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IN THE SUPERIOR COURT FOR THE STATE OF ALASKA
THIRD JUDICIAL DISTRICT AT ANCHORAGE

RANDALL KOWALKE,

Plaintiff,

vs.

DAVID EASTMAN,
STATE OF ALASKA DIVISION OF
ELECTIONS, and
GAIL FENUMIAI,

Defendants.

Case No. 3AN-22-07404 CI

**DEFENDANT DAVID EASTMAN'S REPLY IN SUPPORT OF
CROSS-MOTION IN LIMINE AND MOTION TO STRIKE**

COMES NOW Defendant David Eastman ("Rep. Eastman"), by and through the Law Offices of Joseph Miller, LLC, and hereby files this Reply in Support of his Cross-Motion In Limine to Preclude Opinion Testimony of Plaintiff's Proffered Experts and his Motion to Strike.

Reply In Support of Rep. Eastman's Cross-Motion in Limine.

Apart from the significant jurisdictional issues, which Rep. Eastman contends are dispositive, the central issue in this case is whether the speech and actions of some members of the Oath Keepers organization can be attributed to the organization itself and, if so, whether they qualify *as a matter of law* as advocacy to overthrow the government by force or violence that could, consistent with the First Amendment, render Rep. Eastman ineligible for office under Article XII, § 4 of the Alaska Constitution as long as he remains a member of the organization. Plaintiff's position appears to be that his proffered

experts, who admittedly have no legal training or expertise, can opine on that ultimate legal issue based upon publicly available facts that are not particularly difficult to interpret, while Rep. Eastman's proffered expert, who does have such legal training, cannot opine on the ultimate legal issue based upon the same publicly available facts. At the very least, both sets of experts should be treated similarly; either both sets of proffered experts should be allowed to offer their opinions, or neither should.

I. If the Opinion Rep. Eastman's Proffered Expert Is Inadmissible as "Legal Conclusion," Then So Too Are the Opinions On The Ultimate Legal Issue Offered by Plaintiff's Proffered Experts.

a. Plaintiff Treats the General Rule Against Legal Opinion Expert Testimony as Though It Were Absolute.

Plaintiff cites a litany of cases that he claims demonstrate that Dr. Eastman's opinion must be excluded as "legal conclusion," but none involved, or even mentioned, expert opinion. In *Mendel v. Felbert*, 897 P.2d 68, 72 n.7 (Alaska 1995), and *Father & Sons & Daughter v. Transp. Servs. Auth. of Nev.*, 182 P.3d 100, 105 (Nev. 2008), for example, the Alaska and Nevada Supreme Courts, respectively, merely state that the appellate court's review of a trial court's First Amendment ruling is *de novo*. Neither involved, or had any discussion of, expert opinion. The U.S. Supreme Court's holding in *Peel v. Att'y Registration & Disciplinary Comm'n of Illinois*, 496 U.S. 91, 108 (1990), is similar: "That the judgment below is by a State Supreme Court exercising review over the actions of its State Bar Commission does not insulate it from our review for constitutional infirmity." So, too, the Sixth Circuit's decision in *United States v. Hendrickson*, 822 F.3d 812, 818 (6th Cir. 2016), which merely recited in its standard of review section that, "*In most instances*, whether a district court's order granting injunctive relief violates a liti-

gant's First Amendment rights presents a question of law....” *Id.* (emphasis added).¹ The Third Circuit's decisions in *Dougherty v. Sch. Dist.*, 772 F.3d 979, 987 (3d Cir. 2014), and *Carroll v. Rochford*, 71 Fed. Appx. 124, 125 (3d Cir. 2003), and the Fifth Circuit's decision in *Davis v. McKinney*, 518 F.3d 304, 310 (5th Cir. 2008), simply held that the issue of whether a constitutional right was clearly established (and thus not subject to a claim of qualified immunity) was a question of law that the appellate court had jurisdiction to decide on an interlocutory appeal. In *Gustafson v. Jones*, 290 F.3d 895, 906 (7th Cir. 2002), and *Messman v. Helmke*, 133 F.3d 1042, 1045-46 (7th Cir. 1998), the Seventh Circuit merely stated, in standard of review sections, that whether a government employee's speech is protected under the First Amendment is a question of law—again, no issue about expert opinion was even mentioned in either case.

As noted above, none of these cases involved or even mentioned expert opinion. It is as if Plaintiff simply did a Boolean search for the terms “First Amendment” within the same sentence as “de novo” or “question of law” and then cited the cases without bothering to check whether they addressed the admissibility of expert opinion.

Plaintiff also cites cases that arose in the context of jury trials, but Plaintiff makes no effort to explain how the rules applicable to jury trials are equally applicable in the context of a bench trial, such is at issue here. *Nationwide Transp. Fin. v. Cass Info. Sys., Inc.*, 523 F.3d 1051, 1058 (9th Cir. 2008), involved expert opinion about conclusions of law in a jury trial. That would intrude on the judge's “exclusive” role of defining the law

¹ Even there, the language in the court's opinion is not as absolute as Plaintiff claims; he elided over the “In most instances” phrase at the beginning of the sentence. Pl. Opp. at 3 n. 10 (“[W]hether a district court's order granting injunctive relief violates a litigant's First Amendment rights presents a question of law....”).

for the jury, the court held. *Id.*; see also *United States v. Weitzenhoff*, 35 F.3d 1275, 1287 (9th Cir.1993) (“instructing the jury as to the applicable law ‘is the distinct and exclusive province’ of the court.”). The same is true for *Specht v. Jensen*, 853 F.2d 805 (10th Cir. 1988), also cited by Plaintiff. “[T]estimony which articulates and applies the relevant law ... circumvents the jury’s decision-making function by telling it how to decide the case,” the court noted, and also “encroache[s] upon the trial court’s authority to instruct the jury on the applicable law.” *Id.* at 807, 808. Such concerns are not present in the context of a bench trial, as here. See, e.g., *Burch v. Wells Fargo Bank, N.A.*, No. 3:13-CV-00201-SLG, 2015 WL 4498035, at *2 (D. Alaska July 22, 2015) (“When considering the admissibility of expert testimony, ‘there is less danger that a trial court will be ‘unduly impressed by the expert’s testimony or opinion’ in a bench trial.” (quoting *FTC v. BurnLounge, Inc.*, 753 F.3d 878, 887 (9th Cir. 2014))). As the Ninth Circuit noted in *BurnLounge*, “[w]hen we consider the admissibility of expert testimony, we are mindful that there is less danger that a trial court will be ‘unduly impressed by the expert’s testimony or opinion’ in a bench trial. 753 F.3d at 888 (quoting *Shore v. Mohave Cnty., State of Ariz.*, 644 F.2d 1320, 1322–23 (9th Cir.1981)).

Even in jury trials, however, the general rule against expert opinion on legal issues is not as absolute as Plaintiff claims. In *Peckham v. Cont’l Cas. Ins. Co.*, 895 F.2d 830 (1st Cir. 1990), for example, the First Circuit addressed a challenge to a trial court’s allowance of expert opinion on “proximate (or ‘legal’) causation.” *Id.* at 836. Although, as the court noted, causation questions are normally matters for the trier of fact, and “application of the legal cause standard to the circumstances of a particular case is a function

ordinarily performed by, and peculiarly within the competence of, the factfinder,” the court nonetheless upheld the decision of the trial court to admit testimony from “two well-credentialed experts—attorneys versed in the nuances of insurance law—who offered opinion evidence as to proximate cause.” *Id.* at 837. “Insurance is a complicated subject and the industry, over time, has developed a patina of custom and usage,” the court noted. “Arcana abound. Defendant’s proffered experts could reasonably be expected to shed some light in a shadowy domain,” particularly where the other side also offered expert opinion on the same issue. *Id.* Relatedly, while recognizing that, generally, expert opinion “[e]vidence of legal uncertainty ... need not be received,” the Fifth Circuit in *U.S. v. Burton*, 737 F.2d 439, 444 (5th Cir. 1984), acknowledged several caveats. Such evidence could be offered “as it relates to defendant’s effort to show the source of his state of mind,” for example, or when the uncertainty “approach[es] vagueness” or is “related to a novel or unusual application of the law.” *Id.*

To our knowledge, Alaska’s Article XII, Section 4 disqualification clause has never been applied. Whether it applies in the circumstances of this case, or could apply consistent with the First Amendment, is therefore by definition “novel,” *id.*, and if it was permissible for jurors in *Peckham* to hear expert opinion in a “complicated” area of law where “arcana abound” because the “experts could reasonably be expected to shed some light in a shadowy domain,” *Peckham*, 895 F.2d at 838, then certainly the court, which is unlikely to be unduly influenced by the expert’s credentials, can benefit from such light as well.

b. If Dr. Eastman's Expert Opinion Is Inadmissible as Legal Conclusion, then the Ultimate Opinion of Plaintiff's Experts Is Also Inadmissible.

Plaintiff devotes only a paragraph in opposition to Rep. Eastman's motion in limine to exclude the opinion evidence of his proffered experts. He simply asserts that the "questions" (plural) on which his proffered experts intend to opine, namely, whether "the Oath Keepers are an organization or association which advocates for the overthrow of the government of the United States by force or violence," "is (sic) a *factual* issue." Br. at 7 (emphasis added). But as his use of the plural "questions" indicates, the characterization of the issue on which his experts will opine is actually two issues: 1) whether Oath Keepers is an organization; and 2) whether it advocates for the overthrow of the government by force or violence.

Had he not already acknowledged that Oath Keepers is an organization, or that he has a lifetime membership in the organization, Answer ¶ 1, Rep. Eastman would have no objection to expert opinion on that factual issue. But given that acknowledgement, expert opinion evidence on that subject is unnecessary and would be a waste of time. Alaska Evid. Rule 403.

Rep. Eastman also would not have any objection to expert opinion about the facts of Oath Keepers organizational structure were those facts in dispute. But they are not, as the organizational structure is spelled out in the organization's bylaws, which are not disputed. As such, expert opinion evidence on that issue, which is the one that was at issue in the case cited by Plaintiff, *Strauss v. Credit Lyonnais, S.A.*, 925 F. Supp. 2d 414, 442 (E.D.N.Y. 2013), is likewise unnecessary.

