati

**MADISON CLUB SUPPORTING MEMBERS**

$2,000 to $4,999
Anonymous (3)
Mike K. Ain
Jodi S. Balasam
Randy E. Barnett
Henry & Paige Butler
Matthew & Julie Byrne
Michael Caponiti
Ceres Foundation
Jeffrey B. Clark
Manus Cooney
Trevor K. Copeland
Jack David
Steven & Cara Duffield
Robert J. Ernst III
Daniel Finley
Theodore H. Frank
Robert J. Giuffra, Jr.
Jason Gonzalez
Michael D. Grimes
Karl J. Hirshman, Hirshman Foundation
Thomas G. Hungar
Judith Jacobs*
David & Alida Kass

**MADISON CLUB MEMBERS**

$1,000 to $1,999
Anonymous (4)
Alden F. Abbott
Paul Ahern
Douglas W. Anderson
Hadley P. Arkes, Ph.D.
Auto-Owners Insurance Company
John S. Baker, Jr.
Scott Banister
Jason R. Barclay
James T. Barry, III
Gregory L. Barton
Charles H. Bell, Jr.
Bradford A. Berenson
James E. Berger
Lawrence Bernheim
Bonnie G. Bird
Francis S. Blake
Robert & Mary Ellen Bork*
Theodore J. Boutrous, Jr.
J. Bayard Boyle, Jr.
Susan G. Braden
Rachel Brand & Jonathan Cohn
John W. Brewer
William Brooke
Reginald Brown

Robert B. Knauss
The Fred A. Lennon Charitable Trust
Joseph McLaughlin
Adam Meyerson & Nina Shea
The Modzelewski Charitable Foundation
National Beer Wholesalers Association
Jeffery & Lisa Neilson
Dan Oliver
John C. O’Quinn
Robert Parker
Eric Pelton
Roger Pilon
Alan Charles Raul
Raytheon
Robert B. Reingold
James M. Rockett
Leslie Rose*
Ilya Shapiro
David Sherman
Shook, Hardy & Bacon LLP
Douglas G. Smith
Paula M. Stannard*
Frank B. Strickland
Brian Van Klompenberg
Bonnie K. Wachtel*

(Left to right) Hon. Carlos Bea, U.S. Court of Appeals for the Ninth Circuit, Mrs. Louise Bea, Prof. Nicholas Quinn Rosenkrantz, and Prof. Randy Barnett at the 30th Anniversary Gala in November.
William H. Burgess IV
Marcela Burke
Steven G. Calabresi
W. Stephen Cannon
Willard Z. Carr, Jr.
Mark Casso
David Cavicke
Tom Christina
Roger Clegg
Shannen W. Coffin
Gus Coldebella
Brian J. Cole
Sean C. Connors
Considine Family Foundation
James Alexander Cooke
Charles J. Cooper
Theodore M. Cooperstein
Gregory D. Cote
Michael J. Daugherty
J. Kennerly Davis, Jr.
Michael Diaz, Jr.
Dodge Jones Foundation
Carrie-Lee Early
John C. Eastman
William J. Emanuel
Epstein Becker & Green, PC
Jack Etheridge*
John Evangelakos
Nolly S. Evans
Gordon O. Ewin
Fred F. Fielding
Brian T. Fitzpatrick
Chad Flores
Michael C. Flynn
David F. Forte
George S. Frazza
Michael K. Friedland
Christopher Gabriel
Patrick M. Garry
George J. Gillespie III
Charles P. Gilliam
Paul Glenchur
Elizabeth D. Gobeil
John A. Gose
James Graham
Michael W. Grebe
Michael & Louisa Greve
A. Gregory Grimsal
Alan Gura
Kristofer J. Hammond
Steve Hartung
Sarah Hawkins Warren
James Haynes
James & Allyson Ho
Joe G. Hollingsworth
Mark V. Holmes
James L. Huffman
J.C. Huizenga
Charles Hwang
David A. Hyman
Jeffrey W. Jackson
Erik Jaffe
William H. Jernigan
Thomas M. Johnson
Albert L. Jordan
Eric J. Kadel, Jr.
Mark Kahrs
Paul J. Kaleta
Lawrence Keane
Orin S. Kerr
Jessica King
Manuel S. Klausner
Howard J. Klein
Richard D. Klingler
Kenneth A. Klukowski
Peter C. Krause
Vernon K. Kriebel Foundation
Jeffrey C. Kubin
Raymond J. LaJeunesse, Jr.
Grant Lally*
Glen Lavy
Toni Lawrence
Gary Lawson
Kenneth K. Lee
David G. Leitch
Raymond Wm. Leyden
Mark R. Lisker
Elizabeth Locke
Brian J. Maas
Michael J. Madigan
Gregory Maier
Nancie G. Marzulla
Carol M. Matheis
Steve A. Matthews
Randolph J. May
Douglas K. Mayer
Letty McAdams
Sean M. McAvoy
Robert D. McCallum
Kevin McDermott
Diane McGimsey
John O. McGinnis
Brent J. McIntosh
Gregory S. McNeal
Mark D. Mittleman
Hashim Mooppan
Richard T. Morrison
John D. Murnane
Mark Nance
Douglas T. Nelson
Dennis R. Nolan
Coleman A. Nutter
Eileen J. O’Connor
James J. O’Connell, Jr.
Thomas P. Ogden
Eric O’Keefe
Kevin O’Scannlain
Timothy Osterhaus
Hugh Overholt
Donald L. Padgitt
Adam S. Paris
Eliot Pedrosa
Eric Pelton
Carolyn Perlato
Mark A. Perry
Patrick F. Philbin
Robert Pluta
Stephen D. Poss
George Priest
Alfred W. Putnam
Michael D. Ramsey
David W. Robertson
Sheldon Rose*
Ronald D. Rotunda
Robert H. Scarborough
Michael Scharf
William O. Scharf
Maimon Schwarzschild
Donald E. Scott
Jeffrey Thomas Scott
Andrew Siff
Brandon & Laurel Simmons
Loren A. Smith
Steven W. Smith
John A. Smyth
Abraham Sofaer*

