

Contributors

Hans Bader is a senior attorney at the Competitive Enterprise Institute, specializing in constitutional law. He is a 1994 graduate of Harvard Law School, where he served as an editor for the *Harvard Journal of Law and Public Policy*. Before joining CEI, Bader worked at the Center for Individual Rights, where he litigated federalism, First Amendment, and civil rights cases including *United States v. Morrison* (2000) and *Gratz v. Bollinger* (2003). He has also worked at the U.S. Department of Education and the law firms of Skadden, Arps, Slate, Meagher & Flom, LLP, and Nossaman, Buthner, Knox & Elliot, LLP. After graduating from law school, Bader served as law clerk to the late federal district judge Larry Lydick.

Josh Blackman is a law clerk for the Hon. Kim R. Gibson of the U.S. District Court for the Western District of Pennsylvania and a teaching fellow at the Pennsylvania State University Dickinson School of Law. Blackman has published articles in prominent law reviews on diverse topics, including constitutional law, information privacy law, property law, national security law, and civil rights. In 2009, he launched the internet's first Supreme Court fantasy league, FantasySCOTUS.net—which boasts over 5,000 members and which CNN's Supreme Court producer called the “hottest new fantasy-league game.” He has also been interviewed by ABC News Radio and the Wall Street Journal Law Blog, has been featured on numerous websites, and blogs on legal topics at JoshBlackman.com. Blackman is the president and co-founder of the Harlan Institute, an organization that seeks to make legal learning interesting and accessible to high school students across the country. He graduated *magna cum laude* from the George Mason University School of Law, where he was an articles editor for the *George Mason Law Review*.

James Bopp Jr. is general counsel at the James Madison Center for Free Speech and has a national constitutional law practice with the

law firm of Bopp, Coleson & Bostrom. His practice areas include First Amendment Law, Campaign Finance Law, Constitutional Law, Election Law, Civil Litigation, Appellate Practice and U.S. Supreme Court practice. Bopp has successfully argued several cases before the Supreme Court including *FEC v. Wisconsin Right to Life* (“WRTL II”), *Randall v. Sorrell*, and *Republican Party of Minnesota v. White*. He has numerous professional affiliations, including co-chairman of the election law subcommittee of the Federalist Society, commissioner for the National Conference of Commissioners of Uniform State Laws, and special advisor to the American Bar Association Working Group on the First Amendment and Judicial Elections. He holds a B.A. from Indiana University and a J.D. from the University of Florida. He is a member of the Indiana and U.S. Supreme Court Bars.

Richard E. Coleson is an attorney with Bopp, Coleson & Bostrom in Terre Haute, Indiana. His practice focuses on constitutional litigation and appeals. He has been counsel in numerous campaign-finance cases, including the Supreme Court cases of *Doe v. Reed*, *Citizens United v. FEC*, *WRTL II*, *Wisconsin Right to Life v. FEC*, *McConnell v. FEC*, *FEC v. Beaumont*, and *Republican Party of Minnesota v. White*. He has contributed a variety of articles, including several on campaign-finance law. One of these—James Bopp & Richard E. Coleson, *Distinguishing “Genuine” from “Sham” in Grassroots Lobbying: Protecting the Right to Petition During Elections* (Campbell Law Review 2007)—was published contemporaneously with Bopp and Coleson’s Supreme Court briefing in *WRTL II* and referenced by the Court. Coleson has served on a county election board, as general counsel for a state advocacy group, and as pastor to several churches, and taught biblical literature at Oklahoma Wesleyan University. His education includes a year studying in Jerusalem and degrees from Indiana Wesleyan University, Asbury Theological Seminary, and Indiana University School of Law—Indianapolis.