Rep. Eastman does strenuously object to Plaintiff's characterization of the question of whether the organization advocates for the overthrow of the government by force or violence as a "fact issue" under the circumstances presented here, however. It is not.

Rather, Plaintiff's proffered experts first claim that certain rhetoric and actions by individual members of the organization, including particularly its former president, can be attributed to the organization itself. That's a legal issue. *See Pereira v. Cogan*, 281 B.R. 194, 199 (S.D.N.Y. 2002) (whether an "entity is merely the *alter ego* of [the] dominant owner" is a "subject on which the jury will need to be instructed" by the court and therefore improper as expert opinion).

Second, and more importantly, whether the specific rhetoric and conduct obstructing the enforcement of federal law by force qualifies as "advocacy" to "overthrow the government" is also a legal issue. Indeed, it is the ultimate legal issue to be decided in this case.²

There is no dispute about the facts, nor is there anything particularly complicated about them. Expert opinion is therefore not necessary to help the court, as trier of fact, "to understand the evidence or determine a fact in issue. Fed. R. Evid. 702(a). The only

² It is therefore unlike the issues in the string of cases cited in Plaintiff's brief at note 29. In *United States v. Ceasar*, No. 19-2881, 2021 WL 3640387 (2d Cir. Aug. 18, 2021), an expert was permitted to testify at the sentencing hearing as to whether an individual member of ISIS had "deradicalized." In *United States v. Alebbini*, 979 F.3d 537, 549 (6th Cir. 2020), expert testimony was admitted to explain that the defendant's desire "to go be an inghimasi soldier" with ISIS reflected involvement with an ISIS administration process. In *United States v. Hammoud*, 381 F.3d 316, 336 (4th Cir. 2004), an expert was allowed to testify that the defendant was the leader of a Hizballah cell. In *United States v. Kamahale*, 748 F.3d 984 (10th Cir. 2014), and *United States v. Tocco*, 200 F.3d 401, 410 (6th Cir. 2000), expert opinion was admitted about defendants' gang and organized crime affiliations, respectively.

issue is whether those facts meet the legal standard necessary to trigger the Article XII, Section 4 disqualification clause, which is a legal determination. Plaintiff asserts that the Second Circuit's decision in *United States v. Duncan*, 42 F.3d 97, 102 (2d Cir. 1994), supports the admissibility of the opinions of its proffered experts on that legal determination because they do not depend on "legally specialized terms." He is wrong, both with respect to whether "legally specialized terms" are involved and as to the actual holding of *Duncan*.

Duncan does not hold that only the use of "legally specialized terms" is precluded, although it did find that particularly problematic. In allowing the testimony of an IRS agent as to whether Defendant's conduct had obstructed the lawful functions of the IRS, it cautioned that the agent "did come close to tracking the object of one of the charged conspiracies in Count One," but that was a "single occurrence," did not use "legally specialized terms," was based on personal knowledge, and was harmless error, in any event. 42 F.3d at 101-03. The case that the *Duncan* court distinguished is particularly enlightening. In *United States v. Scop*, 846 F.2d 135, 140 (2d Cir.), *on reh'g*, 856 F.2d 5 (2d Cir. 1988), the Second Circuit held that expert opinion was improperly admitted where the expert "made no attempt to couch the opinion testimony at issue in even conclusory factual statements but drew directly upon the language of the statute and accompanying regulations concerning "manipulation" and "fraud." Here, the opinion that Plaintiff's proffered experts have offered is the identical language of Article XII, Section 4.

Moreover, the word "advocate" implicates all the nuances of the Supreme Court's First Amendment law on incitement, and is therefore certainly a "legally specialized

term.” Indeed, the Supreme Court has expressly described the word “advocate” in the Smith Act (on which Article XII, § 4 was modeled) as a “term[] of art carrying a special and limited connotation.” *Yates v. United States*, 354 U.S. 298, 319 (1957). While Dr. Eastman’s testimony, because of his specific expertise in that area,³ might be of aid to the court by shedding light on the “shadowy domain” of the nuances in the Supreme Court’s imminent incitement precedent, the admissions by Plaintiff’s proffered experts that they have no legal training, in First Amendment law or otherwise, renders them unqualified to offer any opinion on that ultimate legal question.⁴ Their opinion that Oath Keepers as an organization “advocates for the overthrow of the government of the United States by force or violence” should therefore be excluded.

Reply Regarding Motion to Strike

We agree with Plaintiff that, given the frenetic pace of this litigation, we incorrectly relied on Rule 12(f) in our request to strike the “impertinent and irrelevant” material from Plaintiff’s motion in limine. The motion should have instead been styled as a motion in limine, and should be considered as such. *See, e.g., Medina v. Horseshoe Ent.*, No. CIV.A. 05-0097, 2006 WL 2038057, at *1 (W.D. La. July 19, 2006) (“Given that a motion to strike is the improper vehicle to challenge a deponent’s deposition corrections, the undersigned will treat Defendant’s motion as a motion in limine”); *Wilson v. Wilkins*, No. 3:08-0057, 2010 WL 11613528, at *1 (M.D. Tenn. Sept. 24, 2010) (“a motion to

³ *See, generally*, Dr. Eastman’s CV, attached as Exhibit A, hereto.

⁴ *See* Exhibits A and B, attached to Defendant David Eastman’s Reply in Support of Motion to Dismiss or, in the Alternative, Motion for Summary Judgment, dated December 5, 2022.

strike is not an appropriate vehicle to attack plaintiff's filing. The undersigned Magistrate Judge, therefore, construes defendant's motion to be a motion in limine").

As to whether the "background information" – a lengthy reprinting of a court opinion in an unrelated case – is relevant, it is not. In his motion in limine, Plaintiff did not challenge Dr. Eastman's legal or constitutional expertise, only that his proffered testimony consisted solely of legal opinions, which he contends are not proper grounds for expert testimony. We have responded to that legal argument in our opposition brief and above in Part I.a.

In his reply brief, Plaintiff now claims for the first time that Dr. Eastman's expertise is "limited (at most) to the law," thereby implying that Dr. Eastman is not qualified as an expert on constitutional law. Because Plaintiff did not raise that ground for disqualification in his motion, any argument on that score is waived. *See, e.g., Hampden Auto Body Co. v. Owners Ins. Co.*, No. 17-CV-1894-WJM-SKC, 2020 WL 6511956, at *6 n.6 (D. Colo. Nov. 5, 2020); *Drew v. Equifax Info. Servs., LLC*, No. C 07-00726 SI, 2010 WL 5022466, at *6 n.3 (N.D. Cal. Dec. 3, 2010); *cf. Diaz v. State, Dep't of Corr.*, 239 P.3d 723, 730 n.30 (Alaska 2010) (issues raised for the first time in a reply brief are waived). The background information that Plaintiff now claims is relevant to Dr. Eastman's qualification as a constitutional expert, Opp. at 8 n.32, is therefore not relevant to the issue he actually raised in his motion in limine, and should be excluded.

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Conclusion

For the reasons stated above and previously, this court should exclude the expert testimony of Plaintiff's proffered experts on the ultimate issue of whether the undisputed facts here support the legal conclusion that Oath Keepers, as an organization, *advocates* for the overthrow of the government by force or violence. Additionally, the Court should exclude Part II of Plaintiff's Motion in Limine as irrelevant.

DATED this 7th day of December 2022, at Fairbanks, Alaska.

LAW OFFICES OF JOSEPH MILLER, LLC

By: s/ Joseph Miller – Bar Number 9511067
Attorney for Representative Eastman

DR. JOHN C. EASTMAN
 SENIOR FELLOW, THE CLAREMONT INSTITUTE
 FOUNDING DIRECTOR, CENTER FOR CONSTITUTIONAL JURISPRUDENCE

Exhibit A, 000001 of 19

EDUCATION:

University of Chicago Law School		Chicago, IL
J.D., June 1995 (High Honors)		
Honors:	Order of the Coif; Law Review, 1993-95 Bradley Fellow in Constitutional History, 1993-95 Olin Fellow in Law & Economics, 1994-95 Victor McQuistion Scholarship Recipient, 1994-95 Russell Baker Scholarship Recipient, 1993-94	

Claremont Graduate School		Claremont, CA
Ph.D., Government, 1993; M.A., Government, 1989		
Major Fields of Concentration:	Political Philosophy, American Government Constitutional Law, International Relations	
Dissertation:	On the Perpetuation of Our Institutions: Thoughts on Public Education at the American Founding	
Honors:	Bradley Fellow, 1991; Earhart Fellow, 1985 Chapter President, Pi Sigma Alpha, 1987	

University of Dallas		Irving, TX
B.A., <i>cum laude</i> , Politics and Economics, 1982		
Honors:	Omicron Epsilon (Economics Honor Society) Recipient, Texas Scholars Scholarship	

PROFESSIONAL EXPERIENCE:

1999-present 1983-85	The Claremont Institute for the Study of Statesmanship and Political Philosophy <i>Research Associate (1983-85); Senior Fellow (1999-present)</i>	Claremont, CA
2020-21	University of Colorado Boulder <i>Visiting Scholar in Conservative Thought and Policy, Benson Center for the Study of Western Civilization</i>	Boulder, CO
1999-2021	Chapman University, Dale E. Fowler School of Law <i>Henry Salvatori Professor of Law & Community Service (2006-2007; 2011-2021) Dean (2007-10) and Donald P. Kennedy Chair in Law (2007-2011)</i>	Orange, CA
1997-99	Kirkland & Ellis <i>Associate</i>	Los Angeles, CA
1996-97	Honorable Clarence Thomas, Associate Justice Supreme Court of the United States <i>Law Clerk</i>	Washington, D.C.
1995-96	Honorable J. Michael Luttig, Judge U. S. Court of Appeals for the Fourth Circuit <i>Law Clerk</i>	McLean, VA
1993-94	Kirkland & Ellis; O'Melveny & Myers <i>Summer Associate</i>	Washington, D.C. Los Angeles, CA
1989-1991	Inland Group, Inc. <i>Director of Real Estate Acquisitions</i>	Newport Beach, CA
1987-1989	United States Commission on Civil Rights <i>Director, Congressional & Public Affairs</i>	Washington, D.C.
1985-1987	John Eastman & Associates <i>Academic & Political Consultants</i>	Claremont, CA
1984-1985	Public Research, Syndicated <i>Managing Editor, National op-ed. newspaper syndication service</i>	Claremont, CA

