

Stephen Robert McAllister

Professor of Law, Schroeder Teaching Chair

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Of Counsel

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Employment

Solicitor General Of Kansas (May 2, 2007 - Present)

Legislative Counsel to the Kansas Legislature (May 25, 2006 – March 7, 2007)

University of Kansas School of Law, Lawrence, Kansas:

Professor of Law (August 1999 to present). Courses: Constitutional Law, Civil Rights, Torts

Dean (July 2000 - August 2005)

Associate Dean for Academic Affairs (January 1999 - June 2000)

Associate Professor (August 1995 - August 1999)

Visiting Associate Professor (August 1993 - August 1995)

State Solicitor for the State of Kansas (July 1, 1999 to January 13, 2003). First (and only) State Solicitor for Kansas

Gibson, Dunn & Crutcher, Washington, D.C. (January, 1992 - August, 1993):

Associate. Practice areas: Appellate litigation, constitutional law, products liability

The Honorable Clarence Thomas, Justice, Supreme Court of the United States, Washington, D.C.
(October, 1991 - January, 1992): Law Clerk

The Honorable Byron R. White, Justice, Supreme Court of the United States, Washington, D.C.
(July, 1989 - July, 1991): Law Clerk

The Honorable Richard A. Posner, United States Court of Appeals for the Seventh Circuit, Chicago, Illinois (June, 1988 - June, 1989): Law Clerk

Publications and Scholarship

Major Scholarship

State Constitutional Law:

Holland, McAllister, Shaman & Sutton, State Constitutional Law: The Modern Experience (Thomson-West 2010) (casebook)

Holland, McAllister, Shaman & Sutton, Teacher's Manual to State Constitutional Law: The Modern Experience (Thomson-West 2010) (150-page teacher's manual to accompany casebook)

Federal Constitutional Law:

Original Jurisdiction

McAllister, Ask The State Solicitor General: Can The State File A "Reply" Brief When It Takes An Exception In An Original Jurisdiction Case In The Supreme Court Of The United States?, 29 Rev. of Litig. 538 (2010)

McAllister, Can Congress Create Procedures For The Supreme Court's Original Jurisdiction Cases?, 12 The Green Bag 2D 281 (May 2009)

The First Amendment

McAllister, Would Other Countries Protect The Phelpses' Funeral Picketing? 2010 De Novo Symposium (Funerals, Fire, and Brimstone) 408 (Cardozo Law Review)

McAllister, Funeral Picketing Laws And Free Speech, 55 U. Kan. L. Rev. 575 (2007)

The Eighth Amendment

McAllister, The Problem of Implementing a Constitutional System of Capital Punishment, 43 U. Kan. L. Rev. 1039 (1995)

Reprinted in its entirety in Carol L. Fine, *Journals of Justice: Profound Concepts and Compelling Realities* 137-170 (Kendall/Hunt Pub. Co. 1997).

Reprinted in Carol L. Fine, *Administration of Justice Internship* (Kendall/Hunt Pub. Co. 1997).

McAllister, A Pragmatic Approach to the Eighth Amendment and Punitive Damages, 43 U. Kan. L. Rev. 761 (1995)

Federalism

McAllister, Individual Rights Under a System of Dual Sovereignty: The Right to Keep and Bear Arms, 59 Kan. L. Rev. 867 (2011)

McAllister & Glicksman, Federal Environmental Law in the “New” Federalism Era, 30 Env’t L. Rep. 11122 (Dec. 2000)

McAllister & Glicksman, State Liability for Environmental Violations: The Supreme Court’s “New” Federalism, 29 Env’t L. Rep. 10655 (Nov. 1999)

McAllister, Lopez Has Some Merit, 5 Kan. J. L. & Pub. Policy (Spring 1996) 9

McAllister, Is There a Judicially Enforceable Limit to Congressional Power Under the Commerce Clause?, 44 U. Kan. L. Rev. 217 (1996)

Affirmative Action

McAllister & Halaby, An Analysis of the Supreme Court’s Reliance on Racial “Stigma” as a Constitutional Concept in Affirmative Action Cases, 2 Mich. J. of Race & L. 235 (1997)

McAllister, One Anglo-Irish Male’s Observations On Affirmative Action, 5 Kan. J.L. & Pub. Policy (Spring 1996) 21

