

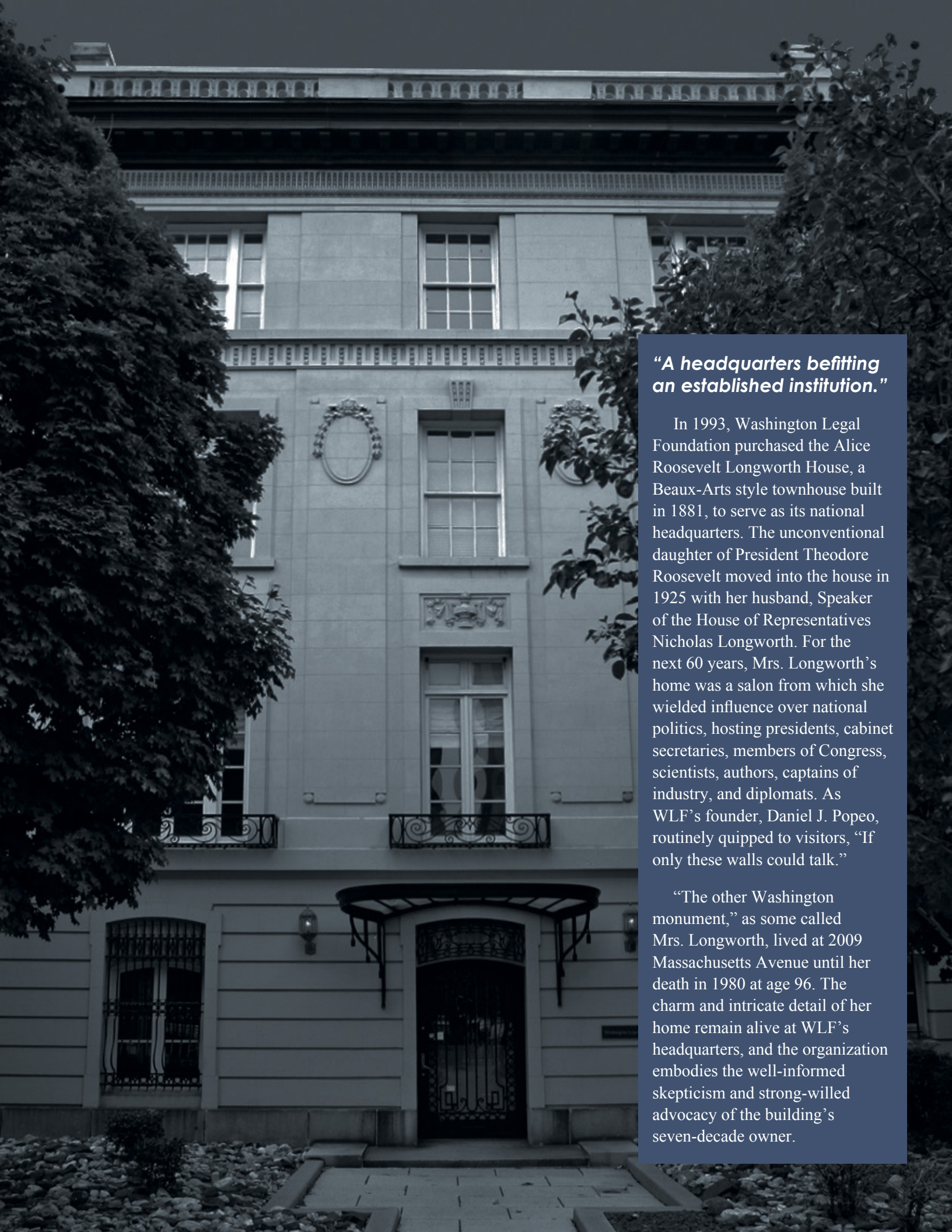
2022 ANNUAL REPORT



# Washington Legal Foundation

Defending Economic Liberties Since 1977





***“A headquarters befitting an established institution.”***

In 1993, Washington Legal Foundation purchased the Alice Roosevelt Longworth House, a Beaux-Arts style townhouse built in 1881, to serve as its national headquarters. The unconventional daughter of President Theodore Roosevelt moved into the house in 1925 with her husband, Speaker of the House of Representatives Nicholas Longworth. For the next 60 years, Mrs. Longworth’s home was a salon from which she wielded influence over national politics, hosting presidents, cabinet secretaries, members of Congress, scientists, authors, captains of industry, and diplomats. As WLF’s founder, Daniel J. Popeo, routinely quipped to visitors, “If only these walls could talk.”

“The other Washington monument,” as some called Mrs. Longworth, lived at 2009 Massachusetts Avenue until her death in 1980 at age 96. The charm and intricate detail of her home remain alive at WLF’s headquarters, and the organization embodies the well-informed skepticism and strong-willed advocacy of the building’s seven-decade owner.



Washington Legal Foundation is the nation’s premier public-interest law firm and policy center. Our mission is to preserve and defend America’s free-enterprise system by litigating, educating, and advocating for free-market principles, a limited and accountable government, individual and business civil liberties, and the rule of law.

We **LITIGATE** precedent-setting issues before courts and regulatory agencies; **PUBLISH** and distribute timely and influential legal studies; and **COMMUNICATE** our message through webcast programs, blog commentary, op-eds, and public-education campaigns.

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## WLF Leadership

**Constance Claffey Larcher**, President and Chief Executive Officer

**Glenn G. Lammi**, Executive Director and Vice President of Legal Studies

**Cory L. Andrews**, General Counsel and Vice President of Litigation

**John M. Masslon II**, Senior Litigation Counsel

**Jennifer Shafer**, Development Specialist

**Harrison Stewart**, Director of Operations



“At a minimum, the rule of law demands fair notice of the law and equality in its application. The government must be bound by fixed rules announced in advance, people must be able to conform their conduct to these rules, and the government must be prevented from using retroactive or malleable rules to single out unpopular groups for disfavored treatment.”

**Neil M. Gorsuch**

Associate Justice of the U.S. Supreme Court  
*A Republic, If You Can Keep It*



## To Our Friends and Supporters

For Americans to “secure the Blessings of Liberty” noted in our Constitution’s preamble, a robust free-enterprise system is absolutely essential. And to flourish, free enterprise requires a static Rule of Law as described by Justice Gorsuch on the previous page. Sadly, in 2022, antipathy toward business and support for debilitating regulation and litigation became increasingly in vogue. Even some individuals and organizations that tout themselves as free-market adherents have joined the anti-business chorus.

Not Washington Legal Foundation. Since 1977, WLF has never wavered from its mission to preserve and defend America’s free-enterprise system in the courts, the administrative state, and the court of public opinion. With those policy-making arenas taking center stage while legislatures remain in gridlock, WLF is ideally positioned to advance the public interest. WLF fights to keep free enterprise free—free to create wealth for shareholders and employees, and free to develop innovative, high-quality goods and services for consumers.

In this Annual Report, we are proud to detail our 2022 litigation, advocacy, and education to spotlight successes in WLF’s pursuit of a favorable legal and regulatory environment for commerce.

WLF’s Litigation Division filed 66 amicus briefs and regulatory comments: that’s nearly six filings a month. Our highly regarded briefs supported positive outcomes in 18 cases in 2022, including eight U.S. Supreme Court victories and seven instances where appellate courts agreed to review lower court decisions

adverse to free enterprise. Our filings demanded that federal agencies provide basic due process and act in a manner consistent with statutes and the Constitution. They urged judges to actively referee civil litigation and bring meritless lawsuits to an end. And they insisted that each branch of government stay in its constitutionally prescribed lane.

