

*RODNEY A. SMOLLA*  
*Curriculum Vita*

**PERSONAL INFORMATION**

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**EDUCATION**

J.D., Duke University School of Law, 1978. (Graduated First in Class; Note and Comment Editor, Duke Law Journal; American Jurisprudence Awards in Torts and Constitutional Law; Order of the Coif)

B.A. (cum laude), Yale University, 1975. (Majored in American Studies)

## **PROFESSIONAL POSITIONS**

Dean, Washington and Lee University School of Law, Lexington, Virginia (began July 2007)

Dean, and George Allen Professor of Law, University of Richmond, T.C. Williams School of Law (Dean July 2003 to July 2007; Allen Professor beginning in August, 1998)

Visiting Fellow, University of Melbourne School of Law, Melbourne, Australia (Summer 2006)

Arthur B. Hanson Professor of Law, College of William and Mary School of Law, Williamsburg, Virginia (1988 to 1998)

Director, Institute of Bill of Rights Law, College of William and Mary School of Law, Williamsburg, Virginia (1988-1996)

Visiting Professor of Law, Duke University School of Law, Durham, North Carolina (Spring Semester 1992)

Consultant and Senior Fellow, The Annenberg Washington Program in Communications Policy Studies of Northwestern University (1987 to 1996); Director and Principal Draftsman for Annenberg Washington Program Libel Reform Project

Visiting Professor of Law, University of Denver School of Law, Denver, Colorado (1987-1988)

Associate Professor, University of Arkansas School of Law, Fayetteville, Arkansas (1984-1987); Assistant Professor (1983-1984)

Visiting Professor, University of Illinois College of Law, Champaign, Illinois (Summer 1984)

Visiting Professor, Indiana University School of Law, Bloomington, Indiana (Summer 1983)

Assistant Professor, University of Illinois College of Law, Champaign, Illinois (1981-1983)

Assistant Professor, DePaul University College of Law, Chicago, Illinois (1980-1981)

Private Legal Practice: Associate, Mayer Brown, & Platt, Chicago, Illinois, (1979-1980)

Law Clerk to Judge Charles Clark, United States Court of Appeals for the Fifth Circuit, Jackson, Mississippi (1978-1979)

Summer Associate, Covington & Burling, Washington, D.C. (Summer 1977)

### **SELECTED SERVICE, CIVIC & PROFESSIONAL ACTIVITIES**

Board of Directors, Media General Corporation (2006 to present)

Board of Directors, American Arbitration Association (2005 to present)

Board of Trustees, Council for America's First freedom (2006 to present)

Board of Directors, Virginia Coalition for Open Government (2004 to present)

Board of Directors, Greater Richmond Bar Association (2006 to present)

Board of Directors, Richmond Faith Leaders Initiative (Initiative to Address Crime, Social Justice, and Quality of Life Issues in Richmond Metro Area)

Board of Directors, John Marshall Park Foundation (2004 to present)

Board of Governors, Virginia State Bar Education of Lawyers Section (2003 to present)

Member, Virginia Bar Association Special Issues Committee (2004 to present)

Member, Curriculum Committee, American Bar Association Section on Legal Education and Admission to the Bar (2004 to Present)

Chair, Merit Screening Committee, Federal Public Defender for the United States District Court for the Eastern District of Virginia (2006)

Chair, University of Richmond Faculty Council (2002 to 2003)

Member, Association of American Law Schools Committee on Sections and Annual Meeting (1993 to 1996)

First Amendment Advisory Council, The Media Institute, Washington, D.C.

Editorial Board, Communications Law and Policy, Association for Education in Journalism and Mass Communication

Advisory Board, First Amendment Congress

American Bar Association Delegate to the Uniform Commissioners on State Laws Committee on a Defamation Act

“Committee A” On Academic Freedom and Tenure, American Association of University Professors (2003)

Litigation Steering Committee Member, American Association of University Professors

Member, Board of Advisors, The Communications Lawyer (ABA publication)

Member, Blue Ribbon Committee to Review Information Policy in Virginia (1992 to 1994)

Chair, Association of American Law Schools Conference on Constitutional Law, for Summer 1993

Chair, Association of American Law Schools Section on Defamation and Privacy (1991 to 1993)

Member, Task Force on Drug-Testing in the Workplace, Institute of Bill of Rights Law (1990 to 1991)

Chair, Association of American Law Schools Section on Mass Communications Law (1989 to 1990)

Reporter, Bill of Rights Advisory Committee to the Commission on the Bicentennial of the United States Constitution (1989)

Board of Advisors, Bill of Rights Institute, Washington D.C., Advisory Council

Advisory Committee, Council for America's First Freedom

Consultant, Jamestown/Yorktown Foundation

William and Mary Committee to Draft University Mission Statement, (1994 to 1995)

Legal Counsel, William and Mary President's Committee to Review University Student Publications Policies (1994)

Board of Directors, Williamsburg Montessori School; Chair, Elementary School Expansion Committee; Chair, Capital Campaign Committee

## **HONORS, PRIZES AND AWARDS,**

Virginia State Council of Higher Education 2002 Distinguished Faculty Award

Fellow, Virginia Law Foundation (Inducted in 2006)

Omicron Delta Kappa National Leadership Honor Society (inducted March 2006)

John Marshall Faculty Award, College of William and Mary School of Law (1996)

Who's Who in America

1999 Ned Chilton Lecture Award, Chilton Foundation, Charleston, West Virginia

Selected by Graduating Classes to Deliver Faculty Remarks at 1999 & 2002 Law School Commencements, University of Richmond School of Law

Lake Park High School Distinguished Alumni Award, 1995

Recipient of University of Arkansas Alumni Distinguished Professor of the Year Award (1986)

Scroll and Key Senior Society (Yale College 1975)

## **COURSES TAUGHT**

The Constitution and American Culture  
Constitutional Law  
First Amendment Law  
Mass Media Law  
Intellectual Property  
Law and Religion  
Civil Rights Law  
Federal Courts  
Labor Law

Torts  
Jurisprudence  
“Breakfast with the Constitution” (Richmond School of Continuing Studies)

## **PUBLICATIONS**

### **Books**

Law of Defamation (Second Edition, Thomson/West 1999) (2 volumes) (supplemented twice annually)

Smolla and Nimmer on Freedom of Speech: A Treatise on the First Amendment, (Thomson/West, 3d Edition 1996 (2 volumes)) (supplemented annually)

Federal Civil Rights Acts (Thomson/West 3d Edition 1994) (2 volumes) (supplemented twice annually)

Law of Lawyer Advertising (2 volumes) (Thomson/West 2006)

Free Speech in an Open Society (Alfred A. Knopf, 1992) (Received the 1992 William O. Douglas Prize for Most Distinguished Monograph in Freedom of Expression, Commission on Freedom of Expression of the Speech Communication Association) (Vintage Paperback edition 1993) (Arab Language Edition Published 1996)

Constitutional Law: Structure and Rights in Our Federal System (with Professors Daan Braveman and William C. Banks) (Lexis 5<sup>th</sup> Edition 2005) (supplemented annually)

Deliberate Intent: A Lawyer Tells the True Story of Murder by the Book (Crown Publishers 1999)

The First Amendment: Freedom of Expression, Regulation of Mass Media, Freedom of Religion (Carolina Academic Press 1999)

Jerry Falwell v. Larry Flynt: The First Amendment on Trial (St. Martin's Press, 1988; paperback edition University of Illinois Press)

Suing the Press: Libel, the Media, and Power (Oxford University Press, 1986) (Received American Bar Association Gavel Award Certificate of Merit, 1987)

A Year in the Life of the Supreme Court (Duke University Press, 1995) (Rodney A. Smolla, editor) (Received the 1996 American Bar Association Silver Gavel Award)

First Amendment Law Handbook (Editor) (Thomson/West 2005-2006 Edition)

First Amendment Law Handbook (Editor) (Thomson/West 2006-2007 Edition) (forthcoming October 2006)

