

## Contributors

**Jonathan H. Adler** is professor of law and director of the Center for Business Law & Regulation at the Case Western Reserve University School of Law, where he teaches courses in environmental, administrative, and constitutional law. Adler is the author or editor of four books on environmental policy and over a dozen book chapters. His articles have appeared in publications ranging from the *Harvard Environmental Law Review* and *Supreme Court Economic Review* to the *Wall Street Journal* and the *Washington Post*. He is a contributing editor to *National Review Online* and a regular contributor to the popular legal blog, *The Volokh Conspiracy*. A 2007 study identified Adler as the most cited legal academic in environmental law under age 40, and his *Boston College Law Review* article, "Money or Nothing: The Adverse Environmental Consequences of Uncompensated Law Use Controls," was selected as one of the ten best articles in land use and environmental law in 2008. In 2004, Adler received the Paul M. Bator Award, given annually by the Federalist Society to an academic under 40 for excellence in teaching, scholarship, and commitment to students. In 2007, the Case Western Reserve University Law Alumni Association awarded Adler their annual "Distinguished Teacher Award." Adler serves on the academic advisory board of the *Cato Supreme Court Review*, and the *Environmental Law Reporter* and ELI Press Advisory Board of the Environmental Law Institute. A regular commentator on environmental and legal issues, he has appeared on numerous media programs, ranging from *NewsHour with Jim Lehrer* and NPR's *Talk of the Nation* to the *O'Reilly Factor* and *Entertainment Tonight*. Before joining the faculty at Case Western, Adler clerked for the Honorable David B. Sentelle on the U.S. Court of Appeals for the D.C. Circuit. From 1991 to 2000, Adler worked at the Competitive Enterprise Institute, where he directed CEI's environmental studies program. He holds a B.A. *magna cum laude* from Yale University and a J.D. *summa cum laude* from the George Mason University School of Law.

**John C. Eastman** is the Henry Salvatori Professor of Law and Community Service at Chapman University School of Law, specializing in constitutional law and legal history. He also served as dean from 2007 until 2010, when he stepped down to pursue a campaign for California attorney general. Eastman is also the founding director of the Center for Constitutional Jurisprudence, a public interest law firm affiliated with the Claremont Institute for the Study of Statesmanship and Political Philosophy. He has a Ph.D. in Government from the Claremont Graduate School and a J.D. from the University of Chicago Law School. Before joining the Chapman law faculty, Eastman served as a law clerk to the Honorable Clarence Thomas, Associate Justice, U.S. Supreme Court, and to the Honorable J. Michael Luttig of the U.S. Court of Appeals for the Fourth Circuit. He also practiced law with Kirkland & Ellis, representing major corporate clients in federal and state courts and with respect to state attorneys general investigations, in complex commercial contract litigation, and in consumer litigation. Eastman has also represented various pro bono clients in matters involving property rights, economic opportunity, and First Amendment freedom of speech, freedom of association, and freedom of religion issues. He has a weekly segment on the nationally syndicated Hugh Hewitt Show and has appeared as an expert legal commentator on numerous television and radio programs, including C-SPAN, Fox News, NPR, WABC in New York, the *Michael Reagan Show*, the *O'Reilly Factor*, and the *NewsHour with Jim Lehrer*. Eastman publishes a periodic column entitled "First Principles" in the Los Angeles and San Francisco *Daily Journals*, and has published numerous op-eds in newspapers, including the *Washington Post* and the *Wall Street Journal*.

**Gregory G. Garre** is a partner in the Washington, D.C. office of Latham & Watkins and global chair of the firm's Supreme Court and appellate practice group. In 2008-2009, he served as the 44th Solicitor General of the United States. Before his nomination by the president and unanimous confirmation by the Senate, he served as principal deputy solicitor general from 2005 to 2008, and then as acting solicitor general. In addition, he served as an assistant to the solicitor general from 2000 to 2004. Garre has argued 30 cases before the Supreme Court, including cases in each of the past 11 terms and more cases since 2000 than all but three lawyers in private practice.