Our uncommon think tank, the Legal Studies Division, released 42 original papers and posted 72 insightful commentaries to our blog, the *WLF Legal Pulse*. We also produced and livestreamed 13 Media Briefing and Webinar programs. We appreciate the attorneys and other legal experts, listed in the pages to follow, whose pro bono contributions as writers and panelists enabled such productivity.

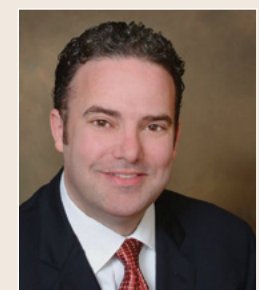
We are grateful for those allies whose support and friendship make WLF’s unique work possible. We especially appreciate the counsel and encouragement of our volunteer Legal Policy Advisory Board. And, of course, we never forget those individuals and organizations whose generous philanthropy sustains WLF and propel our shared mission forward.

Although WLF achieved much in 2022, threats to economic freedom will endure, if not expand, this year. As we’ve learned from 45 years of public-interest litigation and legal-policy advocacy, progress requires perseverance. This report demonstrates that WLF possesses the tools and the determination to press on. With your help we will build on this year’s accomplishments and secure more liberty for all Americans.



A handwritten signature in black ink that reads "Glenn G. Lammi".

Glenn G. Lammi  
Executive Director & Vice President of Legal Studies



A handwritten signature in black ink that reads "Cory L. Andrews".

Cory L. Andrews  
General Counsel & Vice President of Litigation

# Legal Policy Advisory Board

## Chairman of the Board

**Jay B. Stephens**  
Kirkland & Ellis LLP

## Former Chairmen

**Frank J. Fahrenkopf, Jr.**  
**The Honorable Dick Thornburgh**  
**Richard K. Willard**

**Prof. Stephen M. Bainbridge**  
William D. Warren  
Distinguished Professor of Law  
UCLA School of Law

**Mark A. Behrens**  
Shook, Hardy & Bacon LLP

**Lisa S. Blatt**  
Williams & Connolly LLP

**The Hon. Susan G. Braden**  
Chief Judge (Ret.)  
U.S. Court of Federal Claims

**Gregory A. Brower**  
Chief Global Compliance Officer  
Wynn Resorts

**Carol Elder Bruce**  
Law Office of Carol  
Elder Bruce, PLLC

**James H. Burnley, IV**  
Venable LLP

**Ralph J. Caccia**  
Wiley

**Michael A. Carvin**  
Jones Day (Ret.)

**Drew Clark**  
Vice President and General Counsel  
McKee Foods Corporation

**Charles Cooper**  
Cooper & Kirk PLLC

**Viet D. Dinh**  
Chief Legal and Policy Officer  
Fox

**Richard L. Frank**  
Olsson Frank Weeda Terman Matz PC

**Harold Furchtgott-Roth**  
President  
Furchtgott-Roth Economic Enterprises

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Epstein Becker & Green PC

**Thomas C. Goldstein**  
Goldstein & Russell PC

**Eric Grannon**  
White & Case LLP

**Sarah M. Harris**  
Williams & Connolly LLP

**Allyson N. Ho**  
Gibson, Dunn & Crutcher LLP

**Coleen Klasmeier**  
Sidley Austin LLP

**Katharine R. Latimer**  
Hollingsworth LLP (Ret.)

**Jay P. Lefkowitz**  
Kirkland & Ellis LLP

**Susan W. Liebeler**  
President  
Lexpert Research Services

**Leah L. Lorber**  
Assistant General Counsel  
GlaxoSmithKline

**Michael J. Lotito**  
Littler Mendelson PC

**Arvin Maskin**  
Mayer Brown LLP

**Stephen McManus**  
Senior Vice President and General Counsel  
State Farm Mutual Automobile Insurance Co.

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Orrick, Herrington & Sutcliffe LLP

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Baker Botts LLP

**Theodore B. Olson**  
Gibson, Dunn & Crutcher LLP

**R. Hewitt Pate**  
Vice President and General Counsel  
Chevron Corporation

**Carter G. Phillips**  
Sidley Austin LLP

**Prof. Stephen B. Presser**  
Raoul Berger Professor of Law Emeritus  
Northwestern Pritzker School of Law

**Prof. George L. Priest**  
Edward J. Phelps Professor of Law and Economics  
Yale Law School

**Charles F. (Rick) Rule**  
Rule Garza Howley LLP

**Evan M. Tager**  
Mayer Brown LLP

**George J. Terwilliger**  
McGuire Woods LLP

**Prof. Larry D. Thompson**  
John A. Sibley Professor in Corporate and Business Law,  
University of Georgia School of Law

**Daniel E. Troy**  
Executive Vice President, Chief Legal Officer, and  
General Counsel  
Valo Health

**Drew Tulumello**  
Weil, Gotshal & Manges LLP

**Thomas N. Vanderford, Jr.**  
Associate General Counsel and  
Executive Director of Litigation  
Hyundai Motor America

**Joe D. Whitley**  
Womble Bond Dickinson (US) LLP

**Prof. Joshua D. Wright**  
University Professor of Law  
George Mason University, Antonin Scalia Law School

## Advisory Board Member Spotlight

### Gregory A. Brower, Wynn Resorts



Greg’s connection to WLF began in 1990 when he served as a litigation clerk during law school. He joined WLF’s advisory board in 2010, took leave in 2016 for a senior position at the FBI, and then rejoined in 2018. During his time on the board, Greg has authored numerous WLF publications, participated in programs, and since 2018 has served as the *WLF Legal Pulse* blog’s Featured Expert Contributor on White Collar Crime & Corporate Compliance. In 2022, Greg authored a Legal Studies publication and 11 posts for the blog. Drawing on his service in the Nevada legislature, the U.S. Justice Department, private practice, and now at Wynn Resorts, Greg provides invaluable strategic guidance and has helped WLF to expand its network of allies and volunteers.

# Litigating

Washington Legal Foundation litigates at every level of the judiciary, from federal and state trial courts to the U.S. Supreme Court. WLF also regularly participates in administrative proceedings to promote regulatory reform.

During 2022, the legal or constitutional principle WLF advanced in its amicus briefs prevailed in 18 cases.

Seven of those briefs supported a party’s request that a court grant discretionary review of a lower-court decision—a crucial point in the litigation process where amicus briefs can have the most impact. Four of those briefs successfully supported certiorari petitions to the U.S. Supreme Court.

Eleven briefs led to victory on the merits, 4 in the Supreme Court and 7 in federal appellate courts.

WLF participated in or obtained outcomes in 84 court cases and administrative-agency proceedings in 2022. A complete list of those cases and regulatory proceedings can be found on pages 10-14.

WLF amicus briefs and regulatory comments are available at [WLF.org](https://wlf.org).

No. 21-40720

IN THE  
**UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT**

DAMONIE EARL, individually and on behalf of all others similarly situated; LINDA RUGG, individually and on behalf of all others similarly situated; TIMOTHY BLAKELY, JR.; STEPHANIE BLAKELY; MARISA THOMPSON, individually and on behalf of all others similarly situated; MUHAMMAD MUDDASIR KHAN; JOHN ROGERS, individually and on behalf of all others similarly situated; VALERIE MORTZ-ROGERS, individually and on behalf of all others similarly situated; JAMES LA MORTE; BRETT NOBLE, individually and on behalf of all others similarly situated; RUBEN CASTRO, individually and on behalf of all others similarly situated; FRITZ RINGLING, individually and on behalf of all others similarly situated; LITAUN LEWIS, individually and on behalf of all others similarly situated; LANCE HOGUE, JR., individually and on behalf of all others similarly situated,

*Plaintiffs-Appellees,*

v.