* By invitation only.
John J. Soroko*  
Charles R. Spies  
Cheryl M. Stanton  
Edward E. Steiner  
Charles Henry Still  
Roger & Susan Stone  
Foundation  
Robert L. Strickland*  
Daniel Subotnik  
J. Robert & Leslie Suffoletta  
Jeffrey Taft  
Heath P. Tarbert  
David H. Thompson  
Larry D. Thompson  
Peter M. Thompson  
Gordon D. Todd  
Jason Torchinsky  
Donald Toumey  
Eric W. Treene  
Charles M. Trippe, Jr.  
Daniel E. Troy  
E. Peter Urbanowicz  
Jeffery J. Ventrella  
Paul M. Vronsky  
Michael B. Wallace  
Anne Walsh  
Richard Weicher  
Donn Weinberg  
Steadman H. Westergaard  
Ketia B. Wick  
Rando B. Wick  
Michael Wiggins & Erika Birg  
Richard E. Wiley  
Richard K. Willard*  
Edwin D. Williamson*  
William Reynolds Williams*  
M. Craig Wolf*  
Christopher A. Wray  
James W. Ziglar  

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Anonymous (4)  
James Baehr*  
Jonathan Berry  
Kathryn Biber Chen*  
Craig Chosiad*  
Joseph Bingham  
Josh Blackman  
Megan Brown  
Anthony Bruno  
William Burgess, IV  
Marcella Burke  
Salen Churi  
Marie Connelly  
Matt Cooper*  
Alexander Cox*  
Emily Kuebler Cox  
Stephen Cox  
E. Stewart Crosland  
Brock Dahl  
Laura Davis  
Anthony Deardurff*  
Nick Degani*  
Jason Dexter*  
Gregory Dolin  
Collin Dretsch  
John Druva  
Claire Evans  
Blaine Evanson*  
Brenna Findley*  
Thomas Fleming  
Catherine Foster  
Dan Gallagher  
Brenanne Gilpatrick  
William Goodwin  
Tyler Green  
Gary Greenberg  
Paul Griffin*  
Liam Hardy  
Joshua Harlan  
Jeffrey Harris*  
Sarah Harris  
William Haun  
Josh Hawley*  
Alex Henriques  
Andrew Hitt*  
Lowell Jacobson  