Constitutional Law: Structure and Rights in Our Federal System (with Professors Daan Braveman and William C. Banks) (Lexis 4<sup>th</sup> Edition 1999)

Constitutional Law: Structure and Rights in Our Federal System (with Professors Daan Braveman and William C. Banks) (Lexis 3d Edition 1993))

Constitutional Law: Structure and Rights in Our Federal System (with Professors Daan Braveman and William C. Banks) (Matthew Bender 2<sup>nd</sup> Edition 1988)

The Bill of Rights, the Courts, and the Law, Virginia Foundation for the Humanities and Public Policy, 1999 (co-authored with Lynda Butler, A.E. Dick Howard, Robert O'Neil, Barbara Perry, Melvin Urofsky, and edited by David Bearinger)

Encyclopedia of American Civil Liberties, Editor, Paul Finkelman, Associate Editors, Rodney Smolla, Gabriel Chin, Davison Douglas, Melvin Urofsky, Mary Volcansek, Three Volumes, (Routledge 2006)

**Law Review and Law Journal Articles, Essays, and Book Reviews**

Lawyer Advertising and the Dignity of the Profession, 59 *Arkansas Law Review* 437 (2006)

Content and Context: The Contributions of William Van Alstyne to First Amendment Interpretation, 54 *Duke Law Journal* 1623 (2005)

The “Do-Not-Call List” Controversy: A Parable of Privacy and Speech, 38 *Creighton Law Review* 743 (2005) (James L. Koley Lecture)

Restoring Reason and Civility to the Judicial Section Process, 39 *University of Richmond Law Review* 793 (2005)

Free the Fortune 500! The Debate over Corporate Speech and the First Amendment, 54 *Case Western Reserve Law Review* 1277 (2004)

Nineteen Rules to Dean By, 36 *University of Toledo Law Review* 183 (2004) (Leadership in Legal Education Symposium)

New York Times v. Sullivan: Core Doctrine Likely to Hold, 22 *Communications Lawyer* 11 (2004 No. 3)

A Call to Leadership: The Future of Race Relations in Virginia, 39 *University of Richmond Law Review* 25 (2004)

Chief Justice Harry L. Carrico and the Ideal of Judicial Independence, 38 *University of Richmond Law Review* 571 (2004)

Assassination, the War on Terrorism, and the Constitution, 37 *University of Richmond Law Review* 663 (2003)

The First Amendment and the New Civil Liability, 88 *University of Virginia Law Review* 919 (2002)

Information as Contraband: The First Amendment and Liability for Trafficking in Speech, 96 *Northwestern University Law Review* 1099 (2002)

From Hit Man to Encyclopedia of Jihad: How to Distinguish Freedom of Speech from Terrorist Training, 22 Loyola Los Angeles Entertainment Law Review 479 (2002)

The Puffery of Lawyers, 36 University of Richmond Law Review 1 (2002)

Terrorism and the Bill of Rights, 10 William and Mary Bill of Rights Journal 552 (2002)

Accounting for the Slow Growth of American Privacy Law, 27 Nova Southeastern University Law Review 289 (2002) (Goodwin Professor Lecture)

What Passes for Policy and Proof in First Amendment Litigation, 34 University of Richmond Law Review 1095 (2001)

Should the *Brandenburg v. Ohio* Incitement Test Apply in Media Violence Cases? 27 N.Ky.L.Rev. 1 (2000)

Privacy and the First Amendment Right to Gather News, 67 George Washington Law Review 1097 (1999)

The Constitutionality of Mandatory Public School Service Programs, 62 Law & Contemporary Problems 113 Duke Law School (1999)

Qualified Intimacy, Celebrity, and the Case for a Newsgathering Privilege, 33 U. of Richmond L. Rev. 1233 (2000)

Will Tabloid Journalism Ruin the First Amendment for the Rest of Us? 9 DePaul Journal of Arts and Entertainment Law 1 (1998)

Free Exercise of Religion After the Fall: The Case for Intermediate Scrutiny, 39 William and Mary Law Review 925 (1998)

From Paparazzi to Hidden Cameras: The Aggressive Side of a Free and Responsible Press, 3 Comm.L. Policy 215-29 (1998)

The Culture of Regulation, 5 ComLaw Conspectus No. 2, 193-202 (Summer 1997)

Mock Arguments in Clinton v. Jones, 5 William and Mary Bill of Rights Journal 249-262 (1997)

The Ghosts of Homer Plessy, 12 Georgia State L. Rev. 1037 (1996)

The Trial of Oliver Wendell Holmes, 36 William and Mary L. Rev. 1 (October 1994) 173-233

Information, Imagery, and the First Amendment: A Case for Expansive Protection of Commercial Speech, 71 Texas L. Rev. 777 (1993)

Perspectives on the World's Search for Stable Democracy (with Darlene Bradberry) 1 William and Mary Bill of Rights Journal 177 (1993)

Limitations on Family Size: Potential Pressures on the Rights of Privacy and Procreation, 1 William and Mary Bill of Rights Journal 47 (1992)

Affirmative Action in the Marketplace of Ideas, 44 Arkansas Law Review 935 (1991)

Exercises in the Regulation of Hate Speech, 32 William and Mary Law Review 207 (1991)

The Bill of Rights at 200 Years: Bicentennial Perspectives 31 William and Mary Law Review 241 (1990)

Academic Freedom, Hate Speech, and the Idea of a University, 53 Law and Contemporary Problems 195 (1990)

Rethinking First Amendment Assumptions About Racist and Sexist Speech, 47 Washington and Lee Law Review 171 (1990)

Preserving the Bill of Rights in the Modern Administrative-Industrial State, 31 William and Mary Law Review 321 (1990)

The Annenberg Libel Reform Proposal: The Case for Enactment, 31 William and Mary Law Review 241 (1990)

A Defense of the Annenberg Libel Reform Proposal, 7 Communications Lawyer Number 1, 3 (1989)

The Ollie North, Bob Bork, Bye, Bye, Bye Centennial Blues, 5 Constitutional Commentary 54 (1988)

Emotional Distress and the First Amendment: An Analysis of Hustler v. Falwell, 20 Arizona State Law Journal 423 (1988)

Propaganda, Xenophobia, and the First Amendment, 67 Oregon Law Review 253 (1988) (with Stephen A. Smith)

Taking Libel Reform Seriously, 38 Mercer Law Review 793 (1987)

Dun & Bradstreet, Hepps, and Liberty Lobby: A New Analytic Primer on the Future Course of Defamation, 75 Georgetown Law Journal 1519 (1987)

In Pursuit of Racial Utopias: Fair Housing, Quotas, and Goals in the 1980's, 58 Southern California Law Review 947 (1985) (reprinted in Yearbook of Construction Articles (1986))

Politics and Due Process Don't Mix: Should the State Claims Commission be Abolished? 1986 Arkansas Law Notes 43

"Where Have You Gone, Walter Cronkite?" The First Amendment and the End of Innocence, 39 Arkansas Law Review 211 (1985)

What Types of Losses Are Recoverable Under Arkansas's Products Liability Law? 1984 Arkansas Law Notes 11

The Erosion of the Principle that the Government Must Follow Its Own Rules, 52 Fordham Law Review 472 (1984)

Bring Back the Legislative Veto: A Proposal for a Constitutional Amendment, 37 Arkansas Law Review 509 (1984)

Prison Overcrowding and the Courts: A Roadmap for the 1980s,  
1984 University of Illinois Law Review 389

Let the Author Beware: The Rejuvenation of the American Law of Libel, 132 University of Pennsylvania Law Review 1 (1983)

Intertwining the Constitution and the Common Law: Evolving Doctrines of Defamation in Arkansas, 1983 Arkansas Law Notes 49

The Future of Defamation in Illinois After Colson v. Steig and Chapski v. The Copley Press, Inc., 32 DePaul Law Review 219 (1983)  
(with Linda A. Malone)

The Reemergence of the Right-Privilege Distinction in Constitutional Law: The Price of Protesting Too Much, 35 Stanford Law Review 69 (1982)