Sex Offender Laws – Constitutional And Policy Issues:

McAllister, Some Reflections On The Constitutionality Of Sex Offender Civil Commitment Laws, 50 U. Kan. L. Rev. 1011 (2002)

McAllister, Sex Offenders and Mental Illness: A Lesson in Federalism and the Separation of Powers, 4 Psychology, Pub. Pol’y & Law No. 1 / 2, 268 (1998)

McAllister, Megan’s Laws: Wise Public Policy Or Ill-Considered Public Folly?, 7 Kan. J. L. & Pub. Pol’y 1 (Spring 1998)

McAllister, The Constitutionality of Sex Offender Registration and Community Notification/Public Access Laws, 29 Tex. Tech L. Rev. 97 (1998)

Awarded Prize as the “Outstanding Lead Article” published in Volume 29 of the Texas Tech Law Review by the Texas Tech Law Review Board of Editors

McAllister, “Punishing” Sex Offenders, 46 U. Kan. L. Rev. 27 (1997)

McAllister, The Constitutionality of Kansas Laws Targeting Sex Offenders, 36 Washburn L.J. 419 (1997).

Supreme Court History and Practice:

McAllister, The Supreme Court's (Disparate?) Treatment Of Sovereigns As Amicus Curiae, 13 The Green Bag 2D 289 (May 2010)

McAllister, Remembering Justice Byron R. White, 50 U. Kan. L. Rev. 1077 (2002)

McAllister, Wheaton v. Greenleaf: A (Story)Tale of Three Reporters, 1998 J. Sup. Ct. Hist., Vol. II, 53 (1999)

Torts:

Westerbeke & McAllister, Kansas Tort Law Survey, Part I, 49 U. Kan. L. Rev. 1037 (2001)

Major Scholarship Published Prior To Assuming KU Faculty Position:

Faurot & McAllister, Salary Arbitration and Pre-Arbitration Negotiation in Major League Baseball, 45 Indus. Labor Rel. Rev. 697 (1992)

Note, The Nonstatutory Labor Exemption and Player Restraints in Professional Sports: The Promised Land or a Return to Bondage?, 4 Entertainment & Sports L.J. 283 (1987)

Comment, Interpreting the State Constitution: A Survey and Assessment of Current Methodology, 35 Kan. L. Rev. 593 (1987)

Minor Scholarship

Stephen R. McAllister & Robert H. Henry, *Maximizing Intellectual Engagement Between Bench, Bar, and Academia: An Introduction to the 2002 Tenth Circuit Judicial Conference*, 51 UNIVERSITY OF KANSAS LAW REVIEW 207 (2003)

Stephen R. McAllister, Viet Dinh, Erwin Chemerinsky, Christopher Stone & Jeffrey Rosen, *Life After 9/11: Issues Affecting the Courts and the Nation*, 51 UNIVERSITY OF KANSAS LAW REVIEW 219 (2003).

McAllister, "Insider" Deaning, 34 U. Toledo L. Rev. 121 (2002)

McAllister, Remembering Justice White, 50 U. Kan. L. Rev. 1077 (2002)

McAllister, Supreme Court Grants Review of "Inability to Control" Behavior Issue in Sex Predator Proceedings, 2 Sex Offender L. Rep. 49 (June/July 2001)

McAllister, Sex Offender Civil Commitment And Lack Of Volitional Control: What Does Kansas v. Hendricks Require?, 2 Sex Offender L. Rep. 33 (Apr./May 2001)

McAllister & Westerbeke, Tort Law chapter, 2000 Kansas Bar Association Annual Survey of Developments in Kansas Law 247 (June 2000)

McAllister, Kansas v. Hendricks: Three Main Challenges Remain, 1 Sex Offender L. Rep. 10 (Dec./Jan. 2000)

McAllister & Westerbeke, Tort Law chapter, 1999 Kansas Bar Association Annual Survey of Developments in Kansas Law 257 (June 1999)

McAllister & Robinson, The Potential Civil Liability of Law Enforcement Officers and Agencies, 67 Kansas Bar Association Journal 14 (Sept. 1998)

Levy & McAllister, Constitutional Law chapter, 1998 Kansas Bar Association Annual Survey of Developments in Kansas Law 75 (June 1998)

Westerbeke & McAllister, Tort Law chapter, 1998 Kansas Bar Association Annual Survey of Developments in Kansas Law 261 (June 1998)

Levy & McAllister, Defining the Roles of the National and State Governments in the American Federal System: A Symposium, 45 U. Kan. L. Rev. 971 (1997).

