

COURTS UNDER PRESSURE:
PROTECTING RULE OF LAW
IN THE AGE OF TRUMP

NOVEMBER 10, 2017

BRENNAN

CENTER

FOR JUSTICE

TWENTY
YEARS

ABOUT THE BRENNAN CENTER FOR JUSTICE

The Brennan Center for Justice at NYU School of Law is a nonpartisan law and policy institute that seeks to improve our systems of democracy and justice. We work to hold our political institutions and laws accountable to the twin American ideals of democracy and equal justice for all. Among our core priorities, we fight to protect voting rights, end mass incarceration, strengthen checks and balances, maintain the independence and impartiality of the judiciary, and preserve Constitutional protection in the fight against terrorism. Part think tank, part public interest law center, part cutting-edge communications hub, we start with rigorous research. We craft innovative policies. And we fight for them — in Congress and the states, the courts, and in the court of public opinion.

Since its founding two decades ago, the Brennan Center for Justice has emerged as a national leader in the movement for democracy reform. The Fair Courts project at the Brennan Center pursues research, policy advocacy, and litigation to promote and preserve norms of judicial independence and equal justice for all, safeguard courts against political pressure and special interest influence, and promote a diverse bench.

ABOUT THIS CONVENING

With our democracy under strain, the courts are on the front lines, constraining the executive and other government actors in cases that regularly put our judicial system in the public eye. Courts have also been put on defense. The President has suggested the courts should be blamed for terrorist attacks, targeted judges for their decisions, and pardoned a government official who refused to follow court orders. This year's high-profile Supreme Court term may lead to further conflicts between the President and the courts. War, or an attack or other emergency, could also dramatically change the political environment and prompt efforts to curb judicial power. These threats appear in the context of broader assaults on the rule of law and the institutions designed to protect it.

The objective of this convening is to help assess the nature and extent of the threats to the courts in the current political environment, and inform strategies and tactics for promoting the rule of law. Through a series of interactive discussions, we will assess the seriousness of current threats to the courts by examining their historical and comparative context; examine what, if any, impact these attacks may have on the public's view of the courts and on judicial behavior; and explore how other actors and institutions can help to bolster the courts and protect the rule of law.

ACKNOWLEDGMENTS

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AGENDA | NOVEMBER 10, 2017

NYU Law School, Furman Hall – 9th Floor

8:45-9:00 A.M.

WELCOME REMARKS

Trevor Morrison, Dean, New York University School of Law; Eric M. and Laurie B. Roth Professor of Law

Michael Waldman, President, Brennan Center for Justice

Wendy Weiser, Director of the Democracy Program, Brennan Center for Justice

9:00 - 10:45 A.M.

IS JUDICIAL INDEPENDENCE AT RISK?: COURTS IN THE AGE OF TRUMP

Within months of taking office, the president has taken to Twitter to attack the legitimacy of judges who have issued decisions with which he disagrees, pardoned a public official convicted of contempt of court, and suggested the courts would be to blame for a terrorist attack. How serious are these threats to the courts? Are there others which should prompt concern? To what extent are these threats to judicial independence new – or part of a broader trend? Are there historical or state analogies that should inform the response to the current moment?

Discussants:

Justice Cheri Beasley, Associate Justice, North Carolina Supreme Court

Judge Nancy Gertner (Ret.), Professor of Law, Harvard Law School

Tara Leigh Grove, Visiting Professor, Harvard Law School; Professor of Law, William and Mary Law School

Keith Whittington, William Nelson Cromwell Professor of Politics, Princeton University

Session Moderator: **Johanna Kalb**, Fellow, Brennan Center for Justice; Associate Professor of Law, Loyola University New Orleans College of Law

11:00 A.M. – 12:30 P.M.

DO PEOPLE BELIEVE IN COURTS (AND DOES IT MATTER?): PUBLIC OPINION AND JUDICIAL LEGITIMACY

The courts have routinely been in the headlines this year, most notably in the travel ban cases and the confirmation battle over Justice Gorsuch. Do these conflicts threaten the public legitimacy of the courts? If so, does that matter and why? Are courts likely to react to these challenges along ideological lines or based on institutional commitments? How do and should judges respond?