The Displacement of Federal Due Process Claims by State Tort Remedies: Parratt v. Taylor and Logan v. Zimmerman Brush Company, 1982 University of Illinois Law Review 831

Integration Maintenance: The Unconstitutionality of Benign Programs that Discourage Black Entry to Prevent White Flight, 1981 Duke Law Journal 891

### **Book Chapters**

Anatomy of an Oral Argument, in “Defending the First: Commentary on First Amendment Issues and Cases” Joseph Russomanno, Editor (Lawrence Erlbaum 2005)

Cross Burning: Virginia v. Black, in “A Year at the Supreme Court” Neal Devins and Davison M. Douglas, Editors (Duke University Press 2004)

The People’s Right to Know: Transparency in Government Institutions, in “Democracy Papers,” Office of International Information Programs,” Melvin Urofsky, Editor (United States Department of State 2003)

The Annenberg Libel Reform Proposal, Book Chapter in John Soloski and Randall P. Bezanson, Reforming Libel Law (1992)

Balancing Freedom of Expression and Protection of Reputation Under the Canadian Charter, in Schneiderman, Freedom of Expression and the Charter (1991)

**Essays, Articles, & Reviews in Magazines, Newspapers, and Other Publications**

Could Congress End the War In Iraq by Invoking the War Powers Resolution of 1973? The Huffington Post, June 5, 2007

The Billion-Dollar Battle Between Viacom and Google: Commericalization of User-Generated Content and Copyright Protections Afforded to Parody, Thomson / West White Paper Series, June 2007

Cornerstone Principles: Rule of Law Helps Maximize Freedom, Stability, Richmond Times-Dispatch, April 8, 2007, at E3.

The Best Defense: Prosecutors are from Neptune, Defense Attorneys are from Pluto, Slate Magazine, November 2, 2005

River City Should Honor Its Native Son, Undervalued Hero, Richmond Times-Dispatch, September 18, 2005

Prosecuted, Not Persecuted: Why a Muslim scholar probably crossed the First Amendment line, Slate Magazine, July 27, 2005

Not So Free Speech, Legal Affairs Magazine (Jan. / Feb. 2005)

The Life of Privilege, Slate Magazine, March 18 2005

Ten: Why the Ten Commandments Make for Such Messy Law, Slate Magazine, October 15, 2004 (reprinted on May 2, 2005)

American System Requires Sunshine, Richmond Times-Dispatch, March 13, 2005

You Say Napster, I say Grokster: What Do You Do When Technology Outpaces the Law? Slate Magazine, December 13, 2004

Blinding Justices: Does the Constitution Allow Us to Scrap the Courts? Slate Magazine, November 4, 2003

The Paladin Case and the Limits of Protection for Violent Speech, in Violence and the Media, The First Amendment Center, 33-37 (2001)

Book Review, The Origins of the Bill of Rights (Leonard W. Levy), William and Mary Quarterly, October 2000, at 891-93

Prayer Has No Place in Public Schools: Ideals of Religious Freedom Hurt by Two Virginia Measures, Norfolk Virginian Pilot, Sunday, March 19, 2000

Virginia Court Undercut Fair Housing, Roanoke Times, January 20, 2000

First Amendment Vouchers May Pass Muster, Norfolk Virginian-Pilot, October 18, 1999

The Fact - Opinion Distinction Since Milkovich, Libel Defense Resource Center Libel Survey 1999

Court Permits Suit to Go Forward in "Natural Born Killers" Case, 1999 The First Amendment and the Media 113 (1999)

Court Holds Reporter in Contempt for Publishing Sealed Settlement Materials, 1999 The First Amendment and the Media 129 (1999)

Impeachment The Richmond Times-Dispatch December 1999

Free Air Time for Candidates and the First Amendment, The Media Institute (1998)

Book Review, Summer of the Gods, by Edward J. Larson, New York Times Book Review (October 6, 1997)

The Poor Image of the Profession and the Ethical Pressures on the Modern Lawyer, Journal of Social Responsibility: Business, Journalism, Law, Medicine vol. XXIII, p. 42 (1997)

Restoring Religious Freedom, Richmond Times Dispatch, February 2, 1998

Book Review, How Free Should Speech Be?, review of Free Speech in the College Community, by Robert T. O'Neil, in Planning for Higher Education, p. 25, Fall 1997

Freedom of Speech for Libraries and Librarians, Law Library Journal, vol. 85, no. 1, (Winter 1993)

A First Amendment Defense of Pornography, The World & I (December 1992)

Drawing Lines: Logic and Language Can Help When Separating Private from Public Information, Presstime (November 1992)

At Issue: Does Media Coverage Influence the Outcome of Judicial Decisions? ABA Journal (October 1992)

Virginia Puts the First Amendment on Trial, in Virginia and the Constitution (1992)

The Government as Speaker and Government Funding of Expression, in Visions of the First Amendment for a New Millennium (1992)

Making Space for the Foulest of Satire, in Essential Liberty: First Amendment Battles for a Free Press, Columbia University School of Journalism (1992)

Cohen Decision Offers "Great Potential for Mischief" from Disgruntled Sources, The Bulletin, American Society of Newspaper Editors, at 24 (October 1991)

Legacy: A Conversation with James Madison, 77 American Bar Association Journal 50 (August 1991)

What Content Restrictions Can Congress Place on NEA Grants, 77 American Bar Association Journal 37 (June 1991)

Hustler Magazine v. Jerry Falwell, in Oxford Companion to the Supreme Court (1991)

When Money Talks: Corporate Campaign Expenditures and the First Amendment, in 1991 Free Speech Yearbook

When a Quote is Not a Quote, Trial Magazine (January 1991)

The Bill of Rights, the Courts, and the Law, (Case Abridgments and Commentary by A.E. Dick Howard, Robert M. O'Neil, Josephine Pacheco, Rodney A. Smolla, and Melvin Urofsky) (Published by the Virginia Foundation for the Humanities and Public Policy, 1991)

The First Amendment and the Virtues of an Open Society, in A Time for Choices, Published by The First Amendment Congress (1991)

Private Discrimination and the Constitution, in Encyclopedia of the American Constitution (1990)

Grand Jury Secrecy, Trial Magazine (July 1990)

Specialist Advertising and the First Amendment, Trial Magazine (August 1990)

Free Speech Afire With Controversy, 25 Trial Magazine (December 1989)

Reform Libel Law? Yes, 75 American Bar Association Journal 41 (April 1989)

A Better Way to Repair Press Breaches, 11 Legal Times (February 6, 1989)

A Streamlined, Rational Way to Handle Libel Disputes, Chicago Tribune (January 2, 1989)

Beware the Charge of Seditious Conspiracy, San Francisco Banner Daily Journal, (March 30, 1988)

Foreword: Littlewood, Coals of Fire: The Alton Telegraph Case, Southern Illinois University Press (1988)

Foreword: Libel Defense Resource Center 50-State Survey, (1988)

How Should We Celebrate the Constitution?, New York Times (January 25, 1987)

A Reporter's Guide to the Law of Defamation in Arkansas Media Law Handbook (1987)

Freedom of Speech Must Apply to All, Arkansas Gazette (May 27, 1987)

A Little South of the Law, Southern Magazine (October 1987)

Defamation in the Workplace, ABA TIPS (1986)

New Perspectives on Defamation, 25 Free Speech Yearbook 157 (1986)

Integration Maintenance: A Constitutional and Statutory Analysis, Issues in Housing Discrimination, U.S. Commission on Civil Rights, vol. I (1986)

Why Has the Media Become a Litigation Target and What's to be Done?, in Media Insurance and Risk Management (1985)

Self-Love and Libel, The Washington Monthly (November 1983)

Last in War, Peace, and the Supreme Court, Review of Exiled in the Land of the Free by Oren Lyons, et al., New York Times Sunday Book Review (April 11, 1993)