THE BOEING COMPANY; SOUTHWEST AIRLINES CO.,  
*Defendants-Appellants.*

On Rule 23(f) Appeal from the  
United States District Court for the  
Eastern District of Texas, No. 4:19-cv-507

**BRIEF OF WASHINGTON LEGAL FOUNDATION  
AS AMICUS CURIAE  
IN SUPPORT OF DEFENDANTS-APPELLANTS**

*(Counsel listed on following page)*

No. 21-86

IN THE  
**Supreme Court of the United States**

AXON ENTERPRISE, INC.,  
*Petitioner,*

v.

FEDERAL TRADE COMMISSION, ET AL.,  
*Respondents.*

On Writ of Certiorari to the United States  
Court of Appeals for the Ninth Circuit


**BRIEF OF WASHINGTON LEGAL FOUNDATION  
AND ALLIED EDUCATIONAL FOUNDATION  
AS AMICI CURIAE SUPPORTING PETITIONER**

John M. Masslon II  
*Counsel of Record*  
Cory L. Andrews  
WASHINGTON LEGAL FOUNDATION  
2009 Massachusetts Ave. NW  
Washington, DC 20036  
(202) 588-0302  
[jmasslon@wlf.org](mailto:jmasslon@wlf.org)

May 10, 2022

***Axon v. Federal Trade Commission***  
U.S. Supreme Court

WLF argues the Supreme Court should allow parties to challenge agencies’ structure in federal court.



**Dr. Adam Feldman**  
@AdamSFeldman

The most amicus briefs filed by a group in granted cases this term is 3 (the most of any group this term). 3 groups filed this many in granted cases: [@WLF](#), Intl Municipal Lawyers Assn., and Immigration Law Institute. /3

1:37 PM · Apr 8, 2022 · Twitter Web App



No. 21-15430

IN THE UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT

ACA CONNECTS – AMERICA’S COMMUNICATIONS ASSOCIATION, CTIA – THE WIRELESS ASSOCIATION, NCTA – THE INTERNET & TELEVISION ASSOCIATION, and USTELECOM – THE BROADBAND ASSOCIATION,

Plaintiffs-Appellants,

v.

ROB BONTA, in his official capacity as Attorney General of California,

Defendant-Appellee.

On Appeal from the United States District Court for the Eastern District of California No. 2:18-cv-2684 (District Judge John A. Mendez)

BRIEF OF AMICI CURIAE WASHINGTON LEGAL FOUNDATION AND TECHFREEDOM SUPPORTING REHEARING *EN BANC*

Corbin K. Barthold  
Berin Szóka  
James Dunstan  
TECHFREEDOM  
110 Maryland Ave., NE  
Suite 205  
Washington, DC 20002

John M. Masslon II  
Cory L. Andrews  
WASHINGTON LEGAL FOUNDATION  
2009 Massachusetts Ave., NW  
Washington, DC 20036  
(202) 588-0302  
jmasslon@wlf.org

February 22, 2022

*In re Grand Jury*  
U.S. Supreme Court

WLF successfully supported a certiorari petition asking the Court to clarify the scope of the attorney-client privilege for communications containing both legal and non-legal advice.

*ACA Connects v. Bonta*  
U.S. Court of Appeals for the Ninth Circuit

Joined by TechFreedom, WLF asked the court to rehear en banc an important preemption case affecting broadband regulation.

No. 21-1397

In The Supreme Court of the United States

IN RE GRAND JURY

On Petition for Writ of Certiorari to the United States Court of Appeals for the Ninth Circuit

BRIEF OF WASHINGTON LEGAL FOUNDATION AS AMICUS CURIAE SUPPORTING PETITIONER

John M. Masslon II  
Counsel of Record  
Cory L. Andrews  
WASHINGTON LEGAL FOUNDATION  
2009 Massachusetts Ave. NW  
Washington, DC 20036  
(202) 588-0302  
jmasslon@wlf.org

June 1, 2022

22-146

IN THE United States Court of Appeals for the Second Circuit

NICHOLE DANIELS-FEASEL, individually and as parent and natural guardian of C.F., JESSICA ANGLIN, individually and as parent and natural guardian of J.A., GINGER EUGLEY, individually and as parent and natural guardian of D.F., CHRIS HAYNER, individually and as parent and natural guardian of T.P., DEBORAH DiMEGLIO, individually and as parent and natural guardian of L.D., REBECCA WARBERG, as parent and natural guardian of B.W.,

Plaintiffs-Appellants,

LANA RUTHART, individually and as parent and natural guardian of L.M.,

Plaintiff,

v.

FOREST PHARMACEUTICALS, INC., FOREST LABORATORIES, LLC, FOREST LABORATORIES INC., ALLERGAN PLC,

Defendants-Appellees.

On Appeal from the U.S. District Court for the Southern District of New York No. 17-cv-4188-LTS-JLC, Hon. Laura Taylor Swain

BRIEF OF WASHINGTON LEGAL FOUNDATION AS AMICUS CURIAE SUPPORTING APPELLEES AND AFFIRMANCE

Cory L. Andrews  
John M. Masslon II  
WASHINGTON LEGAL FOUNDATION  
2009 Massachusetts Ave., NW  
Washington, DC 20036  
(202) 588-0302  
jmasslon@wlf.org  
Counsel for Amicus Curiae

September 14, 2022

*Daniels-Feasel v. Forest Pharmaceuticals, Inc.*  
U.S. Court of Appeals for the Second Circuit

WLF urges the court to affirm the exclusion of scientifically unreliable evidence in an important pharmaceutical case.

In Forces for Good:  
The Six Practices of  
High-Impact Nonprofits,  
the authors counsel,  
“Great nonprofits  
collaborate rather than  
compete with their  
social sector peers.”  
WLF recognizes and  
thanks the like-minded  
organizations with which  
we partnered on an  
amicus brief this year.

Collaboration in 2022

Alliance for Automotive Innovation

Allied Educational Foundation

Associated General Contractors of America

Atlantic Legal Foundation

California Chamber of Commerce

Cato Institute

DRI-The Voice of the Defense Bar

Information Technology and Innovation Foundation

Mountain States Legal Foundation

National Retail Federation

NFIB Small Business Legal Center

Online Lenders Alliance

Pharmaceutical Research and Manufacturers of America

TechFreedom

U.S. Chamber of Commerce

8

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# Litigation Briefs and Regulatory Comments

WLF participated in  
or obtained outcomes  
in 84 court cases and  
regulatory proceedings.  
Briefs and regulatory  
comments filed by  
WLF are available  
at **WLF.org**.

Washington Legal Foundation litigates at every level of the judicial system, from local courts to the U.S. Supreme Court. WLF also regularly initiates, or intervenes in, administrative proceedings to promote regulatory reform.