Gottlieb, Levy, McAllister, Peck & Yenisey, Team Kansas Goes to Turkey, 45 U. Kan. L. Rev. 671 (1997).

Levy & McAllister, Constitutional Law chapter, 1997 Kansas Bar Association Annual Survey of Developments in Kansas Law 63 (June 1997)

Westerbeke & McAllister, Tort Law chapter, 1997 Kansas Bar Association Annual Survey of Developments in Kansas Law 253 (June 1997)

Levy & McAllister, Constitutional Law chapter, 1996 Kansas Bar Association Annual Survey of Developments in Kansas Law 63 (June 1996)

Westerbeke & McAllister, Tort Law chapter, 1996 Kansas Bar Association Annual Survey of Developments in Kansas Law 253 (June 1996)

Illustrative Presentations

The Lessons of Atticus Finch (Finale Program for “Read Across Lawrence” focusing on To Kill A Mockingbird, Douglas County Courthouse, April 28, 2011)

Potential Legal Challenges to the Affordable Care Act (Presentation to Kansas Health Consumer Coalition conference, Topeka, Kansas, December 9, 2010)

United States v. Comstock – Post Argument Debate (Podcast debate about the constitutionality of a federal statute authorizing the civil commitment of sexually dangerous offenders in federal custody as they near the end of their prison sentences; I argued that the law is constitutional, while Ilya Shapiro, Editor-in-Chief of the Cato Institute’s Supreme Court

Review, argued that it is not) (recorded and made available by The Federalist Society, May 3, 2010).

The Race To Be Seated: Sonia Sotomayor's Confirmation (Panelist on program sponsored by the KU Emily Taylor Women's Resource Center and the KU Office of Multicultural Affairs, Kansas Union, October 7, 2009)

The Supreme Court of the United States (presentation to the Self Graduate Fellows program, Kansas Union, August 13, 2009)

Affirmative Action (Commentator, Federalist Society Noon Forum, KU Law School, October 4, 2007)

The Roberts Court (Featured Speaker, Johnson County Bar Association Luncheon, October 3, 2007)

Constitution Day: The Roberts Court (Panelist, Constitution Day Forum sponsored by the American Constitution Society, KU Law School, September 19, 2007)

Constitution Day: The Roberts Court (Organizer and moderator of forum at Dole Institute of Politics, September 18, 2007)

Constitution Day: Debating Judicial Independence (Organizer and moderator of forums, Dole Institute of Politics and KU School of Law, September 21, 2006)

Current Constitutional Controversies and the "New" Supreme Court (Friends University, Wichita, Kansas, September 19, 2006)

Current Constitutional Controversies and the "New" Supreme Court (Ohio University, Athens, Ohio, September 14, 2006)

Interpreting The Constitution (Dole Institute of Politics, September 2005)

Judicial Activism (Unitarian Church of Kansas City, MO, September 2005)

Judicial Nominations, (University of Memphis School of Law, August 2005)

Judicial Nominations, (University of Arkansas–Little Rock School of Law, August 2005)

Balancing Public Safety Interests And Civil Liberties, Plenary Luncheon Speaker, Annual Meeting of the Southwest Association of Law Librarians (Kansas City, MO, April 3, 2003)

A Review Of The Supreme Court's 2001 Term (with Akhil Amar and Walter Dellinger) Annual Summer Meeting of the National Association of Attorneys General, Nemaconlin Woods, PA, June 21, 2002

The Eleventh Amendment and Bankruptcy (Luncheon Speaker for KBA Bankruptcy Institute, Overland Park, KS, March 1, 2002)

The Eleventh Amendment, Qualified Immunity, And Other Defenses To Section 1983 Suits (Presentation to the State Solicitors and Appellate Chiefs Conference, Burlington, VT, June 21, 2001)

A Review Of The Supreme Court's 2000 Term (with Jeffrey Sutton) (presentation to the annual summer meeting of the National Association of Attorneys General, Burlington, VT, June 21, 2001)