Gertz v. Robert Welch, Inc.: The Story of a Landmark Libel Case, Book Review in Trial Magazine, (January 1993)

Reagan's Friend in Court, Review of Order and Law, by Charles Fried, New York Times Book Review (May 19, 1991)

A Worthy Tradition, American Bar Association Journal, (February 1988)

One Judge, One Vote -- The Burger Years, The New York Times Book Review (June 21, 1987)

Zechariah Chafee, Jr.: Defender of Liberty and Law, Academe (May-June 1987)

The First Liberty: Religion and the American Republic, 4 Constitutional Commentary 204 (1987)

A Chilling Effect, Trial Magazine, (December 1987)

### **Fiction Writing**

"When the Thunders Awfully Roar" – The Treason Trial of Aaron Burr (2006) (play scheduled for performance in Richmond in 2007, marking 200<sup>th</sup> anniversary of trial)

The Trial of Oliver Wendell Holmes (1994) (play)

Flynt and Brimstone (1991) (play)

The Supreme Court and the Temple of Doom: A Short Story, 2 Constitutional Commentary 41 (1985)

Report of the Coalition for a New America: Platform Section on Communications Policy, 1993 Univ. of Chicago Legal Forum 149 (1993)

Harlot's Ghost and JFK: A Fictional Conversation with Norman Mailer, Oliver Stone, Earl Warren, and Hugo Black, 26 Suffolk Law Review 587 (1992)

### **Performances of Dramatic Works**

The Trial of Oliver Wendell Holmes (1994) (A Play) (Performed at U.C.L.A. Law School in 1994, and William and Mary Law School in 1995)

Flynt and Brimstone (A Play) (Unpublished) (1991) (Performed in New York by New York Stage and Film at a Reading in 1991)

### **SELECTED SPEECHES AND PRESENTATIONS**

“Are We Failing to Properly Educate and Mentor Law Students and New Lawyers?” Keynote Speech, I’ Anson-Hoffman American Inn of Court XXVII, May 9, 2007

“Justice for Virginia’s Indian Tribes,” Keynote Speech, Virginia Department of Historic Resources Reception for Virginia Indian Tribal Leaders, Virginia Historical Society, Richmond, Virginia, April 12, 2007

“Making Sense of the Senseless, the Virginia Tech Tragedy,” Keynote Speech, Commonwealth Education Law Conference, Williamsburg, Virginia, April 12, 2007

Moderator, Rule of Law Conference, University of Richmond, Richmond Virginia, April 11, 2007

Panelist, “The Magna Carta and the Four Foundations of Freedom,” Virginia Museum of Contemporary Art, Virginia Beach, Virginia, April 10, 2007

“How Has the Legal Profession Changed in the Last 100 Years and What How Should Law Schools Respond to those Changes?” Keynote Address, Ted Dalton American Inn of Court, Roanoke, Virginia, April 9, 2007

“The Changing Legal Profession and The Changing American Law School,” Hunton & Williams Luncheon, Richmond, Virginia, February 22, 2007

“The Supreme Court,” Valentine Museum, Virginia History Center,

Richmond, Virginia, TAH Grant, Hampton Public Schools, February 3, 2007

“Equality and Race in Public Schools,” Issues in Leadership Series  
Or Chesterfield County Public School Administrators, University of  
Richmond Center for Leadership in Education, Richmond, Virginia,  
December 15, 2006

“The Supreme Court”, John Marshall Foundation and “We the  
People” Teachers Program, Richmond, Virginia, October 29, 2006

Moderator, Annual Mattox Debate, “The Virginia Marriage  
Amendment,” Richmond, Virginia, October 23, 2006

Moderator, “Preserving the Chesapeake: Law, Ecology, and the  
Bay,” University of Richmond School of Law Richmond, Virginia,  
October 20, 2006

Program Moderator, “Religion in Public Schools,” Council for  
America’s First Freedom, Richmond Virginia, October 12, 2006

“The Trial of Oliver Wendell Holmes,” Local Government Attorneys  
Conference (commentary on performance of Rod Smolla’s play),  
October 7, 2006

“Indian Law and Culture Through History,” Virginia Indians: 400  
Years of Survival: An Educational Conference, Williamsburg,  
Virginia, October 6, 2006

“Perspectives on the Marriage Amendment,” Jewish Community  
Center of Richmond, Richmond, Virginia, October 6, 2006

“Prosecution of Journalists for Publication of Classified National  
Security Information,” Washington & Lee University, Commentary  
on Charles Rowe Lecture, Lexington, Virginia, September 29, 2006

“File Sharing, Downloading, Copyright, and Fair Use,” Virginia Tech  
University, Blacksburg, Virginia, September 26, 2006

“Free Speech in Public Schools,” Constitution Day Program, Maggie  
L. Walker Governor’s School for Government and International

Studies, September 18, 2006

Program Moderator, “Reflections: Five Years Since 9-11” Town Hall Meeting, University of Richmond Center for Civic Engagement, A More Perfect Union, School of Law, Office of the Chaplaincy, Office of International Education, Richmond, Virginia, September 11, 2006

“Review of Supreme Court Term,” Southeastern Association of American Law Schools Conference, Palm Beach, Florida (June 16, 2006)

“Protecting Journalists’ Sources: United States Lessons for Australia?”, Centre for Media and Communications Law, University of Melbourne, Sydney, Australia (June 29, 2006) & Melbourne, Australia (June 28, 2006)

Testimony, Hearing Before the Senate Judiciary Committee, “Examining DOJ’s Investigation of Journalists Who Publish Classified Information: Lessons from Jack Anderson Case,” United States Senate, June 6, 2006

“United States Supreme Court Update,” Spring 2006 Joint Federal-State Judicial Conference, Charleston, West Virginia, May 4, 2006

“Executive Power—In Peace and War,” Men’s Club Luncheon, Cederfield, Henrico County, Virginia, May 2, 2006

“Sources of Constitutional Power and Separation of Powers,” Virginia General Assembly, Virginia State Bar Law School for Legislators Program, Richmond, Virginia, April 18, 2006

“John Marshall and the Judicial Review,” Hampton City Schools Teaching American History Grant, Valentine Museum, Richmond Virginia, April 8, 2006

“Children, Violence, and the First Amendment: Music, Movies, and Video Games,” University of Richmond Alumni College Session #5, Richmond, Virginia, March 31, 2006

“Newsroom Confidential: The Debate Over Protecting Journalists

and Their Sources,” Moderator, University of Richmond Law School Academic Festival 2006, Richmond, Virginia March 30, 2006

“Invasions of our Freedoms: Where are We Headed with Privacy Rights?” Moderator, University of Richmond Law School Academic Festival 2006, Richmond, Virginia March 29, 2006

“Pro Bono Service and Civic Engagement,” Keynote Speaker, Troutman Sanders Pro Bono Awards Luncheon, Richmond Virginia, March 20, 2006

“The Jyllands-Posten Muhammed Cartoons Controversy,” Old Dominion Bar Association, Richmond, Virginia, March 16, 2006

“Congress and the Judiciary: Continuing the Dialogue,” Panel Moderator, American Bar Association Meeting, Chicago, Illinois, February 11, 2006

“We the People,” Presentation to Competitors, Maggie Walker Governor’s School, Richmond, Virginia, February 7, 2006

“Legal Issues in School Leadership,” Issues in Leadership Series for Chesterfield County Public School Administrators, University of Richmond Center for Leadership in Education, Richmond, Virginia, January 31, 2006

“Dialogue on Constitutional Issues Involving the Judiciary,” Moderator, Virginia Bar Association / Virginia State Bar General Session, VBA Meeting, Williamsburg, Virginia, January 21, 2006

“American Indian Law and Policy,” Joint Program of Virginia Council of Churches and Virginia Indian Leaders, Williamsburg, Virginia, November 17, 2005

Legislative Testimony, “Pornography and Obscenity on the Internet and First Amendment Constraints,” United States Senate, Committee on the Judiciary, Subcommittee on the Constitution, November 10, 2005

