

ROBERT LUTHER III

Distinguished Professor of Law
Antonin Scalia Law School at George Mason University
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Experience

Antonin Scalia Law School at George Mason University, *Distinguished Professor of Law* (2024-present)

- Teaching Constitutional Law II, Legislation & Statutory Interpretation, and Legal Writing for Law Clerks; writing on the federal courts, legal and judicial ethics, Congress, political law, and professional sports

Constitutional Solutions PLLC, *Founder* (2024-present)

- Founded a law firm that navigates judicial candidates, judges, elected officials, professional athletes, and executives through high-stakes hearings, investigations, and reputational attacks

Jones Day, *Of Counsel* (2019-2024)

- As a member of the firm's Government Regulation practice, I advised entities and individuals on a wide range of strategic, crisis, political, regulatory, oversight, and litigation matters in the U.S. Supreme Court and other federal courts and before bodies of the United States Congress.

Antonin Scalia Law School at George Mason University, *Adjunct Professor of Law* (2019-2024)

- Taught "Legal Writing for Law Clerks" (18 semesters)

The White House, *Associate Counsel to the President of the United States* (2017-2018)

- Co-managed process for interviewing and recommending hundreds of federal judicial candidates and dozens of agency General Counsels, Deputy General Counsels, and other politically-appointed legal personnel to the President

U.S. Senate Judiciary Committee, *Counsel to U.S. Senator Jeff Sessions* (2015-2017)

- Advised then-Senator Sessions on judicial nominations and constitutional law matters prior to serving as a core member of his Attorney General confirmation hearing preparation team

Chambers of the Honorable Daniel A. Manion, U.S. Court of Appeals for the Seventh Circuit, *Law Clerk* (2013-2015)

- Prepared bench memos and draft opinions

William & Mary Law School, *Adjunct Professor of Law* (2012-2013)

- Taught two-semester civil and appellate practice course

Knicely & Associates, P.C., Associate (2008–2013)

- Civil, constitutional, and appellate litigation

Pacific Legal Foundation, Constitutional Litigation Fellow (2007)

- Constitutional and appellate litigation

Law Journal Publications

[Federal Judicial Selection After the 2024 Election](#), HARVARD JOURNAL OF LAW & PUBLIC POLICY *Per Curiam* (2024)

[“Eighteen Million Over”: The National Hockey League’s Long-Term Injured Reserve Parity Challenge](#), 33 MARQUETTE SPORTS LAW REVIEW 695 (2023) (with Horowitz)

[The Ethics of “Succession Planning” on the Federal Judiciary](#), HARVARD JOURNAL OF LAW & PUBLIC POLICY *Per Curiam* (2022)

[Two Years of Judicial Selection in the Trump Administration](#), 80 UNIVERSITY OF PITTSBURGH LAW REVIEW 775 (2019)

[Taking Aim at Recent Legislative Proposals to Curb Gun Violence from Mental Illness: A Second Amendment Response](#), 53 HARVARD JOURNAL ON LEGISLATION 369 (2016)

[Practical Tips for Placing and Publishing Your First Law Review Article](#), 50 UNIVERSITY OF RICHMOND LAW REVIEW ONLINE 63 (2016)

[The Influence and Example of Professor Michael W. Lewis](#), 42 OHIO NORTHERN UNIVERSITY LAW REVIEW 883 (2016)

[The Quiet Army: Felon Firearm Rights Restoration in the Fourth Circuit](#), 23 WILLIAM & MARY BILL OF RIGHTS JOURNAL 237 (2014)

[Mental Health and Gun Rights in Virginia: A View from the Battlefield](#), 40 NEW ENGLAND JOURNAL ON CRIMINAL AND CIVIL CONFINEMENT 345 (2014)

[“Disparate Impact” and the Establishment Clause](#), 10 GEORGETOWN JOURNAL OF LAW & PUBLIC POLICY 529 (2012)

[This Business of “Procurring Cause” in Virginia](#), 3 WILLIAM & MARY BUSINESS LAW REVIEW 181 (2012)

[Affirmative Action and the First Amendment’s Single Minority of One](#), 55 HOWARD LAW JOURNAL 101 (2011)

[Marketplace of Ideas 2.0: Excluding Viewpoints to Include Individuals](#), 38 HASTINGS CONSTITUTIONAL LAW QUARTERLY 673 (2011)

[Oversight, Enforcement, and Extension in Public Interest Litigation: An Empirical Analysis of Compliance with the Ninth Circuit’s Western States Paving v. Washington State DOT Decision](#), 15 TEXAS REVIEW OF LAW & POLITICS 200 (2010)

Unity Through Division: Religious Liberty and the Virtue of Pluralism in the Context of Legislative Prayer Controversies, 43 CREIGHTON LAW REVIEW 1 (2009)