He has successfully argued numerous high-profile cases before the Court in recent years, including *Ashcroft v. Iqbal*; *Monsanto v. Geerston Seed Farm*; *Christian Legal Society v. Martinez*; and *FCC v. Fox Television Stations, Inc.* Garre has argued and briefed cases involving a wide array of other nationally important matters, including in the areas of administrative law, alien tort statute, antitrust, bankruptcy, business and employment law, contract law, civil rights, education, environmental law, family law, First Amendment, Fifth Amendment, food and drug, intellectual property, international law, labor, media, telecommunications, preemption, separation of powers, torts, and voting rights. In 2009, Garre was named to *Washingtonian Magazine's* list of top Supreme Court lawyers. In 2006, he was named to *The American Lawyer's* "Fab 50" list of top litigators under the age of 45 expected to be "leading the field for years to come." Garre has received numerous awards for his public service, including the Attorney General's Medallion for his service as solicitor general and the Navy's Distinguished Public Service Award—the Navy's highest civilian honor—for his successful argument in *Winter v. NRDC*, which secured a major Supreme Court victory for the Navy on its ability to conduct critically important exercises. Garre received his J.D. with high honors from the George Washington University Law School, where he served as editor-in-chief of the law review and was selected to Order of the Coif, and his B.A. degree *cum laude* from Dartmouth College, where he was a Rufus Choate Scholar. Following law school, he served as a law clerk to Chief Justice William H. Rehnquist and to Judge Anthony J. Scirica of the U.S. Court of Appeals for the Third Circuit. Garre is a member of the advisory board of the Georgetown University Law Center Supreme Court Institute and of the Edward Coke Appellate Inn of Court. He has taught constitutional law and Supreme Court practice for many years at the George Washington University Law School, has testified before Congress, and speaks frequently on issues related to the Supreme Court and appellate practice. He has also published articles in the *Wall Street Journal*, *Legal Times/National Law Journal*, and other national publications.

**Joel M. Gora** is a professor of law at Brooklyn Law School and a nationally known expert in the area of campaign finance law. He has been a member of the faculty since 1978, teaching constitutional

law, civil procedure and a number of other related courses. He also served as associate dean for academic affairs from 1993 to 1997 and again from 2002 to 2006. He is the author of a number of books and articles dealing with First Amendment and other constitutional law issues. His most recent book is *Better Parties, Better Government: A Realistic Program for Campaign Finance Reform*, which he co-authored with financial market expert Peter J. Wallison. Gora continues to be active in campaign finance policy issues, including filing briefs in the Supreme Court, advising various organizations, and publishing articles in the news media. An honors graduate of Pomona College and Columbia Law School, he served for two years after law school as the pro se law clerk for the U.S. Court of Appeals for the Second Circuit. After that, he became a full-time lawyer for the ACLU, first as national staff counsel, then as acting legal director and associate legal director. During his ACLU career, he worked on dozens of Supreme Court cases, including many landmark rulings. Chief among them was *Buckley v. Valeo*, the Court's historic 1976 decision on the relationship between campaign finance restrictions and First Amendment rights. He has worked, on behalf of the ACLU, on most of the important campaign finance cases to come before the high court. He also served for more than 25 years on the board of directors of the New York Civil Liberties Union, and as one of its general counsel. He has served on a number of policy committees of the New York City Bar Association, and is on the Board of Directors of the Federal Bar Council and the Board of Academic Advisers of the Center for Competitive Politics.

**Tim Keller** is the Institute for Justice Arizona Chapter's executive director. He joined IJ as a staff attorney in August 2001 and litigates school choice, economic liberty, and other constitutional cases in state and federal court. Keller currently serves on the board of the Phoenix Lawyers' Chapter of the Federalist Society, and is a volunteer lawyer with the Arizona Center for Disability Law. He received his law degree from Arizona State University, where he was the president of the Arizona State Federalist Society chapter and a member of the National Moot Court team. Before that, he earned his bachelor's degree in economics from Arizona State University, graduating *magna cum laude*. Before law school, Tim worked as a research assistant at the Goldwater Institute. Upon graduation from law

school, Mr. Keller clerked for the then-Presiding Judge of the Maricopa County Superior Court, Robert D. Myers. After leaving the Superior Court, he clerked for the Honorable Ann A. Scott Timmer on the Arizona Court of Appeals.

**Orin S. Kerr** is professor of law at George Washington University Law School. He teaches criminal law, criminal procedure, and computer crime law. His articles have appeared in the *Harvard Law Review*, *Yale Law Journal*, *Stanford Law Review*, *Columbia Law Review*, *University of Chicago Law Review*, and many other journals. His scholarly articles have been cited by all of the regional U.S. Courts of Appeals and many federal district courts. Before joining the GW faculty in 2001, Kerr was an honors program trial attorney in the Computer Crime and Intellectual Property Section of the Criminal Division at the U.S. Department of Justice, as well as a special assistant U.S. attorney for the Eastern District of Virginia. He is a former law clerk of Justice Anthony M. Kennedy of the U.S. Supreme Court and Judge Leonard I. Garth of the U.S. Court of Appeals for the Third Circuit. In the summers of 2009 and 2010, he served as special counsel for Supreme Court nominations to Senator John Cornyn on the Senate Judiciary Committee. He has also been a visiting professor at the University of Chicago Law School and the University of Pennsylvania Law School. Kerr is co-author of the leading casebook in criminal procedure with Yale Kamisar, Wayne LaFave, Jerold Israel, and Nancy King (now in its 12th edition). He is also co-author of the leading treatise in criminal procedure (with LaFave, Israel, and King) and is the author of a casebook on computer crime law. Kerr is frequently interviewed by major media outlets and his scholarship and advocacy have been profiled in the *New York Times* and NPR. The GW Law Class of 2009 awarded Kerr the Distinguished Faculty Service Award, the Law School's teaching award. In April 2011, he argued a *pro bono* case before the U.S. Supreme Court, *Davis v. United States*. He also recently argued a criminal appeal in the Sixth Circuit and successfully represented Lori Drew in a widely publicized criminal case in Los Angeles. Before law school, he earned undergraduate and graduate degrees in mechanical engineering. Kerr posts regularly at the *Volokh Conspiracy* law blog and is a member of the American Law Institute.