Richard A. Epstein is the Laurence A. Tisch Professor of Law at New York University and James Parker Hall Distinguished Service Professor of Law at the University of Chicago, where he has taught since 1972. He has also been the Peter and Kirstin Bedford Senior Fellow at the Hoover Institution since 2000. Before joining the University of Chicago Law School faculty—where he also served as

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Alan Gura is a constitutional attorney at the law firm of Gura & Possesky, PLLC. He began his career as a law clerk to the Hon. Terrence W. Boyle, United States District Judge for the Eastern District of North Carolina. Subsequently, as a deputy attorney general for the State of California, Gura defended the state and its employees from all manner of lawsuits, in state and federal courts, at trial and on appeal. He then entered the private practice of law at the Washington, D.C. office of Sidley & Austin LLP. In February 2000, he left the firm to serve for a year as counsel to the U.S. Senate Judiciary Committee, Subcommittee on Criminal Justice Oversight. Gura is admitted to the bars of the District of Columbia, Virginia, and California, and is admitted to practice before the U.S. Supreme Court and numerous other federal courts. In 2009, he was named

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Erik S. Jaffe is a solo appellate attorney in Washington, D.C., whose practice emphasizes the First Amendment and other constitutional issues. He is a graduate of Dartmouth College and Columbia Law School, where he was the articles editor of the *Columbia Law Review*. Following law school, he clerked for Judge Douglas H. Ginsburg on the U.S. Court of Appeals for the D.C. Circuit, practiced for five years at Williams & Connolly LLP in Washington, D.C., clerked for Justice Clarence Thomas on the U.S. Supreme Court, and then began his solo private practice. Since 1999, Jaffe has been involved in 24 cases at the merits stage before the Supreme Court. He represented one of the successful respondents in the First Amendment case of *Bartnicki v. Vopper* and authored Cato's amicus briefs in *Wisconsin Right to Life v. FEC*, *Randall v. Sorrell*, *McConnell v. FEC*, and *New York State Board of Elections v. Lopez Torres*. Jaffe has also authored amicus briefs in cases such as *Republican Party of Minnesota v. Kelly* (judicial speech), *Zelman v. Simmons Harris* (vouchers), *Watchtower Bible and Tract Society v. Village of Stratton* (anonymous speech), *Veneman v. Livestock Marketing Association* and *United States v. United Foods, Inc.* (compelled advertising), *Boy Scouts of America v. Dale* (freedom of expressive association), and *United States v. Morrison* (Commerce Clause). He is the chairman of the Federalist Society's free speech and election law practice group.

Michael W. McConnell is the Richard and Frances Mallery Professor of Law at Stanford Law School and a leading authority on freedom of speech and religion, the relation of individual rights to government structure, originalism, and various other aspects of constitutional history and constitutional law. He is author of numerous articles and co-author of two casebooks: *The Constitution of the United States* (Foundation Press) and *Religion and the Constitution* (Aspen). In addition to teaching, he is the director of the Stanford Constitutional Law Center, which was founded in 2006 to explore and improve public understanding of the most pressing constitutional issues. McConnell brings wide practical experience to bear on his teaching

and scholarship. Before joining Stanford in 2009, he served as a federal judge on the U.S. Court of Appeals for the Tenth Circuit and was frequently mentioned as a possible nominee to the Supreme Court. He is the only full-time professor of law in the nation who has previously served as a federal judge. He also has been involved in extensive appellate litigation, including arguing 12 cases in the U.S. Supreme Court, including one during October Term 2009. Before his appointment to the bench, McConnell was Presidential Professor of Law at the S.J. Quinney College of Law at the University of Utah, and before that the William B. Graham Professor of Law at the University of Chicago Law School. He has taught five times as a visiting professor at Harvard Law School. McConnell served as law clerk to then-Chief Judge J. Skelly Wright of the U.S. Court of Appeals for the D.C. Circuit, and to Supreme Court Justice William J. Brennan Jr. McConnell was an assistant general counsel at the Office of Management and Budget and an assistant to the Solicitor General in the Department of Justice under President Ronald Reagan. He is also a senior fellow at the Hoover Institution.

