

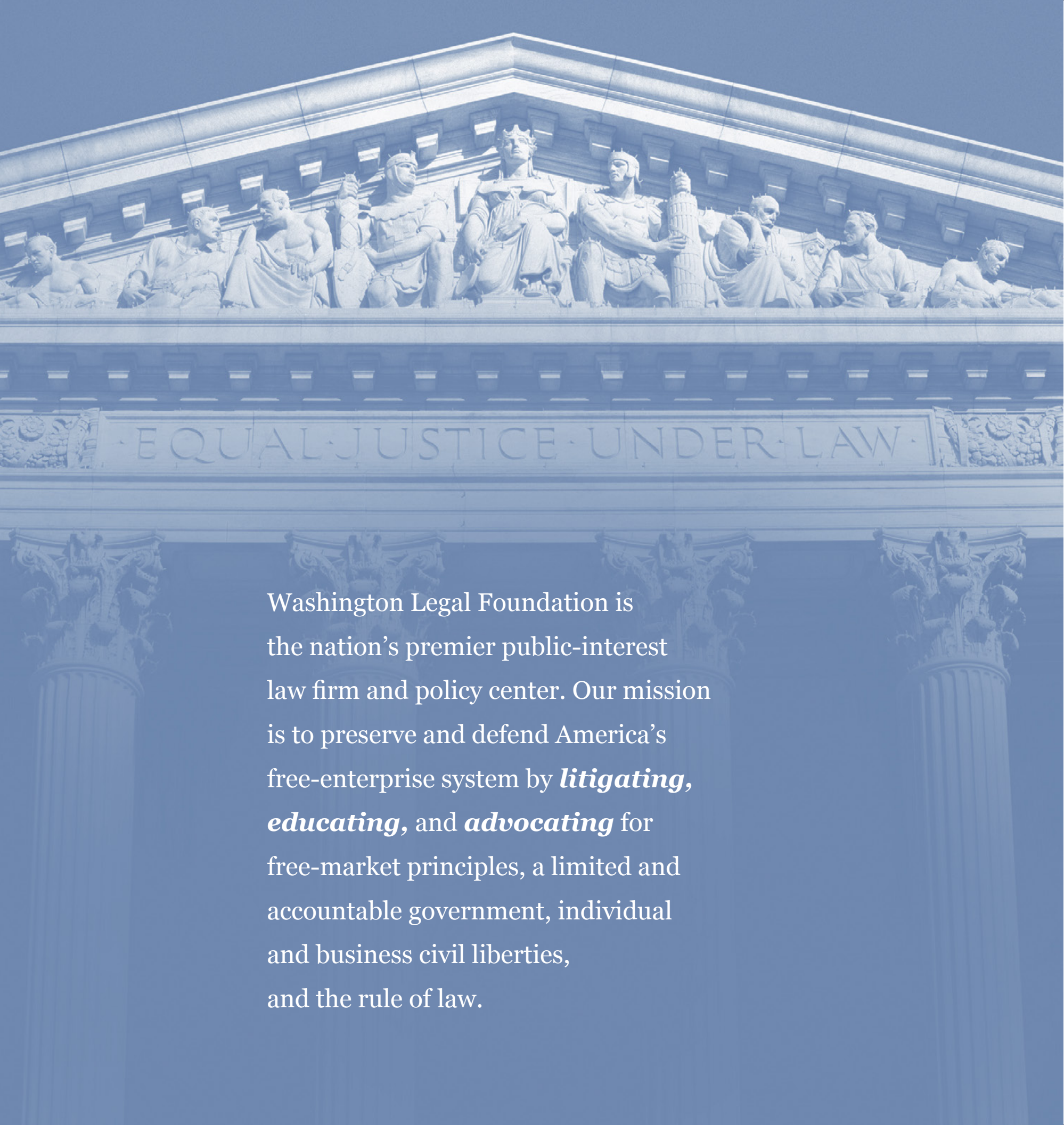
The logo consists of a solid tan circle with the letters "WLF" in a white, sans-serif font.

WLF

Washington Legal Foundation

2023 ANNUAL REPORT

Defending Economic Liberties Since 1977



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.

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WLF Staff

- 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
- Sheila A. Brantley, Chief Operating Officer
- Jennifer L. Shafer, Development Manager
- Harrison L. 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.”

A Republic, If You Can Keep It
Neil M. Gorsuch, U.S. Supreme Court
Associate Justice



To Our Friends and Supporters

With great pride and appreciation, we share Washington Legal Foundation’s 2023 Annual Report. WLF’s 46-year mission advanced on several fronts in 2023, with courts clarifying constitutional limits on government power and curbing lawyers’ abuse of our civil-justice system. The Administrative State and the plaintiffs’ bar were unbowed, however, seemingly convinced that America can regulate and sue its way out of 40-year-high inflation and post-pandemic supply and labor challenges.