Discussants:

James Gibson, Sidney W. Souers Professor of Government,
Washington University in St. Louis

Michael Nelson, Hyde Early Career Professor, Pennsylvania State
University

David Fontana, Associate Professor of Law, George Washington
University Law School

Ginna Green, Managing Director for Money in Politics and Fair
Courts, ReThink Media

Jamal Greene, Dwight Professor of Law, Columbia Law School

Session Moderator: **Dorothy Samuels**, Senior Fellow, Brennan Center
for Justice

12:30-1:00 P.M.

BREAK & PICK UP CATERED LUNCH

1:00-2:00 P.M.

LUNCH: BUILDING A BIPARTISAN COMMITMENT TO RULE OF LAW

Discussants:

Hilarie Bass, President, American Bar Association; Co-President,
Greenberg Traurig

Evan McMullin, Co-Founder, Stand Up Republic

Ryan Wright, Executive Director, Kansas Values Institute and
Kansans for Fair Courts

Session Moderator: **Dahlia Lithwick**, Senior Editor, *Slate*

2:15-3:45 P.M.

BEYOND THE COURTS: BUILDING A RULE OF LAW MOVEMENT

The current threat to rule of law extends beyond the courts. What are the other institutions in which rule of law is under attack and to what extent do their challenges intersect with those the courts are facing? Would we benefit from a rule of law movement that includes, but isn't unique to, the courts? What strategies would it employ and what institutions would it engage?

Discussants:

Aziz Huq, Frank and Bernice J. Greenberg Professor of Law,
University of Chicago Law School

Shirin Sinnar, Associate Professor of Law, Stanford Law School

Cecillia Wang, Deputy Legal Director, American Civil Liberties
Union

Andrew Wright, Associate Professor, Savannah Law School

Session Moderator: **Andrew Cohen**, Senior Editor, The Marshall
Project; Fellow, Brennan Center for Justice

4:00– 5:15 P.M.

WHERE DO WE GO FROM HERE?

Discussants:

Harold Koh, Sterling Professor of International Law, Yale Law
School

Judith Resnik, Arthur Liman Professor of Law, Yale Law School

Donald Verrilli, Partner, Munger, Tolles & Olson

Stephen Vladeck, Professor of Law, University of Texas School of
Law

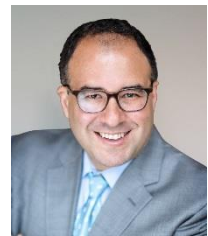
Session Moderator: **Alicia Bannon**, Senior Counsel, Brennan Center for
Justice

PARTICIPANTS



Nan Aron, founder and president of Alliance for Justice, is a nationally-known authority on the federal judiciary and issues related to access to justice. In recent months, she and AFJ have led an effort to raise awareness around the threats posed by Donald Trump's judicial nominees. AFJ organizes pro-democracy activists to advocate for judges who will uphold all of our rights and shares information about the courts and nominees with the press, senate, and other groups.

Baher Azmy is the Legal Director of the Center for Constitutional Rights. He has litigated cases related to police misconduct, government surveillance, and the rights of Guantanamo detainees. Previously, he taught Constitutional Law and directed the Civil Rights and Constitutional Litigation Clinic at Seton Hall University School of Law. He has been published by and appeared on major media outlets including *The New York Times*, *The Washington Post*, 60 Minutes, PBS Newshour, and MSNBC.



Alicia Bannon is Senior Counsel at the Brennan Center for Justice, where she leads the Center's fair courts project. She directs research, advocacy, and litigation to promote a fair and impartial judicial system, and has authored several nationally-recognized reports and articles on judicial selection, access to justice, and government dysfunction. She has taught legal ethics at Seton Hall Law School and led the Brennan Center's public policy advocacy clinic at NYU School of Law.