Roger Pilon is the vice president for legal affairs at the Cato Institute. He holds Cato's B. Kenneth Simon Chair in Constitutional Studies and is the founder and director of Cato's Center for Constitutional Studies. Established in 1989 to encourage limited constitutional government at home and abroad, the Center has become an important force in the national debate over constitutional interpretation and judicial philosophy. Pilon's work has appeared in the *New York Times*, *Washington Post*, *Wall Street Journal*, *Los Angeles Times*, *Legal Times*, *National Law Journal*, *Harvard Journal of Law & Public Policy*, *Notre Dame Law Review*, *Stanford Law & Policy Review*, *Texas Review of Law and Politics* and elsewhere. He has appeared, among other places, on ABC's *Nightline*, CBS's *60 Minutes II*, National Public Radio, Fox News Channel, CNN, MSNBC, CNBC. He lectures and debates at universities and law schools across the country and testifies often before Congress. Before joining Cato, Pilon held five senior posts in the Reagan administration, including at State and Justice. He has taught philosophy and law and was a national fellow at Stanford's Hoover Institution. Pilon holds a B.A. from Columbia University, an M.A. and a Ph.D. from the University of Chicago, and a J.D. from the George Washington University School of Law.

In the 1989, the Bicentennial Commission presented him with the Benjamin Franklin Award for excellence in writing on the U.S. Constitution. In 2001, Columbia University's School of General Studies awarded him its Alumni Medal of Distinction.

Larry E. Ribstein is the Mildred Van Voorhis Jones Chair in Law and the Associate Dean for Research, University of Illinois College of Law. He is the author of leading treatises on limited liability companies and partnership law, as well as two business associations casebooks. His books also include *The Sarbanes-Oxley Debacle* and *The Constitution and the Corporation* (both with Henry Butler), *The Law Market* (with Erin O'Hara), *The Rise of the Uncorporation* and *The Economics of Federalism*. From 1998-2001 he was co-editor of the *Supreme Court Economic Review*. Ribstein has written or co-authored approximately 150 articles on subjects including corporate, securities and partnership law, constitutional law, bankruptcy, film, the internet, family law, professional ethics and licensing, uniform laws, choice of law and jurisdictional competition. Ribstein holds a B.A. from Johns Hopkins University and earned his J.D. from the University of Chicago Law School.

Michael Risch is an associate professor of law at Villanova University School of Law. Before coming to Villanova, Risch taught at West Virginia University College of Law, where he directed the Entrepreneurship, Innovation and Law Program. Risch's teaching and scholarship focuses on intellectual property and cyberspace law, with an emphasis on patents, trade secrets and information access. His articles have been published in the *Indiana Law Journal*, *Tennessee Law Review*, *West Virginia Law Review*, *University of Pennsylvania Law Review* (forthcoming), *Harvard Journal of Law and Technology*, and *Yale Law Journal Online*, among others. Risch received his A.B. with honors and distinction in public policy and with distinction in quantitative economics from Stanford University, and his J.D. with high honors from the University of Chicago Law School. At Chicago, he was elected to the Order of the Coif and was an Olin Fellow in Law & Economics and a Bradley Fellow in Law & Economics. Before beginning his academic career, Risch was a partner at the intellectual property boutique Russo & Hale LLP in Palo Alto, California, and

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Monica R. Shah practices in the areas of criminal defense and civil litigation at the law firm of Zalkind, Rodriguez, Lunt & Duncan LLP. During law school at Columbia University, Shah served as an articles editor on the *Columbia Law Review* and as a teaching assistant in constitutional law. She also interned with the Asian American Legal Defense & Education Fund, Neighborhood Defender Services of Harlem, the civil rights firm of Neufeld Scheck & Brustin, LLP, and the NAACP Legal Defense & Educational Fund, where she worked on an amicus curiae brief in *Roper v. Simmons*, the case in which the Supreme Court struck down the juvenile death penalty. Following her clerkship with Judge Allyne Ross in the U.S. District Court for the Eastern District of New York, Shah received the Johnnie L. Cochran Jr. Fellowship from Neufeld Scheck & Brustin and served as an associate for the firm, where she represented victims of wrongful convictions and police misconduct in civil rights actions in federal and state courts around the country.