SELECT CIVIC, PROFESSIONAL & POLITICAL INVOLVEMENT:**Exhibit A, 000002 of 19**

2015-2022	Member of the Board, Public Interest Legal Foundation
2011-2020	Chairman of the Board, National Organization for Marriage
2011-2014	Member of the Board, Long Beach Symphony Orchestra
2010-	Member of Advisory Board, St. Thomas More Society of Orange County
2010-11	Member, Orange County Chapter of Legatus (Program Chair 2011)
2010	Candidate for California Attorney General
2007-2020	Lector, Sts. Peter & Paul Catholic Church
2004-2011	Adult Leader, Boy Scout Troop 29 (Assistant Scoutmaster)
2004	Member, Lawyers for Bush-California
2001-2021	Member, American Political Science Association
2001-	Adjunct Fellow, Ashbrook Center for Public Affairs
2001-	Board of Advisors, St. Monica's Academy
2000	Expert Witness, Florida Legislature Select Joint Committee on the 2000 Presidential Election
2000-2020	Member, Orange County Bar Association
2000-2020	Founding Master of the Bench, Warren J. Ferguson Inn of Court
2000-2004	Coach, St. Barnabas Catholic Youth Baseball League
1999-	Senior Fellow, Claremont Institute for the Study of Statesmanship & Political Philosophy Director, The Claremont Institute Center for Constitutional Jurisprudence
1999-2004	Adult Leader, Cub Scout Pack 21, Boy Scouts of America (Den Leader, Cubmaster)
1998-2007	Lector, St. Barnabas Catholic Church
1997-	The Federalist Society for Law and Public Policy Studies Member, National Executive Committee for: • Federalism and Separation of Powers Practice Group (Chairman, 2005-2021) • Free Speech & Election Law Practice Group (Vice-Chairman, 2003) Member, Executive Committee, Orange County Lawyers Chapter Member, Los Angeles Lawyers Chapter (1997-1999)
1996-1997, 2012-	Member, Supreme Court Historical Society
1991-1992	West Covina Sunrise Rotary, Charter Member and Board Member
1991	Co-founder, San Gabriel Valley Taxpayers Association
1991	American Diabetic Association, Summer Camp Restoration Project
1990-1992	Boy Scouts of America, San Gabriel Valley Council Steering Committee, Annual fundraising banquet
1990	Republican Nominee for Congress, 34th District, California
1990	Co-Chairman, Proposition 140 Committee (the California Term Limits Initiative)
1986-88, 1990-92	Member, California Republican Party Central Committee
1984-1992	Member, St. Denis Catholic Church Choir
1980, 1984	Volunteer, Reagan for President
1976	Eagle Scout

HONORS AND AWARDS:**Exhibit A, 000003 of 19**

2018, 2019	Best Lawyers In Southern California
2017	Recipient of the Otis Award for Public Service, University of Chicago Federalist Society
2016	Delegate to the Simulated Article V Constitutional Convention, Williamsburg, VA
2013	Recipient, Chapman University Faculty Excellence – Scholarly and Creative Activity Award
2012	Recipient of the Salvatori Prize, The Claremont Institute
2012	“Red Tie” Award, on behalf of National Organization for Marriage, from Family Action PAC
2012	Lawyer of the Year, Federalist Society, Los Angeles Lawyers Chapter

2011, 2012	Featured as “SuperProfessor” at FacultyRow
2011	Silver Good Citizenship Medal, The National Society of the Sons of the American Revolution
2011	2011 Jennings Scholar, Peter Jennings Project, National Constitution Center
2011	Meritorious Service Award, Sons of the Revolution, California
2010	Catholic Lawyer of the Year, St. Thomas More Law Society, Orange County Chapter
2010	St. Thomas More Award, Franciscan University of Steubenville, OH
2010	J. Reuben Clark Award, J. Reuben Clark Society of Orange County
2010	Citizen of the Year Award, Orange County Council, Boy Scouts of America
2010	Nominated for membership in the Fellows of the American Bar Foundation
2009	Nominated for Long Beach Bar Association’s Lawyer of the Year
2009	Honorary Service Award, California Congress of Parents, Teachers, and Students
2007	Appointed as the Donald P. Kennedy Chair in Law, Chapman University School of Law
2006	Appointed as Henry Salvatori Prof. of Law & Community Service, Chapman Univ. Sch. of Law
2006	Professors’ Professor of the Year, Chapman University School of Law
2006	Nominated for the Ninth Circuit Professionalism Award, Warren J. Ferguson Inns of Court
2006	Nominated for the Wang-Fradkin Professorship, Chapman University
2005	Distinguished Alumni, University of Dallas
2005	Who’s Who Among America’s Teachers
2003	Outstanding Teacher in Political Science, Presented by the American Political Science Association and Pi Sigma Alpha, the National Political Science Honor Society
2002	Professor of the Year, Chapman University School of Law
1995	Order of the Coif, University of Chicago Law School
1993-95	Bradley Fellow in Constitutional History, University of Chicago Law School
1994-95	Olin Fellow in Law & Economics, University of Chicago Law School
1994-95	Victor McQuistion Scholarship Recipient, University of Chicago Law School
1993-94	Russell Baker Scholarship Recipient, University of Chicago Law School
1985-86	Earhart Fellow
1985	Vice-President, Delta Epsilon Chapter, Pi Sigma Alpha (Nat’l Political Science Honor Society)
1984	Publius Fellow, The Claremont Institute
1982-85	Recipient, Steele Foundation Grant and Luther J. Lee Mem. Scholarship, Claremont Graduate School
1982	Member, Omicron Epsilon (Economics Honor Society)
1978-82	Texas Scholars Scholarship, University of Dallas

- "Department of Homeland Security v. University of California on DACA,"* in SCOTUS 2020: Major Decisions and Developments of the Supreme Court (Morgan Marietta, ed., Palgrave MacMillan, 2020)
- "Missouri's Unrepublican Admission,"* in Contesting the Constitution: Congress and the Missouri Crisis, 1819-1821 (William S. Belko, ed., University of Missouri Press, 2020)
- "Religiously Scrupulous': Freedom of Conscience at the Founding,"* 17 Ave Maria L. R. 18 (Spring 2019), available at [http://lawreview.avemarialaw.edu/wp-content/uploads/2020/06/AMLR.v17.Eastman.final .pdf](http://lawreview.avemarialaw.edu/wp-content/uploads/2020/06/AMLR.v17.Eastman.final.pdf)
- "Independent Agencies: How Independent Is Too Independent,"* published transcript of Federalist Society's 2018 National Lawyers Convention panel, with George Mason Law Professor Jennifer Mascot, Henry Kerner, Office of the Special Counsel, and Georgetown Law Professor William Buzbee, moderated by Judge Diane Sykes, 32 Regent U. L. Rev. 63 (2019-20).
- "The Significance of 'Domicile' in Wong Kim Ark,"* 22 Chap. L. Rev. 301 (Spring 2019), at <https://digitalcommons.chapman.edu/cgi/viewcontent.cgi?article=1442&context=chapman-law-review>
- "Congress Has Both Textual and Inherent Authority to Regulate Immigration, and a Good Thing That It Does,"* Cato Unbound: A Journal of Debate (Sept. 2018), available at https://www.cato-unbound.org/2018/09/26/john-eastman/congress-has-both-textual-inherent-authority-regulate-immigration-good#disqus_thread
- "The Religious Wars in Twenty-First-Century America,"* 21 NYU J. of Markets & Morality 23 (2018)
- "Deference Meets Delegation: Which is the Most Dangerous Branch?,"* transcript of panel debate, 2015 Federalist Society Lawyers Convention, with C. Boyden Gray, David Rivkin, Neal Katyal, moderated by Judge Brett Kavanaugh, 43 Dayton L. Rev. 31 (2018)
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- "The President's Pen and the Bureaucrat's Fiefdom,"* 40 Harv. J. L. Pub. Policy 639 (2017)
- "The Power to Control Immigration is a Core Aspect of Sovereignty,"* 40 Harv. J. L. Pub. Policy 9 (2017)
- "No Free Lunch, But Dinner and a Movie (and Contraceptives for Dessert)?"* 10 NYU J. L. & Liberty 282 (2016)
- "Cheating Marriage: A Tragedy in Three Acts,"* 13 Ave Maria L. Rev. 281 (Summer 2015)
- "Did Congress Really Give the Secretary of Homeland Security Unfettered Discretion Back in 1986 to Confer Legal Immigrant Status on Whomever He Wishes?"* Engage, Vol. 15, No. 3 (Jan. 2015)
- "Down to the Bare Wood,"* Review of Ralph Rossum's Understanding Clarence Thomas: The Jurisprudence of Constitutional Restoration, The Claremont Review of Books, Vol. IX, No. 4 (Fall 2014)
- The American Constitutional Order: History, Cases, and Philosophy, 4th Edition, 2014 Supplement (co-editor with Douglas W. Kmiec and Stephen B. Presser) (LexisNexis, 2014)
- The American Constitutional Order: History, Cases, and Philosophy, 4th Edition (co-editor with Douglas W. Kmiec and Stephen B. Presser) (LexisNexis, 2014)
- Individual Rights and the American Constitution, 4th Edition (co-editor with Douglas W. Kmiec and Stephen B. Presser) (LexisNexis, 2014)
- The History, Philosophy, and Structure of the American Constitution, 4th Edition (co-editor with Douglas W. Kmiec and Stephen B. Presser) (LexisNexis, 2014)
- "The Tax and Spend Clause,"* in David Forte, ed., The Heritage Guide to the Constitution, 2nd Edition (2014)
- "The 27th Amendment,"* in David Forte, ed., The Heritage Guide to the Constitution, 2nd Edition (2014)
- "The Land Grant Clause,"* in David Forte, ed., The Heritage Guide to the Constitution, 2nd Edition (2014)

"Supreme Court Review-Preview: *Bond v. United States*," 8 NYU J. L. and Liberty 233 (2013) (co-authored brief with Nicholas Quinn Rosenkranz)

"The States Enter the Illegal Immigration Fray," in Carissa Byrne Hessick and Gabriel J. Chin, eds., *Strange Neighbors: The Role of States in Immigration Policy*, New York Univ. Press (2013)

"*Arizona v. U.S.*: Immigration Policy and the Economy," conference proceedings published in Vol. XLVII, *Interamerican Law Review* (Revista Juridica), Interamerican University of Puerto Rico (2013).