Deliver Us from Evil: Why Bankruptcy Judges May Properly Rely on the Free Exercise Clause & RFRA to Protect Church Property from the Grasps of Tort-Creditors, 43 VALPARAISO UNIVERSITY LAW REVIEW 641 (2009) (with Gaunce)

Why Courts Must Subject Municipalities to Constitutional Tort Liability Under §1983 When Unconstitutional Preference Statutes Deprive an Otherwise Lowest Qualified Bidder of a Public Contract, 19 GEORGE MASON UNIVERSITY CIVIL RIGHTS LAW JOURNAL 371 (2009) (with Kasarda)

A Superintendent's Guide to Student Free Speech in California Public Schools, 12 UC DAVIS JOURNAL OF JUVENILE LAW & POLICY 381 (2008) (with Beard)

Breaking Away from the "Prayer Police": Why the First Amendment Permits Sectarian Legislative Prayer and Demands a "Practice Focused" Analysis, 48 SANTA CLARA LAW REVIEW 569 (2008) (with Caddell)

Selected Invited Speaking Engagements

The Federalist Society's Ohio Lawyers Convention, "Judicial Selection and Courage," Columbus, Ohio (April 21, 2023)

The Federalist Society's 2022 National Lawyers Convention, "The Judge's Role in Choosing a Successor," Washington, D.C. (November 12, 2022), <https://www.youtube.com/watch?v=FizyGB28PIw>

Alumni Luncheon, Antonin Scalia Law School at George Mason University, Washington, D.C., Remarks on the benefits of government service alongside Judge Gregory G. Katsas of the U.S. Court of Appeals for the District of Columbia Circuit (November 11, 2022)

9/11 Symposium, "Changes and Challenges to Our Legal System," Hampden-Sydney College, Virginia (September 11, 2021)

Investiture of Judge Ryan D. Nelson, U.S. Court of Appeals for the Ninth Circuit, Idaho Falls, Idaho, Remarks, (March 29, 2019), <https://www.youtube.com/watch?v=9KYStdH0pQU&t=2093s>

Rayburn U.S. House of Representatives Office Building, "The Future of the U.S. Supreme Court" (panel discussion for college students), Washington, D.C. (November 28, 2016)

State Bar of California MCLE, "U.S. Court of Appeals for the Seventh Circuit Practice Pointers" and "Senate Judiciary Committee Update from the 114th Congress," Sacramento, California (July 15, 2016)

Grove City College, "The Future of the U.S. Supreme Court," (discussion with former Deputy Attorney General of the United States Paul J. McNulty in celebration of *Law Day*), Grove City, Pennsylvania (May 1, 2016)

William & Mary Law School, “Demystifying the Senate Judiciary Committee,” Williamsburg, Virginia (March 23, 2016)

Harvard Journal on Legislation Symposium, “Firearms in America,” Cambridge, Massachusetts (April 16, 2015)

Stanford Law School Young Scholars Forum, (presented work-in-progress of *Taking Aim* article), Palo Alto, California (October 10, 2014)

New England Journal on Criminal and Civil Confinement Symposium, “Staring Down the Barrel of the Mind: Gun Control and Mental Health,” Boston, Massachusetts (October 17, 2013)

Elon Law Review Symposium, “Emerging Issues in First Amendment Jurisprudence: Interpreting the Relationship Between Religion and the State in the Modern Age,” Greensboro, North Carolina (October 26, 2012) (Presented “*Disparate Impact*” and *the Establishment Clause*)

Pepperdine University School of Law’s Religious Legal Theory Conference, “The Competing Claims of Law & Religion: Who Should Influence Whom?,” Malibu, California (February 25, 2012)

UC Hastings Constitutional Law Quarterly’s Law Journal Symposium, “The Legal Implications of *CLS v. Martinez*,” San Francisco, California (October 1, 2010)

George Mason University Civil Rights Law Journal’s Symposium, “Civil Rights and Education,” Washington, D.C. (October 21, 2009)

Admissions

Virginia State Bar, District of Columbia Bar, Pennsylvania Bar (inactive), Minnesota State Bar (inactive), U.S. Supreme Court, U.S. Courts of Appeals for the 4th, 6th, 7th, 9th, and 11th Circuits, U.S. District Courts for the Eastern and Western Districts of Virginia and the Northern District of Indiana

Education

Ohio Northern University - J.D. (2006)

· Graduated in 2 ½ years · President, *The Federalist Society* · Public Interest Fellow

Hampden-Sydney College - B.A., *Departmental Honors in Economics* (2003)

· Graduated in 3 years, *magna cum laude* · Nominee to Omicron Delta Kappa
· James Madison Scholarship (5 awarded) · Hobbie Fellow in Business Ethics

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