The Death Penalty in America (paper presented at Anadolou University and Maltepe University, Eskisehir and Istanbul, Turkey, November 14 and 16, 2000)

The Death Penalty (paper presented at international conference addressing the new Turkish Penal Code, Istanbul, Turkey, October 24, 1999)

Disabilities Issues in the Workplace, Keynote Panel, Institute for Law and the Workplace Members Conference, Chicago-Kent College of Law, October 1, 1999

Post-Hendricks Constitutional Challenges To Sexually Violent Predator Laws (opening presentation at Involuntary Commitment of Sexually Violent Predators conference sponsored by the National Center for the Prosecution of Child Abuse, Alexandria, VA, May 3, 1999)

The Doctrine Of Unconstitutional Conditions And The States' Rights Under The Tenth Amendment: Has The Federal Government Overstepped Its Authority? (Outline/Paper and Presentation to Federalist Society Annual Convention, Washington, D.C., November 12, 1998)

Neighbors Beware: Will Sex Offender Registration and Community Notification Laws Prevent Sex Crimes?, Paper and presentation at the World Conference on Modern Criminal Investigation, Organized Crime and Human Rights (Sun City, South Africa, Sept. 21-25, 1998)

Using Criminal and Civil Liability to Deter Police Violations of Human Rights, Paper and presentation at the World Conference on Modern Criminal Investigation, Organized Crime and Human Rights (Sun City, South Africa, Sept. 21-25, 1998)

American Responses To The Problem Of Repeat Sex Offenders (Presentation at international Law Reform Conference held in Istanbul, Turkey), May 28, 1998

Megan's Laws: Are They Constitutional? Are They Wise Public Policy?, debate/forum with Professor David Gottlieb, sponsored by The Federalist Society, presented at the New York University Law School (Sept. 24, 1997)

The Constitutionality of Sex Offender Civil Commitment Laws (presentation at the Columbia University School of Law, New York, NY, January 28, 1997)

Representative CLE Presentations

- “Three Dogfights & A Funeral: The Roberts Court and the First Amendment,” Panelist with Prof. Burt Neuborne, New York Times Supreme Court correspondent Adam Liptak, and Supreme Court lawyer Paul Smith (Bar Association of the City of New York) (New York, NY, March 24, 2011)
- “Supreme Court Update: Recent And Pending Decisions”, for federal judicial law clerks in the District of Kansas (w/ KU Law alum, Toby Crouse) (Kansas City, KS, October 21, 2010)
- “You Lied, You Peeked and You Caused Me No End of Grief: Recent Legal Developments Related to Claims for Defamation, Privacy and Emotional Distress”, Panelist for Kansas Bar Association Media Law Program (Wichita State University, October 13, 2010)
- “Review of the 2009 / 2010 Term – Supreme Court of the United States”, 2010 Kansas Judge Advocate General Legal Conference (Topeka, KS, October 3, 2010)
- “Supreme Court Update: Recent And Pending Decisions”, Kansas Bar Association Annual Meeting CLE Program (w/ KU Law alum, Toby Crouse) (Wichita, KS, June 11, 2010)
- “Supreme Court Update: Recent And Pending Decisions”, KU Annual Recent Developments in the Law CLE Program (w/ KU Law alum, Toby Crouse) (Lawrence, KS, May 28, 2010)
- “Supreme Court Update: Recent And Pending Decisions”, KU Annual Return to Green Hall CLE Program (w/ KU Law alum, Toby Crouse) (Lawrence, KS, April 16, 2010)
- “Funeral Protest Laws and the First Amendment”, Annual Summer Meeting of the National Association of Attorneys General (Colorado Springs, CO, June 18, 2009)
- “The First Amendment And Political Campaigns”, Annual Meeting of the Kansas City Attorneys Association (Lenexa, KS, June 6, 2008)
- “Recent Developments In Section 1983 Litigation”, Recent Developments in the Law (University of Kansas School of Law, June 1, 2007)
- “Defending The Enforcement Of State Laws Such As Funeral Picketing Acts: An Overview Of Section 1983 Litigation In Constitutional Cases”, Kansas Association of Defense Counsel Annual Meeting (Kansas City, MO, December 1, 2006)
- “Oral Advocacy”, Kansas City Metropolitan Bar Association David Prager Appellate Practice Institute (June 16, 2006)
- “Funeral Picketing and The First Amendment”, Recent Developments in the Law (University of Kansas School of Law, June 2, 2006)
- “The Elements of Section 1983 Actions”, Recent Developments in the Law (University of Kansas School of Law, June 2005)