## U.S. Supreme Court

### **3M Co. v. Amador**

Opposing unreliable expert evidence in federal court

### **Alphabet Inc. v. Rhode Island**

Opposing spurious securities class actions

### **Axon v. FTC**

Securing a regulated party's right to challenge an agency's structure

### **Bank of America v. Fund Liquidation Holdings LLC**

Supporting Article III standing requirements

### **BNSF Railway Co. v. Dannels**

Supporting federal preemption of state-law railroad-injury claims

### **BP plc v. Mayor & City Council of Baltimore**

Supporting federal jurisdiction for greenhouse-gas litigation

### **California Trucking Association v. Bonta**

Challenging state laws that conflict with the FAAAA

### **City of Austin v. Reagan National Advertising of Austin**

Challenging content-based restrictions on advertising

### **Cooper Tire v. McCall**

Opposing personal jurisdiction based on business registration

### **Coverall v. Rivas**

Enforcing arbitration agreements under the FAA

### **Cummings v. Premier Rehab Keller**

Cabining emotional-distress damages under the Rehabilitation Act

### **In re Grand Jury**

Safeguarding the attorney-client privilege

### **Johnson & Johnson v. California**

Protecting defendants' constitutional rights

### **Mallory v. Norfolk So. Railway**

Opposing personal jurisdiction based on business registration

### **Molina Healthcare v. Prose**

Urging Rule 9(b)'s heightened pleading standard for False Claims Act claims

### **Monsanto Co. v. Hardeman**

Opposing unreliable expert evidence in federal court

### **Monsanto Co. v. Pilliod**

Supporting federal preemption for federally registered pesticides

### **Morgan v. Sundance**

Enforcing arbitration agreements under the FAA

### **National Federation of Independent Businesses v. OSHA**

Opposing federal agency overreach

### **National Pork Producers Council v. Ross**

Opposing state violations of the dormant Commerce Clause

### **Net Choice, LLC v. Attorney General of Florida**

Opposing government compelled speech

### **Pivotal Software, Inc. v. Superior Court of California**

Applying the PSLRA discovery stay in both state and federal court

### **Rocket Mortgage v. Alig**

Opposing certification of a class with many uninjured members

### **RJR Tobacco Co. v. Los Angeles**

Ensuring uniform product standards through federal preemption

### **Sackett v. EPA**

Opposing agency deference on the jurisdictional scope of the Clean Water Act

### **SEC v. Cochran**

Securing a regulated party's right to challenge an agency's structure

### **Slack Technologies, LLC v. Pirani**

Opposing novel liability theories under federal securities law

### **Southwest Airlines v. Saxon**

Clarifying the Federal Arbitration Act's "transportation exception"

### **Starkist Co. v. Olean Wholesale Cooperative**

Opposing certification of an unwieldy nationwide class

### **Suncor v. County of Boulder**

Supporting federal jurisdiction for greenhouse-gas litigation

### **Swisher v. Trendsettah**

Opposing "manufactured finality" for appellate jurisdiction

### **TitleMax v. Weissmann**

Opposing state violations of the dormant Commerce Clause

### **United States ex rel. Polansky v. Executive Health Resources**

Ensuring the government's right to dismiss False Claims Act suits

### **Viking River Cruises v. Moriana**

Enforcing arbitration agreements under the FAA

Federal Appellate and District Courts

**Abbo-Bradley v. City of Niagra Falls**  
U.S. Court of Appeals for the Second Circuit  
Supporting the “revival doctrine” for federal removal

**ACA Connects v. Bonta**  
U.S. Court of Appeals for the Ninth Circuit  
Supporting federal preemption over broadband regulation

**Adams v. Merck Sharp & Dohme**  
U.S. Court of Appeals for the Ninth Circuit  
Supporting federal preemption under the Food Drug and Cosmetic Act

**Alig v. Quicken Loans**  
U.S. Court of Appeals for the Fourth Circuit  
Opposing certification of a class with many uninjured members

**Arkansas Teacher Retirement System v. Goldman Sachs Group**  
U.S. Court of Appeals for the Second Circuit  
Opposing certification of an unwieldy securities class

**AstraZeneca Pharmaceuticals v. HHS**  
U.S. Court of Appeals for the Third Circuit  
Opposing agency claims of broad extra-statutory authority

**Bader Farms, Inc. v. BASF Corp.**  
U.S. Court of Appeals for the Eighth Circuit  
Insisting on causation as a crucial element of tort liability

**Boley v. Universal Health Services**  
U.S. Court of Appeals for the Third Circuit  
Insisting on Article III standing in ERISA class actions

**Calcutt v. FDIC**  
U.S. Court of Appeals for the Sixth Circuit  
Combatting unconstitutional agency structures

**Caremark v. Chickasaw Nation**  
U.S. Court of Appeals for the Ninth Circuit  
Enforcing arbitration agreements under the FAA

**Consumers’ Research v. CPSC**  
U.S. Court of Appeals for the Fifth Circuit  
Challenging an agency’s unconstitutional structure

**Daniels-Feasel v. Forest Pharmaceuticals**  
U.S. Court of Appeals for the Second Circuit  
Opposing unreliable expert evidence in federal court

**Earl v. The Boeing Co.**  
U.S. Court of Appeals for the Fifth Circuit  
Opposing unreliable expert evidence in class actions

**Eli Lilly Co. v. Becerra**  
U.S. Court of Appeals for the Seventh Circuit  
Opposing agency claims of broad extra-statutory authority

**Epic Games v. Apple Inc.**  
U.S. Court of Appeals for the Ninth Circuit  
Opposing antitrust liability for innovator non-monopolists

**Health Freedom Defense Fund v. Biden**  
U.S. Court of Appeals for the Eleventh Circuit  
Opposing federal agency overreach

**In re Goldman Sachs Group, Inc. Securities Litigation**  
U.S. Court of Appeals for the Second Circuit  
Opposing spurious securities class actions

**In re HIV Antitrust Litigation**  
U.S. Court of Appeals for the Ninth Circuit  
Opposing unwieldy and improper class actions

**In re JUUL Marketing Sales Practices**  
U.S. Court of Appeals for the Ninth Circuit  
Opposing unwieldy and improper class actions

**In re LTL Management**  
U.S. Court of Appeals for the Third Circuit  
Favoring the efficiencies of bankruptcy over the mass tort system

**In re Niaspan Antitrust Litigation**  
U.S. Court of Appeals for the Third Circuit  
Supporting a robust ascertainability standard for class actions

**Mamani v. Berzain**  
U.S. Court of Appeals for the Eleventh Circuit  
Cabining liability under the Torture Victim Protection Act

**National Association of Wheat Growers v. Bonta**  
U.S. Court of Appeals for the Ninth Circuit  
Combatting compelled speech under the First Amendment

**N.Y. State Telecomm. Ass’n v. James**  
U.S. Court of Appeals for the Second Circuit  
Supporting federal preemption over broadband regulation

**Pulse Network v. Visa**  
U.S. Court of Appeals for the Fifth Circuit  
Enforcing antitrust standing requirements

**RJR Tobacco Co. v. Los Angeles**  
U.S. Court of Appeals for the Ninth Circuit  
Ensuring uniform product standards through federal preemption

**Starkist Co. v. Olean Wholesale Cooperative**  
U.S. Court of Appeals for the Ninth Circuit  
Opposing certification of an unwieldy nationwide class

**State of New York v. Facebook, Inc.**  
U.S. Court of Appeals for the D.C. Circuit  
Opposing a broad antitrust duty to deal for market competitors

**Trendsettah v. Swisher**  
U.S. Court of Appeals for the Ninth Circuit  
Opposing “manufactured finality” for appellate jurisdiction