The American Constitutional Order: History, Cases, and Philosophy, 3d Edition, 2013 supplement (co-editor with Douglas W. Kmiec, Stephen B. Presser, and Raymond Marcin) (LexisNexis, 2013)

"Separation of Church and State," Video Course, Prager University (2013)

"Decoding the Constitutional Challenges to Traditional Marriage," 14 Engage: J. Federalist Soc'y Prac. Groups 4 (Feb. 2013)

"From *Phyllis* to *Arizona*: Have the Courts Forgotten about *Corfield v. Coryell*?" 80 Univ. of Chic. L. Rev. 165 (2013).

"Hidden Gems in the Historical 2011-12 Term, and Beyond," 7 Charleston L. Rev. 1 (2012).

The American Constitutional Order: History, Cases, and Philosophy, 3d Edition, 2012 supplement (co-editor with Douglas W. Kmiec, Stephen B. Presser, and Raymond Marcin) (LexisNexis, 2012)

"Papers, Please: Does the Constitution Permit the States a Role in Immigration Enforcement," 35 Harv. J. L. Pub. Policy 1 (2012)

"Reflections on Justice Thomas's Twenty Years on the Bench," Univ. of Detroit Mercy L. Rev. 101 (2012).

"Debate on Birthright Citizenship," with Ediberto Roman, 6 Florida International Univ. L. Rev. 293 (2011).

"Surveillance of Our Enemies During Wartime? I'm Shocked!" essay in *The Digital Surveillance State*, Cato Unbound: A Journal of Debate (Cato Institute, 2010)

"Will Mrs. Bond Topple *Missouri v. Holland*?", 2011 Cato Supreme Court Review.

"Writ of Error," Book Review, *The Conservative Assault on the Constitution*, by Erwin Chemerinsky, in *Claremont Review of Books*, vol. XI, No. 3 (Summer 2011)

"Arizona's Immigration Storm," with Karen J. Lugo, *Engage*, vol. 12, no. 1 (June 2011)

The American Constitutional Order: History, Cases, and Philosophy, 3d Edition, 2011 supplement (co-editor with Douglas W. Kmiec, Stephen B. Presser, and Raymond Marcin) (LexisNexis, 2011)

The American Constitutional Order: History, Cases, and Philosophy, 3d Edition, 2010 supplement (co-editor with Douglas W. Kmiec, Stephen B. Presser, and Raymond Marcin) (LexisNexis, 2010)

Book Review, *Crisis and Command: A History of Executive Power from George Washington to George Bush*, by John Yoo, in *Engage*, vol. 11, no. 1 (Spring 2010), available at http://www.fed-soc.org/doclib/20100331_EastmanEngage11.1.pdf

"The Roberts Court and Federalism," 4 NYU J. L. & Liberty 330 (2009) (transcript of debate with Paul Clement, Walter Dellinger, Jeffrey Rosen, moderated by Judge David Sentelle, at Federalist Society national convention, Nov. 21, 2008)

The American Constitutional Order: History, Cases, and Philosophy, 3d Edition (co-editor with Douglas W. Kmiec, Stephen B. Presser, and Raymond Marcin) (LexisNexis, 2009)

The History, Philosophy, and Structure of the American Constitution, 3d Edition (co-editor with Douglas W. Kmiec, Stephen B. Presser, and Raymond Marcin) (LexisNexis, 2009)

"The Founders' Intent, Constitutional Provisions, and Limits on Spending Power and Delegation," transcript of debate with Georgetown law professor Louis Seidman, Engage Vol. 10, No. 2 (July 2009), available at <http://www.fed-soc.org/publications/detail/the-founders-intent-constitutional-provisions-and-limits-on-spending-power-and-delegation>.

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"Born in the U.S.A.? Re-assessing Birthright Citizenship in the Wake of 9/11". Congressional testimony reprinted in Spring-2008-issue-of-Richmond-Law-Review.

"The Spending Clause," in Oxford Encyclopedia of Legal History (2008).

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Panel Transcript, 2007 Federalist Society National Lawyers Convention, "Religion, Early America and the Fourteenth Amendment," with Judge William Pryor, and Professors Marci Hamilton (Cardozo) and Philip Hamburger (Columbia), Southern New England Roundtable Symposium Law Journal (2007)

"Marriage Equality in California: Legal and Political Prospects," transcript of debate with Kenneth Starr, Shannon Minter, and David Codell (Loyola of Los Angeles Law Review, Spring 2007)

"Listening to the Enemy: The President's Power to Conduct Surveillance of Enemy Communications During Time of War," 13 ILSA J. Int'l & Comp. L. 49 (2006)

"Adequacy and the Rights Revolution: Reinterpreting the Education Clauses in State Constitutions," in Martin R. West and Paul E. Peterson, eds. School Money Trials: The Legal Pursuit of Educational Adequacy (Brookings: 2006)

"Full Faith and Republican Guarantees: Gay Marriage, FMPA, and the Courts," 20 BYU L. J. Pub. L. 243 (2006)

"Philosopher King Courts: Is the Exercise of Higher Law Authority Without a Higher Law Foundation Legitimate?" 54 Drake L. Rev. 831 (Summer 2006)

"Politics and the Court: Did the Supreme Court Really Move Left Because of Embarrassment Over *Bush v. Gore*?" 94 Georgetown L. J. 1475 (June 2006)

"Is the Solomon Amendment 'F.A.I.R.'? Some Thoughts on Congress's Power to Impose This Condition on Federal Spending," 50 Villanova L. Rev. 1171 (2005)

"Federal Legislation and States Rights: Of Hapless Toads, Home-Grown Medical Marijuana, and Wiccan Worship in State Prisons," in CALIFORNIA LITIGATION: The Journal of the Litigation Section, State Bar of California, Vol. 18:3 (2005)

Encyclopedia entry, "Privileges and Immunities," in The Oxford Companion to the Supreme Court of the United States (2005)

"Judicial Review of Unenumerated Rights: Does *Marbury*'s Holding Apply in a Post-Warren Court World?" 28 Harvard Journal of Law & Public Policy 713 (Summer 2005)

"The Tax and Spend Clause," in David Forte, ed., The Heritage Guide to the Constitution (2005)

"The 27th Amendment," in David Forte, ed., The Heritage Guide to the Constitution (2005)

"The Land Grant Clause," in David Forte, ed., The Heritage Guide to the Constitution (2005)

"Honoring the Oath of Office: Ideology in Judicial Confirmation," Insights on Law and Society, vol. 5, no. 1, p. 16 (Fall 2004) (peer-reviewed journal)

"A Fistful of Denial: The Supreme Court Takes a Pass on Commerce Clause Challenges to Environmental Laws," 2004 Cato S. Ct. Rev. 469 (Sept. 2004)

"The Revival of Federalism," in Lee Edwards, ed., Bringing Justice to the People (Heritage Books, 2004)

The American Constitutional Order: History, Cases, and Philosophy, 2d Edition (co-editor with Douglas W. Kmiec, Stephen B. Presser, and Raymond Marcin) (LexisNexis, 2004)

The History, Philosophy, and Structure of the American Constitution, 2d Edition (co-editor with Douglas W. Kmiec, Stephen B. Presser, and Raymond Marcin) (LexisNexis, 2004)

Individual Rights and the American Constitution, 2d Edition (co-editor with Douglas W. Kmiec, Stephen B. Presser, and Raymond Marcin) (LexisNexis, 2004)

"Anatomy of the Federal Litigation: Challenging the Legislature's Actions in the Wake of *Guinn v. Legislature*," 4 Nev. L. J. 543 (Spring 2004)

The American Constitutional Order: History, Cases, and Philosophy, 2003 Supplement (co-editor with Douglas W. Kmiec and Stephen B. Presser) (Anderson Press Summer 2003)

"The Establishment Clause, Federalism and the States," Engage 55-58 (May 2003)

"Re-evaluating the Privileges or Immunities Clause," 6 Chap. L. Rev. 123 (Spring 2003)

"Altered States," Review of John T. Noonan, Jr., Narrowing the Nation's Power: The Supreme Court Sides with the States, in The Claremont Review of Books (Spring 2003)

"The Magic of Vouchers is No Sleight of Hand: A Reply to Steven K. Green," 39 Willamette L. Rev. 194 (2003)

"The Limited Nature of the Senate's Advice and Consent Role," 36 U.C. Davis L. Rev. 633 (Winter 2003)

The American Constitutional Order: History, Cases, and Philosophy, 2002 Supplement (co-editor with Douglas W. Kmiec and Stephen B. Presser) (Anderson Press Summer 2002)

"The Senate is Supposed to Advise and Consent, Not Obstruct and Delay," 7 NeXus: A Journal of Opinion (2002) (with Timothy Sandefur)

"A *Seminole* Dissent," Symposium, The Eleventh Amendment, Federalism, and Judicial Activism: Questions and Answers, Georgetown Journal of Law & Public Policy (Inaugural Issue, Fall 2002)

"The Declaration of Independence: View From The States," in Scott Gerber, ed., The Declaration of Independence: Origins and Impact (Congressional Quarterly Press, 2002)

"Re-entering the Arena: Restoring a Judicial Role For Enforcing Limits on Federal Mandates," 25 Harvard J. L. & Pub. Pol'y 931 (Summer 2002).

"Stare Decisis: Conservatism's One-Way Ratchet Problem," in Bradley Watson, ed., The Courts and the Culture Wars (Lexington Books, 2002)

"Lessons From the Past: Is There Anything New in Constitutional Law?" review of David P. Currie, The Constitution in Congress: The Jeffersonians, 1801-1829, Green Bag 2d (Winter 2002)

"Justice Stephen Field: Frontier Justice or Justice at the Natural Rights Frontier?" 6 Nexus: J. Opinion 121 (Spring 2001) (with Tim Sandefur)

"Restoring the 'General' to the General Welfare Clause," 4 Chap. L. Rev. 63 (2001).

"Strictly Scrutinizing Campaign Finance Restrictions (& the Courts that Judge Them)," 50 Cath Univ. L. Rev. 13 (2000).