Hilarie Bass is President of the American Bar Association and Co-President of Greenberg Traurig. She has represented high-profile corporate clients in jury and non-jury trials involving hundreds of millions of dollars in controversy, and was inducted into The American College of Trial Lawyers. She is widely recognized for her pro bono work on behalf of two foster children that led to the elimination and declaration as unconstitutional Florida's 20-year-old ban on gay adoption.



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Ian Bassin is the founding director of Protect Democracy, a nonpartisan nonprofit dedicated to preventing our democracy from declining into a more authoritarian form of government. He served as Associate White House Counsel to President Obama from 2009-2011. Prior to founding Protect Democracy, he also served in several leadership roles at GiveDirectly, as Deputy Counsel to the Mayor of New York City, and as General Counsel and Campaign Director of the international campaigning NGO Avaaz. He received his J.D. from Yale Law School.

Justice Cheri Beasley is an associate justice on the North Carolina Supreme Court. Previously, she served on the North Carolina Court of Appeals, becoming the first African-American woman to win an election to statewide office in North Carolina without first being appointed by a governor. She also served as a District Court Judge in Cumberland County, Fayetteville for ten years.



Melissa Beck is the Executive Director of The Educational Foundation of America (EFA). She served previously as CEO of Legal Information for Families Today, and at the Vera Institute of Justice, and the Center for Alternative Sentencing and Employment Services. She also worked as an attorney in the Sex Crimes and Appeals Units of the Kings County District Attorney's Office, at the Center for Appellate Litigation, and at the criminal defense firm of Brafman & Ross, P.C.

Kathy Bonnifield is the Program Officer for Judicial Independence at the Piper Fund. She previously worked at The McKnight Foundation and as the Executive Director of Citizens for Election Integrity Minnesota. She has served on numerous election observation missions with the Organization for Security and Cooperation in Europe and served on Governor Mark Dayton's Electronic Poll Book Task Force.

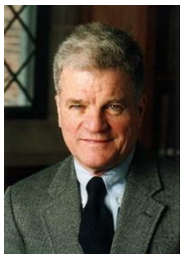


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Andrew Cohen is a senior editor at The Marshall Project and a fellow at the Brennan Center for Justice. He is also a legal analyst for *60 Minutes*, and chief analyst and legal editor for CBS Radio News. He has won an Edward R. Murrow Award as one of the nation's leading legal analysts and commentators. He also won the American Bar Association's 2012 Silver Gavel Award for his *Atlantic* commentary about the death penalty in America.

Billy Corriher is the deputy director of Legal Progress at the Center for American Progress. His work focuses on federal court nominees, judicial independence, and the influence of judicial elections and campaign contributions on judges. Corriher has written about these issues at ThinkProgress and for *USA Today*, the *L.A. Times*, *Newsweek*, and the *News and Observer* in Raleigh, North Carolina. Previously, he wrote for the *Harvard Law and Policy Review* blog on federal appellate court cases and other legal and policy matters.



Dennis E. Curtis is Clinical Professor Emeritus of Law at Yale Law School. He was one of the pioneers of clinical education in the 1970s, and has written widely on clinical education and the legal profession. Professor Curtis has since joined sitting judges and law professors in shaping new courses on the law of sentencing. His recent book, *Representing Justice: Invention, Controversy, and Rights in City-States and Democratic Courtrooms* (with Professor Judith Resnik) addresses the relationship between adjudication and democracy.

Jill Dash is the Vice President of Strategic Engagement at the American Constitutional Society. Before joining ACS, Jill practiced law at Zuckerman Spaeder and was a law clerk to Judge Laura Taylor Swain at the U.S. District Court for the Southern District of New York. Previously, she practiced at the Federal Trade Commission Division of Advertising Practices and at Akin, Gump, Strauss, Hauer & Feld.



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David Fontana is an Associate Professor of Law at George Washington University Law School in Washington, D.C. His writing on constitutional and comparative constitutional law has been published by leading scholarly journals in law. He also writes about constitutional issues for general interest publications, such as *Slate* and *The New Republic*. Before coming to GW Law, he clerked on the U.S. Court of Appeals for the Ninth Circuit, went to law school at Yale, and attended graduate school at Oxford.