Despite these escalating legal risks and layers of regulation, businesses have persevered for the sake of their employees, shareholders, and consumers. America’s entrepreneurs and job-creators are not alone in this fight. Since 1977, WLF has used a unique combination of **litigation**, **education**, and **advocacy** to defend economic liberties and advance the rule of law in support of free enterprise. We battle legal activists and bureaucrats on their own turf: in the courts, regulatory agencies, and the public square.

In 2023, WLF’s amicus briefs prevailed in 18 cases, half of which were U.S. Supreme Court victories. Among those 9 victories, the Court sustained constitutional challenges against two federal agencies and rejected a wetlands rule that locked up productive uses of private land. The Court also affirmed the Justice Department’s authority to dismiss private parties’ False Claims Act lawsuits. In that decision, three justices signaled agreement with WLF’s view that such delegation of prosecutorial authority is unconstitutional. And WLF administrative comments demanded that federal agencies abide by their statutory authority and the Constitution.

WLF’s Legal Studies Division continued to shape legal-policy debates through formal publishing, our *WLF Legal Pulse* blog, educational programming, and media outreach—all of which offer a free-enterprise perspective too often overlooked. WLF’s publications and programs focused particular attention on federal officials’ antitrust and environmental regulation and overreach.

Our uncommon think tank relies on an ever-growing network of private practitioners, corporate counsel, academics, and others. We thank the 110 professionals who volunteered their time and expertise in 2023, 60 of whom were pro bono first-timers. We also appreciate the counsel and encouragement of our Legal Policy Advisory Board and the steady leadership of its Chairman, Jay B. Stephens.

None of what’s documented here, however, would be possible without the philanthropy of generous individuals, businesses, and foundations. We begin every workday mindful of your shared commitment to our mission and the special privilege we have in representing the public interest. Your loyal support allows WLF to remain independent and pursue gradual, steady improvements to our legal system.

With no end in sight to the gridlock that has incapacitated our democratic institutions, we expect government-by-executive-fiat and regulation-by-litigation to continue, if not intensify, in 2024. That is why WLF’s mission is more important than ever before, and the need for your charitable support and friendship remains indispensable.



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

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Kirkland & Ellis LLP

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Northwestern Pritzker School of Law

Charles F. (Rick) Rule
Rule Garza Howley LLP

“WLF’s Legal Policy Advisory Board is a distinguished group of accomplished professionals from the legal, business, academic, and public-policy communities who serve on a voluntary basis. Each member generously contributes his or her time and professional perspectives. Collectively they



share WLF’s commitment to the achievement of legal victories which support free enterprise and the rule of law through appellate litigation in the courts as well as by educating policy makers in regulatory agencies and the Congress.”

Jay B. Stephens
Chairman, WLF Legal Policy
Advisory Board

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

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Managing Director, Health Analytics
Berkeley Research Group, LLC

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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

*New members

Pro Bono Network

Over the past 46 years, WLF has maintained an extensive pro bono network of lawyers, academics, policymakers, and corporate counsel. These relationships allow WLF to maximize its resources on delivering expert analysis to the right mix of decision makers and influencers at the right time.

WLF would like to recognize and thank the many dedicated attorneys from the following law firms who donated their time and expertise in 2023 as pro bono counsel for amicus briefs, authors of publications and *WLF Legal Pulse* commentaries, and served as panelists for educational webinars. We could not achieve our goals in litigation, education, and advocacy without your support!

Amin Talati Wasserman, LLP
Arnold & Porter Kaye Scholer LLP
BakerHostetler LLP
Bona Law PC
Brownstein Hyatt Farber Schreck, LLP
Cahill Gordon & Reindel LLP
Chuhak & Tecson, PC
Conn Maciel Carey LLP
Cozen O'Connor
Dechert LLP
DLA Piper LLP
E&W Law
Epstein Becker & Green, PC
Evans Fears Schutttert McNulty & Mickus LLP
Gibson, Dunn & Crutcher LLP
Goodwin Procter LLP
Hogan Lovells LLP
Holland & Knight LLP
Hollingsworth LLP
Horvitz & Levy LLP
Jenner & Block LLP
Jones Day
K&L Gates LLP
Keller and Heckman LLP
Kirkland & Ellis LLP
Latham & Watkins LLP
Lewis Brisbois Bisgaard & Smith LLP
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Thompson Hine LLP
Thompson Miller & Simpson PLC
Troutman Pepper Hamilton Sanders LLP
Watts Guerra LLC
Weil, Gotshal & Mages LLP
Wiley Rein LLP
Williams & Connolly LLP

Other Organizations

In addition to our recognized law firms, WLF's 2023 pro bono network included individuals working at these public-interest groups, law schools, businesses, and government agencies. WLF expresses its sincerest thanks for their leadership and commitment to a set of principles in magnifying our mission and impact.

