Originalism Summit

Friday, January 10 – Sunday, January 12, 2020 | Naples, FL
FRIDAY, JANUARY 10

4:00 - 6:00 pm  Registration, Registration Foyer

6:30 - 9:00 pm  Welcome Reception and Dinner, Tea Garden and Center Court

Henry N. Butler, Allison and Dorothy Rouse Dean; George Mason University Foundation Professor of Law; Executive Director, Law & Economics Center, George Mason University Antonin Scalia Law School

Andrew S. Oldham, Judge, United States Court of Appeals for the Fifth Circuit

SATURDAY, JANUARY 11

All class sessions held in the Estuary Room

8:00 - 8:50 am  Breakfast, The Grill

EMERGING SUPREME COURT CASES

9:00 - 9:50 am  Allen v. Cooper

Ashley Keller, Partner, Keller Lenkner
Sarah Harris, Partner, Williams & Connolly

Moderator: Andrew S. Oldham

10:00 - 10:50 am  Ramos v. Louisiana

Jeff Harris, Partner, Consovoy McCarthy
Patrick Strawbridge, Partner, Consovoy McCarthy

Moderator: William S. Consovoy, Partner, Consovoy McCarthy

11:00 - 11:50 am  Espinoza v. Montana Department of Revenue

Evan Young, Partner, Baker Botts
John Bursch, Vice President of Appellate Advocacy and Senior Counsel, Alliance Defending Freedom

Moderator: Andrew S. Oldham
12:10 – 1:00 pm  
*Moda Health Plan v. United States*  

**Erin E. Murphy,** Partner, Kirkland & Ellis  
**Elbert Lin,** Partner, Hunton Andrews Kurth  

**Moderator:** William S. Consovoy

1:00 pm  
Program Adjourns for Afternoon

6:30 – 9:00 pm  
Closing Reception and Dinner, *Port Royal*

**Keynote Address on Interpretation/Constructions Distinction**

**Randy E. Barnett,** Carmack Waterhouse Professor of Legal Theory, Georgetown University Law Center

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**SUNDAY, JANUARY 12**

*All classroom sessions held in the Estuary Room*

8:00 – 8:50 am  
Breakfast, *The Grill*

9:00 – 10:15 am  
**Response to Keynote Address on Interpretation/Constructions Distinction**

**Aditya Bamzai,** Associate Professor of Law, University of Virginia School of Law  
**Randy E. Barnett,** Carmack Waterhouse Professor of Legal Theory, Georgetown University Law Center  
**Robert Leider,** Assistant Professor of Law, George Mason University Antonin Scalia Law School  
**Nicole Stelle Garnett,** John P. Murphy Foundation Professor of Law, University of Notre Dame Law School  

**Moderator:** William S. Consovoy

10:30 – 11:45 pm  
**Emerging Academic Issues and Impact on Appellate Litigation**

**Aditya Bamzai,** Associate Professor of Law, University of Virginia School of Law  
**Robert Leider,** Assistant Professor of Law, George Mason University Antonin Scalia Law School  
**Nicole Stelle Garnett,** John P. Murphy Foundation Professor of Law, University of Notre Dame Law School  

**Moderator:** William S. Consovoy

11:45 am  
Closing Remarks and Program Adjourns
ANDREW S. OLDHAM  
*Judge, US Court of Appeals for the Fifth Circuit*

Andrew Oldham is a Circuit Judge on the US Court of Appeals for the Fifth Circuit. Before ascending to the bench, Judge Oldham served as General Counsel to Texas Governor Greg Abbott, where he advised the Governor on a range of issues under federal and state law and managed litigation in which the Governor was an interested party. Before moving to Texas, Judge Oldham was an attorney at Kellogg Hansen Todd Figel & Frederick in Washington, DC. His practice focused on appellate litigation in federal courts of appeals throughout the country. Judge Oldham earned a BA from the University of Virginia with highest honors, a Truman Scholarship for graduate school, an MPhil, first class (with distinction), from Cambridge University, and a JD, *magna cum laude*, from Harvard Law School.