“Separation of Church and State: the Lessons of ‘Inherit the Wind,’”

Virginia Film Festival, Charlottesville, Virginia, October 28, 2005

“The Supreme Court in American Culture,” St. Christopher’s High School, Richmond Virginia, October 26, 2005

“The Supreme Court Nomination Process,” Commonwealth Women’s Club, Richmond, Virginia, October 19, 2005

“Judicial Independence,” Rotary Club, Richmond, Virginia, October 12, 2005

Moderator, “The Art of Judging: A Tribute to Judge Robert Merhige,” University of Richmond, October 7, 2005

“The Trial of Ulysses,” University of Richmond, September 27, 2005

“Supreme Court Preview,” College of William and Mary, Marshall-Wythe School of Law, Williamsburg, Virginia, September 24, 2005

“Was Marbury v. Madison Correctly Decided?” John Marshall Foundation, Richmond, Virginia, September 23, 2005

“Judicial Selection and the Supreme Court,” University of Richmond, September 12, 2005

“Hate Crimes,” University of Richmond, September 7, 2005

Judicial Training for Newly Appointed Virginia Judges, “Constitutional Law” Williamsburg, Virginia, June 28, 2005

Media Coverage in Capital Murder Cases, Circuit Judges Training Conference, Supreme Court of Virginia, Richmond, Virginia, June 22, 2005

“Ethical and Legal Issues in Fundraising” Panelist, American Bar Association Conference for Law Deans and Development Officers, Jackson Hole, Wyoming, June 3, 2005

“The Rule of Law,” American Arbitration Association Board of Directors Luncheon, Dublin, Ireland, May 18, 2005

“The Supreme Court,” Jewish Community Center Luncheon Series, May 16, 2005

“Law Day Keynote Address,” Roanoke Bar Association Law Day Luncheon, Roanoke, Virginia, May 2, 2005

“Keynote Address,” Virginia Education Conference Luncheon, Norfolk, Virginia, April 28, 2005

“After Dinner Remarks,” Henrico Bar Association Banquet, Richmond, Virginia, April 22, 2005

“Keynote Speech,” Phi Beta Kappa Dinner Banquet, Richmond, Virginia, April 15, 2005

“Free Speech, Violence, Terrorism, and War: The First Amendment in Times of Stress” Hugo Black Lecture on Freedom of Expression, Wesleyan University, April 12, 2005

“The Supreme Court,” St. Christopher’s High School, Richmond, Virginia, April 4, 2005

Keynote Address for University of Arkansas Law Review Banquet and Moot Court Finals Judge, University of Arkansas, Fayetteville, Arkansas, March 31, 2005

Panelist, Governor’s School High School, Richmond, Virginia, March 4, 2005

“Free Speech and Terrorism,” Christopher Newport College, Newport News, Virginia, February 1, 2005

Moderator, “Time for Dialogue Between Congress and the Federal Judiciary,” American Bar Association Mid-Year Meeting, Salt Lake City, Utah, February 12, 2005

“Violence and the First Amendment,” and Scholar-in-Residence, Collegiate High School, Richmond Virginia, January 19, 2005

Panelist, “Strategic Law Suits Against Participation,” Pasadena, California, November 5, 2004

Panelist, Handling Media Issues in High-Profile Cases, Bench Bar Conference, Richmond, Virginia, October 20, 2004

“Commercial Speech,” Virginia Bar Association Corporate Law Section Forum, Richmond, Virginia, October 18, 2004

Luncheon Speaker, Federal Bar Association Luncheon, Richmond, Virginia, October 12, 2004

Speaker, Virginia Court of Appeals Retreat, Wintergreen, Virginia, October 6, 2004

Panelist, Poetry and Professional Life, University of Richmond, October 1, 2004

Luncheon Speaker, Richmond Rotary Club, June 30, 2004

Keynote Speaker, Law Day Luncheon, Richmond Bar Association, May 3, 2004

Luncheon Speaker, Men’s Club, Williamsburg, Virginia, April 27, 2004

Introduction of ABA President Robert Grey, “Brown v. Board of Education,” Virginia Education Conference, Virginia Commonwealth University, April 15, 2004

Speaker, Tribute to William Van Alstyne, Duke University School of Law, Durham, North Carolina, April 17, 2004

“Civil Liberty and Terrorism,” Norfolk State University, Norfolk, Virginia, April 9, 2004

Legislative Testimony, North Carolina Legislature, Select Committee on Preventing Unjust Profiteering from Crime, March 31, 2004

Panelist, “Brown v. Board of Education,” Virginia Book Festival, Charlottesville, Virginia, March 26, 2004

Moderator, Virginia Poverty Law Center Conference, Richmond, Virginia, March 16, 2004

“The Do-Not-Call-List Controversy,” James Koley Lecture, Creighton University Law School, Omaha, Nebraska, February 26, 2004

Luncheon Keynote Speaker, Virginia State Bar Criminal Law Section, Charlottesville, Virginia, February 6, 2004

Keynote Speaker, Richmond College Senior Banquet, Richmond, Virginia, February 3, 2004

Panelist, Separation of Church and State, Virginia Bar Association Mid-Year Meeting, Williamsburg, Virginia, January 16, 2004

Luncheon Speaker, Fredericksburg Bar Association, Fredericksburg, Virginia, November 24, 2003

Federalist Society Panelist, Richmond, Virginia, November 20, 2003

Keynote Speaker, Ginter Presbyterian Church, Richmond Virginia, November 16, 2003

“Town and Gown” Keynote Luncheon Speaker, Williamsburg, Virginia, November 13, 2003

Keynote Speaker, Richmond Unitarian Church, Richmond, Virginia November 2, 2003

“Law of Advertising,” Virginia Bar Association Corporate Counsel Section, Richmond, Virginia, October 27, 2003

Moderator of Panel on Judicial Independence, Richmond Bar Association Luncheon, Richmond, Virginia, October 16, 2003

“SLAPs Litigation: National Perspectives,” Conference on SLAP Suit Litigation, Mealey-Lexis and California Bar, Pasadena, California, May 12, 2003

“Law and the Good Life,” John Marshall Inns of Court Annual Banquet, May 7, 2003, Richmond, Virginia

“Protection of Reputation in the United Kingdom and the United States: A Comparison of English Common-Law and American Constitutional Law Responses,” Cambridge University, Emmanuel College, Cambridge, England, July 16, 2002

“Recent Developments in Constitutional Law,” Virginia Supreme Court Judicial Training Conference,” Charlottesville, Virginia, July 24, 2002

Moot Court and Class Discussion, Virginia v. Black, American University School of Law, Washington D.C., December 4, 2002

Luncheon Talk on Virginia v. Black, Jepson School of Leadership Studies, November 18, 2002

Moot Court and Class Discussion, Virginia v. Black, College of William and Mary School of Law, November 5, 2002

“Moot Court and Town Meeting on Virginia v. Black,” Nova Southeastern University, Ft. Lauderdale, Florida, September 27, 2002

Panelist on Constitutional Issues Posed by War on Terrorism and Islamic Groups, George Mason University, Fairfax, Va., September 25, 2002

“Terrorism and the Bill of Rights” Panelist / Debater, Hampton-Sydney University, September 12, 2002

“Will September 11 Change the Constitution?” panelist, American Bar Association Annual Convention, Washington, D.C., August 10, 2002 (broadcast on C-Span)

“Supreme Court Decisions,” Virginia Supreme Court District Judges Conference, Virginia Beach, Virginia, August 12, 2002

“Constitutional Law” Virginia Supreme Court Summer Judicial Institute, Charlottesville, Virginia June 25, 2002

“Harmonizing Copyright, The Constitution, and The Public Interest,” panelist, The Copyright Society of the United States Annual Meeting, Lake George, New York, June 10, 2002.