Nicholas Joy  
Scott Keller*  
Stephen Klein  
LeâElle Krompact  
Eugenio Labadie*  
Megan Lacy  
Patrick Lewis  
Jennifer Litcher*  
Elbert Lin*  
Elizabeth Locke  
Marisa Maleck*  
Nathan Mammen  
Roman Martinez, V  
Dace Martinez  
Daniel Mauler*  
Steven Menashi*  
John & Bria Mertens  
Peter Milligan*  
Thomas Moll  
John Moran  
Brian Morrissey, Jr.*  
Rachel Mondl  
Dennis Murashko*  
Michael Mulvania*  
Erin Murphy*  
Glen Nager  
Nicholas Nelson  
Ryan Newman  
Maya Noronha*  
Robert Numbers, II*  
Samuel Nunberg  
Michael O’Connor*  
Eric Osborne  
Kate O’Scanlaiian Johnson*  
Matt Owen*  
Jesse Panuccio*  
Andrew Pappas  
Rachel Perez*  
Kevin Plummer*  
Daniel Pollack  
Wells Robinson  
Nicolas Rotsko  
Harout Jack Samra*  
Sean Sandoloski*  
William Scharf*  
Perak Shah*  
David Shaw*  
Anthony Shults  
Brett Shumate*  
Lindsay Simmons*  
Jonathan Skrmetti*  
Brandon Smith*  
Grant Starrett*  
David Strandness  
Daniel Suhr*  
Kevin Swartz  
J.B. Tarter*  
Misha Tseytlin*  
Kevin Turner*  
John Vrett*  
Paul Vronsky  
Colin Watson*  
Jay Wiley  
Porter Wilkinson*  
Moin Yahya  
Jason Yen  
Barrett Young  
Scarlett Zirkle  

* Denotes individuals who are founding members of their respective clubs.  

**DONATIONS IN HONOR OF ROBERT H. BORK**  

**$5,000 or more**  
Douglas K. Mayer  
William E. Simon Foundation  

**$4,999 to $1,000**  
T. Kenneth Cribb, Jr.  
Mr. & Mrs. Jonathan R. Macey  
Loren & Catherine Smith  

**$999 and under**  
R. & Edith Culp  
Richard & Josepha Faley  
Leon & Amy Kass  
Eugene Meyer  
Stuart Smith  
Stephen Urbanczyk
REPORT OF INDEPENDENT AUDITORS

Board of Directors
The Federalist Society for Law and Public
Policy Studies
1015 18th St., N.W., Ste. 425
Washington, D.C. 20036-8221

We have audited the accompanying statements of financial position of The Federalist Society for Law and
Public Policy Studies as of September 30, 2012 and 2011 and the related statements of activities and cash
flows for the years then ended. These financial statements are the responsibility of the Society’s
management. Our responsibility is to express an opinion on these financial statements based on our audits.

We conducted our audits in accordance with auditing standards generally accepted in the United States of
America. Those standards require that we plan and perform the audits to obtain reasonable assurance about
whether the financial statements are free of material misstatement. An audit includes examining, on a test
basis, evidence supporting the amounts and disclosures in the financial statements. An audit also includes
assessing the accounting principles used and significant estimates made by management, as well as
evaluating the overall financial statement presentation. We believe that our audits provide a reasonable basis
for our opinion.

In our opinion, the financial statements referred to above present fairly, in all material respects, the financial
position of The Federalist Society for Law and Public Policy Studies as of September 30, 2012 and 2011 and
the changes in its net assets and its cash flows for the years then ended, in conformity with accounting
principles generally accepted in the United States of America.