“‘We are a Religious People Whose Institutions Presuppose A Supreme Being,’” 5 Nexus: J. Opinion 13 (Spring 2000). **Exhibit A, 000008 of 19**

“Taking Justice Thomas Seriously,” Review of Scott Gerber, *First Principles: The Jurisprudence of Clarence Thomas*, in 2 Green Bag 2d 425 (Summer 1999)

“When Did Education Become a Civil Right? An Assessment of State Constitutional Provisions for Education, 1776-1900,” 42 American Journal of Legal History 1 (January 1998) (peer-reviewed journal).

“Understanding Justice Sutherland as He Understood Himself,” Review of Hadley Arkes, *The Return of George Sutherland: Restoring a Jurisprudence of Natural Rights*, 63 University of Chicago Law Review 1347 (Summer 1996) (with Harry V. Jaffa).

“Open to Merit of Every Description? An Historical Assessment of the Constitution’s Qualifications Clauses,” 73 Denver University Law Review (Fall 1995).

Co-Editor, *China Calls: Paving the Way for Nixon’s Historic Journey to China*, by Anne Collins Walker (Sept. 1992).

“Civil Rights as Natural Rights,” book review, *New Perspectives* (Winter 1988).

SCHOLARLY CONFERENCES:

Panelist, “Emergency Powers and the Rule of Law,” National Lawyers Convention (Nov. 13, 2020)

Panelist, “Horizontal Federalism: May States Project their Sovereignty Beyond Their Borders,” National Lawyers Convention (Nov. 14, 2019)

Panelist, “U.S. Supreme Court: Review of the Recent Term,” American Political Science Ass’n Annual Convention, Washington, DC (Aug. 29, 2019)

Panelist, “Revisiting Judicial Deference,” Federalist Society Executive Branch Review Conference, Washington, D.C. (May 8, 2019)

Panelist, “The Problem of Illegal Immigration,” Bradley Foundation Symposium, Washington, D.C. (May 7, 2019)

Panelist (multiple sessions), Conference on World Affairs, University of Colorado, Boulder, CO (Apr. 9-13, 2019)

Plenary Session Speaker, “The Wind of Change: Europe and the Global Pro-Family Movement,” Conference sponsored by the World Congress of Families and the International Organization for the Family, Verona, Italy (March 29-31, 2019)

Panelist, The Future of Federalism Conference, University of Pennsylvania Law School (Mar. 20-21, 2019)

Panelist, “What are the Limits of Local Control?,” Annual Western Region Symposium, Federalist Society, Reagan Library (Jan. 26, 2019)

Panelist, Chapman Law Review Symposium in Honor of Professor Ronald Rotunda, Orange, CA (Jan. 25, 2019)

Panelist, “How Independent is Too Independent?,” Federalist Society National Lawyers Convention, Washington, D.C. (Nov. 15-17, 2018), at <https://fedsoc.org/conferences/2018-national-lawyers-convention#agenda-item-independent-agencies-how-independent-is-too-independent>

Panelist, “Does the U.S. Constitution Hand the Federal Government Unconstrained Authority to Control the Border and Restrict Immigration?,” at Conference, “A 21st Century Immigration Policy for the West,” co-sponsored by the LeFrak Forum of Michigan State University and the Reason Foundation, East Lansing, MI (Oct. 11-13, 2018)

Organizer and Panelist, Annual Constitution Day Symposium, sponsored by The Claremont Institute at Chapman University Fowler School of Law (Sept. 15, 2018)

Speaker/Panelist, Annual Litigation Strategy Summit, Pacific Legal Foundation, Washington, D.C. (Sept. 7, 2018)

Panelist, "U.S. Supreme Court: Review of the Recent Term," American Political Science Ass'n Annual Convention, Boston, MA (Sept. 1, 2018)

Panelist, "Advice and Consent: The Upcoming Hearing of Judge Brett Kavanaugh," Conference sponsored by The Claremont Institute, The James Wilson Institute, and the Heritage Foundation, Washington, D.C. (July 24, 2018)

~~Panelist, "Recent Developments in SCOTUS," Judicial Clerk's CLE Conference, Park City, Utah (July 20, 2019)~~

Panelist, "The Independence of the Judiciary and Law Enforcement," Annual Constitutional Law Symposium, Texas Attorney General's Office, Austin, TX (July 17, 2018)

Participant, "The Federalists, the Anti-Federalists, and the Constitution They Created," Liberty Fund/Federalist Society Colloquium, San Francisco, CA (Feb 9-10, 2018)

Panelist, "The Administrative State and Its Discontents," Panel at National Lawyers Convention, Federalist Society, Washington, DC (Nov 16, 2017)

Speaker, The Role of Religion in a Free Society, New York University School of Law, New York, NY (Nov 10-11, 2017)

Panelist, Religious Liberty Conference, Sponsored by the J. Reuben Clark Law Society, Los Angeles, CA (Nov 3, 2017)

Panelist, The First Amendment and the Administrative State, George Mason University (Oct 27, 2017)

Panelist, Religious Liberty Debate vs Erwin Chemerinsky, Sacramento Court Clergy Conference, Sacramento, CA (Oct 19, 2017)

Organizer and Panelist, Claremont Institute annual Constitution Day Symposium, Chapman University (Sept 23, 2017)

Guest Discussion Leader, "Burke, Prudence, and the Spirit of Conservatism," National Review Institute, San Francisco, CA (Sept 20, 2017).

"The Future of the Judiciary," panelist, American Political Science Association annual conference, San Francisco, CA (Aug. 31, 2017)

Panelist, "The Law & Practice of the Religious Liberty Clause," and panelist, "Understanding the Federal Government's Spending Power," at the annual Constitutional Law Conference, Office of the Texas Attorney General, Austin, TX (July 19, 2017)

"Dueling Constitutional Scholars: Supreme Court Review," panelist at the annual conference of the Louisiana Bar Association and Louisiana Judges Conference, Destin, FL (June 5, 2017)

"The Trump Administration, Marriage, and Religious Liberty," panelist at the annual international conference, World Congress of Families, Budapest, Hungary (May 27, 2017)

"Live by the Executive Pen, Die by the Executive Pen?" paper presented at the Constitutional Law Symposium, President Obamas Constitutional Law Legacy, Drake University Law School, Iowa (April 8, 2017)

“Restoring Checks and Balances on an Unaccountable Judiciary,” Paper presented at the “Can the Constitution Be Saved” conference, Annual Meeting of the Philadelphia Society, Dallas, TX (April 2, 2017). Audio to be available at http://phillysoc.org/tps_meetings/spring-2017-meeting-can-the-constitution-be-saved/

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“The Supreme Court Year in Review,” panelist at Arizona District Court Judicial Conference, Tucson, AZ (March 10, 2017)

“The Legacy of Justice Scalia,” symposium at Biola University, Whittier, CA (Feb. 21, 2017)

“Fireside Chat with Justice Samuel Alito,” Chapman Law Review Symposium, Orange, CA (Feb. 10, 2017)

“U.S. Cultural Imperialism,” speech at the Global Forum on Marriage conference, Capetown, South Africa (Dec 9-10, 2016)

“Repealing the 17th Amendment,” panelist at annual meeting of the American Legislative Exchange Council, Washington, D.C. (Dec. 2, 2016)

“The State of Religious Liberty,” Panelist at National Lawyers Convention, Federalist Society, Washington, D.C. (Nov. 17, 2016)

“Patriotism is not Enough,” panelist at the Annual Fellows Retreat/Symposium, The Claremont Institute, Williamsburg, VA (Nov. 11-13, 2016)

“Voter Fraud vs. Voter Suppression: Changes in the Voting Rights Act and Voter ID Laws,” panelist at Silenced Justice? 2016 Social Justice Symposium, Chapman University Fowler School of Law (Nov. 4, 2016)

“Retrospective on Justice Thomas’s 25 Years on the Bench,” Claremont Institute, Washington, D.C. (Oct. 25, 2016), available [here](#).

Panelist, “Preserving the Constitution,” Heritage Foundation symposium, Washington, D.C. (Oct. 13, 2016)

“The Politicization of the Executive Branch,” panelist at the Claremont Institute’s annual Constitution Day symposium, at Chapman University Fowler School of Law (Sept. 17, 2016)

“President Obama’s Immigration Orders,” panelist at the Southeast Association of Law Schools Annual Conference, Amerlia Island, FL (Aug. 7, 2016)

“The Legacy of Justice Scalia,” panelist at the Southeast Association of Law Schools Annual Conference, Amerlia Island, FL (Aug. 5, 2016)

“The Constitution, Multicultural(ism) and Society: Religious Freedom and E Pluribus Unum Today?” Speech to the annual Religious Liberty Conference/Academy, Alliance Defending Freedom, Kapalua, HI (June 21, 2016)

“The Court and the Constitution: Liberty in the Balance,” panelist at the annual Heritage Foundation International Resource Bank conference, Philadelphia, PA (April 20, 2016)

“Federalism and Immigration,” panelist at the annual meeting of the National Association of Attorneys General, Atlanta, GA (April 18, 2016)

Panelist, “The Court: Power, policy, and self-government,” program sponsored by the American Enterprise Institute, Washington, DC (March 31, 2016), summary and video available [here](#).

Debate, “Immigration Restrictions and the Constitution,” vs. Ilya Somin, The Federalist Society Student Symposium, Charlottesville, VA (Feb. 27, 2016), available at <https://www.youtube.com/watch?v=fYJq9m9hKEk>

Panelist, "*Evenwel v. Abbott*. Should electoral districts be drawn by counting only voters, rather than all residents counted by the decennial census?", panel at the American Bar Association Midyear Meeting, co-sponsored by the Commission on Hispanic Legal Rights and Responsibilities and the American Bar Foundation, San Diego, CA (Feb. 6, 2016)

Panelist, "*Horne v. Department of Agriculture*," at the University of Florida College of Annual Nelson Symposium, "Thank You SCOTUS! What Do We Do Now About Signage, Housing Discrimination, Cell Towers, and Takings?" (Feb. 5, 2016), available at <https://mediasite.video.ufl.edu/Mediasite/Play/4b2d55c0648b44e19aa30cflabeled3ff21d>

"Federalism and Religious Liberty," Debate vs. Cardozo Law School Professor Marci Hamilton, Federalist Society Western Regional Conference, Reagan Library, Simi Valley, CA (Jan. 30, 2016)

Panelist, "American Multiculturalism: Its Force and Limits From 1776 to Today," with Chicago Law Professor Mary Anne Case, Notre Dame Law Professor Richard W. Garnett, Manhattan Institute Fellow Heather MacDonald, moderated by Georgetown Law Professor Nicholas Quinn Rosenkranz, AALS/Federalist Society Faculty Conference, New York (Jan. 9, 2016), available at <http://www.fed-soc.org/multimedia/detail/american-multiculturalism-its-force-and-limits-from-1776-to-today-event-audiovideo>.