“Recent Developments in the United States Supreme Court,” Judicial Conference of Virginia, Williamsburg, Virginia May 14, 2002

“Violence and the First Amendment,” Faculty Enrichment Colloquium, Widener University Law School, Wilmington, Delaware, April 18, 2002

Town Meeting Moderator, “Political Assassination as an Instrument of National Policy,” Allen Chair Symposium, University of Richmond Law School, Richmond, Virginia, April 11, 2002

“The Hit Man” Case, Duke University School of Law, Durham, North Carolina, March 7, 2002

“The Tension Between Combating Terrorism and Preserving Civil Liberties,” Federal Bar Association Luncheon, Richmond, Virginia February 26, 2002

“Privacy and Defamation” Loyola Law School Symposium, “Tune-In, Turn On, Cop Out? The Media and Social Responsibility, Los Angeles, California, February 22, 2002

American Association of University Professors Libel and Privacy Seminar on AAUP Publications, Washington, D.C., January 24, 2002

“Privacy and the First Amendment,” Lecture and Seminar, Leo Goodwin Sr. Visiting Chair in Law Lecture Series on Media Intrusiveness into Private Lives, Nova Southeastern University Law School, Ft. Lauderdale, Florida, January 16-17, 2002

“Terrorism, Ethics, and the First Amendment,” Collegiate High School Seminar, Richmond, Virginia, January 10, 2002

The First Amendment and New Communications Technologies, the Media Institute, Washington, D.C., November 16, 2001

The First Amendment and Aggressive Journalism, University of Maryland School of Journalism, College Park, Maryland, November 6, 2001

The First Amendment and the Terrorist Attack of September 11, 2001, Board of Directors Banquet, Sweet Briar College, Sweet Briar, Virginia, November 1, 2001

The First Amendment and the Link of Speech to Violence, Syracuse University Endowed Lecture Series, October 26, 2001, Syracuse, New York

“The Terrorist Attack of September 11: Law and Morality” Association of Legal Assistants, Richmond Virginia, September 19, 2001

Defamation and Privacy Seminar, Association of American University Professors, August 24, 2001, Washington D.C.

“Recent Developments in Constitutional Law,” 2000 Judicial Institute & New Judges Training, Virginia Supreme Court, June 28, 2001

Libel, Privacy, and Ethics Seminar, Virginia Press Association, Richmond Virginia, April 6, 2001

Allen Symposium, Lawyer Advertising in the Modern Electronic Age, University of Richmond, Richmond, Va., April 5, 2001

Federalism and the 2000 Election, Federal Bar Association, Richmond Virginia, March 21, 2001

Moderator, Truth, Spin, the Media, and Politics, the 2000 Election, Panel with Molly Ivins, University of Richmond, January 17, 2001

The First Amendment Rights of Librarians,” 2000 Indiana Library Federation Annual Conference, March 15, 2000, Indianapolis, Indiana

“A First Amendment First: The Hit Man Murder Manual,” 2000 Indiana Library Federation Annual Conference, March 15, 2000, Indianapolis, Indiana

“First Amendment Issues of Interest,” Region Three Judges Meeting, Willow Oaks Country Club, Richmond, Virginia, March 17, 2000

“The Book Made Me Do It!” University of Virginia, Festival of the Book, Charlottesville, Virginia March 24, 2000

“Recent Developments in Constitutional Law,” 2000 Judicial Institute & New Judges Training, Virginia Supreme Court, June 30, 2000

“Privacy, Paparazzi, and the Press,” American Bar Association Annual Meeting, London, England, July 18, 2000

“The First Amendment,” ABA Appellate Judges Seminar, Asheville, North Carolina, September 18, 2000

“Freedom of Speech and the Hitman Case,” Virginia Library Association, Norfolk, Va. October 19, 2000

“Constitutional Burnout,” Richmond Bar Association, Richmond Virginia, October 26, 2000

“Defamation, Corporate Campaigns, and Employee Speech,” Panel Moderator, American Association of Law Schools Annual Meeting, New Orleans, La., January 7, 1999

“The Media and Privacy,” Virginia Bar Association Young Lawyers Division Town Meeting, Panelist, January 11, 1999

“Origins and History of the 10<sup>th</sup> and 11<sup>th</sup> Amendments,” Constitutional Rights and Responsibilities Section Annual Meeting,

North Carolina Bar Association, January 29, 1999, North Carolina Bar Center, Cary, North Carolina

“Religious Freedom and the First Amendment,” River Road Church, Baptist, February 3, 1999

“The First Amendment and the Right to Gather News,” George Washington University Law Center, Symposium on Privacy and the Law, February 12, 1999, Washington, D.C.

“Moral Dilemmas,” Morning Chapel Service, St. Christopher’s School, February 24, 1999, Richmond, Virginia

“The Future of Free Exercise: Is a Remedy Necessary,” Conference on Up Against the Wall the Church State Debate, Americans United for Separation of Church and State, Richmond, Va., March 26, 1999

“CyberCensor,” Virginia Association of Law Libraries Annual Meeting, Charlottesville, Va. March 27, 1999

Panelist and Moderator, “The Internet and Campaign Finance Law,” Democracy On-Line Project, George Washington University, March 29, 1999, Washington, D.C.

“Faith the Marketplace, and the First Amendment” University Pulpit Series, Pace Memorial United Methodist Church, April 18, 1999, Richmond, Va.

“The Constantly Evolving 1<sup>st</sup> Amendment,” Virginia District Judges Conference, Williamsburg, Virginia, April 19, 1999

“Jerry Falwell v. Larry Flynt, The First Amendment on Trial,” River Road Church, Baptist, April 21, 1999

“The Culture of Violence,” John Marshall American Inn of Court Annual Banquet, Richmond, Virginia, April 28, 1999

“Violence on the Internet,” Association of the Bar of the City of New York, New York, New York, May 20, 1999.

Panelist, “A Public Service Role for the Press,” Thomas Jefferson Center for the Protection of Freedom of Expression, University of Virginia, Charlottesville, VA, June 15, 1999

“Developments in Constitutional Law,” Supreme Court of Virginia, Judicial Institute, Charlottesville, Va. June 21, 1999.

“The Book Made Me Do It,” Address to the American Library Association Annual Conference, New Orleans, La., June 28, 1999.

“Access v. Privacy: The Case of the Mississippi State Sovereignty Commission,” Panel Discussion at the Association of American Law Librarians Annual Convention, Washington D.C., July 19, 1999

“Murder by the Book,” Politics and Prose Bookstore, Washington, D.C., July 19, 1999 (shown on C-Span)

“The Dark Side of Freedom of Speech,” CLE Lecture, University of Richmond, September 17, 1999

“Brown v. Board of Education: 45<sup>th</sup> Anniversary,” Northwestern University Law School and American Bar Association Museum of Law, September 22, 1999

“Back to First Principles: New York Times v. Sullivan,” Newspaper Association of America, National Association of Broadcasters, and Libel Defense Resource Center Convention, Arlington, Virginia, September 23, 1999

“The Dilemma of Declaring Rights in America,” Lecture at Historic Christ Church, Irvington, Virginia, September 20, 1999

“Violence & the Media: Looking for wrong in all the right places?” Columbia University Graduate School of Journalism, New York, New York October 7, 1999

“The *Hit Man* Case,” Northwestern University School of Law and Medill School of Journalism, Chicago and Evanston Illinois, October 11, 1999

“Separation of Church and State,” Fall Convocation, Virginia Wesleyan College, Norfolk - Virginia Beach, Virginia, October 19, 1999

“The Landmark Hit Man Case: A Test of the First Amendment,” W. E. Chilton, III Leadership Lecture Series, Marshall University Graduate College Foundation, Charleston, West Virginia, Monday October 25, 1999 (received 1999 Chilton Lecture Award)

“Violence and the First Amendment, The Hit Man Case,” Virginia Bar Association 1999 Boyd-Graves Conference, Williamsburg, Virginia, October 29, 1999

“The Constitutionality of Mandatory Public Service Programs,” Duke University, Durham, North Carolina, November 11, 1999

“Media Violence, Proximate Cause, and the First Amendment,” Chase College Foundation and Northern Kentucky Law Review Symposium, Covington, Kentucky, November 20, 1999