- “Recent Supreme Court Decisions In The War On Terror”, Dole Institute of Politics (September 2004)
- “Appearing Before The Supreme Court Of The United States” (Judge Earl O’Connor Inns of Court, Overland Park, KS, May 21, 2002)
- “The Supreme Court, Federalism & the Bankruptcy Code” (Kansas Bar Association, 2002 Annual Bankruptcy Institute, Overland Park, KS, March 1, 2002)
- “Institutional Liability and Immunity: Setting forth the rules applicable when the state, a state agency, county or municipality is alleged to have violated federal rights” (Wichita Bar Association, Wichita, KS, January 25, 2002)
- “What Claims Are Cognizable? Defining the violations that may be vindicated under section 1983” (Wichita Bar Association, Wichita, KS, January 25, 2002)
- “Practice Before the Supreme Court of the United States”, Wichita Bar Association Appellate Practice Program (Wichita, KS, April 12, 2001)
- “State and Federal Appellate Practice: Similarities and Differences”, KBA Annual Appellate Practice Symposium (Topeka, KS, November 1, 2000)
- “The Potential Civil Liability of Law Enforcement Officers and Agencies”, Southwest Kansas Bar Association annual meeting (Dodge City, KS, September 15, 2000)
- “Appellate Advocacy”, Kansas Women Attorneys Conference (Lindsborg, KS, July 29, 2000)
- “Reconsideration, Petitions for Review, Petitions for Certiorari” (Wichita Bar Association Appellate Practice CLE Program, June 4, 1999)
- “The Potential Civil Liability Of State Prosecutors Under Federal Law” (Fall Conference of the Kansas County & District Attorneys Association, Wichita, KS, October 19, 1998)
- “Sex Offender Laws”, Recent Developments in the Law (University of Kansas School of Law, June 5, 1998)
- “Recent Developments in Tort Law”, Recent Developments in the Law (University of Kansas School of Law, June 8, 1996)

Published And Broadcast Commentary

A regular source of information and analysis regarding constitutional law, the Supreme Court of the United States, Kansas courts, and legal issues generally. Media outlets that have published quotations or broadcast programs involving Professor McAllister include: *The New York Times*, *The Washington Post*, *USA Today*, *The Los Angeles Times*, *The Atlanta Constitution Journal*, *AP Wire Service*, *The National Law Journal*, *The Legal Times*, *The Kansas City Star*, *The Wichita Eagle-Beacon*, *The Topeka Capital Journal*, *The Lawrence Journal-World*, *Sunflower Cable Channel 6 News*, *Fox 4 News-Kansas City*, *Kansas Public Radio*, *National Public Radio*.

Other Activities & Honors

Elected To Membership, The American Law Institute (March 16, 2010)

Selected by KU Law School as the Schroeder Teaching Chair (recognizing teaching excellence), will hold the Chair 2009 - 2012

Elected to KU Chapter of Phi Beta Delta, Honor Society for International Education (Nov. 2008)

Awarded The Steeples Service To Kansans Award, by the KU College of Liberal Arts & Sciences (May 2008)

Trustee, The Supreme Court Historical Society, Washington, D.C. (2002 - 2008)

Elected A Fellow of the American Bar Foundation Fellows Program (0.33% of lawyers) (2002)

Member, *Committee on Resolutions* for Justice Byron R. White Memorial Service at the Supreme Court of the United States, November 18, 2002 (committee selected by and at the invitation of Solicitor General of the United States Theodore B. Olson)

Winner, "Best Brief Award" for Petitioner's Brief on the Merits written for Kansas in *McKune v. Lile*, No. 00-1187 (presented annually by the National Association of Attorneys General for the best Supreme Court briefs prepared by states during the past year) (Nemacolin Woods, PA, June 21, 2002)