WILLIAM S. CONSOVOY  
*Partner, Consovoy McCarthy*

Mr. Consovoy assists clients on a broad range of litigation and appellate issues primarily before the Supreme Court of the United States and federal appellate and district courts, as well as before federal agencies. Mr. Consovoy represents clients in cases involving constitutional issues, interpretation and enforcement of federal statutes, administrative law, civil rights disputes, and a variety of other civil litigation issues. Mr. Consovoy recently argued two cases—*Spokeo v. Robbins* and *Evenwel v. Abbott*—before the Supreme Court of the United States. Mr. Consovoy is a former law clerk to Supreme Court Justice Clarence Thomas, Judge Edith H. Jones of the US Court of Appeals for the Fifth Circuit, and the 17th Judicial Circuit of Virginia. Since 2011, Mr. Consovoy has been the co-director of the Supreme Court Clinic at the Antonin Scalia Law School at George Mason University, where he also is the co-director of the Administrative Law Clinic. Mr. Consovoy earned his BA from Monmouth University, and his JD *magna cum laude* from George Mason University School of Law.

HENRY N. BUTLER  
*Allison and Dorothy Rouse Dean and GMU Foundation Professor of Law  
Executive Director, Law & Economics Center  
George Mason University Antonin Scalia Law School*

Henry N. Butler is the Allison and Dorothy Rouse Dean, a George Mason University Foundation Professor of Law, and the Executive Director of the Law & Economics Center at George Mason University’s Antonin Scalia Law School. For over 30 years, he has developed and led educational programs that teach the basics of economics, finance, accounting, statistics, and the scientific method to federal and state judges, as well as other legal professionals and scholars. From 2007 to 2010, Henry served as the first Executive Director of the Searle Center on Law, Regulation, and Economic Growth at Northwestern University School of Law. He has held prior appointments at the Brookings Institution, Chapman University, the University of Kansas, the University of Chicago, and Texas A&M University. He received an MA and PhD in economics from Virginia Polytechnic Institute and State University and a JD from the University of Miami School of Law. He received his bachelor’s degree in economics from the University of Richmond.
ADITYA BAMZAI
Associate Professor of Law, University of Virginia School of Law
Aditya Bamzai teaches and writes about civil procedure, administrative law, federal courts, national security law and computer crime. He joined the University of Virginia School of Law’s faculty as an associate professor in June 2016. He has argued cases relating to the separation of powers and national security in the US Supreme Court, Foreign Intelligence Surveillance Court of Review, DC Circuit, and other federal courts of appeals. Before entering the academy, he served as an attorney-adviser in the Office of Legal Counsel of the US Department of Justice, and as an appellate attorney in both private practice and for the National Security Division of the Department of Justice. He is a graduate of Yale University and of the University of Chicago Law School, where he was the editor-in-chief of the law review.

RANDY E. BARNETT
Carmack Waterhouse Professor of Legal Theory, Georgetown University Law Center
Randy Barnett is the Carmack Waterhouse Professor of Legal Theory at the Georgetown University Law Center, where he directs the Georgetown Center for the Constitution. After graduating from Northwestern University and Harvard Law School, he was a criminal prosecutor in the Cook County State’s Attorney’s Office in Chicago. A recipient of a Guggenheim Fellowship and a Bradley Prize, he has been a visiting professor at Harvard Law School, Northwestern University, and University of Pennsylvania. He has published eleven books and over 140 articles and reviews. Professor Barnett portrayed a prosecutor in the science fiction feature film InAlienable.

JOHN BURSCH
Vice President of Appellate Advocacy and Senior Counsel, Alliance Defending Freedom
John Bursch is vice president of appellate advocacy and senior counsel with Alliance Defending Freedom. Bursch has argued eleven US Supreme Court cases since 2011 and has the sixth highest win rate among all lawyers with four or more 5-4 Supreme Court decisions since the 2005 term. Bursch served as solicitor general for the state of Michigan from 2011-2013. As part of his private firm, Bursch Law PLLC, he has represented Fortune 500 companies, foreign and domestic governments, top public officials, and industry associations in high-profile cases, primarily on appeal. His work has resulted in repeated listings in Michigan Super Lawyers and Best Lawyers. He is also the principal author of the Michigan Supreme Court’s Guide for Counsel. Before entering private practice, Bursch served as a law clerk to the Honorable James B. Loken on the US Court of Appeals for the Eighth Circuit. He received his JD magna cum laude in 1997 from the University of Minnesota Law School, where he served as chief note & comment editor for the Minnesota Law Review. Prior to that, he attended Western Michigan University, where he received degrees in mathematics and music performance summa cum laude. He graduated from the Lee Honors College in 1994. Bursch is admitted to practice in numerous federal district and appellate courts, including the US Supreme Court.
SPEAKERS

