

Contributors

Kenneth Anderson is a professor of law at Washington College of Law, American University, in Washington. He is also a visiting fellow of the Hoover Institution, Stanford University, and a member of its Jean Perkins Task Force on National Security and Law; and a non-resident senior fellow of the Brookings Institution. Prior to joining the American University law faculty, he was general counsel to the Open Society Institute and director of the Human Rights Watch Arms Division. Professor Anderson's scholarly work focuses on international law, both public international law and private international economic law. He has written extensively on international organizations, and particularly their relationship with international nongovernmental organizations and global civil society; his book, *Living with the UN: American Responsibilities and International Order* (Hoover Institution Press) appeared in 2012. He has also written extensively on the laws of war and national security; his new book, with the Brookings Institution's Benjamin Wittes, is *Speaking the Law: The Obama Administration's Addresses on National Security Law* (Hoover Institution Press 2013). His recent work has focused on the law of war and robotics, including drone warfare and targeted killing, and emerging technologies of weapons automation; his articles in this area have appeared in *Commentary*, *Policy Review*, the *Weekly Standard*, and other journals, as well as academic journals. Professor Anderson grew up in California, and received his B.A. from UCLA and his J.D. from Harvard Law School; following graduation from law school, he clerked for Justice Joseph Grodin of the California Supreme Court and was an associate at Sullivan & Cromwell. He blogs at the *Volokh Conspiracy* and the international law blog *Opinio Juris*; a longtime contributor to the *Times Literary Supplement* and editorial board member of the *Journal of Terrorism and Political Violence*, Professor Anderson serves as the reviews editor of the national security website *Lawfare*.

Howard J. Bashman is an appellate lawyer with his own practice in suburban Philadelphia who appears regularly before the U.S. Court of Appeals for the Third Circuit and Pennsylvania's state appellate courts. Bashman graduated from Columbia College, where he was named a John Jay National Scholar and won the George William Curtis Prize in Oratory. He received his J.D. with distinction from the Emory University School of Law, where he served as managing editor of the *Emory Law Journal* and received the Emory University School of Law Merit Scholarship. Following law school, Bashman had a two-year clerkship for Judge William D. Hutchinson of the U.S. Court of Appeals for the Third Circuit. Since December 2000, Bashman has written a monthly column on appellate developments for *The Legal Intelligencer*, Philadelphia's daily newspaper for lawyers. ALM Media's law.com hosts his popular appellate-related Web log, *How Appealing*. Previously, Bashman served as co-chair and then chair of the appellate courts committee of the Philadelphia Bar Association. Bashman has been profiled by the Associated Press, the *ABA Journal*, *Legal Times*, *Pennsylvania Super Lawyers Magazine*, and the *Daily Journal*, a California-based legal newspaper. He has published essays about appellate issues in the *Los Angeles Times* and *Slate*. Bashman is admitted to practice law in Pennsylvania, New Jersey, the U.S. Supreme Court, and in numerous federal courts of appeals.

Erin C. Blondel is an associate at Robbins, Russell, Englert, Orseck, Untereiner & Sauber LLP. She graduated *summa cum laude* in 2009 from Duke Law School, where she was an executive editor of the *Duke Law Journal*. She served as a law clerk to the Honorable Sandra L. Lynch for the U.S. Court of Appeals for the First Circuit and then as a litigation associate at Wachtell, Lipton, Rosen & Katz. Blondel received a Master of Studies, with distinction, in English Language and Literature from Oxford University in 2006. She received a B.A. *magna cum laude* in 2005 from the University of Notre Dame, where she was a member of the University Honors Program.

Paul D. Clement is a partner at Bancroft PLLC. He served as the 43rd Solicitor General of the United States from June 2005 until June 2008. Before his confirmation as solicitor general, Clement served as acting solicitor general for nearly a year and as principal deputy solicitor general for over three years. He has argued more than 65 cases

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William S. Consovoy is a partner at Wiley Rein LLP whose practice focuses on federal constitutional and statutory issues. In particular, Consovoy advises clients on issues involving the First Amendment, the Commerce Clause, the Fourteenth and Fifteenth Amendments, the Communications Act, the Voting Rights Act, and the Federal Arbitration Act. He represents clients primarily before the U.S. Supreme Court, federal appellate and districts courts, as well as before federal agencies. Since 2011, Consovoy has been the co-director of the George Mason University School of Law Supreme Court Clinic. He also is a former law clerk for Supreme Court Justice Clarence Thomas, Judge Edith Jones of the U.S. Court of Appeals for the Fifth Circuit, and the 17th Judicial Circuit of Virginia. Consovoy is a member of the Edward Coke Appellate Inn of Court and was named by

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Gregory Dolin is a law professor at the University of Baltimore Law School. Dolin is also co-director of the Center for Medicine and Law, a partnership between UB Law and the Johns Hopkins University School of Medicine. The center supports collaboration between experts in the fields of both medicine and law, and focuses its efforts on an examination of medical and legal issues from the perspective of the health care practitioner. Prior to joining UB Law, Dolin held a position at the George Washington University Law School as a Frank H. Marks Visiting Associate Professor of Law and administrative fellow in the intellectual property program. He was a law clerk to the Hon. Pauline Newman of the U.S. Court of Appeals for the Federal Circuit and the late Hon. H. Emory Widener Jr. of the U.S. Court of Appeals for the Fourth Circuit. He served as a John M. Olin Fellow in Law at Northwestern University School of Law, and as an associate in the intellectual property group of Kramer, Levin, Naftalis, and Frankel LLP. He received his B.A. from Johns Hopkins University, his J.D. from Georgetown University Law Center, and his M.D. from State University of New York at Stony Brook School of Medicine.