“The First Amendment and the *Rice v. Paladin* Case, The University of Virginia, Thomas Jefferson Center for the Protection of Free Expression, Charlottesville, Virginia, November 30, 1999

“International Perspectives on Media Violence,” University of Richmond Political Science Department Symposium, Richmond, Virginia, December 4, 1999

“Media Violence,” The Freedom Forum, Washington, D.C., December 10, 1999

The “Hit Man” Case, Association of American Law Librarians Annual Convention, Anaheim, July 1998

“Inaugural Lecture,” University of Richmond, September 1998

“The Future of the First Amendment,” Woodrow Wilson Center, Washington, D.C., May 8, 1998

“Will Tabloid Journalism Ruin the First Amendment for the Rest of Us?” DePaul University School of Law, Chicago, Illinois, April 24, 1998

“Affirmative Action in Higher Education,” Affirmative Action Workshop, College of William and Mary, Williamsburg, Virginia, February 19, 1998

“The First Amendment, the Religious Freedom Restoration Act, and the Evolving Legal Standards Protecting the Free Exercise of Religion,” The Center for the Study of Religious Freedom, Virginia Wesleyan College, Virginia Beach, Virginia, February 3, 1998

“A First Amendment Critique of Proposals for Free Air Time for Political Candidates,” The Media Institute, Washington, D.C., January 28, 1998

“Holy Wars: Church and State in America” Virginia Bar Association Annual Meeting, Williamsburg, Virginia, January 23, 1998

“The Courts and the Media: Issues, Solutions, and Information,” North Carolina Judicial Conference, Raleigh, North Carolina, December 5, 1997

“The People v. Larry Flynt: The First Amendment and the Hustler Magazine Case,” Drake University Law School Distinguished Lecture Series, Drake University, Des Moines, Iowa, November 20, 1997

“Libraries, Indecency, and the Internet,” Virginia Commonwealth University, Richmond, Virginia, November 12, 1997

“Jerry Falwell v. Larry Flynt,” Thomas Jefferson Center for the Protection of Free Expression,” University of Virginia School of Law, Charlottesville, Virginia, November 1, 1997

“The Linkage of Freedom in Financial, Political, and Cultural Marketplaces,” Conference on Central and Eastern European Banking and Finance, Warsaw, Poland, October 23, 1997

“From Paparazzi to Hidden Cameras: The Aggressive Side of a Free and Responsible Press,” University of Illinois College of Law, Champaign, Illinois, October 10, 1997

“Murder Manuals and the First Amendment,” Society of Professional Journalists, University of Richmond, T.C. Williams School of Law, Richmond, Virginia, September 26, 1997

“Rice v. Paladin Press,” Distinguished Scholar-in-Residence Series, University of South Carolina School of Law, Columbia, South Carolina, September 12, 1997

"Books Published with a View to A Kill: Freedom of Speech and Criminal Instruction Manuals," Paper Presented to Sharp Conference, Cambridge, England, July 6, 1997

"The First Amendment, the FCC, and the Content-Based Regulation of Broadcasting," Citizens for a Sound Economy Congressional Staff Forum, Washington, D.C., May 13, 1997

"Commercial Speech and the FDA" Annual Convention of Pharmaceutical Manufacturers, May 2, 1997

"Tabloid Journalism," ABA Communications Law Conference, Boca Raton, Florida, February 8, 1997

"The Legal System," The Richmond Forum, Richmond, Virginia, April 19, 1997

"The Culture of Regulation," Conference on the State of the First Amendment, The Media Institute and Catholic University of America Law School, March 5, 1997, Washington, D.C.

"Commercial Speech," Federal Communications Bar Association Continuing Legal Education Forum on Commercial Speech, Washington, D.C., March 19, 1997

"America's First Freedom: A Conversation with Thomas Jefferson," Religious Freedom Day, Council for America's First Freedom, Virginia House of Delegates, Richmond, Virginia, March 23, 1997

"Nine Justices and History: The Evolution of Commercial Speech Protection in America," Address before the American Association of Advertising Agencies, Washington, D.C., June 17, 1997

"Defamation, Invasion of Privacy, and Infliction of Emotional Distress in the Context of Talk Radio," Address before the Annual Convention of the National Association of Radio Talk Show Hosts, Los Angeles, California, June 20, 1997

"Richmond Newspapers v. Virginia," The Thomas Jefferson Center for the Protection of Free Expression, the University of Virginia, November 9, 1996

"The Poor Image of the Profession and the Ethical Pressures on the Modern Lawyer," Washington and Lee University, Lexington, Virginia, November 1, 1996

"Children's Television," American Bar Association Presidential Showcase Forum, ABA Annual Meeting, Orlando, Florida, August 1996

"Do Hostile Environment Sexual and Racial Harassment Claims under Title VII of the Civil Rights Act of 1964 Violate the First Amendment?" William and Mary Reunion Weekend, May 18, 1996

"Plessy v. Ferguson After 100 Years," Georgia State University School of Law, Atlanta, Georgia, March 1996

"Violence and the First Amendment," William and Mary Alumni Society, November 1995

"Free Trial and Fair Press," National Conference of Women Judges Annual Convention, Atlanta, Georgia, October 1995

"Emerging Issues in Newsgathering," Annenberg Washington Program in Communications Policy Studies of Northwestern University, Washington, D.C., June 1995

“The Doctrine of Unconstitutional Conditions,” University of Denver Law Review, University of Denver, Denver, Colorado, March 1995

“The Moral Dilemma’s of Lawyering,” Yale University, Scroll and Key Society, February 1995

"Harlot's Ghost and JFK," William and Mary Academic Festival, Williamsburg, Virginia, October 22, 1994

“Recent Developments in Mass Media,” The Annenberg Washington Program of Northwestern University Summer Faculty Workshop, Washington, D.C., June 1994

“The Cardinal Bernadin Affair,” Northwestern University School of Law and Medill School of Journalism, Chicago, Illinois, May 1994

"Recent Developments in the First Amendment," Federal Judicial Center Workshop for the United States Court of Appeals and District Courts in the Third and Fourth Circuits, Charlottesville, Virginia, March 22, 1994

"Sex, Violence, and Videotape," Virginia Commonwealth University Honors Lecture, Richmond, Virginia, February 24, 1994

"Seminar on the First Amendment," City Attorneys of Norfolk and Virginia Beach, Williamsburg, Virginia, February 4, 1994

"The Trial of Oliver Wendell Holmes," U.C.L.A. Law School, University of California at Los Angeles, Los Angeles, California, November 16, 1993

"Commercial Speech," Chancellor's Lecture, University of North Carolina at Greensboro, Greensboro, North Carolina, November 9, 1993

"Libel Reform," The Annenberg Washington Program in Communications Policy Studies of Northwestern University, Washington, D.C., October 29, 1993

"Newsgathering in the International Marketplace," International Bar Association Annual Convention, New Orleans, Louisiana, October 10, 1993

"A Schematic Overview of the Modern First Amendment," Libel Defense Resource Center, National Association of Broadcasters, Newspaper Publishers Association, Reston, Virginia, October 9, 1993

"The Plaintiff's Perspective in Libel Suits," Libel Defense Resource Center, National Association of Broadcasters, Newspaper Publishers Association, Reston, Virginia, October 8, 1993

"Leadership and the Bill of Rights," Virginia Executive Institute Conference, Williamsburg, Virginia, October 5, 1993

"The Courts and the Press," National Center for State Courts, Williamsburg, Virginia, September 20, 1993

"The Supreme Court Preview," Institute of Bill of Rights Law, Williamsburg, Virginia, September 17, 1993

"The Confirmation Process," Christopher Wren Society, Williamsburg, Virginia, September 14, 1993

"The Constitution in the Year 2020," Administrative Law Judges Annual Convention, Williamsburg, Virginia, September 12, 1993

"The First Amendment," Commonwealth College, Newport News, Virginia, September 8, 1993