**United States ex rel. Proctor v. Safeway**  
U.S. Court of Appeals for the Seventh Circuit  
Bolstering the False Claims Act’s scienter requirement

**United States ex rel. Sheldon v. Allergan**  
U.S. Court of Appeals for the Fourth Circuit  
Bolstering the False Claims Act’s scienter requirement

**United States ex rel. Yarberry v. Supervalu**  
U.S. Court of Appels for the Seventh Circuit  
Bolstering the False Claims Act’s scienter requirement

**United States v. Facticeau**  
U.S. Court of Appeals for the First Circuit  
Protecting truthful off-label speech under the First Amendment

**United States v. Walmart Inc.**  
U.S. District Court for the District of Delaware  
Opposing the government’s “collective knowledge” theory of scienter

**Vanda Pharmaceuticals v. FDA**  
U.S. District Court for the District of Columbia  
Ensuring agency transparency under FOIA

State Supreme and Appellate Courts

**Bert Co. v. Turk**  
Supreme Court of Pennsylvania  
Supporting due-process limits on punitive damages awards

**Coates v. RJR Tobacco Co.**  
Florida Supreme Court  
Opposing unconstitutionally excessive punitive damages

“WLF’s amicus brief supporting review of *Vanderventer v. Hyundai* provided the critical broader context within which the Wisconsin Supreme Court must evaluate certiorari in this test of expert evidence gatekeeping in the State.”

Thomas N. Vanderford, Jr.  
Associate General Counsel  
Executive Director, Litigation  
Hyundai Motor America



**Gilead Sciences v. Superior Court**  
California Court of Appeal  
Opposing novel product-liability theories for prescription medicines

**In re Walmart, Inc.**  
Texas Supreme Court  
Limiting the scope of discovery in premises liability cases

**Johnson & Johnson v. California**  
California Court of Appeal  
Protecting defendants’ constitutional rights

**Vanderventer v. Hyundai Motors**  
Supreme Court of Wisconsin  
Opposing unreliable expert evidence in state court

Administrative Comments

**In re Amendments to West Virginia Rules of Civil Procedure**  
Supreme Court of Appeals of West Virginia  
Supporting commonsense civil-discovery reforms

**In re Climate-Related Disclosure Rule**  
U.S. Securities and Exchange Commission  
Opposing mission creep in federal regulatory agencies

**In re Merger Enforcement**  
U.S. Department of Justice & Federal Trade Commission  
Urging sensible regulatory guidelines for mergers

**In re Proposed California Privacy Rights Act Regulations**  
California Privacy Protection Agency  
Opposing burdensome state privacy regulations

**In re Proposed Rules Banning Flavored Cigars and Menthol Cigarettes**  
U.S. Food and Drug Administration  
Opposing proposed ban on flavored cigars and menthol cigarettes

**In re Operational Evaluation of FDA’s Tobacco Program**  
Reagan-Udall Foundation  
Offering suggestions for improving FDA regulation of tobacco and vaping

**In re Standard for Determining Joint-Employer Status**  
U.S. National Labor Relations Board  
Preserving traditional common-law rules for determining employment status

**In re Supreme Court of Florida’s Workgroup on Improved Resolution of Civil Cases**  
Supreme Court of Florida  
Supporting commonsense civil-discovery reforms

**In re The Atlanta Opera, Inc.**  
U.S. National Labor Relations Board  
Protecting traditional independent contractor rules

**In re Trade Regulation Rule**  
U.S. Federal Trade Commission  
Urging close adherence to federal law in privacy regulation

Impact Focus:  
Federal False Claims Act

Of the thousands of federal laws and regulations on the books, few have as sweeping an impact on free enterprise as the False Claims Act (FCA). Enacted during the Civil War to deter and punish contractors who billed the Union army for worthless goods, the anti-fraud law applies to any party contracting with the U.S. government. The FCA features a unique enforcement provision that deputizes private parties to sue contractors and share in any recovery.

Over the past four decades, WLF has dedicated considerable litigation and legal-studies resources to shaping how the government enforces the FCA and how the courts interpret it.

In 2022, WLF made measurable gains on the FCA front. Two federal circuit courts agreed with WLF that mere negligence does not establish an FCA violation. In January 2023, the Supreme Court agreed to review the cases and WLF plans to file an amicus brief.

In December, the justices heard arguments in *U.S. ex rel. Polansky* on the federal government’s authority to dismiss a private party’s FCA lawsuit after federal prosecutors decline to intervene in the case. Several past *WLF Legal Pulse* blog commentaries educated the public on the issue in *Polansky*, and a WLF virtual briefing previewed the oral arguments.

WLF’s amicus brief in *Polansky* spotlighted why limits on the government’s dismissal power would entangle the FCA in separation-of-powers problems. Justice Thomas led off oral arguments asking about those very constitutional concerns. Chief Justice Roberts posed a similar query to the government’s counsel, noting his surprise that the Solicitor General’s brief mentioned Article II only once, in a footnote.

On the WLF Legal Pulse

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Advocate for Freedom and Justice®  
2009 Massachusetts Avenue, NW  
Washington, DC 20008  
202.588.0302 wlf.org

Timely commentary from WLF's blog

THE FIFTH CIRCUIT WEIGHS IN ON GOVERNMENT DISMISSAL OF QUI TAM ACTIONS—IS CONGRESS NEXT?

by Steven A. Wood

The United States Court of Appeals for the Fifth Circuit has recently become the latest appellate court to confront the question of what standard should govern the United States Government’s motion to dismiss a *qui tam* action under 31 U.S.C. § 3730 (c)(2)(A). In *United States ex rel. Health Choice Alliance LLC v. Eli Lilly & Co.*, No. 19-40906, 2021 WL 2821116 (5th Cir. July 7, 2021), the court affirmed dismissal of the relator’s action in a case factually similar to *United States v. UCB, Inc.*, 970 F.3d 875 (7th Cir. 2020). In *Health Choice*, as in *UCB*, investors created an LLC for the sole purpose of bringing a *qui tam* action against pharmaceutical industry defendants alleging fraud in connection with the provision of certain drug and insurance education services.

In *Health Choice*, the Fifth Circuit held that the Government’s motion to dismiss the relator’s action was rightly granted over the relator’s strenuous objection. In coming to this result, the court did not expressly embrace either of the (c)(2)(A) standards crafted by other courts of appeals. In fact, all three members of the panel agreed only on the result, not necessarily on the reasoning, indicating that jurisprudential divergence on this issue continues. As the law on this issue continues to develop, a recent announcement from key senators indicates that Congress may intercede in an effort to settle disagreements over the appropriate standard, although it remains to be seen whether the proposed legislation provides a useful solution. Finally, *Health Choice* suggests an alternative that would relieve the Government of the burden of contested (c)(2)(A) motion practice where the *qui tam* cases lack merit.

**United States ex rel. Health Choice Alliance LLC v. Eli Lilly & Co.—The Facts**

The relators in this case, Health Choice Alliance and Health Choice Group, were limited liability companies created by the National Health Care Analysis Group for the sole purpose of filing *qui tam* actions against pharmaceutical companies alleging fraud and violations of various federal statutes including the False Claims Act. The two cases at issue in this appeal, one brought against Eli Lilly, the other against Bayer Corporation, were among eleven similar cases filed in various district courts by related entities against pharmaceutical manufacturers and distributors alleging violations of the Anti-Kickback Statute, 42 U.S.C. § 1320a-7b(b).<sup>1</sup> In each of these cases, the relators alleged that the defendants provided free product education services (nurse educator and insurance reimbursement assistance) in an effort to induce physicians to prescribe their products.