Keesha Gaskins-Nathan is Director of the Democratic Practice–United States program at the Rockefeller Brothers Fund. Previously, she was Senior Counsel at the Brennan Center for Justice, where she coordinated work on redistricting and representation. She was Executive Director of the League of Women Voters of Minnesota from 2007 to 2011.



Judge Nancy Gertner served on the United States District Court for the District of Massachusetts from 1994-2011, and now teaches at Harvard Law School. She has written, spoken, and published widely on sentencing, discrimination, and forensic evidence; women's rights; and the jury system. Her autobiography, *In Defense of Women: Memoirs of an Unrepentant Advocate*, was published in 2011. The first part of Judge Gertner's judicial memoir - entitled *Incomplete Sentences*, about judging and sentencing - will be published in 2018 by Beacon Press.

James L. Gibson is the Sidney W. Souers Professor of Government at Washington University in St. Louis. He is also professor of African and African-American Studies. In South Africa, he holds the position of Professor Extraordinary in Political Science at Stellenbosch University. He taught previously at the University of Wisconsin, Milwaukee, and the University of Houston.

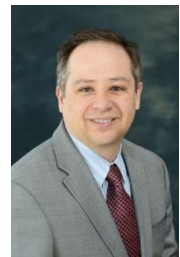


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Ginna Green is the Managing Director of the Democracy Collaborative at ReThink Media, working to reduce the power of big money in politics, ensure fair and diverse courts, and protect and expand voting rights. Previously, she managed communications for the California office of the Center for Responsible Lending, and served as Director of Public Relations at Full Court Press Communications in Oakland, California. She has worked with The OpEd Project, the SPIN Academy, and AlterNet, and has been published in the *Los Angeles Times*, *San Francisco Chronicle*, and *Washington Post*.

Jon Greenbaum is Chief Counsel at the Lawyers' Committee for Civil Rights under Law, where he oversees the Committee's efforts to seek racial justice in criminal justice, education, economic justice and employment, fair housing and community development, and voting rights. He Co-Chairs the Voting Rights Task Force of the Leadership Conference on Civil and Human Rights and has taught at the Georgetown University Law Center. Previously, he served as senior trial attorney in the Voting Section at the Justice Department.



Jamal Greene is the Dwight Professor of Law at Columbia Law School. His scholarship focuses on the structure of legal and constitutional argument. He is the author of more than 30 law review articles and is a frequent media commentator on the Supreme Court and on constitutional law. He clerked for Judge Guido Calabresi on the U.S. Court of Appeals for the Second Circuit and Justice John Paul Stevens of the U.S. Supreme Court.

Tara Leigh Grove is a Visiting Professor at Harvard Law School and a Professor of Law at William and Mary Law School. Her research focuses on the federal judiciary and the constitutional separation of powers. Previously, she served as a visiting professor at Northwestern University School of Law, and as an appellate attorney for the U.S. Department of Justice. She clerked for Judge Emilio Garza on the U.S. Court of Appeals for the Fifth Circuit.



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Lucas Guttentag is Professor of the Practice of Law at Stanford Law School and Robina Foundation Distinguished Senior Fellow and Lecturer in Law at Yale Law School. He is the founder and former director of the ACLU Immigrants' Rights Project, which he led from 1985 to 2010, litigating and advocating on behalf of immigrants and refugees throughout the country. From 2014-16, he served in the Obama administration as a senior immigration advisor and Senior Counselor to the Secretary of Homeland Security.

Aziz Huq is the Frank and Bernice J. Greenberg Professor of Law at the University of Chicago. He was previously Director of the Liberty and National Security Project of the Brennan Center for Justice, and a Senior Consultant Analyst for the International Crisis Group. He clerked for Judge Robert D. Sack of the U.S. Court of Appeals for the Second Circuit and then for Justice Ruth Bader Ginsburg of the U.S. Supreme Court.



