

Contributors

Jonathan H. Adler is the inaugural Johan Verheij Memorial 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 five books and over a dozen book chapters, and several dozen academic articles. His writing has appeared in publications ranging from the *Supreme Court Economic Review* and *Harvard Journal of Law & Public Policy* to the *Wall Street Journal* and *USA Today*, and his scholarship has been cited in the U.S. Supreme Court. A 2007 study identified Adler as the most cited legal academic in environmental law under age 40 and three years earlier he 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. Adler is a senior fellow at the Property & Environment Research Center in Bozeman, Montana, and serves on the editorial board of the *Cato Supreme Court Review*, the board of directors of the Foundation for Research on Economics and the Environment, and the Environmental Law Institute's *Environmental Law Reporter* and ELI Press Advisory Board. Before joining the faculty at Case Western, Adler clerked for Judge 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.

James F. Blumstein is a University Professor of Constitutional Law and Health Law & Policy at Vanderbilt Law School, a professor of management at the Owen Graduate School of Management, and director of Vanderbilt's Health Policy Center. He ranks among the nation's most prominent scholars of health law, law and medicine, and voting rights. As the director of Vanderbilt's Health Policy Center,

Blumstein has served as the principal investigator on numerous grants concerning managed care, hospital management, and medical malpractice. His peers recognized his leadership in health law and policy by electing Blumstein to the National Academy of Sciences' Institute of Medicine, and he was awarded the Earl Sutherland Prize, which is Vanderbilt's preeminent university-wide recognition for lifetime scholarly contributions. In 2007, he received the prestigious McDonald-Merrill-Ketcham Memorial Award for Excellence in Law and Medicine from the University of Indiana and delivered the award lecture on hospital-physician joint-venture relationships. Blumstein has been the Olin Visiting Professor at the University of Pennsylvania Law School, an Adjunct Professor at Dartmouth Medical School, and a Visiting Professor at Duke Law School and at Duke's Institute of Policy Sciences and Public Affairs. He has served as former Tennessee Governor Phil Bredesen's counsel on TennCare reform and has participated actively in a number of Supreme Court cases, arguing three. A dedicated teacher, Blumstein has received the law school's student-sponsored Hartman Teaching Award. He joined Vanderbilt's law faculty in 1970.

Michael F. Cannon is the Cato Institute's director of health policy studies. Cannon has been described as "an influential health-care wonk" (*Washington Post*), "ObamaCare's single most relentless antagonist" (*The New Republic*), "the man who could bring down ObamaCare" (Vox.com), and "ObamaCare's fiercest critic" (*The Week*). He has appeared on all major TV and cable networks. His articles have been featured in the *Wall Street Journal*, the *New York Times*, SCOTUS-Blog, *Forum for Health Economics & Policy*, the *Harvard Health Policy Review*, *Health Matrix: Journal of Law-Medicine*, the *Journal of Health Politics, Policy, and Law*, and the *Yale Journal of Health Policy, Law, and Ethics*. Cannon is the co-editor of *Replacing Obamacare* and co-author of *Healthy Competition*. Previously, he served as a domestic policy analyst for the U.S. Senate Republican Policy Committee, where he advised the Senate leadership on health, education, labor, welfare, and the Second Amendment. He holds a B.A. in American government from the University of Virginia, and an M.A. in economics and a J.M. in law and economics from George Mason University.

Roger Clegg is president and general counsel of the Center for Equal Opportunity, where he writes, speaks, and conducts research on legal issues raised by the civil rights laws. The Center for Equal Opportunity is a conservative research and educational organization based in Falls Church, Virginia, that specializes in civil rights, immigration and assimilation, and bilingual education issues. Clegg also is a contributing editor at *National Review Online*, and writes frequently for other popular periodicals and law journals. From 1982 to 1993, Clegg held a number of positions at the U.S. Department of Justice, including Assistant to the Solicitor General, where he argued three cases before the United States Supreme Court, and the number-two official in the Civil Rights Division and in the Environment Division. From 1993 to 1997, Clegg was vice president and general counsel of the National Legal Center for the Public Interest, where he wrote and edited a variety of publications on legal issues of interest to business. He is a graduate of Rice University and Yale Law School.

John P. Elwood is an appellate partner in the Washington office of Vinson & Elkins LLP and adviser to the University of Virginia School of Law's Supreme Court Litigation Clinic. Elwood has argued nine cases in the U.S. Supreme Court and has appeared before most of the federal courts of appeals. He is a regular contributor to the Supreme Court legal blog SCOTUSblog. Before joining V&E, Elwood served for seven years as the senior deputy in the Justice Department's Office of Legal Counsel and as an assistant to the solicitor general. He received both the Attorney General's Award for Exceptional Service and the Attorney General's Award for Distinguished Service—the Justice Department's two top awards for lawyers. Elwood is a former law clerk to Supreme Court Associate Justice Anthony M. Kennedy and the late Judge J. Daniel Mahoney of the U.S. Court of Appeals for the Second Circuit. He is a graduate of Yale Law School and Princeton University.