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Andrew M. Grossman is an associate at the Washington office of Baker & Hostetler LLP. He has represented states in challenges to the constitutionality of federal statutes and the legality of federal environmental regulations, and is also active in commercial litigation. He is experienced in Supreme Court practice, authoring or contributing to many certiorari-stage filings, merits briefs and amicus briefs, and frequently “mooting” the nation’s top Supreme Court litigators and state solicitors general before their oral arguments. Before joining BakerHostetler, Grossman was a senior legal analyst for the Center for Legal and Judicial Studies at the Heritage Foundation where his research focused on law and finance, bankruptcy, national security law, and the constitutional separation of powers. Grossman has testified before the House and Senate Judiciary Committees on a variety of issues and is a frequent commentator on radio and television, having appeared on Fox News, CNN, MSNBC, CNBC, NPR and its affiliates, and elsewhere. His legal commentary has also appeared in dozens of magazines and newspapers, including the *Wall Street Journal*, *USA Today*, *Washington Post*, *Washington Times*, *CQ Researcher*, and many others. Grossman has written and published research on criminal law and “overcriminalization,” constitutional law, civil liberties and privacy, domestic intelligence operations, the legal aspects of economic regulation and civil justice reform. He served as a judicial clerk to Chief Judge Edith H. Jones of the U.S. Court of Appeals for the Fifth Circuit. In 2007, the Burton Foundation and the Library of Congress presented Grossman with the Burton Award for Legal Achievement, citing his research on federal evidentiary law and Internet communications technologies. In addition to his litigation practice, Grossman serves as a legal fellow at the Heritage Foundation, where he continues to write on constitutional law and advise members of Congress on complex legal and policy issues. He is a member of the D.C. Bar.

Joshua D. Hawley is an Associate Professor of Law at the University of Missouri School of Law. He is a former clerk to Chief Justice John G. Roberts Jr. of the U.S. Supreme Court, and to Michael W. McConnell of the U.S. Court of Appeals for the Tenth Circuit. He is a graduate of the Yale Law School, where he served as articles editor for the *Yale Law Journal* and as president of the Yale Federalist Society. He

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Gail Heriot is professor of law at University of San Diego School of Law and a member of the U.S. Commission on Civil Rights. She teaches and writes in the areas of civil rights, employment discrimination, product liability remedies, and torts. Heriot clerked for the Honorable Seymour F. Simon on the Illinois Supreme Court. Before entering academia, she practiced with Mayer, Brown & Platt in Chicago and Hogan & Hartson in Washington. She also served as civil rights counsel to the U.S. Senate Committee on the Judiciary and as associate dean and professor of law at the George Mason University School of Law. She joined the USD law faculty in 1989. Heriot earned her B.A. from Northwestern University and her J.D. from the University of Chicago. She was an editor of the *University of Chicago Law Review* and also a member of Phi Beta Kappa and Order of the Coif. She sits on the board of directors of the National Association of Scholars and the California Association of Scholars. Heriot's publications include "Lights! Camera! Legislation!: Grandstanding Congress Set to Adopt Hate Crimes Bill that May Put Double Jeopardy Protections in Jeopardy" in *Engage*; "Affirmative Action in American Law Schools" in the *Journal of Contemporary Legal Issues*; and "The Politics of Admissions in California" in *Academic Questions*. As a frequent contributor to popular media outlets, her writing has been featured in the *Wall Street Journal* and the *Philadelphia Inquirer*.

Thomas R. McCarthy is a partner at Wiley Rein LLP. McCarthy has significant litigation experience on a wide array of issues in federal trial and appellate courts across the country, especially in the U.S. Court of Appeals for the D.C. Circuit and the U.S. Supreme Court. He also represents clients before the Federal Communications Commission and various other federal agencies. McCarthy's recent cases before the Supreme Court involve issues relating to federal preemption, the Administrative Procedure Act, the dormant Commerce Clause, the Equal Protection Clause, the Federal Arbitration Act, patent law, voting rights, and criminal law. Since 2011, McCarthy has been the co-director of the George Mason University School of Law Supreme Court Clinic. He also is a former law clerk for D.C. Circuit Judge David Sentelle and Judge Frank Bullock of the U.S. District Court for the Middle District of North Carolina. McCarthy earned his B.S. from the University of Notre Dame, where he was a Notre Dame Scholar, and his J.D. *magna cum laude* from George Mason University School of Law. He is a member of the Virginia and D.C. bars.