No. 21-1052

IN THE  
Supreme Court of the United States

UNITED STATES OF AMERICA, EX REL.  
JESSE POLANSKY M.D., MPH.,  
*Petitioner,*  
v.  
EXECUTIVE HEALTH RESOURCES, INC., ET AL.,  
*Respondents.*

On Writ of Certiorari to the  
United States Court of Appeals  
for the Third Circuit

BRIEF OF WASHINGTON LEGAL  
FOUNDATION AS *AMICUS CURIAE* IN  
SUPPORT OF RESPONDENTS

CORY L. ANDREWS  
JOHN M. MASSLON II  
WASHINGTON LEGAL  
FOUNDATION  
2009 Mass. Ave., N.W.  
Washington, D.C. 20036  
(202) 588-0302

KRISTIN GRAHAM KOEHLER  
JOSHUA J. FOUGERE\*  
CHRISTOPHER S. ROSS  
ALEXANDRA T. MUSHKA  
SIDLEY AUSTIN LLP  
1501 K Street, N.W.  
Washington, D.C. 20005  
(202) 736-8000  
jfougere@sidley.com

Counsel for Amicus Curiae  
October 24, 2022      \* Counsel of Record

WASHINGTON LEGAL FOUNDATION

*U.S. ex rel. Polansky v. Eli Lilly & Co.*  
A U.S. Supreme Court Oral Argument Briefing

Featuring  
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Kirkland & Ellis LLP  
Former General Counsel  
Raytheon Companies  
**Joshua J. Fougere**  
Sidley Austin LLP  
**Stephen A. Wood**  
Chuhak & Teeson, P.C.

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WLF is a public-interest law firm and policy center dedicated to advancing the public good.

## Pro Bono Law Firms

We thank the following law firms for their attorneys' pro bono contributions to WLF amicus briefs, publications, and programs.

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Weil, Gotshal & Manges LLP  
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## Pro Bono Spotlight



### David A. Zetoony, Greenberg Traurig LLP

WLF recognizes David for his pro bono contributions in 2022. Our publication library includes six papers David has written on online data privacy and security regulation. He also authored a year-long series of *WLF Legal Pulse* blog posts on California data-privacy directives. In August, David volunteered to represent WLF before the California Privacy Protection Agency. He and several Greenberg Traurig colleagues drafted a meticulously researched and reasoned comment on a proposed data-privacy rule. When the agency revised the rule based in part on WLF's comment, David and his team authored and filed a supplemental comment.



# Publishing

WLF established its Legal Studies Division 35 years ago to develop and disseminate persuasive, highly relevant, and timely publications. Our papers shape legal-policy debates where a free-enterprise perspective may not otherwise be considered. We deliver free-market advocacy to judges and other government officials before they make decisions affecting individual and economic liberties.

## Enterprising Legal Advocacy

WLF’s Legal Studies Division isn’t a traditional think tank. We don’t maintain an in-house lineup of scholars who research and write. Instead, we recruit private practitioners, corporate counsel, academics, and other legal professionals to author our publications on a pro bono basis. That innovative approach allows us to focus WLF’s charitable resources on putting these intellectual tools into the hands of legal decision makers and influence leaders.

This year, WLF released 42 original publications authored by 61 different writers, 40 of whom were first-time contributors.

Those new authors join the nearly 2,500 volunteers that have helped build WLF’s collection of over 3,000 legal studies—a resource bank that former U.S. Claims Court Chief Judge Loren Smith called “a true library for the defense of our free-enterprise system.”

A complete list of 2022 WLF publications is available on pages 20-22. Visit [WLF.org](https://www.wlf.org) for WLF’s full library of publications.

WLF’s publications cover an expanse of legal-policy issues, including:

- |   |  |
|---|--|
| Administrative Law and Procedure                      | Employment Law                           |
| Antitrust and Consumer Protection                     | Environmental Regulation and Enforcement |
| Arbitration   | Expert Evidence                          |
| Asbestos and Toxic Torts                              | Federal Preemption                       |
| Business Civil Liberties and Criminal Liability       | False Claims Act                         |
| Capital Markets, Securities, and Corporate Governance | Food, Drug, and Medical-Device Law       |
| Civil-Justice Reform                                  | General Jurisdiction and Standing to Sue |
| Class-Action Litigation                               | Healthcare                               |
| Commercial Speech                                     | Insurance Law and Regulation             |
| Data Privacy and Security                             | Intellectual and Private Property Rights |
|   | Product Liability and Safety             |

“The efforts Washington Legal Foundation so diligently and effectively undertakes help our Nation’s lawyers and most importantly, judges in preserving what is set forth on the front of the U.S. Supreme Court: “Equal Justice Under Law.”

*Victor E. Schwartz  
Public Policy Practice Group Co-Chair  
Shook, Hardy & Bacon LLP*

## Administrative Law and Procedure

### WLF's Circulating Opinion: *Wages and White Lion Investments, L.L.C. v. FDA*

Digesting a dissenting opinion by U.S. Court of Appeals for the Fifth Circuit Judge Edith H. Jones.

### WLF's Circulating Opinion: *State of Arizona, et al. v. Joseph R. Biden, et al.*

Digesting a concurring opinion by U.S. Court of Appeals for the Sixth Circuit Chief Judge Jeffrey S. Sutton.

## Antitrust and Consumer Protection

### FTC's Challenge to Altria-JUUL Transaction: Antitrust and Constitutional Issues Hiding in Plain Sight

Steven Cernak | Bona Law PC

### Allbirds' Defeat of Consumer Class Action Offers Valuable Greenwashing-Avoidance Guideposts

William J. Hubbard |Thompson Hine LLP

### Class Actions Aimed at "Recyclable" Claims: So Far, Courts Resist Demands to Reinterpret Existing Law

Katie Bond and Samuel A. Butler | Lathrop GPM

### A Post-AMG *Capital* Update: Equitable Solutions for Litigating Parties That Have Passed the Point of No Return

Bernie Nash, Milton Marquis, and Mira Baylson | Cozen O'Connor

### The FTC's Prior Approval Policy Likely Will Eliminate Incentives to Cooperate with Antitrust Investigations

Gerald A. Stein | Norton Rose Fulbright US LLP and Michael A. Primrose | Benesch Friedlander Coplan & Aronoff LLP

## Arbitration

### Massachusetts High Court Limits Scope of Transportation Worker Exception to Statutory Arbitration Requirements

Patrick J. Bannon and Barry J. Miller | Seyfarth Shaw LLP

### No Hypocrisy in Getting to the Merits: Why Good Companies Want Arbitration—But Not Mass Arbitration—of Employment Disputes