**Roman Martinez** is an associate in the Washington, D.C., office of Latham & Watkins. He is a member of the firm's Supreme Court and appellate practice group. Before joining Latham, Martinez served as a clerk to Chief Justice John G. Roberts of the U.S. Supreme Court and Judge Brett M. Kavanaugh of the U.S. Court of Appeals for the D.C. Circuit. He earned his J.D. from Yale Law School, his M. Phil. in International Relations from Cambridge University, and his A.B. *summa cum laude* from Harvard College. He also served as advisor on the Iraqi Constitutional Process to the U.S. ambassador to Iraq in 2005, director for Iraq at the National Security Council staff from 2004 to 2005, and advisor on Iraq's postwar political transition at the Coalition Provisional Authority in Baghdad from 2003 to 2004. He received the U.S. Department of Defense Distinguished Public Service Award for his service in Iraq. His work has appeared in the *Washington Post* and the *Wall Street Journal*, among other national publications.

**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 *Wall Street Journal*, *New York Times*, *Washington Post*, *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*, NPR, Fox News, 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 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.

**David G. Post** is the I. Herman Stern Professor of Law at the Beasley School of Law at Temple University, where he teaches intellectual property law and the law of cyberspace. He is also a fellow at the Center for Democracy and Technology, a fellow of the Institute for Information Law and Policy at New York Law School, an adjunct scholar at the Cato Institute, and a contributor to the *Volokh Conspiracy* law blog. Post is the author of *In Search of Jefferson's Moose: Notes on the State of Cyberspace*, a Jeffersonian view of Internet law and policy. He is also coauthor, with Paul Schiff Berman and Patricia Bellia, of *Cyberlaw: Problems of Policy and Jurisprudence in the Information Age*, as well as numerous scholarly articles on intellectual property, the law of cyberspace, and complexity theory. He has been a regular columnist for the *American Lawyer* and *InformationWeek*, a commentator on the *NewsHour with Jim Lehrer*, Court TV's *Supreme Court Preview*, NPR's *All Things Considered*, BBC's *World*, and recently was featured in the PBS documentary *The Supreme Court*. After receiving a Ph.D. in physical anthropology, he taught in the anthropology department at Columbia University before attending Georgetown University Law Center, from which he graduated *summa cum laude* in 1986. After clerking with then-Judge Ruth Bader Ginsburg on the U.S. Court of Appeals for the D.C. Circuit, he spent six years at the law firm of Wilmer, Cutler & Pickering, after which he clerked again for Justice Ginsburg during her first term at the Supreme Court. He then joined the faculty of the Georgetown University Law Center and later Temple University Law School.

**David H. Rittgers** is a legal policy analyst at the Cato Institute, where he concentrates on civil liberties, counterterrorism, and criminal justice. Before joining Cato, Rittgers served in the United States Army as an Infantry and Special Forces officer, including three tours in Afghanistan. He has been awarded an Army Commendation Medal with a "V" Device for valorous action and two Bronze Star Medals, and continues to serve as a reserve Judge Advocate. Rittgers has published articles in the *Wall Street Journal*, the *Christian Science Monitor*, *National Review (Online)*, *Findlaw*, and *The First Amendment Law Review*. He has appeared on Fox's *The O'Reilly Factor*, CNN's

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**Paul E. Salamanca** is the Wyatt, Tarrant, and Combs Professor of Law at the University of Kentucky College of Law. He graduated from Dartmouth College in 1983 and Boston College Law School in 1989, where he was a note editor for the *Boston College Law Review*. Salamanca served as a law clerk to then-Judge David H. Souter of the U.S. Court of Appeals for the First Circuit, and later clerked for Justice Souter on the U.S. Supreme Court. He practiced law with Debevoise & Plimpton in New York from 1991 to 1994 and was a visiting assistant professor at Loyola University School of Law in New Orleans before joining the faculty at UK in June 1995. Salamanca writes in the areas of separation of powers, freedom of speech, freedom of religion, and privacy. He has published articles in the *University of Cincinnati Law Review*, the *Missouri Law Review*, the *Georgia Law Review*, and the *Kentucky Law Journal*, among other publications. He has also written numerous briefs and pleadings in the areas of free speech and separation of powers.