Panelist, "Deference Meets Delegation: Which is the Most Dangerous Branch?" with C. Boyden Gray, Neal K. Katyal, and David B. Rivkin, Jr., moderated by Judge Brett M. Kavanaugh, Federalist Society National Lawyers Convention, Washington, D.C. (Nov. 2015), available at <http://www.fed-soc.org/multimedia/detail/deference-meets-delegation-which-is-the-most-dangerous-branch-event-audiovideo>

Panelist, "Immigration and Border Security," Conservative Leaders Summit, Dallas, TX (Nov. 7, 2015)

Panelist, "Roundtable on the Recent Term of the U.S. Supreme Court," panel at the annual convention of the American Political Science Association, San Francisco, CA (Sept. 4, 2015)

Paper Presenter, "From *Calder v. Bull* to *Kelo* and *Hobby Lobby*: What Happened to the 'Great Principles of the Social Compact'?", panel commemorating the Tenth Anniversary of the Supreme Court's decision in *Kelo v. New London, Connecticut*, sponsored by the Center for the Study of the Constitution, at the annual convention of the American Political Science Association, San Francisco, CA (Sept. 4, 2015)

Conference Organizer/Presenter, The John Marshall Fellows Seminar, sponsored by the Claremont Institute, Newport Beach, CA (Aug. 8-15, 2015).

Presenter, The Lincoln Fellows Seminar, sponsored by the Claremont Institute, Newport Beach, CA (Aug. 3, 2015)

Panelist, "Recent Developments in SCOTUS," Judicial Clerk's CLE Conference, Park City, Utah (July 11, 2015)

"American Cultural Imperialism and Same-Sex 'Marriage'," speaker at the Kenya National Family Conference, Nairobi, Kenya (May 15, 2015)

"Battling the Federal Land Grab in the West," Panelist at Heritage Foundation Resource Bank Conference, Bellevue, WA (May 7, 2015)

"United States Supreme Court Update," Presentation to the Mississippi Trial and Appellate Judges Annual Conference, Biloxi, MS (April 23, 2015)

"The Affordable Care Act in 2015," Conference at NYU Law School, sponsored by the NYU Classical Liberal Institute and the Journal of Law & Liberty (March 10, 2015)

Participant, "The Complementarity of Man and Woman: An International Colloquium," sponsored by the Vatican's Congregation for the Doctrine of the Faith and co-sponsored by the Pontifical Council for the Family, the Pontifical Council for Interreligious Dialogue, and the Pontifical Council for the Promotion of Christian Unity, Rome, Italy (Nov. 2015)

Panelist, "Saving Congress from Itself: Emancipating the States & Empowering Their People," Federalist Society National Lawyers Convention, Washington, D.C. (Nov. 2014)

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Panelist, "The Future of Families and of Family Law in America," Symposium at BYU J. Reuben Clark Law School (Oct. 10, 2014)

Panelist, "Is it Time for an Article V Constitutional Convention?" American Political Science Association Annual Convention, Washington, D.C. (Aug. 30, 2014)

Panelist, "The Recent Term of the U.S. Supreme Court," American Political Science Association Annual Convention, Washington, D.C. (Aug. 29, 2014)

Conference Organizer/Presenter, The John Marshall Fellows Seminar, sponsored by the Claremont Institute, Newport Beach, CA (Aug. 9-16, 2014).

"Rights of Conscience vs. Same-Sex Rights: Religious Liberty in the Post-Prop. 8 Environment," Law and Religion Symposium, the J. Reuben Clark Law Society, at Chapman University Fowler School of Law (March 20, 2014)

Panelist, "Voting Rights: Challenges and Opportunities for Cause Lawyers in the 21st Century," part of University of La Verne School of Law Annual Law Review Symposium, *Brown v. Board of Education* at 60: Cause Lawyering for a New Generation, Ontario, CA (Feb. 28, 2014)

Panelist, "Free Speech: The First Amendment and Government Benefits," with Virginia Law Professor Lillian BeVier, Georgetown Law Professors David Cole and Marty Lederman, moderated by Judge Timothy M. Tymkovich, Federalist Society Annual Lawyers Convention, Washington, D.C. (Nov. 15, 2013)

Panelist, "Roe: Past, Present and Predictions," conference on Clarke Forsythe's Book, Abuse of Discretion: The Inside Story of *Roe v. Wade*, Washington, D.C. (Oct. 2, 2013)

Panelist, Constitution Day Symposium: Freedom and Federalism, with Michael Greve, Marc Siegel, and Geoffrey Slaughter, sponsored by the Liberty Fund Sagamore Institute, Indianapolis, IN (Sept. 17, 2013), available at https://www.youtube.com/watch?v=Y_sgejVCQ6A

Participant/Presenter, The John Marshall Fellows Seminar, sponsored by the Claremont Institute, Newport Beach, CA (Aug. 10-17, 2013).

Discussant, Napa Institute Conference on Religious Liberty, Napa, CA (July 30-31, 2013)

Participant, Semi-Annual Legal Strategy Forum, Orlando, FL (April 24-25, 2013)

Commentator, Oxford University Professor Daniel Robinson, "The Judge as Social Scientist: Prop. 8 and the Ink Blots," moderated by Hadley Arkes, The Claremont Institute Center for Constitutional Jurisprudence Wilson Seminars Program, University Club, Washington, D.C., (March 21, 2013)

Debate Panelist, "Supreme Court Review," vs. Erwin Chemerinsky, Arizona District Court Judicial Conference, Tucson, AZ (Feb. 22, 2013)

Panelist, "The Constitutionality of Targeted Drone Strikes," debate vs. Erwin Chemerinsky, Santa Barbara Bar Association's Annual Bench and Bar Conference, Santa Barbara, CA (Jan. 26, 2013)

Panelist, "Same-Sex Marriage Debate," vs. Ted Boutros (Gibson, Dunn & Crutcher), Federalist Society's Annual Western Chapters Conference, Simi Valley, CA (Jan. 26, 2013)

Panelist, "*Arizona v. U.S.*: Immigration Policy and the Economy," with Ana Avendano (Director of Immigration and Community Action, AFL-CIO), H. Christopher Bartolomucci (Bancroft PLLC), Margaret Stock (Univ. of Alaska), moderated by Judge Stephen Williams, Federalist Society Annual Lawyers Convention, Washington, D.C. (Nov. 15, 2012)

Panelist, "The Spending Clause After the Health Care Decision," with Lee Casey, Rob Gasaway, Vanderbilt Law Prof. Edward Rubin, moderated by Judge Jerry Smith, Federalist Society Annual Lawyers Convention, Washington, D.C. (Nov. 15, 2012)

Discussion Leader, The James Wilson Seminars, conference for judges and law students sponsored by the Claremont Institute, Washington, D.C. (Oct. 27, 2012)

Panelist, "Blockbuster Civil Rights Cases on the Supreme Court's Horizon," Semi-Annual Legal Strategy Forum Conference, Washington, D.C. (Oct. 24-25, 2012)

Panelist, "Constitutional Issues and Future Litigation Around the Affordable Care Act," with Lisa Gilden, Catholic Health Ass'n of U.S.; Karen Harned, NFIB; Dominic Perella, Hogan/Lovelis; "Healthy Decision or Unhealthy Oversight? A Legal Debate on the Affordable Care Act and the Supreme Court's Recent Decision," Annual Symposium, Nexus: A Journal of Opinion, Chapman Law School (Oct. 19, 2012)

Debate Panelist, "Immigrant Rights and the Constitution," vs. Tom Saenz of MALDEF, moderated by Prof. Jennifer Lee Koh, Federal Bar Association Annual Convention, San Diego, CA (Sept. 20, 2012)

Panelist, "The Affordable Care Act: Implementation," Orange County Bar Ass'n Health Law Section, Newport Beach, CA (Sept. 13, 2012)

Panelist, "The Supreme Court's Health Care Decision," American Association of Public Welfare Attorneys, Annual Convention, San Diego, CA (Sept. 11, 2012)

Participant/Presenter, The John Marshall Fellows Seminar, sponsored by the Claremont Institute, Newport Beach, CA (Aug. 11-18, 2012).

Participant/Presenter, "Immigration Law & Institutional Design," conference sponsored by the University of Chicago Institute for Law & Economics, Chicago, IL (June 14-16, 2012)

Panelist, "Threats to the Rule of Law," Heritage Foundation Annual Leadership Conference, San Diego, CA (April 21, 2012).

Keynote Address, "Recent Developments in the Supreme Court on Arbitration," National Association of Property Managers Annual Conference, Brandman University, Irvine, CA (April 20, 2012).

Panelist, "Conference on the Natural Law," James Wilson Fellows Program, Amherst College and the Claremont Institute, Washington, D.C. (Mar. 16-17, 2012)

Panelist, "California's Pensions System: Can It Be Reformed?", at Federalist Society's Fifth Annual Western Conference, "After the 2010 Election: What's Next for Campaigns and California?", Reagan Library, Simi Valley, CA (Jan. 28, 2012)

Panelist, "Becoming American: Debates in Immigration Integration," with UC Berkeley Professor of Sociology Irene Bloemraad and Welcoming America Director of Programs Ellen Gallagher, at conference, The Changing Face of America: Immigration from the Ground Up, U.C. Berkeley Graduate School of Journalism and the Chief Justice Earl Warren Institute on Law and Social Policy Annual Conference for Journalists, Berkeley, CA (Nov. 17, 2011)

Moderator, "Meet the New Boss: Continuity in Presidential War Powers," panel debate with Fordham Law Professor Michael Flaherty, Univ. of San Diego Law Professor Michael Ramsey, UC Berkeley Law Professor John Yoo, and former Assistant U.S. Attorney Andrew McCarthy, Federalist Society National Lawyers Convention, Washington, D.C. (Nov. 10, 2011).