William N. Eskridge Jr. is the John A. Garver Professor of Jurisprudence at Yale Law School. His primary legal academic interest has been statutory interpretation. Together with Professor Philip Frickey, he developed an innovative casebook on legislation. In 1990-95, Professor Eskridge represented a gay couple suing for recognition of their same-sex marriage. Since then, he has published a

field-establishing casebook, three monographs, and dozens of law review articles articulating a legal and political framework for proper state treatment of sexual and gender minorities. The historical materials in the book on “Gaylaw” formed the basis for an amicus brief he drafted for the Cato Institute and for much of the Court’s (and the dissenting opinion’s) analysis in *Lawrence v. Texas* (2003), which invalidated consensual sodomy laws. His most recent books are *Dishonorable Passions: Sodomy Laws in America, 1861-2003* (Viking 2008), and *A Republic of Statutes: Our New American Constitution* (Yale 2010) (with John Ferejohn). Professor Eskridge received his B.A., summa cum laude, from Davidson College, his masters in History from Harvard, and his J.D. from Yale.

Andrew M. Grossman is an associate at the Washington office of Baker & Hostetler LLP and adjunct scholar at the Cato Institute. 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 Congress on a variety of issues and is a frequent commentator on radio and television. His legal commentary has also appeared in dozens of magazines and newspapers, including the *Wall Street Journal*, *USA Today*, *Washington Post*, 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.

John G. Malcolm oversees the Heritage Foundation's work to increase understanding of the Constitution and the rule of law as director of the think tank's Edwin Meese III Center for Legal and Judicial Studies. Malcolm, who also is Heritage's Ed Gilbertson and Sherry Lindberg Gilbertson Senior Legal Fellow, brings to the challenge a wealth of legal expertise and experience in both the public and private sectors. Before being named director of the Meese Center in July 2013, Malcolm spearheaded the center's rule of law programs. His research and writing focuses on criminal law, immigration, national security, religious liberty, and intellectual property. In addition to his duties at Heritage, Malcolm is chairman of the criminal law practice group of the Federalist Society. He serves on the board of directors of Boys Town Washington, D.C., which provides homes and services to troubled children and families, and Enough Is Enough, which strives to protect children from online predators and other dangers. Before joining Heritage, Malcolm was general counsel at the U.S. Commission on International Religious Freedom, as well as a distinguished practitioner in residence at Pepperdine Law School. From 2004 to 2009, Malcolm was executive vice president and director of worldwide anti-piracy operations for the Motion Picture Association of America. He served as a deputy assistant attorney general in the Department of Justice's Criminal Division from 2001 to 2004, where he oversaw sections on computer crime and intellectual property, domestic security, child exploitation and obscenity, and special investigations. Before that, he was a partner in the Atlanta law firm of Malcolm & Schroeder, LLP. From 1990 to 1997, Malcolm was an assistant U.S. attorney in Atlanta, assigned to the fraud and public corruption section, and also an associate independent counsel, investigating fraud and abuse in the Department of Housing and Urban Development. He was honored with the Director's Award for Superior Performance for his work in the successful prosecution of Walter Leroy Moody Jr., who assassinated an 11th Circuit judge and the head of the Savannah chapter of the NAACP. Malcolm began his law career as a law clerk to a federal district court judge and a federal appellate court judge as well as an associate at the Atlanta-based law firm of Sutherland, Asbill & Brennan. Malcolm is a graduate of Harvard Law School and holds a bachelor's degree in economics from Columbia College.

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 appellate judge. He also has been involved in extensive appellate litigation, including arguing 15 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.

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Walter Olson is a senior fellow at the Cato Institute's Center for Constitutional Studies. Prior to joining Cato, Olson was a senior fellow at the Manhattan Institute, and has been a columnist for Great Britain's *Times Online*, as well as *Reason*. His writing appears regularly in such publications as the *Wall Street Journal*, *New York Times*, and *New York Post*. He has appeared numerous times before Congress and advised many public officials. The *Washington Post* has dubbed him the "intellectual guru of tort reform." His approximately 400 broadcast appearances include all the major networks, CNN, Fox News, PBS, NPR, and "Oprah." Olson's most recent book, *Schools for Misrule: Legal Academia and an Overlawyered America* (Encounter Books), appeared in 2011 and was described by Publisher's Weekly as "cutting-edge commentary," "astute," "witty" and "hard-hitting." His previous book on mass litigation, *The Rule of Lawyers*, was hailed in leading publications including *Forbes*, *The American Lawyer*, and *Barron's*. *The Excuse Factory*, his 1997 book on lawsuits in the workplace, was met with accolades in the *London Times* and the *ABA Journal*. Olson's widely discussed first book, *The Litigation Explosion*, was cited by Justice Sandra Day O'Connor in a major Supreme Court case. He

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Roger Pilon is Cato's vice president for legal affairs, the founding director of Cato's Center for Constitutional Studies, and the founding publisher of the *Cato Supreme Court Review*. He holds Cato's B. Kenneth Simon Chair in Constitutional Studies 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, at OPM, 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*, *Washington Post*, *New York Times*, *L.A. 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 M.A. and a Ph.D. from the University of Chicago, and a J.D. from the George Washington University School of Law.