Bob Beebe
A Professional Corporation
Bethesda, MD
January 22, 2013
## THE FEDERALIST SOCIETY FOR LAW AND PUBLIC POLICY STUDIES

**STATEMENTS OF FINANCIAL POSITION**

**SEPTEMBER 30, 2012 AND 2011**

### ASSETS

<table>
<thead>
<tr>
<th></th>
<th>2012</th>
<th>2011</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>CURRENT ASSETS</strong></td>
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<td></td>
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<tr>
<td>Cash and cash equivalents</td>
<td>4,498,796</td>
<td>3,932,032</td>
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<tr>
<td>Investments</td>
<td>2,110,813</td>
<td>2,532,733</td>
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<tr>
<td>Grants receivable</td>
<td>1,364,797</td>
<td>729,877</td>
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<td>Contributions receivable</td>
<td>427,330</td>
<td>598,320</td>
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<td>Other receivables</td>
<td>5,468</td>
<td>6,580</td>
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<tr>
<td>Inventory</td>
<td>40,029</td>
<td>89,878</td>
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<td>Other current assets</td>
<td>78,441</td>
<td>104,222</td>
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<td><strong>Grant and Contributions Receivable - Long-Term</strong></td>
<td>87,779</td>
<td>172,812</td>
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<td><strong>FIXED ASSETS</strong></td>
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<tr>
<td>Computer equipment</td>
<td>107,863</td>
<td>167,790</td>
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<td>Office furniture and equipment</td>
<td>96,289</td>
<td>96,289</td>
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<tr>
<td>Leasehold improvements</td>
<td>15,588</td>
<td>15,354</td>
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<tr>
<td><strong>Accumulated depreciation and amortization</strong></td>
<td>209,480</td>
<td>286,477</td>
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<tr>
<td></td>
<td>(218,642)</td>
<td>(191,887)</td>
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<tr>
<td><strong>OTHER ASSETS</strong></td>
<td>10,000</td>
<td>10,000</td>
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<tr>
<td><strong>TOTAL ASSETS</strong></td>
<td>8,749,884</td>
<td>7,912,918</td>
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</table>

### LIABILITIES AND NET ASSETS

<table>
<thead>
<tr>
<th></th>
<th>2012</th>
<th>2011</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>CURRENT LIABILITIES</strong></td>
<td></td>
<td></td>
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<tr>
<td>Accounts payable - accrued expenses</td>
<td>472,171</td>
<td>257,597</td>
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<td>Accrued compensation</td>
<td>291,279</td>
<td>370,705</td>
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<td>Deferred revenue</td>
<td>157,183</td>
<td>127,944</td>
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<td>Deferred lease obligation</td>
<td>12,183</td>
<td>9,844</td>
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<td><strong>OTHER LIABILITIES</strong></td>
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<tr>
<td>Deferred lease obligation - net of current portion</td>
<td>532,816</td>
<td>651,890</td>
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<tr>
<td><strong>TOTAL LIABILITIES</strong></td>
<td>383,450</td>
<td>684,707</td>
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### NET ASSETS

- **Unrestricted**: 7,758,283
- **Temporarily restricted**: 2,000,181
- **Permanently restricted**: 10,000

**TOTAL NET ASSETS**: 7,958,434

**TOTAL LIABILITIES AND NET ASSETS**: 8,749,884

See Notes to Financial Statements.
## The Federalist Society for Law and Public Policy Studies
### Statements of Activities
#### For the Years Ended September 30, 2012 and 2011

