

## Contributors

**Thomas A. Berry** is College of Public Interest Law Fellow at the Pacific Legal Foundation and a former legal associate in the Cato Institute's Center for Constitutional Studies. During law school, Berry interned at both Cato and Institute for Justice. His opinion pieces have appeared in popular outlets including *National Law Journal*, *National Review (Online)*, and *The Federalist*, and his academic articles have been published in *Federalist Society Review* and *NYU Journal of Law and Liberty*. Berry holds a J.D. from Stanford Law School, where he was a senior editor on the *Stanford Law and Policy Review* and a Bradley Student Fellow in the Stanford Constitutional Law Center. He graduated with a B.A. in Liberal Arts from St. John's College, Santa Fe.

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**Clint Bolick** was appointed by Governor Doug Ducey in January 2016 to serve on the Arizona Supreme Court. Before joining the Court, Justice Bolick litigated constitutional cases in state and federal courts from coast to coast, including the U.S. Supreme Court. Among other positions, he served as vice president for litigation at the Goldwater Institute and as co-founder and vice president for litigation at the Institute for Justice. He has litigated in support of school choice, freedom of enterprise, private property rights, freedom of speech, and federalism, and against racial classifications and government subsidies. Justice Bolick received his J.D. degree from the University of California at Davis, where he has been recognized as a distinguished alumnus, and his B.A. *magna cum laude* from Drew University. He serves as a research fellow with the Hoover Institution. Among other

honors, he was named one of the 90 Greatest DC Lawyers in the Last 30 Years by *Legal Times* in 2008, received a Bradley Prize in 2006, and was recognized as one of the nation's three lawyers of the year by *American Lawyer* in 2002 for his successful defense of school vouchers in *Zelman v. Simmons-Harris*. Justice Bolick is a prolific author of a dozen books and hundreds of articles. Among his most recent books are *Immigration Wars: Forging an American Solution* (2013), co-authored with former Florida Governor Jeb Bush; and *David's Hammer: The Case for an Activist Judiciary* (2007).

**Clay Calvert** is the Brechner Eminent Scholar in Mass Communication and director of the Marion B. Brechner First Amendment Project at the University of Florida. Calvert has authored or co-authored more than 130 law journal articles on topics related to freedom of expression. Calvert has filed, as counsel of record, multiple amicus briefs with the U.S. Supreme Court in cases such as *Elonis v. United States* and *Brown v. Entertainment Merchants Association*. Since 2015, his op-eds have appeared in *Fortune*, *Huffington Post*, *Newsweek*, *New Republic*, *Time* and *The Conversation*. Calvert is co-author, with Don R. Pember, of the market-leading undergraduate media-law textbook, *Mass Media Law*, now in its 19th edition, and is author of *Voyeur Nation: Media, Privacy, and Peering in Modern Culture* (2000). He received his J.D. with Great Distinction in 1991 from the University of the Pacific's McGeorge School of Law and then earned a Ph.D. in 1996 in Communication from Stanford University, where he also completed his undergraduate work in 1987. He is a member of both the State Bar of California and the Bar of the U.S. Supreme Court.

**Mark Chenoweth** has provided public service in all three branches of the federal government. He served as the first chief of staff to Congressman Mike Pompeo, as legal counsel to Commissioner Anne Northup at the U.S. Consumer Product Safety Commission, as an attorney advisor in the Office of Legal Policy at the U.S. Justice Department, and as a law clerk to Judge Danny J. Boggs on the U.S. Court of Appeals for the Sixth Circuit. Chenoweth has also worked as in-house counsel for Koch Industries, as a regulatory associate in the Washington office of Wilmer, Cutler & Pickering, as an adjunct professor at Antonin Scalia Law School, and as general counsel of Washington Legal Foundation. He is a graduate of Yale University

and the University of Chicago Law School, where he co-founded the Institute for Justice Clinic on Entrepreneurship and became a Tony Patiño Fellow.