Ilya Shapiro is a senior fellow in constitutional studies at the Cato Institute and editor-in-chief of the *Cato Supreme Court Review*. Before joining Cato, he was a special assistant/advisor to the Multi-National Force in Iraq on rule of law issues and practiced international, political, commercial, and antitrust litigation at Patton Boggs LLP and Cleary Gottlieb LLP. Shapiro has contributed to a variety of academic, popular, and professional publications, including the *Harvard Journal of Law & Public Policy*, *L.A. Times*, *Washington Times*, *Legal Times*, *Weekly Standard*, *Roll Call*, and *National Review Online*, and from 2004 to 2007 wrote the "Dispatches from Purple America" column for *TCS Daily.com*. He also regularly provides commentary on a host of legal and political issues for various TV and radio outlets, including CNN, Fox News, ABC, CBS, NBC, Univision, "The Colbert Report," and American Public Media's "Marketplace." He lectures regularly on behalf of the Federalist Society and other educational and professional groups, is a member of the board of visitors of the Legal Studies Institute at The Fund for American Studies, was an inaugural Washington Fellow at the National Review Institute,

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Harvey A. Silverglate is an adjunct scholar at the Cato Institute. He is a graduate of Princeton University, *cum laude*, and Harvard Law School. Silverglate, counsel to Boston's Zalkind, Rodriguez, Lunt & Duncan LLP, specializes in criminal defense, civil liberties, academic freedom and student rights. He has taught at Cambridge Rindge & Latin School in Massachusetts, University of Massachusetts College III, and Harvard Law School. He has served the Massachusetts state ACLU affiliate as a member of its board of directors for over three decades, serving two terms as its president. His law practice has ranged widely and has included drug prosecutions, draft and riot cases in the 1960s and 1970s, bank and securities fraud, bribery and extortion, espionage, tax evasion, police misconduct, murder and manslaughter, habeas corpus proceedings, money laundering, and desertion in a case tried at a court martial during the Vietnam War. Silverglate is a long-time criminal law and civil liberties columnist for *The Boston Phoenix*, an independent "alternative" weekly, and, more recently, was the regular bimonthly civil liberties columnist for the *National Law Journal*. He writes frequently on legal issues for *forbes.com*. Silverglate's articles, book reviews, and other writings have been published in the *Harvard Law Review*, *New York Times Book Review*, *Massachusetts Lawyers Weekly*, *Harvard Civil Rights-Civil Liberties Law Review*, *Wilson Quarterly*, *Chronicle of Higher Education*, *Wall Street Journal*, *Boston Globe*, *Philadelphia Inquirer*, and *Reason* magazine, among others. *The Shadow University* (Free Press, 1998), with Alan Charles Kors, was his first full-length book. Silverglate, with Kors, co-founded the Foundation for Individual Rights in Education, a nonprofit foundation dedicated to preserving academic freedom, due process, freedom of speech, and freedom of conscience

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Steve Simpson is a senior attorney at the Institute for Justice. He litigates primarily free speech cases in state and federal courts across the country. He is currently lead counsel in *SpeechNow.org v. FEC*, a challenge to the federal campaign finance laws that prevent individuals from banding together to spend money on speech for or against candidates. Simpson is also lead counsel in two challenges to Colorado's campaign finance laws, and has been involved in a wide variety of other cases, including IJ's challenge to New York's ban on direct shipping of wine, which resulted in a win before the U.S. Supreme Court in *Granholm v. Heald*. Simpson's views and writings have been published in a number of print and on-line newspapers and journals, including the *Legal Times*, *Washington Post*, *Chicago Tribune*, and *Washington Times*. Before joining IJ, he spent five years as a litigator with the international law firm Shearman & Sterling LLP. He has authored and co-authored articles and practice guides on federal securities laws, the non-delegation doctrine, and the First Amendment. Simpson is a graduate of New York Law School, where he was a managing editor and articles editor of the law review. After law school, he spent two years clerking for Judge Lenore C. Nesbitt on the U.S. District Court for the Southern District of Florida. Simpson is a member of the bars of New York, New Jersey, and D.C.