<table>
<thead>
<tr>
<th></th>
<th>2012 Unrestricted</th>
<th>Temporarily Restricted</th>
<th>Permanently Restricted</th>
<th>Total</th>
<th>2011 Unrestricted</th>
<th>Temporarily Restricted</th>
<th>Permanently Restricted</th>
<th>Total</th>
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</thead>
<tbody>
<tr>
<td><strong>REVENUE</strong></td>
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<tr>
<td>Grants</td>
<td>$5,218,049</td>
<td>$3,422,176</td>
<td>$8,636,227</td>
<td>$3,474,201</td>
<td>$1,903,726</td>
<td>$5,377,926</td>
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<td>Registration fees</td>
<td>438.128</td>
<td>338.128</td>
<td>776.256</td>
<td>472.588</td>
<td>472.588</td>
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<td>Membership dues</td>
<td>141,084</td>
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<td>141,084</td>
<td>232,224</td>
<td>232,224</td>
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<td>Contributions</td>
<td>4,379,718</td>
<td>384,160</td>
<td>4,763,878</td>
<td>3,322,290</td>
<td>238,134</td>
<td>3,571,194</td>
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<td>Investment income (net)</td>
<td>321,713</td>
<td>334,713</td>
<td>656,426</td>
<td>26,130</td>
<td>26,130</td>
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<td>Miscellaneous income</td>
<td>4,094</td>
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<td>4,094</td>
<td>8,453</td>
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<td><strong>NET ASSETS RELEASED FROM RESTRICTIONS</strong></td>
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<td>Satisfaction of restrictions</td>
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<td>(2,153,436)</td>
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<td>6,411,471</td>
<td>(4,121,471)</td>
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<td>13,552,222</td>
<td>354,902</td>
<td>13,907,124</td>
<td>11,581,987</td>
<td>(2,088,812)</td>
<td>8,604,265</td>
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<td><strong>EXPENSES</strong></td>
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<td>Faculty division</td>
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<td>1,368,176</td>
<td>1,598,290</td>
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<td>Student Chapter and Membership Services</td>
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<td>532,288</td>
<td>549,248</td>
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<td>Student Speakers Bureau</td>
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<td>Student National Symposium</td>
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<td>Lawyers Division Chapter and Membership Services</td>
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<td>Lawyers Division Speakers Bureau</td>
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<td>657,236</td>
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<td>Lawyers National Conference</td>
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<td>State Courts</td>
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<td>Practice activities</td>
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<td>Other conferences</td>
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<td>214,265</td>
<td>247,488</td>
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<td>13,601,876</td>
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<td>General and administrative</td>
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<td>577,112</td>
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<td>Fundraising</td>
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<td>13,136,895</td>
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<td>11,945,323</td>
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<td><strong>CHANGE IN NET ASSETS</strong></td>
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<td>NET ASSETS AT BEGINNING OF YEAR</td>
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<td>304,902</td>
<td>718,526</td>
<td>147,854</td>
<td>(2,088,812)</td>
<td>(1,540,978)</td>
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<td>NET ASSETS AT END OF YEAR</td>
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<td>1,896,249</td>
<td>7,237,115</td>
<td>5,115,285</td>
<td>5,894,081</td>
<td>11,000,086</td>
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</tbody>
</table>
## Financial Statements

**FOR THE YEARS ENDED SEPTEMBER 30, 2012 AND 2011**

### CASH FLOWS FROM OPERATING ACTIVITIES

<table>
<thead>
<tr>
<th>Description</th>
<th>2012</th>
<th>2011</th>
</tr>
</thead>
<tbody>
<tr>
<td>Change in net assets</td>
<td>$718,526</td>
<td>$(1,040,878)</td>
</tr>
<tr>
<td>Adjustments to reconcile change in net assets to net cash provided (used) by operating activities</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Depreciation and amortization</td>
<td>28,735</td>
<td>27,644</td>
</tr>
<tr>
<td>Gain (loss) on investments</td>
<td>(250,812)</td>
<td>118,781</td>
</tr>
<tr>
<td>Donation of securities</td>
<td>(264,760)</td>
<td>(130,489)</td>
</tr>
<tr>
<td>Amortization of present value discounts on grants and contributions received</td>
<td>(6,167)</td>
<td>(10,367)</td>
</tr>
<tr>
<td>(Increase) decrease in:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Accounts receivable</td>
<td>(663,920)</td>
<td>230,857</td>
</tr>
<tr>
<td>Other receivables</td>
<td>219,001</td>
<td>(297,000)</td>
</tr>
<tr>
<td>Inventory</td>
<td>7,310</td>
<td>12,909</td>
</tr>
<tr>
<td>Other current assets</td>
<td>26,480</td>
<td>(5,621)</td>
</tr>
<tr>
<td>Increase (decrease) in:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Accounts payable and accrued interest</td>
<td>174,772</td>
<td>(36,996)</td>
</tr>
<tr>
<td>Deferred revenue</td>
<td>29,230</td>
<td>(52,282)</td>
</tr>
<tr>
<td>Deferred interest expense</td>
<td>(5,844)</td>
<td>366</td>
</tr>
<tr>
<td>Account compensation</td>
<td>(79,426)</td>
<td>163,544</td>
</tr>
<tr>
<td></td>
<td>(60,564)</td>
<td>(1,321,579)</td>
</tr>
</tbody>
</table>