**Nicole Stelle Garnett** is the John P. Murphy Foundation Professor of Law at the University of Notre Dame. Her teaching and research focus is on property, land use, urban development, local government law, and education policy. She is the author of numerous articles on these subjects and of *Ordering the City: Land Use, Policing and the Restoration of Urban America* (2009). Her most recent book, *Lost Classroom, Lost Community: Catholic Schools' Importance in Urban America* (2014) represents the culmination of a major empirical research project with Professor Peg Brinig that examines the effects of Catholic school closures on urban neighborhoods. At Notre Dame, Garnett is also a fellow of the Institute for Educational Initiatives and the senior policy advisor for the Alliance for Catholic Education, a program engaged in a wide array of efforts to strengthen and sustain K-12 Catholic schools. Garnett is also a member of the editorial board of the *Cato Supreme Court Review*. From 2008 to 2010, she served as provost fellow at Notre Dame and has also been a visiting professor of law at the University of Chicago. Garnett received her B.A. from Stanford and her J.D. from Yale Law School. She clerked for Judge Morris S. Arnold of the U.S. Court of Appeals for the Eighth Circuit and for Justice Clarence Thomas of the U.S. Supreme Court. Before joining the Notre Dame faculty in 1999, she worked for two years as a staff attorney at the Institute for Justice.

**Richard W. Garnett** is the Paul J. Schierl/Fort Howard Corporation Professor of Law, with a concurrent appointment in the department of political science, at the University of Notre Dame. He teaches and writes about the freedoms of speech, association, and religion, and also about constitutional law more generally. He has published widely on questions regarding the role of religious believers and beliefs in politics and society and is the author of dozens of law-review articles and book chapters. His current research project, *Two There Are: Understanding the Separation of Church and State*, will be published by Cambridge University Press. Garnett is regularly invited to share analysis and commentary in national print and broadcast media, and contributes to several law-related blogs, including Mirror of

Justice and PrawfsBlawg. He is the founding director of Notre Dame Law School's Program on Church, State, and Society, an interdisciplinary project that focuses on the role of religious institutions, communities, and authorities in the social order. Garnett clerked for the late Chief Justice William H. Rehnquist and also for the late chief judge of the U.S. Court of Appeals for the Eighth Circuit, Richard S. Arnold. He is closely involved with a number of efforts to improve and strengthen Catholic schools and to reform education policy more generally. He served on the Notre Dame Task Force on Catholic Education, is a fellow of the University's Institute for Educational Initiatives, is a founding associate of the American Center for School Choice, and consults regularly with the Alliance for Catholic Education. He also served on the school board of St. Joseph Grade School in South Bend, Indiana.

**David T. Goldberg** joined Stanford Law School's Supreme Court Litigation Clinic in 2016. Before that, he taught for a decade at the University of Virginia, where he co-founded and co-directed that law school's Supreme Court Litigation Clinic. He has since 2006 been a partner in the firm of Donahue & Goldberg, specializing in complex public law matters in appellate courts. He has participated in roughly 150 cases in the U.S. Supreme Court, serving as counsel to parties in some 20 merits-stage cases, and is frequently asked to speak and write about the Court. Before establishing Donahue & Goldberg, Goldberg served on the legal staff of the NAACP Legal Defense Fund and before that, as law clerk to Justice David H. Souter and to Judge Ruth Bader Ginsburg, then of the U.S. Court of Appeals for the D.C. Circuit. Although civil rights law has been the principal focus of his practice, he has litigated cases under statutes appearing in 33 of the 53 titles of the U.S. Code and has represented a diverse array of clients, including the City of Chicago, the Western States Peanut Growers Association, Google, the Government of Canada, and James Brown, the late Godfather of Soul.

**Sopan Joshi** is a litigation associate in the Chicago office of Kirkland & Ellis. Joshi clerked for Justices Antonin Scalia and Samuel Alito of the U.S. Supreme Court, Judge Richard Posner of the U.S. Court of Appeals for the Seventh Circuit, and Judge Gary Feinerman of the U.S. District Court for the Northern District of Illinois. He graduated

from Northwestern Pritzker School of Law and also holds B.S. and Ph.D. degrees in electrical engineering from Stanford University and the University of Illinois at Urbana-Champaign, respectively.