Antonin Scalia School of Law at George Mason University
Associated General Contractors of America
Atlantic Legal Foundation
Berkeley Research Group
Cato Institute
ClearPath
Commonwealth of Virginia Office of Regulatory Management
Florida International University School of Law
Grayscale Investments
Hudson Institute
Idaho Office of the Attorney General
Joseph Rainey Center for Public Policy
NetChoice
NFIB Small Business Legal Center
Reservoir Strategies LLC
TechFreedom
The Heritage Foundation
UCLA School of Law
University of Houston Law Center
Wynn Resorts

Join Our Pro Bono Network

*If you are interested in adding yourself, your firm, or a colleague to our pro bono network, **please let us know**. This is a great opportunity to showcase talent and expertise while helping WLF keep free enterprise free.*

2023 Highlights: A Year of Impact

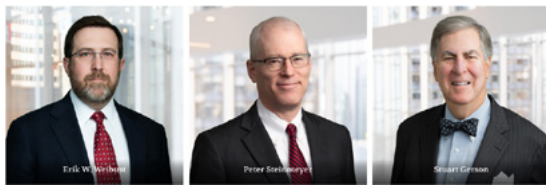
Each year, WLF strategically engages in litigation, education, and advocacy to further its mission. This timeline highlights notable filings, outcomes, publications, and newsworthy events that helped us advance our principles throughout the year — all made possible by our generous friends and supporters.

January

After 200+ Years Under State Law, FTC Proposes to Sweep Away All Noncompetes in Unauthorized Federal Power Grab

Legal Background

Three Epstein Becker & Green, PC attorneys argue that FTC lacks statutory and constitutional authority to ban noncompetition agreements in employment contracts.



February

In re Food Labeling Nutrient Content Claims; Definition of Term “Healthy”

Regulatory Comment



WLF argues that the proposed rule violates the First Amendment, is arbitrary and capricious, and should be withdrawn.

March

Federal Trial Court Rejects FDA’s Privilege Claim in FOIA Dispute

Vanda Pharmaceuticals v. FDA

Litigation Victory

WLF filed the only amicus brief in support of a company’s statutory right to access scientific reviews that led FDA to reject a drug application.

April



WLF Urges Eighth Circuit To Vacate Surface Transportation Board Rule

Association of American Railroads v. STB

Amicus Brief

WLF argues that the Surface Transportation Board cannot evade a statutory bar on mandating arbitration by naming it “final-offer rate review.”

May

2023 PFAS Chemical Litigation: “Everything Everywhere All At Once”

Working Paper

Three Lewis Brisbois attorneys detail how precautionary regulatory proposals, environmental activism, and profit-minded lawyers have contributed to a dramatic rise in lawsuits targeting products that utilized a “forever” chemical.



June

Supreme Court Affirms Government’s Broad Authority to Dismiss Qui Tam Suits

U.S. ex rel. Polansky v. Exec. Health Resources

Litigation Victory

The Court affirmed the Justice Department’s right to dismiss a False Claims Act suit filed by a private party, with three justices separately noting constitutional concerns WLF raised in its brief over delegation of prosecutorial authority.



July

WLF Urges Supreme Court To Eliminate *Chevron* Deference

Loper Bright v. Raimondo

Amicus Brief

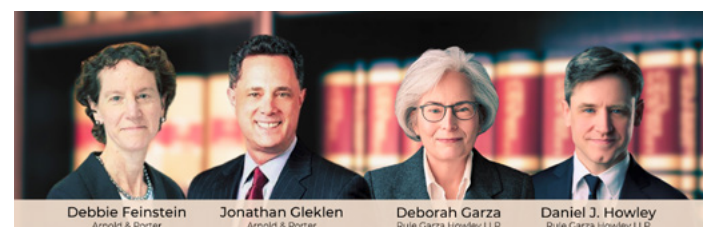
Joining the Independent Women’s Law Center, WLF argues that agencies exceed their statutory mandate when asking courts to defer to regulators’ wisdom, which in turn leads to more regulation.

August

Modernization or Transformation?: An Expert Assessment of the DOJ/FTC Draft Merger Guidelines

Webinar

Four attorneys with extensive experience as antitrust regulators and private practitioners discussed two agencies’ dramatic overhaul of longstanding guidelines on federal merger review and enforcement.