Panelist, "Behind the Scenes of a High Profile Appeal," Debate on Proposition 8 with Ted Olson, Theresa Stewart, Pepperdine Dean Deanell Tacha, and Raymond Cardozo (mod.), American Academy of Appellate Lawyers Annual Convention, San Francisco (Oct. 21, 2011)

Panelist, "The Supreme Court: Past and Prologue -- A Look at the October 2010 and October 2011 Terms," Annual Constitution Day Conference sponsored by the Cato Institute, Washington, D.C. (Sept. 15, 2011)

Participant, "Natural Law and Property Rights in American Private Law," Liberty Fund Colloquium, Denver, CO (Aug. 12-13, 2011)

Speaker, "The Constitutional Implications of Diocesan Restructuring," The 2011 Diocesan Restructuring and Risk Management Conference, Napa, CA (July 27, 2011)

Keynote Speaker, "Twentieth Anniversary of Justice Clarence Thomas's Appointment to the Supreme Court," Symposium sponsored by the Law Review of the Detroit Mercy School of Law, Detroit, MI (March 11, 2011)

Principal Debate, "Birthright Citizenship," Annual Conference of the Peter Jennings Project, National Constitution Center, Philadelphia, PA (March 5, 2011)

Principal Debate, "Birthright Citizenship," vs. Prof. Ediberto Roman, Immigration Symposium, Florida International University Law School (Feb. 25, 2011)

Panelist, "The Contracts Clause and California's Pension Crisis," with UC San Diego Professor Vladimir Kogan, Jeremy Rosen, Steve Greenhut (moderator), The Federalist Society Western Regional Conference, Reagan Library (Jan. 29, 2011)

Panelist, "The Politicization of International Law," with Greg Rose, NGO Monitor Legal Advisor Anne Herzberg, Utah Law Professor Amos Guiora, Jacques Gauthier, Lawfare Conference, Western World Radio (Jan. 16, 2011)

Panelist, "Arizona's SB1070," with Arizona Law Professor Jack Chin, Federalist Society's Annual Faculty Conference, San Francisco, CA (Jan. 7, 2011)

Panelist, "Birthright Citizenship," sponsored by the Immigration Reform Legal Institute and the Annual Conference of the American Legislative Exchange Council, Washington, D.C. (Dec. 1, 2010)

Panelist, "Full Faith & Credit and DOMA," with David Boies, Stanford Law Dean Larry Kramer, Appellate Judges Education Institute, SMU Dedman School of Law, Dallas, TX (Nov. 21, 2010)

Panelist, "The Constitutionality of Federal Spending," Heritage Foundation's New Members' Conference, Washington, D.C. (Nov. 20, 2010)

Panelist, "Is there any remaining limit to federal power?" with Virginia Attorney General Ken Cuccinelli, George Washington Law Professor Jeff Rosen, and Judge Jeff Sutton (moderator), Federalist Society National Lawyers Convention, Washington, D.C. (Nov. 18, 2010)

Panelist, "Local Enforcement of Immigration Laws," with Lucas Guttenberg, ACLU Immigrants Rights Project, and San Francisco Sheriff Michael Hennessey, Berkeley Journalism Institute Annual Conference, Berkeley, CA (Nov. 16, 2010)

Panelist, "The Price of Proposition 8 and Repercussions of Gay Marriage," West Coast Marriage Conference, National Organization for Marriage, Napa, CA (Sept. 1, 2010)

Panelist, "Media and the Law," with Jeff Rosen (moderator), Jan Greenberg, and Nina Totenberg, Tenth Circuit Judicial Conference, Colorado Springs, CO (Aug. 27, 2010)

Panelist, "Federalism and the Economic Crisis," with UC Berkeley Law Professor Malcolm Feeley, NYU Law Professor Roderick Hills, and George Mason Law Professor Ilya Somin, moderated by Judge Jeffrey Sutton, Federalist Society National Lawyers Convention, Washington, D.C. (Nov. 12, 2009), Video available at http://www.fed-soc.org/publications/pubid.1740/pub_detail.asp

Panelist, "Government Speech in the Post-Bush Era: Secrecy, Access to Information and Government Employees," with UCLA Law Professor Gia Lee, North Carolina Law Professor William Marshall, and Legal Aid Society of D.C. attorney Bonnie Robin-Vergeer, The Future of the First Amendment Symposium at Willamette University College of Law, co-sponsored by the Willamette Center for Religion, Law and Democracy and the American Constitution Society, Salem, OR (Oct. 16, 2009)

Panelist, "United States Supreme Court and Legislative Update," with Mississippi College Law Professor Matthew Steffey, William & Mary Law Professor Timothy Zick, and Florida Law Professor Lyrissa Lidsky, moderated by Wake Forest Law Professor Don Castleman, Southeast Association of Law Schools Annual Conference, Palm Beach, FL (Aug. 4, 2009)

"Illegal Immigration and Birthright Citizenship," Immigration Summit, Arizona State Capital (July 31, 2010)

"The Constitutionalism of the Tea Party," panel at the Centennial Institute's Western Conservative Summit, Colorado Christian University, Colorado Springs, CO (July 10, 2010)

Debate vs. Georgetown Law Professor Louis Seidman, "The Founders' Intent, Constitutional Provisions, and Limits on Spending Power and Delegation," at Conference, The Financial Services Bailout: Cause, Effect & the Limits of Government Action, National Press Club, Washington, D.C. (March 19, 2009).

Panelist, "The Roberts Court and the Future of Federalism," with Walter Dellinger, Paul Clement, Jeffrey Rosen, and Judge David Sentelle, Federalist Society National Lawyers Convention, Washington, D.C. (Nov. 21, 2008), Audio available at http://www.fed-soc.org/publications/pubid.1210/pub_detail.asp

Participant, "Sovereignty, Emergency, and Legality" Conference, University of Alabama School of Law (Oct. 17, 2008)

Panelist, following the World Premier of "A Forgotten Injustice," a documentary film that explores the 1930s "repatriation" to Mexico of Mexican nationals and even some Americans of Mexican descent in the wake of the Great Depression. Instituto Cervantes of Chicago (October 1, 2008)

Presented Paper, "The Moral Foundations of Liberty," Freedom and the Law Conference, Utah State University (September 15, 2008).

Moderator, "Competitive versus Cooperative Federalism" panel, The Future of Federalism Conference, co-sponsored by the American Enterprise Institute and the Federalist Society, Washington, D.C. (Sept. 12, 2008)

Panelist, "Publicity Rights and the Constitution: Privacy, Publicity, and the YouTube Phenomenon," with Professors Erwin Chemerinsky (Duke), Jay Dougherty (Loyola), Raymond Ku (Case Western) and Celestine McConville (Chapman), Chapman Law Review Symposium, Publicity Rights in Bytes: Contemporary Issues in Entertainment & Sports Law, Orange, CA (Feb. 8, 2008)

Panelist, "Birthright Citizenship - International Trends and Policies," with Jim Ho and Margaret Stock (West Point), sponsored by the ABA Section of International Law, ABA Midyear meeting, Los Angeles, CA (Feb. 7, 2008)

Panelist, "Immigration and Citizenship," with Garrett Epps, University of Oregon School of Law, Eugene, OR (Jan. 25, 2008)

Organizer and Panelist, "Of Guns and Militias: Just What Does the Second Amendment Guarantee? Reflections on the Supreme Court's Grant of Certiorari in *District of Columbia v. Heller*," Hot Topics Panel, 2008 AALS Annual Convention (New York, Jan. 5, 2008)

Lecturer and Panelist, "Justiciability After *Hein* and *Massachusetts*: Where is the Court Standing?", with Professors Jonathan Adler (Case Western) and David Wagner (Regent), Regent University Law School, Virginia Beach, VA (Dec. 1, 2007)

Panelist, "Religion, Early America and the Fourteenth Amendment," with Judge William Pryor, and Professors Marci Hamilton (Cardozo) and Philip Hamburger (Columbia), Federalist Society National Lawyers Convention, Washington, D.C. (Nov. 15, 2007)

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Debate participant, "What is the better way of electing the Chief Executive? Quick and brutal like the Brits or protracted and expensive like the Yanks?", sponsored by the British American Business Council and the Orange County Forum, with Jill Knight, Baroness Knight of Colingtree, Hugh Hewitt, and John Hall, Newport Beach (Oct. 23, 2007)

Keynote Speaker: "Current Trends on the Supreme Court," Council of Chief Judges annual conference, New Orleans (Oct. 18, 2007)

Panelist, "Is the War on Terror at War with the Constitution? Civil Liberties, Separation of Powers, and the Rule of Law," vs. Mark Agrast, Glenn Smith (mod.), Committee on Federal Courts, State Bar of California, Anaheim Convention Center (Sept. 29, 2007)

Debate, vs. Erwin Chemerinsky, "Judicial Independence and Separation of Powers," Appellate Judges Education Program, Washington, D.C. (Sept. 28, 2007)

Debate vs. Erwin Chemerinsky, Supreme Court Update, California Judicial Branch Conference, Anaheim Convention Center (Sept. 27, 2007)

Colloquium Session Presentation, "The Federalism Side of the Establishment Clause, or How the Americans Solved the Problem of Centralized Theocracy, and Why it's Still Important," delivered at the Garaventa Center for Catholic Intellectual Life and American Culture's conference, The American Experiment: Religious Freedom, University of Portland (April 13, 2007). Other participants included Supreme Court Justice Antonin Scalia, U.S. Senator Patrick Leahy, Ninth Circuit Judge Diarmuid O'Scannlain, Pepperdine Professor Doug Kmiec, and Notre Dame Professors Rick and Nicole Garnett. Full program available at <http://www.up.edu/showimage/show.aspx?file=6946>.

Panelist, "War Powers," at Loyola University Chicago Law Journal Conference, "Checks and Balances Today: The Reality of Separation of Powers," Chicago (March 23, 2007). Other participants included Duke Law Professor Erwin Chemerinsky, Georgetown Law Professors Randy Barnett and Neal Katyal, and University of Virginia Law Professor Robert Turner. http://www.luc.edu/law/activities/opportunities/law_checks_balances.shtml.