NICOLE STELLE GARNETT
John P. Murphy Foundation Professor of Law, Notre Dame Law School
Nicole Stelle Garnett’s research focuses on property, land use, urban development, local government law, and education policy. She is the author of numerous articles on these subjects and of two books, *Ordering the City: Land Use, Policing and the Restoration of Urban America* (Yale University Press, 2009) and *Lost Community: Catholic Schools’ Importance in Urban America* (University of Chicago Press, 2014). At Notre Dame, Garnett also is 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 received her BA with distinction in political science from Stanford University and her JD from Yale Law School. Following law school, she served as a law clerk for the Honorable Morris S. Arnold of the US Court of Appeals for the Eighth Circuit and for Associate Justice Clarence Thomas of the US Supreme Court.

SARAH HARRIS
Partner, Williams & Connolly
Sarah Harris focuses her practice on complex appellate litigation. She has represented clients in high-stakes appeals in the US Supreme Court and federal and state appellate courts across the country. Her cases have covered a wide range of topics, including commercial litigation matters, constitutional law, administrative law, class actions, antitrust, False Claims Act litigation, products liability, and federal civil procedure. Before joining Williams & Connolly, Sarah served as a deputy assistant attorney general in the Office of Legal Counsel at the United States Department of Justice. She clerked for Justice Clarence Thomas on the US Supreme Court, Judge Laurence Silberman on the US Court of Appeals for the DC Circuit, and Judge Sandra Lynch on the US Court of Appeals for the First Circuit. Sarah received her undergraduate degree *summa cum laude* from Princeton University, and her JD *magna cum laude* from Harvard Law School. She also holds a PhD from the University of Cambridge.

JEFFREY M. HARRIS
Partner, Consovoy McCarthy
Mr. Harris is an experienced litigator who focuses on constitutional, appellate, and regulatory matters. In 2015, he was named to the *Legal Times* list of “D.C.’s Rising Stars,” which identified “some of the most accomplished young attorneys in the DC area.” Mr. Harris previously served as associate administrator of the Office of Information and Regulatory Affairs (OIRA). Before his government service, Mr. Harris was a partner at Bancroft PLLC and Kirkland & Ellis LLP, where his practice focused on Supreme Court, appellate, and complex litigation. Mr. Harris has extensive experience litigating before the US Supreme Court. He has argued before the Court in a major civil rights case, has been the lead drafter of more than 100 merits briefs, amicus briefs, and certiorari-stage briefs, and has contributed to ten wins in cases before the Court. He earned his JD *magna cum laude* from Harvard Law School and his AB *magna cum laude* from Georgetown University. He is a member of the District of Columbia and Virginia bars.
ASHLEY C. KELLER
Partner, Keller Lenkner
Ashley Keller is a Partner at Keller Lenkner LLC. He is listed by Lawdragon as one of the 500 Leading Lawyers in America. Ashley co-founded the litigation finance firm Gerchen Keller Capital, which was the world’s largest private investment manager focused on legal and regulatory risk before it was acquired by Burford Capital in 2016. Before co-founding Gerchen Keller, Ashley was a partner at Bartlit Beck Herman Palenchar & Scott LLP, The American Lawyer’s litigation boutique of the year, where he handled various trial and appellate matters involving multi-billion-dollar securities and patent cases, contractual disputes, mass torts, and class actions. Ashley also worked as an analyst at Alyeska Investment Group, a Chicago-based market neutral hedge fund. Before practicing law, Ashley was a law clerk for Justice Anthony M. Kennedy at the US Supreme Court and Judge Richard Posner at the US Court of Appeals for the Seventh Circuit. He graduated magna cum laude from Harvard College and received an MBA from the University of Chicago Booth School of Business and a JD from the University of Chicago Law School, where he graduated first in his class.