Patrick J. Bannon | Seyfarth Shaw LLP

## Capital Markets, Securities, and Corporate Governance

### Three Key Takeaways from Second Circuit's Latest Section 10(b) Securities Class-Action Decision

Zachary Taylor, Genevieve York-Erwin, and Doug Greene | Baker & Hostetler LLP

### *Pirani v. Slack Technologies, Inc., et al.*: Ninth Circuit Cuts Securities Plaintiffs Slack on Standing

Zachary Taylor, Genevieve York-Erwin, and Doug Greene | Baker & Hostetler LLP

## Civil-Justice Reform

### Proposals to Allow Nonlawyer Ownership of Law Firms, Fee Splitting Experience Rejection

Mark A. Behrens and Christopher E. Appel | Shook, Hardy & Bacon LLP

### Georgia Supreme Court's Doubts on Seat Belt Gag Rule's Constitutionality Puts Legislature on Notice

Lee Mickus | Evans Fears & Schutttert LLP

### Fourth Circuit Upholds West Virginia Law Regulating Misleading Drug and Device Lawsuit Ads

Mark A. Behrens and Kateland R. Jackson | Shook, Hardy & Bacon LLP

## Class-Action Litigation

### Not Worried About PFAS Liability? You Should Be.

J. Barton Seitz, Joshua Frank, and Samantha Olson | Baker Botts LLP

### 11th Circuit Sharpens Circuit Split on Ascertainability as Prerequisite to Rule 23 Class Certification

Joshua L. Becker and Caroline M. Gieser | Shook, Hardy & Bacon LLP

## Communications and Information Technology

### DOJ's Civil Cyber-Fraud Initiative: What Contractors Need to Know About Novel Use of False Claims Act

Alaap Shah and Stuart M. Gerson | Epstein Becker & Green, PC

## Discovery Process

### Georgia Supreme Court Declines to Adopt Apex Doctrine But Offers Some Protection to High-Ranking Executives

Paul Alessio Mezzina and Billie Pritchard | King & Spalding LLP

## Employment Law

### WLF's Circulating Opinion: *FEDRLST Media, LLC v. National Labor Relations Board*

Digesting a concurring opinion by Judge Paul B. Matey, U.S. Court of Appeals for the Third Circuit.

### Massachusetts High Court Chooses FLSA's Joint Employment Standard, Dealing Plaintiffs a Double Blow

Barry J. Miller | Seyfarth Shaw LLP

## Environmental Regulation and Enforcement

### Supplement or Supplant? Recent Judicial Decisions Seemingly Endorse Citizen-Suit Role Beyond Clean Water Act's Intent.

Brent Rosser and Kate Perkins | Hunton Andrews Kurth

### Greenhouse Gasses, Natural Gas, and the D.C. Circuit: One Agency's Struggle to Balance the Three

Kasdin Mitchell and Rex Manning | Kirkland & Ellis LLP



**New Jersey DEP Accepting Comments on NJ Environmental Justice Law Implementation**  
Carlos M. Bollar and William Puleo | Archer & Greiner, PC

**Regulation of GHGs as Toxic Substances? That’s Not How TSCA Works.**  
Michael Boucher, Peter Gray, and Amy Symonds | Crowell & Moring LLP

**Flawed Federal Jurisdiction Ruling Grants State Court National Climate-Change Policymaking Power**  
Lincoln Davis Wilson | Dechert LLP

**10th Circuit Sustains CAA Citizen Suit for Minute Mobile-Source Emissions But Cabins with Geographic Nexus Test**  
Jim Wedeking | Sidley Austin LLP

**New York’s Environmental Rights Constitutional Amendment Will Require Sound Judicial Interpretation**  
Victor E. Schwartz and Christopher E. Appel | Shook, Hardy & Bacon LLP

**Expert Evidence and Junk Science**

**WLF’s Circulating Opinion: *Allen v. Ollie’s Bargain Outlet, Inc.***  
Digesting a concurring opinion by U.S. Court of Appeals for the Third Circuit Judge David J. Porter.

**Federal Preemption**

**State Prescription Drug Legislation and ERISA Preemption: An Evolving Landscape**  
Douglas W. Dahl II and Susan K. Bilbro | Bass, Berry & Sims PLC

**Food, Drug, and Medical-Device Law**

**FDA Seeks Targeted Congressional Reversal of Judicial Checks on Agency Abuses of Discretion**  
Jeffrey N. Gibbs and Sara W. Koblitiz | Hyman, Phelps & McNamara, PC

**The FDA’s “Intended Use” Regulations Should Not Restrict Actions to Meet Market Demand for Off-Label Use**  
Mara Cusker Gonzalez and Meghan Agostinelli | Dechert LLP

**Healthcare**

**Mandated Rebates and “Negotiation”: The IRA Paves a Rocky Road for Pharma and Biotech Innovation**  
Matt Wetzel | Goodwin Procter LLP

**Insurance**

**State Insurance Commission’s Assault on Risk-Based Auto Rates Both Unlawful and Ill-Advised**  
Kirk Herath, CIPP/US, CIPP/G

**Show Me the Money: Texas Expands the Discoverability of Medical Providers’ Billing Practices**  
Scott K. Field and Victoria Filoso | Butler Snow LLP

**Intellectual and Private Property Rights**

**Ninth Circuit Finds a Foreign Defendant and Alleged Copyright Infringer Subject to Personal Jurisdiction in U.S.**  
Robert Rotstein, J. Matthew Williams, and Sofia Castillo | Mitchell Silberberg & Knupp LLP

**Section 1498(a) Is No Rx for Lowering Drug Prices**  
U.S. Court of Federal Claims Judge Susan G. Braden (ret.) and Joshua A. Kresh | Center for Intellectual Property X Innovation Policy

**Product Liability and Safety**

**Commonwealth Court Ruling Could Unleash Pennsylvania as an Environmental Litigation Leviathan**  
James M. Beck | Reed Smith LLP

WLF’s nine publishing formats target specific policy-making audiences. Each format presents single-issue advocacy on a meaningful legal topic.



# Communicating

WLF's communications activities ensure that champions of free enterprise are equipped with the pertinent scholarship they need to become effective advocates. We believe that knowledge empowers citizens nationwide to recognize threats to their individual liberties.

## Programming

WLF Briefings and Webinars are one-hour live broadcasts that address complex court decisions, legal-policy developments, and regulatory and judicial trends. Our panelists—law firm leaders, appellate specialists, in-house counsel, and legal scholars—participate virtually. We post the recordings of past Briefings and Webinars on our website and add them to our YouTube library.

In addition to the three Briefings WLF presents each year on the U.S. Supreme Court—at mid-Term, at the end of a Term, and to preview an upcoming Term—we hosted programs on such provocative and timely topics as mass arbitration, environmental justice, and shareholder meetings.

We also initiated a new Webinar series, “Taking the Initiative on IP Protection.” The series features discussions with industry leaders and their counsel on the use of strategic litigation, voluntary agreements, and other proactive measures to safeguard businesses’ intellectual property. The three webinars held in 2022 focused on counterfeiting and fraudulent sales of N95 masks during the pandemic; online entertainment content piracy; and rogue THC-containing edible manufacturers’ use of packaging that resembles well-known candy and other food brands.

A full list of participants in this year’s programs is available on page 28.

## Blogging

In its eleventh year, our blog, the *WLF Legal Pulse*, remains a valuable complement to WLF’s more traditional publishing efforts. The blog features regular contributions from WLF attorneys and includes posts from leading private practitioners, academics, law students, and others as guest contributors.

We published 72 substantive blog commentaries by WLF attorneys and guest contributors in 2022.

We are honored to have, among our guest contributors, ten attorneys from major law firms, one in-house corporate counsel, and one contributor from a leading academic institution, all who volunteer to cover specific topic areas as “Featured Expert Contributors.”

WLF also maintained its long-running blog-publishing relationship with Forbes.com. The company maintains a contributor site within its network of blogs for WLF attorneys’ commentaries. One post, which criticized the US. Solicitor General’s reversal of its position on federal-law supremacy over state regulation of air travel, attracted over 26,000 readers.