### CASH FLOWS FROM INVESTING ACTIVITIES

<table>
<thead>
<tr>
<th>Description</th>
<th>2012</th>
<th>2011</th>
</tr>
</thead>
<tbody>
<tr>
<td>Purchase of investments</td>
<td>(383,251)</td>
<td>(238,344)</td>
</tr>
<tr>
<td>Proceeds from sale of investments</td>
<td>1,000,642</td>
<td>598,689</td>
</tr>
<tr>
<td>Purchase of fixed assets</td>
<td>(150,805)</td>
<td>(7,280)</td>
</tr>
<tr>
<td></td>
<td>697,336</td>
<td>341,088</td>
</tr>
</tbody>
</table>

### INCREASE (DECREASE) IN CASH AND CASH EQUIVALENTS

<table>
<thead>
<tr>
<th>Description</th>
<th>2012</th>
<th>2011</th>
</tr>
</thead>
<tbody>
<tr>
<td>Increase (decrease) in cash and cash equivalents</td>
<td>566,744</td>
<td>(1,360,814)</td>
</tr>
</tbody>
</table>

### CASH AND CASH EQUIVALENTS AT BEGINNING OF YEAR

<table>
<thead>
<tr>
<th>Description</th>
<th>2012</th>
<th>2011</th>
</tr>
</thead>
<tbody>
<tr>
<td>CASH AND CASH EQUIVALENTS AT BEGINNING OF YEAR</td>
<td>3,932,052</td>
<td>5,512,646</td>
</tr>
</tbody>
</table>

### CASH AND CASH EQUIVALENTS AT END OF YEAR

<table>
<thead>
<tr>
<th>Description</th>
<th>2012</th>
<th>2011</th>
</tr>
</thead>
<tbody>
<tr>
<td>CASH AND CASH EQUIVALENTS AT END OF YEAR</td>
<td>$4,488,796</td>
<td>$3,932,052</td>
</tr>
</tbody>
</table>

### SUPPLEMENTAL INFORMATION

<table>
<thead>
<tr>
<th>Description</th>
<th>2012</th>
<th>2011</th>
</tr>
</thead>
<tbody>
<tr>
<td>Increase in contributions</td>
<td>$394,290</td>
<td>$139,385</td>
</tr>
</tbody>
</table>
END OF AUDITED
FINANCIAL STATEMENTS
Expenditures
Fiscal Year 2012

Federalist Society Membership Growth
Local and National Involvement

Federalist Society Student Division:
Total Event Attendance

Federalist Society Unrestricted Revenue Growth

Federalist Society Program Growth
STAFF

President
Eugene B. Meyer

Executive Vice President
Leonard A. Leo

Senior Vice President &
Faculty Division Director
Lee Liberman Otis

Lawyers Division
Dean Reuter, Vice President &
Director, Practice Groups
Lisa Budzynski Ezell, Vice President &
Director, Lawyers Chapters
Jonathan Bunch, Vice President &
Director, State Courts Project
Maureen Wagner, Deputy Director,
State Courts Project
Juli Nix, Director of Conferences
David C.F. Ray, Associate Director,
Practice Groups
Jennifer Derleth, Associate Director,
Lawyers Chapters
Hannah De Guzman, Assistant Director,
Practice Groups
Maria Marshall, Executive Assistant to the
Executive Vice President

Faculty Division
Anthony Deardurff, Deputy Director
Tyler Lowe, Assistant Director

Development
Cynthia Searcy, Director of Major Gifts
Danielle Savoy, Deputy Director
Sophia Mason, Associate Director
Katelynd Mahoney, Assistant Director

Office Management
Rhonda Moaland, Office Manager
Matt Nix, Assistant Office Manager

International Law &
Sovereignty Project
James P. Kelly III, Director
Paul Zimmerman, Deputy Director

Publications Director
Christian B. Corrigan

Vice President & Finance Director
Douglas C. Ubben

Student Division
Peter Redpath, Vice President &
Director
Brandon Smith, Deputy Director
Kate Beer Alcantara, Associate Director
Caroline Moore, Assistant Director

Vice President & IT Director
C. David Smith

Membership Director
Peter Bisbee

Alumni Relations &
Social Media Director
Justin Shubow

Pro-Bono Center Director
Peggy Little