**Richard A. Samp** is chief counsel of the Washington Legal Foundation, a nonprofit public interest law firm located in Washington, D.C. WLF litigates in support of individual rights and the free-enterprise system and against excessive government regulation. Samp has been with WLF since 1989. He practices regularly before the U.S. Supreme Court and other federal courts, with a specialty in health care law. He regularly represents patients seeking to obtain health care without undue interference from the federal government. He successfully argued before the Supreme Court in *Phillips v. Washington Legal Foundation* (1998) in support of Fifth Amendment property rights. Samp is a graduate of Harvard College and the University of Michigan Law School. Before joining WLF, he clerked in Detroit for federal district court judge Robert DeMascio and was a litigator at the Washington, D.C., law firm of Shaw Pittman.

**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 and Cleary Gottlieb. 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, and has been an adjunct professor at the George Washington University Law School. Before entering private practice, Shapiro clerked for Judge E. Grady Jolly of the U.S. Court of Appeals for the Fifth Circuit, while living in Mississippi and traveling around the Deep South. He holds an A.B. from Princeton University, an M.Sc. from the London School of Economics, and a J.D. from the University of Chicago Law School (where he became a Tony Patiño Fellow). Shapiro is a member of the bars of New York, D.C., and the U.S. Supreme Court. He is a native speaker of English and Russian, is fluent in Spanish and French, and is proficient in Italian and Portuguese.

**Andrew J. Trask** is co-chair of the securities class action litigation group at McGuire Woods LLP. Mr. Trask has participated in the defense of more than 100 class actions, involving all stages of the litigation process. While his work has concentrated on securities, products liability, and consumer fraud cases, Trask has also defended class actions involving telecommunications products, business contracts, ERISA, the U.S. antitrust laws, and environmental claims, among others. In addition to his class action practice, Trask has defended mass tort cases involving financial regulations. He is the co-author, with Brian Anderson of *The Class Action Playbook* (2010), and maintains the Class Action Countermeasures blog, where he discusses the strategic considerations involved in class action

defense. He received his B.A. and J.D., both with honors, from the University of Chicago.

**William Van Alstyne** was appointed Lee Professor of Law at the Marshall-Wythe Law School at the College of William and Mary in 2004. He is a graduate of the University of Southern California and Stanford University Law School. Following his admission to the California bar and brief service as deputy attorney general of California, he joined the Civil Rights Division of the U.S. Department of Justice, handling voting rights cases in the South. After active duty with the U.S. Air Force, he was appointed to the law faculty of the Ohio State University, advancing to full professor in three years. Appointed to the Duke law faculty shortly thereafter, he was named to the William R. & Thomas S. Perkins Chair of Law in 1974. Van Alstyne's professional writings have appeared in the principal law journals in the United States, with frequent republication in foreign journals. They address virtually every major subject in the field of constitutional law. His work has been cited in a large number of judicial opinions, including those of the Supreme Court. *The Journal of Legal Studies* for January 2000, named Van Alstyne in the top 40 most frequently cited U.S. legal scholars of the preceding half-century. Van Alstyne has also taught and given professional papers internationally, in Germany, Austria, Denmark, Chile, the former Soviet Union, China, Japan, Canada, and Australia. He has been a visiting faculty member on the law faculties of the University of Chicago, Stanford, California (Berkeley and UCLA), Pennsylvania, Michigan, and Illinois, a Fulbright Lecturer in Chile, a senior fellow at the Yale Law School, and a faculty fellow at the Hague International Court of Justice. He has appeared as counsel and as amicus curiae in constitutional litigation in the federal courts, including the Supreme Court. He has also appeared in numerous hearings before congressional committees, on legislation affecting the separation of powers, war powers, constitutional amendments, impeachments, legislation affecting civil rights and civil liberties, and nominations to the Supreme Court. In 1987, Van Alstyne was selected in a poll of federal judges, lawyers, and academics by the *New York Law Journal* as one of three academics among "the ten most qualified" persons in the country for appointment to the Supreme Court, a distinction repeated in a similar poll by *The American Lawyer*, in

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1991. Van Alstyne is a past national president of the American Association of University Professors, and former member of the National Board of Directors of the ACLU. He was elected into the American Academy of Arts and Sciences in 1994.