## Pro Bono Spotlight



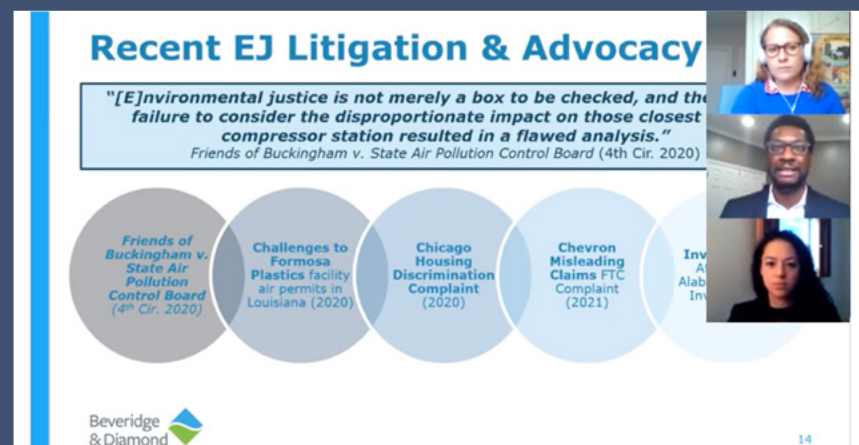
**Matthew Wetzel, Goodwin Procter LLP**

Matt has served as the *WLF Legal Pulse* Featured Expert Contributor on Life Sciences and Medtech Regulation since August 2021. This year, Matt authored five blog posts, each of which he drafted at his own initiative, on some of the most important topics facing medical-product makers and patients, including funding of continuing medical education, physician-owned device distributors, and drug makers’ copay assistance programs. He also wrote a WLF LEGAL BACKGROUNDER on the Inflation Reduction Act and the profound challenges the law poses for pharmaceutical and biotech innovation.



# Informing the Media

Targeted and broad-based, WLF hosts Media Briefings on current legal issues to educate key decision makers and opinion leaders. As an essential element of our outreach strategy, these briefings feature leading legal authorities addressing a wide variety of timely topics.



Three Beveridge & Diamond LLP attorneys looked back at environmental-justice developments in 2021 and offered their strategic thoughts on the existing legal and policy landscape and what's around the corner. From the top: Hilary T. Jacobs, Julius M. Redd, and Stacey Sublett Halliday.



Three well-regarded appellate practitioners addressed questions in early July on the just-completed Supreme Court term with a focus on decisions impacting free enterprise and broader economic liberties. Clockwise: Shay Dvoretzky, Skadden Arps; WLF's Glenn Lammi; Amy Saharia, Williams & Connolly LLP; and Morgan Ratner, Sullivan & Cromwell.

# Framing the Issues

WLF's educational message reaches far beyond Washington, thanks to our webcasting capabilities. Decisionmakers and thought leaders around America and the world can tune in to our live briefings and seminars or visit WLF's [website](#), where each program is conveniently archived.



This installment of a new Webinar series examined movie studios' international fight against unlawful distribution of copyrighted entertainment content and the impact of such piracy on studios, their employees, and consumers. From the top: WLF's Glenn Lammi; Motion Picture Association (MPA) General Counsel Karyn A. Temple; MPA Chief of Global Content Protection Jan van Voorn.



Our panelists assessed the trends in 2022's environmental and social proxy proposals, discussed SEC activity and necessary responses, and offered their experienced take on how those developments can drive private securities and consumer-fraud litigation. Clockwise: Jurgita Ashley, Thompson Hine LLP; WLF's Glenn Lammi; Brian Valerio, Alliance Advisors; and David A. Wilson, Thompson Hine LLP.

# Speakers

WLF is grateful for the pro bono participation of the following attorneys, academics, and other legal professionals in our Media Briefing and Webinar programs in 2022.

- Jurgita Ashley, Thompson Hine LLP
- Michael Buschbacher, Boyden Gray & Associates
- William Childs, 3M
- Paul D. Clement, Clement & Murphy PLLC
- Shay Dvortzky, Skadden, Arps, Slate, Meagher & Flom LLP
- Joshua J. Fougere, Sidley Austin LLP
- Stacey Sublett Halliday, Beveridge & Diamond PC
- Kenneth Heyer, Former Deputy Director, FTC Bureau of Competition
- Hilary T. Jacobs, Beveridge & Diamond PC
- Sherman (“Tiger”) Joyce, American Tort Reform Association
- Michael E. Kenneally, Morgan, Lewis & Bockius LLP
- Andrew J. Kline, Perkins Coie LLP
- William J. Kolasky, Hughes Hubbard & Reed LLP
- Elbert Lin, Hunton Andrews Kurth LLP
- Sean M. Marotta, Hogan Lovells
- Michael W. McTigue Jr., Skadden, Arps, Slate, Meagher & Flom LLP
- Professor A. Douglas Melamed, Stanford Law School
- Stacy Papadopoulos, Consumer Brands Association
- Archis Parasharami, Mayer Brown LLP
- Professor Samir Parikh, Lewis and Clark Law School
- Morgan L. Ratner, Sullivan & Cromwell LLP
- Julius M. Redd, Beveridge & Diamond PC
- Amy Mason Saharia, Williams & Connolly LLP
- Meredith C. Slawe, Skadden, Arps, Slate, Meagher & Flom LLP
- Jay B. Stephens, Kirkland & Ellis LLP
- Karyn A. Temple, Motion Picture Association
- John W. Ursu, Faegre Drinker Biddle & Reath LLP
- Brian Valerio, Alliance Advisors
- Jan van Voorn, Motion Picture Association and the Alliance for Creativity and Entertainment
- David A. Wilson, Thompson Hine LLP
- Stephen A. Wood, Chuhak & Tecson, PC

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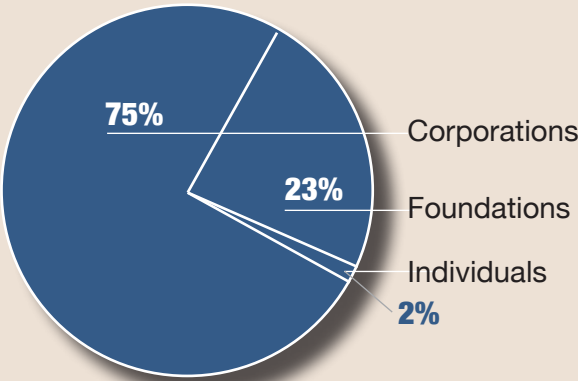
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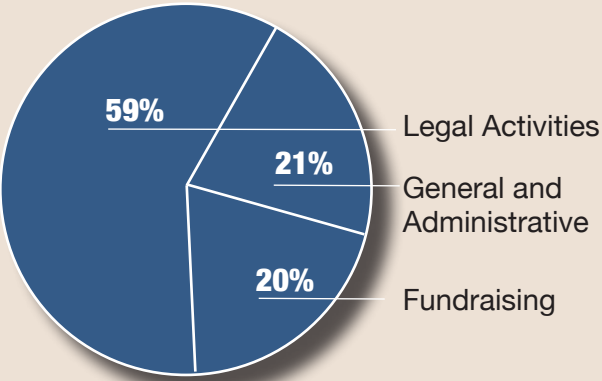
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*“The execution of the laws is more  
important than the making of them.”*

*Thomas Jefferson*



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