"Teaching Constitutional Law," Association of American Law Schools Conference on Constitutional Law, Ann Arbor, Michigan, June 14, 1993

"The Media and the Courts," Annual Circuit Conference, United States Court of Appeals for the Fifth Circuit, Corpus Christi, Texas, May 13, 1993

"The Contributions of Alexander Meiklejohn to the First Amendment," First Annual Alexander Meiklejohn Memorial Lecture, University of Wisconsin, Madison, Wisconsin, April 30, 1993

“Worth a Take: Television Journalism--Virginia Center for Media and Culture,” Williamsburg, Virginia, April 3, 1993

“The Supreme Court and Freedom of Speech,” AALS Mini-Workshop, AALS Annual Meeting, New Orleans, Louisiana, January 1993

“Recasting the Past: How Artists Interpret History,” The Virginia Festival of American Film, Charlottesville, Virginia, October 31, 1992

“A Free and Responsible Press,” University of Chicago Law School, Chicago, Illinois, October 1992

“Information Policy and the Electronic Bill of Rights,” Virginia Council on Information Policy, September 10, 1992

“A Conversation With Justices White and Stevens,” Annual Circuit Conference, United States Court of Appeals for the Eighth Circuit, Colorado Springs, Colorado, July 1992

“The Press and the Courts,” Arizona Judicial Conference, Tucson, Arizona, June 25, 1992

“Offensive Speech,” Virginia Commonwealth University, Richmond, Virginia, June 23, 1992

“Ethical Problems in Free Speech Jurisprudence,” Hollins Institute for Ethics and Public Policy, Roanoke, Virginia, June 13, 1992

“Racial Discrimination and the Anatomy of Prejudice,” Virginia Endowment for the Humanities and Public Policy, Charlottesville, Virginia, May 30, 1992

“The Bill of Rights, the Courts, and the Law,” Seminar for the Virginia Endowment for the Humanities and Public Policy, Charlottesville, Virginia, May 30, 1992

“The Private Lives of Public Figures,” Yale University School of Law, New Haven, Connecticut, March 1992

“Free Speech,” Virginia State Library Association, Richmond, Virginia, December 5, 1991

“Libel Seminar,” Greensboro News and Record, Greensboro, North Carolina, November 20, 1991

“First Amendment Congress: Debate With Kenneth Starr on ‘Judicial Activism,’” Richmond, Virginia, October 28, 1991

“Libel Reform,” Libel Defense Resource Center and the National Association of Broadcasters, Reston, Virginia, September 26, 1991

“Censorship and Community,” League of Women Voters, Old Dominion University, Norfolk, Virginia, September 12, 1991

“Europe and the American Bill of Rights,” United States Information Agency Conference, Williamsburg, Virginia, September 8, 1991

“The Individual and Society,” District Judges Association, Virginia Beach, Virginia, August 27, 1991

“Civil Rights Law,” Annual Conference for the United States Court of Appeals for the Tenth Circuit, Sedona, Arizona, July 18, 1991

“Hate Speech and the University,” National Association of College and University Attorneys National Convention, Montreal, Canada, June 16, 1991

“Recent Developments in the First Amendment,” Annenberg Washington Program of Northwestern University, June 3, 1991

“Content v. Noncontent Restrictions on Speech,” Thomas Jefferson Center for Free Expression, University of Virginia, Charlottesville, Virginia, May 28, 1991

“The Original Understanding of the Constitution,” American Newspaper Publishers Association Annual Convention, Vancouver, Canada, May 7, 1991

“Free Speech v. Privacy,” Annenberg Washington Program of Northwestern University, May 3, 1991

“The First Amendment v. National Security,” American Bar Association Forum on Communications Law Conference, Washington, D.C., May 2, 1991

“The First Amendment Issues Surrounding Greek Festival,” Virginia Beach City Assembly, Tidewater Community College, Virginia Beach, Virginia, February 28, 1991

“The Bill of Rights and the Bicentennial,” Virginia State Bar Association, Richmond, Virginia, December 4, 1990

Oklahoma Scholar Leadership Enrichment Program, "What Our Legal System Says About Our Values," November 14-18, 1990

"The Press, the First Amendment, and the Once and Future Law of Privacy," University of California at Berkeley, October 26, 1990

"Regulating Obscene, Indecent, and Hate Speech in a World of Converging Media," Eighteenth Annual Telecommunications Policy Research Conference, Arlington, Virginia, October 2, 1990

“Libel and the First Amendment,” Freedom of Information, Texas Press Association, Dallas, Texas, June 1, 1990

"The International Marketplace of Ideas," Northwestern University, Evanston, Illinois, May 1990

"Libel Reform," The Organization of News Ombudsmen, Annual Convention, May 1990

"Damage to Reputation," Center for Constitutional Studies, University of Alberta, April 20, 1990

“Racist Speech,” Northwestern University, Evanston, Illinois, April 12, 1990

"Libel Reform," Drake University, Des Moines, Iowa, March 31, 1990

“Changing Media, Changing Society,” Northwestern University Law School, Chicago, Illinois, March 22, 1990

“The Gary Hart Episode,” Harvard University Kennedy School of Government, November 1989

“Libel Reform,” APME Panel, Des Moines, Iowa, October 3, 1989

“Libel Reform,” ABA Annual Meeting, Honolulu, Hawaii, August 6, 1989

“New York Times v. Sullivan,” New York State Bar Association, New York, New York, March 30, 1989

## **SELECTED LITIGATION MATTERS**

Virginia v. Black, Supreme Court of the United States (Lead Counsel and Presented Oral Argument in U.S. Supreme Court; also lead counsel and presented oral argument in Supreme Court of Virginia and Virginia Court of Appeals)

The Cadle Company v. Schlichtmann, Supreme Judicial Court of Massachusetts (Counsel for Defendants, Presented Oral Argument)

Universal City Studios v. Corley, United States Court of Appeals for the Second Circuit (Lead Counsel for Amicus on Brief Amicus Curiae)

Pape v. Florida Bar, Supreme Court of the United States (Counsel of Record on Petition for Certiorari)

Knight Publishing Company v. Presbyterian Health Services Corporation, Supreme Court of the United States (Co-counsel and principal author of Petition for Certiorari)

Cobb v. Time, Inc., Supreme Court of the United States (Co-counsel and principal author of Petition for Certiorari)

Anheuser-Busch, Inc. v. Mayor and City Council of Baltimore City, Supreme Court of the United States (Co-counsel on Petition for Certiorari)

Mainstream Marketing v. Federal Trade Commission, United States Court of Appeals for the Tenth Circuit (Co-counsel for Amicus Members of the United States Senate and author of Brief Amicus Curiae)

In re Theodore Kaminski (Lead Counsel and Author of Petition for Certiorari)

In re Morrissey, Supreme Court of the United States (Lead Counsel and principal author of Petition for Certiorari)

Lohrenz v. Donnelly, United States Court of Appeals for the District of Columbia Circuit (Lead Counsel and Presented Oral Argument); Supreme Court of the United States (Lead Counsel on Petition for Certiorari)

Rice v. Paladin Enterprises, Inc., United States Court of Appeals for the Fourth Circuit (Lead Counsel and Presented Oral Argument); Supreme Court of the United States (Lead Counsel for Brief in Opposition to Petition for Certiorari)

McCreary v. Allen, United States Court of Appeals for the Fourth Circuit (Lead Counsel and Presented Oral Argument)

Gregoire v. Centennial School District, United States Court of Appeals for the Third Circuit (Lead Counsel and Presented Oral Argument)

Baugh v. Judicial Inquiry and Review Commission, United States Court of Appeals for the Fourth Circuit (Lead Counsel and Presented Oral Argument)

Allen, Allen, Allen, & Allen v. Williams, United States District Court for the Eastern District of Virginia (Lead Counsel and Presented Oral Argument)

Hustler Magazine v. Falwell, United States Supreme Court (Co-counsel for Amicus and principal author of Brief Amicus Curiae)

July 2007