Mark Moller, is an associate law professor at the DePaul College of Law, where he teaches and writes in the area of civil procedure and complex litigation. He received a J.D. with honors from the University of Chicago Law School, an LL.M. with first class honors from the University of Cambridge, and a bachelor's degree *magna cum laude* from Duke University. Prior to joining DePaul, Moller was an associate in the appellate and class action groups at Gibson Dunn & Crutcher in Washington, where he served on the team that successfully litigated *Bush v. Gore*. Following private practice, he was a senior fellow at the Cato Institute's Center for Constitutional Studies, where he oversaw Cato's Supreme Court amicus program, was editor-in-chief of the *Cato Supreme Court Review*, and appeared frequently as a legal commentator in print and on television and radio.

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Roger Pilon is the founder and director of Cato's Center for Constitutional Studies, which has become an important force in the national debate over constitutional interpretation and judicial philosophy. He is the publisher of the *Cato Supreme Court Review* and is an adjunct professor of government at Georgetown University through The Fund for American Studies. Prior to joining Cato, Pilon held five senior posts in the Reagan administration, including at State and Justice, and was a National Fellow at Stanford's Hoover Institution. In 1989 the Bicentennial Commission presented him with its 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. Pilon lectures and debates at universities and law schools across the country and testifies often before Congress. His writing has appeared in the *Wall Street Journal*, the *Washington Post*, the *New York Times*, the *Los Angeles Times*, *Legal Times*, *National Law Journal*, *Harvard Journal of Law & Public Policy*, *Stanford Law & Policy Review*, and elsewhere. He has appeared on ABC's *Nightline*, CBS's *60 Minutes II*, Fox News Channel, NPR, CNN, MSNBC, CNBC, and other media. Pilon holds a B.A. from Columbia University, an MA and a Ph.D. from the University of Chicago, and a J.D. from the George Washington University School of Law.

Charles W. "Rocky" Rhodes is a professor of law at South Texas College of Law, where he teaches constitutional law, First Amendment law, state constitutional law, civil procedure, and complex litigation. He is the author or co-author of three texts on constitutional law, *Cases and Materials on Constitutional Law*, *The Texas Constitution in State and Nation*, and *Skills & Values: The First Amendment*. His writings also include over 20 journal articles and book chapters on a wide variety of constitutional and procedural issues, such as constitutional interpretation, due process rights, free speech protections, state constitutionalism, the judicial confirmation process, personal jurisdiction, federal practice and procedure, mandamus proceedings, and appellate procedure. His articles, books, and chapters have been

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Ilya Somin is professor of law 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. He is the author of *Democracy and Political Ignorance: Why Smaller Government is Smarter* (Stanford University Press, forthcoming September 2013), and coauthor of *A Conspiracy Against Obamacare: The Volokh Conspiracy and the Health Care Case* (Palgrave Macmillan, forthcoming November 2013). His work has appeared in numerous scholarly journals, including the *Yale Law Journal*, *Stanford Law Review*, *Northwestern University Law Review*, and *Georgetown Law Journal*. Somin has also published articles in a variety of popular press outlets, including the *Los Angeles Times*, the *New York Times* Room for Debate website, *USA Today*, the *Wall Street Journal OpinionJournal.com*, *National Law Journal*, and *Reason*. He has been quoted or interviewed by the *New York Times*, *Washington Post*, NPR, BBC, Al Jazeera and the Voice of America, among other media. He recently testified on the use of drones for targeted killing in the War on Terror before the U.S. Senate Judiciary Subcommittee on the Constitution, Civil Rights, and Human Rights. In July 2009, he testified on property rights issues at the U.S. Senate Judiciary Committee confirmation hearings for Supreme Court Justice Sonia Sotomayor. Somin writes regularly for the popular *Volokh Conspiracy* law and politics blog. From 2006 until mid-2013, he served as co-editor of the *Supreme Court Economic Review*, one of the country's top-rated law and economics journals. Somin has been a visiting professor at the University of Pennsylvania Law School, as well as the University of Hamburg, Germany, and the University of Torcuato Di Tella in Buenos Aires, Argentina. Before joining the faculty at George Mason, Somin was the John M. Olin Fellow in Law at Northwestern University Law School in 2002-2003. In 2001-2002, he clerked for the Hon. Judge Jerry

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Ernest A. Young is Alston & Bird Professor of Law at Duke Law School, where he teaches constitutional law, federal courts, and foreign relations law. He is one of the nation's leading authorities on the constitutional law of federalism, having written extensively on the Rehnquist Court's "Federalist Revival" and the difficulties confronting courts as they seek to draw lines between national and state authority. Young also is an active commentator on foreign relations law, where he focuses on the interaction between domestic and supranational courts and the application of international law by domestic courts. He has been known to dabble in maritime law and comparative constitutional law. A native of Abilene, Texas, Young joined the Duke Law faculty in 2008, after serving as the Charles Alan Wright Chair in Federal Courts at the University of Texas at Austin School of

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