Winner, "Best Brief Award" for Petition for a Writ of Certiorari written for Kansas in *Pierce v. Sac & Fox Nation of Missouri*, No. 00-556 (NAAG Conference, Burlington, VT, June 21, 2001)

W.T. Kemper Fellowship for Teaching Excellence (Awarded August, 1999)

State Solicitor, State of Kansas (appointed by Attorney General to serve as the first Solicitor for the State of Kansas, July 1, 1999)

Selected by KU Center for Teaching Excellence to participate in program to develop videos of good teaching for review and use by KU faculty members, Spring 1999

Recipient, Frederick J. Moreau Student Counseling Award, April 29, 1997 (selected by student bar association in recognition of counseling and advising of law students)

Representative Service Activities

Chair, Judicial Board Appeal Panel (Academic Misconduct Dispute involving a KU Ph.D. student and his faculty supervisor) (April 15, 2011)

Faculty Coordinator and Host for 2010 Kansas Law Review Symposium "The Rise Of State Constitutional Law", Lawrence, KS (Nov. 12, 2010)

AALS Summarians and ABA Team Member, Site Evaluation Team for the Indiana University Maurer School of Law, Bloomington, IN (Oct. 24 – 27, 2010)

Testimony before a subcommittee of the Kansas Senate Judiciary Committee on whether a state constitutional amendment prohibiting the imposition of any requirement that citizens purchase mandatory health insurance is constitutional, Topeka, KS (March 11, 2010)

AALS Summarians and ABA Team Member, Site Evaluation Team for the Marshall-Wythe School of Law at the College of William & Mary, Williamsburg, VA (Oct. 18 – 21, 2009)

Mock Arbitrator, National Association of Attorneys General Mock Arbitration (involving litigation of claims between the States and the tobacco industry under the Master Settlement Agreement, Washington, D.C., Oct. 8, 2009, and December 17-18, 2009)

Member, NCAA Certification Process Steering Committee (2008 – 2010)

Chair, American Bar Association Site Evaluation Team for The George Washington University School of Law, Washington, D.C. (October 26 - 29, 2008)

Leader, University Scholars Program (Spring 2008) (first law professor invited to teach this course for the 20 outstanding KU sophomores selected for this program)

Member, Academic Performance Rate Improvement Plan Committee, University of Kansas Dept. of Intercollegiate Athletics (Oct. 2006 - 2007)

Chair, American Bar Association Site Evaluation Team for University of Arkansas–Fayetteville (November 7 - 10, 2006)

Chair, American Bar Association Site Evaluation Team for University of Arizona (Oct. 2004)

KU Honors Program Speaker (1998 - Present)

Independent counsel for the City of Lawrence, investigating allegations of misconduct within the Police Department (March 26 - May, 2003)

Chair, KU United Way Campaign Committee (2001 - 2003)

Vice-Chair, KU United Way Campaign Committee (2000-01)

Member, American Bar Association Site Evaluation Team for Stetson University College of Law (St. Petersburg, FL, Oct. 21-25, 2000)

State Solicitor, State of Kansas (July 1, 1999 - January, 2003)

Member, University Scholars Steering Committee (February 1997 - 2003)

Honors 492: “Law and Society” (2000, 2001, 2002) (overload courses)

Honors Tutorial: “The Supreme Court of the United States” (Fall 1996, 1997, 1998, 1999)
(overload courses)

Honors 492: “American Constitutional Law” (Spring 1998) (overload course)

Instructor, Lawrence Policy Academy, on topics of constitutional restrictions on police and potential civil liability of officers (1995 - 2003)

