Judge Brett M. Kavanaugh was appointed to the United States Court of Appeals for the D.C. Circuit on May 30, 2006. Before his appointment to the D.C. Circuit, Judge Kavanaugh served for more than five years in the White House for President Bush. From 2003 to 2006, he was Assistant to the President and Staff Secretary, and from 2001 to 2003, he was Associate Counsel and then Senior Associate Counsel to the President.

Before his White House service, Judge Kavanaugh was a partner at Kirkland & Ellis in Washington, D.C., from 1997 to 1998 and again from 1999 to 2001. From 1994 to 1997 and for a period in 1998, Judge Kavanaugh was Associate Counsel in the Office of Independent Counsel Kenneth W. Starr. From 1992 to 1993, Judge Kavanaugh worked as an attorney in the Office of the Solicitor General of the United States. Judge Kavanaugh served as a law clerk to Justice Anthony M. Kennedy of the United States Supreme Court, to Judge Alex Kozinski of the U.S. Court of Appeals for the Ninth Circuit, and to Judge Walter Stapleton of the U.S. Court of Appeals for the Third Circuit. Judge Kavanaugh is a graduate of Yale College and Yale Law School.

Since joining the D.C. Circuit, Judge Kavanaugh has taught eight full-term law school courses, including Separation of Powers at Harvard Law School, National Security and Foreign Relations Law at Yale Law School, and Constitutional Interpretation at Georgetown University Law Center.


The Clynes Chair was created with a gift from the distinguished jurist and Notre Dame alumnus Judge James J. Clynes Jr. (’45). The benefaction reflects Judge Clynes’ strong interest in and dedication to promoting the ethics of litigation within the judicial process. The Clynes Chair may be held by honored members of the judiciary at both the trial and appellate levels, distinguished law professors, and prominent members of the bar to teach or conduct public lectures relative to the ethics of litigation or judicial decision making.
The Notre Dame Law Review is pleased to welcome all participants and attendees to its 2013 Symposium. The Law Review Symposium will delve into the factors of constitutional doctrinal shifts. It will focus on the question of whether the evolution of constitutional theory is driven by external pressures such as economics, politics, culture, and social movements—or by an internal dialogue about constitutional meaning. It looks to shed light on this question by exploring the most salient points of constitutional development and change in the 20th century.

Three panels of legal scholars will focus on the following eras: the *Lochner*/New Deal “switch in time,” the rights revolution of the Warren and Burger Courts, and the conservative revival of the Rehnquist and Roberts Courts. The Honorable Brett M. Kavanaugh, United States Court of Appeals for the District of Columbia Circuit, will provide the keynote address.

### Symposium and Panel Schedule

#### 7:45–8:15 | Continental Breakfast (Atrium outside Courtroom)

*All panels and the keynote address will be held in the Patrick F. McCartan Courtroom in the Eck Hall of Law.*

#### 8:20–8:30 | Welcome and Opening Remarks

#### 8:30–10:00 | Panel One: *Lochner* and the New Deal “Switch in Time”

- Professor David E. Bernstein, George Mason University School of Law
- Professor Barry Cushman, Notre Dame Law School
- Professor Samuel R. Olken, John Marshall Law School
- With commentary by Professor William K. Kelley, Notre Dame Law School

#### 10:15–11:45 | Panel Two: The Rights Revolution of the Warren and Burger Courts

- Professor Lucas A. Powe Jr., University of Texas School of Law
- Professor Brad Snyder, University of Wisconsin Law School
- Professor Ryan C. Williams, Columbia Law School
- With commentary by Professor David A. Strauss, University of Chicago Law School

#### 12:00–1:00 | Lunch

#### 1:15–2:45 | Panel Three: The Conservative Revival of the Rehnquist and Roberts Courts

- Professor Kurt T. Lash, University of Illinois College of Law
- Professor Stephen E. Sachs, Duke University School of Law
- Professor Keith E. Whittington, Princeton University
- With commentary by Professor Amy Coney Barrett, Notre Dame Law School