ROBERT LEIDER
Assistant Professor of Law, George Mason University Antonin Scalia Law School
Robert Leider is an Assistant Professor of Law at Antonin Scalia Law School at George Mason University. His scholarly interests are in criminal law, criminal procedure, and constitutional law, especially concerning questions about the use of force and the rule of law. He has written on the law of self-defense, the constitutional allocation of military power, and gun control. Before joining Scalia Law, Professor Leider was at Arnold & Porter in Washington, DC. He was previously with Mayer Brown LLP and was an Olin-Searle-Smith Fellow at the University of Pennsylvania Law School. He has clerked for Judge Diane S. Sykes, of the US Court of Appeals for the Seventh Circuit, and Justice Clarence Thomas. Professor Leider earned a BA, summa cum laude, from The George Washington University, a JD from Yale Law School, and a PhD in Philosophy (dissertation defended with distinction) from Georgetown University.

ELBERT LIN
Partner, Hunton Andrews Kurth
The former Solicitor General of West Virginia and law clerk to Justice Clarence Thomas, Elbert Lin co-leads the Issues and Appeals practice at Hunton Andrews Kurth LLP. He has argued dozens of appeals, including in the US Supreme Court. During his four-and-a-half year tenure on the West Virginia Attorney General’s senior staff, Elbert oversaw all civil and criminal appeals, and supervised nearly fifty Attorney General opinions. Before that role, Elbert was a partner at Wiley Rein LLP in Washington, DC, and a trial attorney with the US Department of Justice. He also clerked for US Court of Appeals Judge William H. Pryor Jr. and Senior US District Judge Robert E. Keeton. A magna cum laude graduate of Yale University and managing editor of the law journal at Yale Law School, Elbert was elected to the American Law Institute in 2018 and recently named a 2019 National Law Journal Litigation Trailblazer.
ERIN E. MURPHY
*Partner, Kirkland & Ellis*

Erin Murphy is a partner in the Washington DC office of Kirkland & Ellis LLP. Her practice focuses on Supreme Court, appellate, and constitutional litigation. She has argued four cases before the Supreme Court, including successfully arguing *McCutcheon v. FEC*, for which she was named American Lawyer’s “Litigator of the Week”; successfully arguing on behalf of the US House of Representatives in *Texas v. United States*; and successfully arguing on behalf of the Wisconsin State Legislature in *Gill v. Whitford*. Erin has been recognized by the *National Law Journal* as one of the nation’s “Outstanding Women Lawyers” and a “Rising Star”; has been ranked by *Chambers & Partners* as one of the nation’s top appellate lawyers, and has been listed as a “Rising Star” for appellate litigation by *Law360*.

PATRICK STRAWBRIDGE
*Partner, Consovoy McCarthy*

Mr. Strawbridge is a Partner at Consovoy McCarthy Park PLLC, where he provides clients with advice and representation at the pre-litigation, trial, and appellate stages. He has represented a broad range of individual and institutional clients on matters of constitutional law, financial and securities regulation, environmental laws, complex commercial disputes, and consumer protection statutes. His experience includes arbitrations, trial and appellate litigation, and administrative and regulatory proceedings. Mr. Strawbridge served as a law clerk to Supreme Court Justice Clarence Thomas, Judge Morris Sheppard Arnold of the US Court of Appeals for the Eighth Circuit, and Justice Howard Dana of the Supreme Judicial Court of Maine. Previously, Mr. Strawbridge was a partner at two large international law firms. Mr. Strawbridge is an adjunct professor for the Supreme Court Clinic at the Antonin Scalia Law School at George Mason University. Mr. Strawbridge earned a bachelor of journalism from the University of Missouri, and his JD *summa cum laude* from Creighton University School of Law.

EVAN YOUNG
*Practice Group Chair, Supreme Court & Constitutional Law (Firmwide), Partner, Baker Botts*

Evan Young is a partner at Baker Botts LLP. He is firmwide co-chair of the Supreme Court and Constitutional Law practice group, and from 2014 until 2018 was the litigation department chair for the Firm’s Austin office. His practice focuses on appellate litigation in state and federal courts, and he has briefed, argued, and won cases in the Supreme Court of the United States, the Supreme Court of Texas, federal courts of appeals, and lower courts. Evan graduated from Duke University; Oxford University, where he was a British Marshall Scholar; and Yale Law School. He clerked for Judge J. Harvie Wilkinson III on the Fourth Circuit and then for Justice Antonin Scalia at the US Supreme Court. After his clerkship with Justice Scalia, Evan joined the US Department of Justice as Counsel to the Attorney General of the United States. Starting in December 2007, he spent nearly a year on detail at the US Embassy in Baghdad, Iraq, where he was the deputy rule of law coordinator.