Ilya Somin is an associate professor at George Mason University School of Law. His research focuses on constitutional law, property law, and the study of popular political participation and its implications for constitutional democracy. Somin currently serves as co-editor of the *Supreme Court Economic Review* and his work has appeared in numerous scholarly journals, including the *Yale Law Journal*, *Stanford Law Review*, *Northwestern University Law Review*, *Georgetown Law Journal*, *Critical Review*, and others. He has also published articles in a variety of popular press outlets, including the

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Judd E. Stone is a research fellow for the International Center for Law and Economics and is currently clerking for Justice Daniel E. Winfree of the Alaska Supreme Court. Stone is a recent graduate, *magna cum laude*, of the Northwestern University School of Law, where he was an associate editor of the law review and active in the Federalist Society. In fall 2011, Stone will begin a clerkship for Chief Judge Edith H. Jones of the U.S. Court of Appeals for the Fifth Circuit. Stone's research focuses on antitrust, industrial organization, and regulation in the banking, consumer protection, and financial services sectors.

Nadine Strossen is professor of law at New York Law School and has written, lectured, and practiced extensively in the areas of constitutional law, civil liberties, and international human rights. From 1991 through 2008 she served as president of the ACLU, the first woman to head the nation's largest and oldest civil liberties organization. Strossen is now a member of the ACLU's National Advisory Council. In 2005, Strossen was honored by the University of Tulsa College of Law and the *Tulsa Law Review*, which made her scholarly work the subject of their Fifth Annual Legal Scholarship Symposium titled "Nadine Strossen: Scholar as Activist." She comments frequently on legal issues in the national media, having appeared on

virtually every national news program. In October 2001, Strossen made her professional theater debut as the guest star in Eve Ensler's award-winning play, *The Vagina Monologues*, during a week-long run at the National Theatre in Washington, D.C. Professor Strossen's writings have been published in many scholarly and general interest publications. Her book, *Defending Pornography: Free Speech, Sex, and the Fight for Women's Rights* (Scribner, 1995; NYU Press, 2000), was named by *The New York Times* as a "Notable Book" of 1995. Her coauthored book, *Speaking of Race, Speaking of Sex: Hate Speech, Civil Rights, and Civil Liberties* (NYU Press, 1995), was named an "outstanding book" by the Gustavus Myers Center for the Study of Human Rights in North America. Strossen graduated Phi Beta Kappa from Harvard College and *magna cum laude* from Harvard Law School, where she was an editor of the *Harvard Law Review*. Before becoming a law professor, she practiced law for nine years in Minneapolis and New York City. She is a member of the Council on Foreign Relations.

Joshua D. Wright is an associate professor at the George Mason University School of Law and Department of Economics. His research focuses on antitrust law and economics, the intersection of intellectual property and antitrust, consumer protection, and contracts. His publications have appeared in leading academic journals, including the *Journal of Law and Economics*, *Antitrust Law Journal*, *Competition Policy International*, *Supreme Court Economic Review*, *Yale Journal on Regulation*, *Journal of Competition Law and Economics*, *Review of Law and Economics*, *Harvard Journal of Law and Public Policy*, and the *UCLA Law Review*. Wright is also the co-editor of *Pioneers of Law and Economics* (Elgar Publishing) and *Regulating Innovation: Competition Policy and Patent Law under Uncertainty* (forthcoming, Cambridge Press). He was the inaugural Scholar in Residence at the Federal Trade Commission, where he served until fall 2008. Wright was a visiting professor at the University of Texas School of Law and a visiting fellow at the Searle Center at the Northwestern University School of Law during the 2008-09 academic year. Before coming to George Mason, Wright clerked for the Hon. James V. Selna of the U.S. District Court for the Central District of California and taught at the Pepperdine University Graduate School of Public Policy. He has also testified at the joint Department of Justice/FTC Hearings

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