Laleh Ispahani is acting deputy director of U.S. Programs at the Open Society Foundations. She also directs OSF's work on democratic practice in the U.S., which includes work to safeguard the independence of the judiciary. Previously, she was senior policy counsel at the ACLU, where she worked on racial justice and human rights issues, applying international human rights to domestic racial justice issues, writing shadow reports for U.N. Committees, producing a documentary film, *Democracy's Ghosts*, and publishing in both academic and popular journals.

Michele Jawando is the vice president for Legal Progress at the Center for American Progress and a co-host of the nationally renowned CAP podcast, Thinking CAP. Previously, she served as general counsel and senior adviser to Sen. Kirsten Gillibrand (D-NY), and as the national campaign manager for election protection and legislative counsel at the People for the American Way Foundation.



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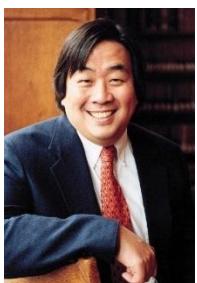
Johanna Kalb is an Associate Professor of Law at Loyola University New Orleans College of Law, where she focuses on constitutional law, federal courts, and the law of detention and democracy. Professor Kalb is also a fellow in the Democracy Program at the Brennan Center for Justice at NYU School of Law. She previously served as Visiting Associate Professor of Law and Director of the Arthur Liman Public Interest Program at Yale Law School.

Sara C. Kay is the first Chief Executive Officer of the Bernard and Anne Spitzer Charitable Trust. She was previously Head of Advocacy and Health Equity Programs at The Atlantic Philanthropies and Director of the Health Program at the Nathan Cummings Foundation. She has also occupied senior roles in the Office of the New York City Comptroller, taught at Brooklyn Law School, and worked as a corporate litigator at LeBoeuf, Lamb, Greene & MacRae.



Douglas Keith is Counsel at the Brennan Center for Justice on the Fair Courts team. His work focuses on judicial selection, diversity on the bench, and promoting fair and impartial courts. He previously served as the Katz Fellow in the Brennan Center's Democracy Program where he co-authored reports and white papers on campaign finance disclosure, false allegations of voter fraud, and mechanisms for federal investigations of the executive branch.

Sarah Knight is a program officer in U.S. Programs at the Open Society Foundations. Previously, she served as vice president of network advancement at the American Constitution Society for Law and Policy, and as an attorney with Perkins Coie LLP.



Harold Hongju Koh is Sterling Professor of International Law at Yale Law School. He previously served as the Legal Adviser of the U.S. Department of State and as U.S. Assistant Secretary of State for Democracy, Human Rights and Labor. He has received seventeen honorary degrees and more than thirty awards for his human rights work. He has authored or co-authored eight books,

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published more than 200 articles, testified regularly before Congress, and litigated numerous cases involving international law issues.

John F. Kowal is Vice President for Programs at the Brennan Center for Justice, where he coordinates and guides the organization's programs on Democracy, Justice and Liberty and National Security. Previously, John worked at the Open Society Institute as Director of Constitutional Democracy Initiatives. He also directed the Ford Foundation's units on Democratic and Accountable Government and Democratic Participation. He was a litigation associate at Cravath, Swaine & Moore and at Schulte Roth & Zabel.



Martin Krall was Executive VP and Chief Legal Officer of several media companies, including the *Daily News* and *US News and World Report*. He also practiced law at Shaw, Pittman, Potts & Trowbridge, where he specialized in corporate and real estate transactions and was on the management committee. From 1965 to 1968, he served in the Air Force General Counsel's office. He graduated from Yale Law School, and was an editor of the Law Journal. He is semi-retired and devotes his time to various nonprofit organizations.

Ruth Krall worked in the Johnson Administration White House, and served on George Schultz's Transition Committee in the Labor Department and as Director of Research for the National Alliance of Business. She has served on numerous non-profit boards, including as President of the Holton Arms School, as Vice Chair of the New York and DC Boards of the Anti-Defamation League, and as Co-Chair of Women-for-Women, a UN affiliated group in New York. She has also served on the Corporate Board of the DC Children's Hospital, and founded an oral history business.