Timothy Sandefur is a principal attorney at the Pacific Legal Foundation, where he directs the Economic Liberty Project, devoted to protecting the constitutional right to earn a living. He has won important victories for economic freedom in California, Kentucky, Missouri, Oregon, and elsewhere. He is an adjunct scholar with the Cato Institute and has authored three books—*Cornerstone of Liberty: Property Rights in 21st Century America* (the second edition of which, coauthored with his wife Christina Sandefur, will be published in 2016), *The Right to Earn A Living* (2010), and *The Conscience of The Constitution* (2014)—as well as some 50 scholarly articles on subjects ranging from economic liberty to eminent domain, copyright, slavery and the Civil War, and legal issues in Shakespeare and ancient Greek drama. His articles have appeared in *National Review*, the *Claremont Review of Books*, *Regulation*, the *San Francisco Chronicle*, and elsewhere, and he

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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/adviser 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 is the co-author of *Religious Liberties for Corporations? Hobby Lobby, the Affordable Care Act, and the Constitution* (2014). He has contributed to a variety of academic, popular, and professional publications, including the *Wall Street Journal*, *Harvard Journal of Law & Public Policy*, *L.A. Times*, *USA Today*, *National Law Journal*, *Weekly Standard*, *New York Times Online*, and *National Review Online*. He also regularly provides commentary for various media outlets, including CNN, Fox News, ABC, CBS, NBC, Univision and Telemundo, *The Colbert Report*, and NPR. Shapiro has testified before Congress and state legislatures and, as coordinator of Cato's amicus brief program, has filed more than 100 "friend of the court" briefs in the Supreme Court. He lectures regularly on behalf of the Federalist Society, is a member of the Legal Studies Institute's board of visitors 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, 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.

Diane S. Sykes is a judge on the U.S. Court of Appeals for the Seventh Circuit, having been nominated by President George W. Bush and confirmed by the Senate in 2004. Prior to her appointment to the federal bench, Judge Sykes served as a justice on the Wisconsin Supreme Court. Governor Tommy G. Thompson appointed her in September 1999 to fill a mid-term vacancy and she was elected to a

full ten-year term in April 2000. From 1992–1999, Judge Sykes served on the state trial bench in Milwaukee County (elected in 1992 and re-elected in 1998). From 1985–1992, Judge Sykes practiced law with the Milwaukee firm of Whyte & Hirschboeck, S.C., and from 1984–1985, was a law clerk to Judge Terence T. Evans, then on the federal district court for the Eastern District of Wisconsin. Born and raised in the Milwaukee area, Judge Sykes earned a bachelor’s degree in journalism from Northwestern University in 1980 and a law degree from Marquette University Law School in 1984. Between college and law school, Judge Sykes worked as a reporter for the *Milwaukee Journal*.

Alexander “Sasha” Volokh is an associate professor of law at Emory University. He earned his B.S. from UCLA and his J.D. and Ph.D. in economics from Harvard University. He clerked for Judge Alex Kozinski of the U.S. Court of Appeals for the Ninth Circuit and for Supreme Court Justices Sandra Day O’Connor and Samuel Alito. Before coming to Emory, he was a visiting associate professor at Georgetown University Law Center and a visiting assistant professor at University of Houston Law Center. His interests include law and economics, administrative law and the regulatory process, antitrust, privatization, corrections, and legal history.

Adam J. White is counsel at Boyden Gray & Associates and an adjunct fellow with the Manhattan Institute. He works, writes, and speaks often on constitutional and regulatory issues. His writing appears in publications such as the *Wall Street Journal*, *Weekly Standard*, *Commentary*, and SCOTUSblog; he is a contributing editor with *City Journal*, *National Affairs*, and *The New Atlantis*; and he has published scholarly articles in the *Harvard Journal of Law & Public Policy* and the *Albany Law Review*. He also serves as a council member leading the ABA’s section of administrative law and regulatory practice, where he also co-chairs the section’s judicial review committee and co-directs its Supreme Court series. He studied at Harvard Law School and the University of Iowa, and clerked for Judge David Sentelle of the U.S. Court of Appeals for the D.C. Circuit.