**Thaya Brook Knight** is associate director of financial regulation studies at the Cato Institute. She is an attorney with extensive experience in securities regulation, small business capital access, and capital markets. Before joining Cato, she co-founded and served as general counsel of CrowdCheck, a company providing due diligence and disclosure services in the online investing market. Following the recent financial crisis, she served as investigative counsel for the congressional oversight panel charged with overseeing the expenditure of Troubled Asset Relief Program funds. She also spent several years with the Washington office of the law firm WilmerHale, where her practice focused on securities litigation, securities enforcement defense, and corporate investigations. She holds a B.A. from Middlebury College and a J.D. from the University of Michigan Law School.

**Christopher Landau** is a senior partner in the Kirkland & Ellis appellate litigation practice, and was one of the founders of that practice almost 25 years ago. He has briefed and argued appeals involving a wide range of subject matters in courts all across the country, including the U.S. Supreme Court, every one of the federal courts of appeals, and many state appellate courts. Landau served twice as a law clerk at the Supreme Court, first to Justice Antonin Scalia (1990–91) and then to Justice Clarence Thomas (1991–92). Over the past two terms, the Court has granted review of five petitions in a row in which Landau served as counsel of record. In 2017, the chief justice appointed Landau to a three-year term as a member of the Judicial Conference Advisory Committee on Appellate Rules, which makes recommendations for changes to the Federal Rules of Appellate Procedure. When a group of federal judges decided to bring a lawsuit alleging that the Constitution does not allow Congress to withhold judicial salary adjustments previously established by law, they turned to Landau, and he succeeded in overturning prior binding precedent to vindicate the judges' constitutional claim. *See Beer v. United States*, 696 F.3d 1174 (Fed. Cir. 2012) (en banc).

**Roger Pilon** is vice president for legal affairs at the Cato Institute, the founding director of Cato's Center for Constitutional Studies, the inaugural holder of Cato's B. Kenneth Simon Chair in Constitutional Studies, and the founding publisher of the *Cato Supreme Court Review*. Before joining Cato he 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 writings have appeared in both academic and popular journals and he appears often on radio and TV. 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.

**David G. Post** is a former professor of law at the Beasley School of Law at Temple University, where he taught 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 (where he is a member of the editorial board of the *Cato Supreme Court Review*), and a contributor to the Volokh Conspiracy blog. Professor Post is the author of *In Search of "Jefferson's Moose: Notes on the State of Cyberspace"* (2009), and co-author of *Cyberlaw: Problems of Policy and Jurisprudence in the Information Age* (2007) (with Paul Schiff Berman and Patricia Bellia), and 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 PBS News Hour, NPR's *All Things Considered*, BBC's *World*, and the PBS documentary *The Supreme Court*. His writings can be accessed online at [www.davidpost.com](http://www.davidpost.com).

**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 is the co-author (with David H. Gans) of *Religious Liberties for Corporations? Hobby Lobby, the Affordable Care Act, and the Constitution* (2014). He has contributed to many academic, popular, and professional publications, including the *Wall Street Journal*, *National Affairs*, *Harvard Journal of Law & Public Policy*, *L.A. Times*, *USA Today*, *Politico*, *Weekly Standard*, *New York Times Online*, and *National Review Online*. He regularly provides commentary for various media—including an appearance on the *Colbert Report*—and is a legal consultant to CBS News. Shapiro has testified before Congress and state legislatures and, as coordinator of Cato’s amicus brief program, has filed more than 200 “friend of the court” briefs in the Supreme Court. He lectures regularly on behalf of the Federalist Society, was an inaugural Washington Fellow at the National Review Institute and a Lincoln Fellow at the Claremont Institute, and has been an adjunct professor at the George Washington University Law School. In 2015 *National Law Journal* named him to its list of “rising stars” (40 under 40). Before entering private practice, Shapiro clerked for Judge E. Grady Jolly of the U.S. Court of Appeals for the Fifth Circuit. 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 (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.

**Emily R. Zhang** is a Ph.D. candidate in political science at Stanford University who graduated from Stanford Law School in 2017. She was a student in the Stanford Supreme Court Litigation Clinic during the fall of 2016, when she, along with Trevor Ezell, Samson Schatz, and Grace Zhao, worked on the merits briefs in *Packingham v. North Carolina*. Starting fall 2017, she will be a Skadden Fellow at the ACLU’s voting rights project.