Linda Leali is an attorney in private practice in South Florida at Linda Leali, P.A., and co-chairs the National Association of Women Judges' flagship voter education project, Informed Voters, Fair Judges. She concentrates her practice on bankruptcy, creditors' rights, and receivership. Previously, she practiced law at the Miami office of White & Case LLP for nearly 13 years.

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Chisun Lee is Senior Counsel at the Brennan Center for Justice, where she works on campaign finance reform and voting rights. Previously, she represented indigent criminal defendants in federal trial and appeals courts in New York City, and worked as a reporter for ProPublica, where her projects were co-published by the *New York Times*, the *Washington Post*, and NPR, among other outlets, and won industry honors. She clerked for Judge Gerard E. Lynch in the U.S. District Court for the Southern District of New York and is a graduate of Harvard Law School.



Eric Lesh is the Fair Courts Project Director for Lambda Legal. Previously, he worked for the Wall Street firm of Beigelman, Feiner & Feldman, where he focused on appellate practice, and as the director of a nonprofit organization implementing bullying prevention strategies in New Orleans public schools.

Dahlia Lithwick is a senior editor for Slate, where she writes the "Supreme Court Dispatches" and "Jurisprudence" columns. Her work has appeared in the *New York Times*, *Harper's*, *The New Yorker*, and *The Washington Post*, among other outlets. She won a National Magazine Award for her columns on the Affordable Care Act, and two Online Journalism Awards for her legal commentary. She has testified before Congress about access to justice in the era of the Roberts Court.



Christy Loper is a Program Director at The Educational Foundation of America (EFA). Prior to joining EFA, she served as the Micronesia Program Director for the international nonprofit Rare and worked for the U.S. National Oceanic and Atmospheric Administration. She holds an M.A. in Marine Policy, and a Ph.D. from the University of Delaware College of Marine Studies.

Nick Lyell is a Media Associate for the Money in Politics and Fair Courts Collaborative at ReThink Media. He works with leading communicators in the democracy movement on executing a range of strategies and tactics. Previously, he managed digital communications at the National Association of Counties (NACo). He holds a B.S. in Political Science, Economics, and Latin American Studies from the University of Wisconsin.



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David Lyle is Senior Counsel for Network Advancement at the American Constitution Society. In 2012, he founded the Courts Matter project at Media Matters for America. Previously, he worked as a principal in a political consulting firm, at the Department of Housing and Urban Development, as Counsel to Representative Don Johnson (D-GA), as an associate at Arnold & Porter, and as law clerk to Judge John C. Godbold of the U.S. Court of Appeals for the 11th Circuit.

Lisa Magarrell joined the Open Society Foundations in 2012, and manages the National Security and Human Rights Project within U.S. Programs. The Project supports work relating to rule of law, accountability, and profiling issues in U.S. post-9/11 counterterrorism policy. Previously, she spent 11 years at the International Center for Transitional Justice, after a long period of human rights work in Central America. She has law degrees from the University of Iowa, the University of El Salvador, and an LLM from Columbia Law School.



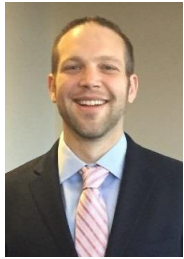
Evan McMullin is a co-founder of Stand Up Republic. He previously served with the Central Intelligence Agency as a clandestine operations officer, in Goldman Sachs's Investment Banking division, as a senior advisor to the Foreign Affairs Committee, and as chief policy director to the Republican Conference in the House of Representatives. In 2016, he ran for President of the United States as an independent conservative.