Panelist, "Executive Power and Electronic Surveillance," at The Eleventh Annual Symposium of the UCLA Journal of International Law and Foreign Affairs, "Protecting the Nation at the Expense of Individuals? Defining the Scope of U.S. Executive Power at Home and Abroad in Times of Crisis," UCLA Law School (Feb. 9, 2007)

"Miranda at 40: Applications in a Post-Enron, Post-9/11 World," Introduction of Keynote Speaker, former Attorney General of the United States Edwin Meese, III, Chapman University School of Law (Jan. 26, 2007), streaming video available at http://www.chapman.edu/LawReview/symposium2007_webcast.asp.

"Eminent Domain: An Imminent Danger?", Federalist Society Symposium, Chapman University School of Law (Oct. 20, 2006), streaming video available at <http://www.chapman.edu/law/FedSocSymposium2006.asp>.

"The ACLU's Assault on Religion in the Public Square," presented at the 2006 Legatus International Fall Summit, "I am the vine, you are the branches," Napa, CA (Sept. 22, 2006)

Moderator, "The Politics of the Judiciary: The Battle Over the Court," and the Claremont Institute's annual Constitution Day conference, Washington, D.C. (Sept. 18, 2006)

Panelist, "The Supreme Court Giveth, Will The People Taketh Away? *Kelo*, *San Remo*, *Lingle* and Beyond," sponsored by the University of California, Hastings, College of Law, Center for State and Local Government and the Municipal Law Institute, League of California Cities, held at the University of San Diego (Sept. 6, 2006)

Panelist, "Originalism and Conservatism," at American Political Science Association annual convention, Philadelphia, PA (Sept. 1, 2006)

- Panelist, "Birthright Citizenship and U.S. Immigration Policy," at American Political Science Association annual convention, Philadelphia, PA (Aug. 31, 2006)
- Panelist/Debate, "Birthright Citizenship and the 14th Amendment," vs. James Ho, Margaret Stock, American Bar Association Annual Meeting, Honolulu, HI (Aug. 4, 2006)
- "Philosopher King Courts: Is the Exercise of Higher Law Authority Without a Higher Law Foundation Legitimate?", presented at Drake Law School, Constitutional Law Center's Symposium, "The Role of Courts in Social Change," Des Moines, IA (April 8, 2006)
- Keynote Speaker, "School Money Trials: Adequacy in Education Litigation," Conference at Harvard University (2006).
- "Full Faith and Republican Guarantees: Gay Marriage, FMPA, and the Courts," presented at a Symposium on the Federal Marriage Protection Amendment, J. Reuben Clark Law School, Brigham Young University, Provo, Utah (Sept. 9, 2005)
- "Birthright Citizenship and Other Fallacies in Modern Immigration Law," panel presentation at a conference on "Illegal Immigration: Its Impact on America," sponsored by the Center for the Study of Popular Culture, the Federation for American Immigration Reform, and Coalition for Immigration Reform of California, Los Angeles, CA (Aug. 26, 2005)
- "Hot Topics: Supreme Court Surprises on Guideline Sentencing, Enemy Combatants and the Confrontation Clause: Happenstance or a New Assertiveness?", debate with Law Professors Erwin Chemerinsky (Duke University), David Cole (Georgetown), Pepperdine Law School Dean Kenneth Starr, and Jeffrey Fisher (Davis Wright Tremaine LLP), American Association of Law Schools annual convention, San Francisco, CA (Jan. 7, 2005)
- "Gay Marriage and Amending the Constitution," debate with Gerald Bradley, Jesse Choper, Anthony Picarello, and Randy Barnett, moderated by Judge Alex Kozinski, sponsored by the Federalism/Separation of Powers Practice Group, the Federalist Society, Annual Lawyers' Convention, Washington, D.C. (Nov. 12, 2004)
- Defending the Constitution: Property Rights and the New Regulation, sponsored by the Claremont Institute, Newport Beach, CA (Sept. 17-18, 2004)
- Symposium, "The Implications of *Lawrence* and *Goodridge* for Recognition of Same-Sex Marriages and for the Validity of DOMA," Catholic University School of Law, Washington, D.C. (May 20, 2004)
- Symposium, Asbestos conference, University of San Francisco (May 7, 2004)
- Symposium, *Guinn v. The Legislature*, University of Nevada-Las Vegas Boyd School of Law (April 23, 2004)
- Panelist, "Constitutional Limitations of Federal Environmental Protection," Federalist Society Annual National Lawyers Convention, Washington, D.C. (November 14, 2003)
- Keynote address and panelist, "Free Speech: Academic Freedom and Religious Expression," sponsored by the C.S. Lewis Foundation, University of California-Berkeley (Oct. 11, 2003), available online at http://webcast.ucsd.edu:8080/ramgen/UCSD_TV/8625.rm and <https://youtu.be/UBefSXeHPOM>.
- Panelist, "Supreme Court Preview," sponsored by the Orange County Bankruptcy Law Forum, at Chapman University School of Law (Sept. 29, 2003).
- Paper Presenter and Panelist, "Progressivism, Courts, and the Expansion of Rights: Reflections on the Bicentennial of *Marbury v. Madison*," panel at the American Political Science Association Annual Convention, Philadelphia, PA (Aug. 30, 2003)

Panelist, "Campaign Finance Reform," panel at the Southeastern Association of Law Schools annual conference, Amelia Island, Florida (July 24, 2003)

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Panelist, "Immigration Policy After 9/11," panel at "American Citizenship in the Age of Multicultural Immigration," sponsored by The Claremont Institute for the Study of Statesmanship and Political Philosophy and the Salvatori Center of Claremont McKenna College, at Chapman University School of Law (March 20-22, 2003)

Participant, Re-Enactment of *Marbury v. Madison*, the first annual Madison Lecture Series, Chapman University School of Law (Feb. 21, 2003)

Conference organizer, "Economic Liberties Symposium: The Constitution, the Courts, and the Future of Economic Rights in the United States," and Panelist, "The Emergence of the Privileges and Immunities Clause," Chapman Law Review annual symposium, Orange, CA (Feb. 14, 2003)

Conference organizer and Moderator, "Elections Through Litigation," sponsored by the Federalist Society's Free Speech and Election Law Practice Group and The Claremont Institute, Washington, D.C. (Feb. 12, 2003)

Panelist, "NAFTA's Takings Clause and the Fifth Amendment," International Law Society, Annual Western Convention (Feb. 8, 2003)

Panelist, "The Constitutionality of Military Tribunals," International Law Society, Annual Western Convention, Loyola Law School (Feb. 7, 2003)

Panelist, "Everything You Need to Know About the Constitution You Can Learn From Agricultural Law," Association of American Law Schools annual convention, Agriculture Law Section, Washington, D.C. (Jan. 5, 2003)

Panel Chair, "National Sovereignty in the New World Order," Annual conference, Federalist Society Faculty Division, Washington, D.C. (Jan. 3, 2003)

Panelist, "The Administrative State Goes to War," American Political Science Association annual convention, Boston, Massachusetts (September 1, 2002)

Panel Chair, "Roundtable on Philip Hamburger's *Separation of Church and State*," American Political Science Association annual convention, Boston, Massachusetts (August 29, 2002)

Symposium Panelist, "Federal Judicial Selection in the New Millennium," University of California at Davis, Davis, California (April 5, 2002)

Panelist, Education Law Symposium, Willamette College of Law, Salem, Oregon (March 2, 2002)

Panelist, "Urban Planning and the City of God," Symposium at Chapman University School of Law, sponsored by The Claremont Institute (Feb. 20-22, 2002).

"Judicial Decisionmaking: The Case of Life, Liberty, & Property in the Modern Technological Age," Showcase Panel, 15th Annual National Lawyers Convention, The Federalist Society, Washington, D.C. (Nov. 15, 2001) (with Honorable Frank Easterbrook, U.S. Court of Appeals, Seventh Circuit; Professor Jeffrey Rosen, George Washington University Law School; Professor Nadine Strossen, New York Law School and President, American Civil Liberties Union; moderated by Honorable Douglas Ginsburg, Chief Judge, U.S. Court of Appeals, D.C. Circuit).

Roundtable Debate on the 2000 Election and the Electoral College, American Political Science Association Annual Convention, with U.S.C. Law Professor Erwin Chemerinsky, UCLA Law Professor Daniel Lowenstein, and Federal Election Commissioner Dave Mason (Sept. 1, 2001)

"Re-entering the Arena: Restoring a Judicial Role For Enforcing Limits on Federal Mandates," paper presented at The Federalism Symposium, sponsored by the United States Chamber of Commerce Institute for Legal Reform, Washington, D.C. (other key participants: Judge Robert H. Bork, Governor John Engler, Governor Frank Keating, Senator Fred Thompson, Michael Greve, American Enterprise Institute) (June 6, 2001)

"The one-way ratchet and other problems with stare decisis for cultural conservatives," paper delivered at conference on "Courts and the Culture Wars," sponsored by the Center for Economic & Policy Education, St. Vincent College, Latrobe, Pennsylvania (April 21, 2001)

Panelist, Domestic Policy in the Ford Administration, Annual Conference, Chapman University Center for Cold War Studies (Feb. 23, 2001)

Symposium on John Marshall commemorating the bicentennial of his appointment as Chief Justice of the United States, John Deaver Drinko Academy at John Marshall University, Huntington, W.Va. (Feb. 3, 2001)

"Restoring the 'General' to the General Welfare Clause," paper presented at symposium, "The Spending Clause: Enumerated Power or Blank Check," sponsored by Chapman University Law Review, Orange, California (Jan. 19, 2001)

"Revisiting the Spending Clause," work-in-progress paper presented at the Annual Faculty Conference of the Federalist Society (in conjunction with the American Association of Law Schools), San Francisco, California (Jan. 4, 2001)

Panelist, Domestic Policy in the Bush Administration, Annual Conference Chapman University Center for Cold War Studies (April 13, 2000)

Panelist, "Are Race-Conscious Remedies Constitutional?" (with Michael McConnell, University of Utah College of Law, and Jeffrey Rosen, George Washington University Law School), Second Annual Faculty Division Conference of the Federalist Society, Washington, D.C. (January 6, 2000)