Member and Graduate, Leadership Lawrence Class of 1996-97

Supreme Court And Appellate Litigation

1. Argued the cause for the petitioners in *O’Gilvie v. United States*, 519 U.S. 79 (1996)
2. Drafted the petition for a writ of certiorari, drafted all merits briefs, and second-chaired the oral argument for Kansas in *Kansas v. Hendricks*, 521 U.S. 346 (1997).
3. Drafted the merits briefs and argued the cause for the petitioner in *Murphy v. United Parcel Service, Inc.*, 527 U.S. 516 (1999).
4. Drafted the petition for a writ of certiorari and the merits briefs in *United States v. Sun-Diamond Growers of California*, 526 U.S. 398 (1999), for petitioner United States / Independent Counsel Don Smaltz.
5. Drafted the petition for a writ of certiorari, drafted all merits briefs, and second-chaired the oral argument for Kansas in *Kansas v. Crane*, 534 U.S. 407 (2001).
6. Drafted the petition for a writ of certiorari, drafted all merits briefs, and argued the cause for Kansas in *McKune v. Lile*, 536 U.S. 24 (2001).
7. Drafted numerous other cert. petitions and amicus briefs filed in the Supreme Court.
8. Successfully argued for the State of Kansas in school finance litigation (*State v. Montoy*) in the Kansas Supreme Court (June 2006).
9. Have argued before the Tenth Circuit multiple times, including en banc, before the Second Circuit, and before the Eighth Circuit. Oral argument scheduled in the Seventh Circuit (June 2011).
10. Argued for the State of Kansas in *State v. Scott* in the Kansas Supreme Court, regarding the constitutionality of the Kansas capital punishment statute (Sept. 4, 2007)
11. Argued for the State of Kansas in *In re L.M.* in the Kansas Supreme Court, regarding whether there is a constitutional right to a jury trial in juvenile cases (Oct. 25, 2007)
12. Representing the State of Kansas in litigation in the Kansas Supreme Court over funeral picketing legislation (Summer – Fall 2007) (*State of Kansas ex rel. Morrison v. Sebelius*).

13. Representing the State of Kansas in the Supreme Court of the United States in *Kansas v. Ventris*, No. 07-1356 (primary brief writer and presented oral argument for Kansas on Jan. 21, 2009). Kansas prevailed, by a 7 – 2 vote, on April 29, 2009.

14. Drafted amicus brief for Kansas joined by 47 States in *Snyder v. Phelps* in the Supreme Court of the United States (May – June 2010).

15. Representing the state defendants in *Dool v. Burke* (challenge to the constitutionality of the Kansas Judicial Nominating Commission) (U.S. District Court for the District of Kansas, Sept. – Nov. 2010) (U.S. Court of Appeals for the Tenth Circuit, Dec. 2010 - _____).

16. Drafted amicus brief for Kansas and other states in *Astra USA, Inc., et al. v. Santa Clara County*, No. 09 – 1273, in the Supreme Court of the United States (filed Dec. 20, 2010)

17. Appointed by the Supreme Court of the United States as Amicus Curiae to Defend the Judgment Below, in *Bond v. United States*, No. 09-1227 (Nov. 10, 2010) (brief filed Jan. 10, 2011; oral argument, Feb. 22, 2011).

Admitted to Practice

State Courts:

Illinois, 1989
District of Columbia, 1991 (Inactive status, commencing 7/93)
Kansas, 1993

Federal Courts:

Supreme Court of the United States, 1992
U.S. Court of Appeals for the District of Columbia Circuit, 1992
U.S. Court of Appeals for the Second Circuit, 2009
U.S. Court of Appeals for the Fourth Circuit, 1992
U.S. Court of Appeals for the Fifth Circuit, 1992
U.S. Court of Appeals for the Seventh Circuit, 1989
U.S. Court of Appeals for the Eighth Circuit, 1996
U.S. Court of Appeals for the Ninth Circuit, 1992
U.S. Court of Appeals for the Tenth Circuit, 1992
U.S. District Court for the District of Columbia, 1992
U.S. District Court for the District of Kansas, 1993

Legal Education

University of Kansas, Lawrence, Kansas

J.D., May 1988	GPA: 3.87 (4.00 Scale)
Class Rank: 1/174	Order of the Coif

Representative Law School Awards & Activities:

Samuel Mellinger Scholarship, Leadership and Service Award (top overall law student)

C.C. Stewart Award (top GPA in graduating class)

Kansas Law Review: Articles Editor, 1987 - 1988; Staff, 1986 - 1987

Shamberg, Johnson, Bergman & Goldman Award (best Comment in Vol. 35, Kan. L. Rev.)

Kansas Criminal Procedure Review: Editor-in-Chief, 1987 - 1988

Book Awards: Civil Procedure I, Civil Procedure II, Constitutional Litigation, Creditors' & Debtors' Rights, Evidence, Federal Public Land and Natural Resources Law, Sports Law, Torts I