Trevor Morrison is the Dean and Eric M. and Laurie B. Roth Professor of Law at New York University School of Law. He was previously on the faculties of Columbia Law School and Cornell Law School. His teaching and scholarship interests are in constitutional law and federal courts, especially the separation of powers and the law of the executive branch. He has served as associate counsel to President Barack Obama, as a Bristow fellow in the Justice Department's Office of the Solicitor General, as an attorney-advisor in the Justice Department's Office of Legal Counsel, and as law clerk to Judge Betty B. Fletcher of the U.S. Court of Appeals for the Ninth Circuit and Justice Ruth Bader Ginsburg of the U.S. Supreme Court. He currently



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serves as Chair of the Public Interest Declassification Board. He is a fellow of the American Academy of Arts and Sciences and a member of the American Law Institute and the Council on Foreign Relations.



Michael Nelson is the Hyde Early Career professor at Pennsylvania State University. His research examines the effects of judicial elections on the development of the law as well as the determinants and effects of public support for state and federal courts in the United States. His research has been published or is forthcoming in the *American Journal of Political Science*, the *Journal of Law and Courts*, *Political Research Quarterly*, *State Politics and Policy Quarterly*, and *Judicature*.

Bronwen O'Herin is a third-year law student at New York University. She graduated *magna cum laude* from Harvard in 2012 with a B.A. in Social Studies and a secondary field in French. Prior to law school, Bronwen taught third grade in Oklahoma City. At NYU, Bronwen has worked as a research and teaching assistant for Professor Adam Cox and as an Online Editor for *N.Y.U. Law Review*. Upon graduation, she will clerk for Justice Joel Bolger on the Alaska Supreme Court.

Melissa Price Kromm is the Director of North Carolina Voters for Clean Elections. She serves as lobbyist and leader of the 35+ member coalition which helped pass North Carolina's "Voter-Owned" public financing for select judicial and Council of State races, as well as the pilot municipal program. Previously, she was part of a successful effort to pass same-day voter registration at early voting sites in North Carolina.



Judith Resnik is the Arthur Liman Professor of Law at Yale Law School, where she teaches about federalism, procedure, courts, prisons, equality, and citizenship. Her books include *Representing Justice: Invention, Controversy, and Rights in City-States and Democratic Courtrooms* (with Dennis Curtis, 2011) and *Federal Courts Stories* (2010). She chairs Yale Law School's Global Constitutional Law Seminar, is the editor of the e-volumes from 2012 forward, and is the founding director of Yale's Arthur Liman Center for Public Interest Law, supporting fellowships for law graduates

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and for undergraduates, and sponsoring colloquia and seminars on the civil and criminal justice systems. Professor Resnik is an occasional litigator.

Ethan Rice is the Fair Courts Project Attorney for Lambda Legal. Previously, he served as a staff attorney at the Transgender Legal Defense and Education Fund and as a child welfare attorney in Florida. As a graduate fellow at FSU College of Law, he co-authored an article cited by the Supreme Court in *Graham v. Florida* in its decision finding sentences of life without parole for juveniles unconstitutional when imposed for non-homicide crimes.



Lourdes Rivera is the Senior Vice President for U.S. Programs at the Center for Reproductive Rights. She has previously served as Senior Program Officer at the Ford Foundation, Managing Attorney of the Los Angeles office of the National Health Law Program (NHeLP), Senior Associate with the Children's Defense Fund, Health Division, and a Georgetown Women's Law and Public Policy Fellow with the National Women's Law Center.

Laila Robbins is a Research and Program Associate at the Brennan Center for Justice's Fair Courts project. She previously interned at Brooklyn Defender Services, where she created Brooklyn's first police accountability database, worked as a research assistant for Professor Kate Stith at Yale Law School, and studied domestic policy at Yale's Institution for Social and Policy Studies. She holds a B.A. in History, *cum laude*, from Yale University.



Dorothy Samuels is a senior fellow at the Brennan Center for Justice. She previously served for 30 years as a member of *The New York Times* editorial board, writing on a wide array of legal and social policy issues with a focus on the justice system, civil rights, and civil liberties. A lawyer, Dorothy earlier served as executive director of the New York Civil Liberties Union, and worked with the Ford Foundation and a movie production company.

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Shirin Sinnar is an associate professor of law at Stanford Law School. Her scholarship focuses on the role of institutions, including courts and executive oversight institutions, in protecting individual rights and democratic values in the national security context. Previously, she served as an attorney with the Asian Law Caucus and the Lawyers' Committee for Civil Rights of San Francisco, and as a law clerk to Judge Warren J. Ferguson of the U.S. Court of Appeals for the Ninth Circuit.



Susan Sommer is Associate Legal Director and Director of Constitutional Litigation for Lambda Legal. She handles litigation in all areas of Lambda Legal's work, including fighting for recognition of same-sex relationships, securing the rights of LGBT parents, battling anti-LGBT discrimination in various sectors, protecting LGBT youth, and enforcing the rights of people living with HIV. She was previously partner at Lankler Siffert & Wohl in New York, and has taught at Brooklyn Law School and Cardozo Law School.

Melissa Spatz is Director of the Piper Fund. Prior to joining Piper, she led the Chicago Taskforce on Violence Against Girls & Young Women, and the Women & Girls Collective Action Network. She has founded and co-founded numerous projects and organizations, including the *Columbia Journal of Gender & Law*, the Women's Rights Project at Human Rights Watch, the Chicago Freedom School, Chicago Youth United, and the Center for Emerging Leadership.



Greg Spenchian is the Director of Policy and Partnerships for Stand Up Republic. He was formerly a policy analyst at the Homeland Security Studies and Analysis Institute, and a research specialist for a private sector contractor.

Samuel Spital is the Director of Litigation at the NAACP Legal Defense & Educational Fund. Prior to joining LDF, Sam practiced at two national law firms, where he worked with LDF as co-counsel on cases involving capital punishment and voting rights. He is a Lecturer-in-Law at Columbia Law School.





Juan Thomas is the President of the National Bar Association, *Of Counsel* to Quintairos, Prieto, Wood & Boyer, P.A., and the founder and principal of the Thomas Law Group in Chicago. Thomas was elected as Aurora Township Clerk in 2005 and re-elected in 2009. While in law school, he was elected to the West Aurora School Board and was the youngest person ever elected to the school board. Thomas has also served as Labor Counsel to Illinois Secretary of State Jesse White, as the Legislative Liaison for Citizen Action Illinois, as an adjunct Professor, and was a delegate to the 2004 Democratic National Convention.

Marcelo Triana is the Senior Online Editor for the *NYU Law Review*, and a lifelong native of Queens. He received his B.A. from Hobart and William Smith Colleges in 2012. He worked for three years at the New York County District Attorney's Office before law school. In law school, Marcelo interned in the Criminal Division of the U.S. Attorney's Office in SDNY and the Civil Division in EDNY. He will join the firm Paul, Weiss, Rifkind, Wharton & Garrison LLP after graduation.



Donald B. Verrilli, Jr. is a partner with Munger, Tolles & Olson. He previously served as Solicitor General of the United States from June 2011 to June 2016, as Deputy White House Counsel, and as Associate Deputy Attorney General in the U.S. Department of Justice. He also spent two decades in private practice and taught First Amendment law at the Georgetown University Law Center.

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COURTS UNDER PRESSURE: PROTECTING RULE OF LAW IN THE AGE OF TRUMP



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COURTS UNDER PRESSURE: PROTECTING RULE OF LAW IN THE AGE OF TRUMP



Wendy Weiser directs the Democracy Program at the Brennan Center for Justice, focusing on voting rights, money in politics, redistricting, fair courts, and government reform. She has authored multiple publications on democracy issues, litigated ground-breaking voting rights lawsuits, co-authored dozens of U.S. Supreme Court and appellate briefs; testified before both houses of Congress and in state legislatures, provided legislative drafting assistance to legislators and administrators nationwide, and comments regularly in the media on democracy issues. She has served as an adjunct professor at NYU School of Law, and worked at NOW Legal Defense and Education Fund; Paul, Weiss, Rifkind, Wharton & Garrison; and as a judicial law clerk.

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