September

Supreme Court Agrees to Review the Second Circuit’s Novel Interpretation of Federal Securities Law.

Macquarie Infrastructure Corp. v. Moab Partners, LP

Litigation Victory

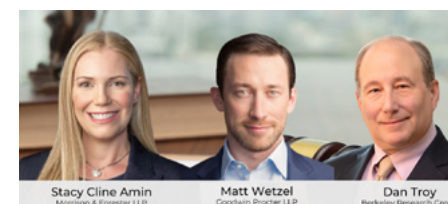
Agreeing with WLF’s amicus brief, the Court will review a lower court ruling that expands private litigation in a manner Congress did not intend.

October

The IRA’s Drug Price Program: What You Need to Know as the “Negotiation” and Litigation Heat Up

Webinar

Three attorneys, including two who served in senior legal positions in the Department of Health and Human Services, delved into the constitutional and legal flaws of a federal law that would coerce pharmaceutical companies to drastically cut drug prices.



November

Ninth Circuit Rejects California’s Attempt to Compel False and Misleading Speech

National Assoc. of Wheat Growers v. Bonta

Litigation Victory

The appeals court agreed with WLF that California had no valid interest in compelling businesses to affix a false and highly controversial safety warning on their products, and thus the state mandate violated the First Amendment.

December

In re Safeguarding and Securing the Open Internet

Regulatory Comment

WLF joined a former FCC Commissioner and his Hudson Institute colleague on a comment arguing that FCC’s latest attempt to subject internet service to “common carrier” regulation exceeds the agency’s statutory authority and would do far more harm than good.



Litigation
Division

Litigation is the backbone of WLF's public-interest mission. WLF's Litigation Division is active at every level of the judiciary, from federal and state trial courts to the U.S. Supreme Court.

Litigants and appellate advocates request WLF's amicus participation because of our hard-earned reputation for independence and excellence. Our attorneys strategically choose cases that have the most potential to advance WLF's enduring principles.

WLF also participates in administrative proceedings to promote regulatory reform. Our comments demand that agencies properly interpret and implement the underlying statute and respect individual and economic liberties under the U.S. Constitution.

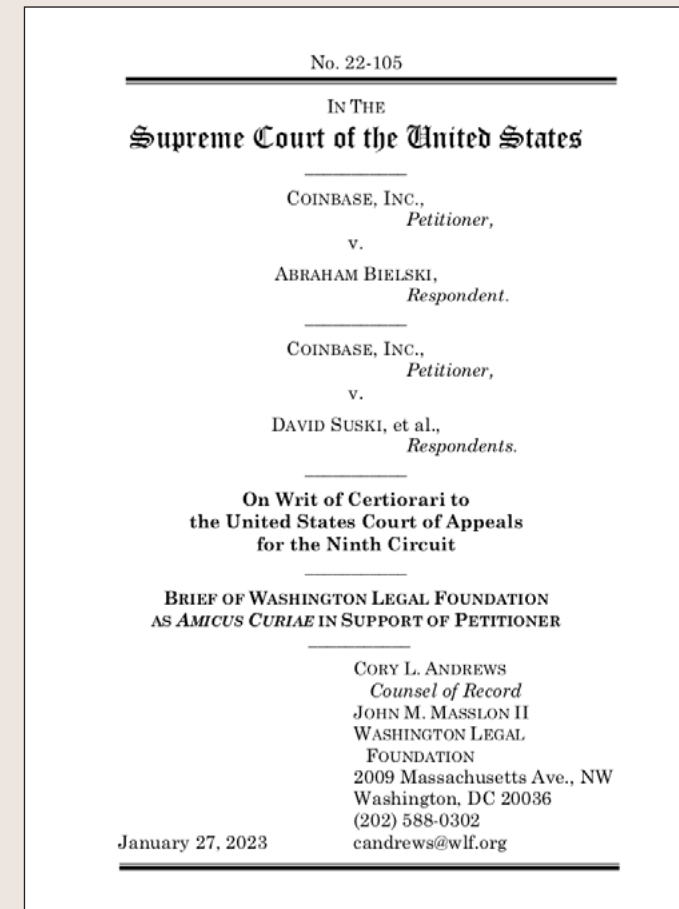
During 2023, the legal or constitutional principle WLF advanced in its amicus briefs prevailed in 18 cases. Included among those victories were 9 positive outcomes in the U.S. Supreme Court—7 on the merits and 2 granted certiorari petitions—and wins in 5 different federal districts or circuits, including 3 in the challenging Ninth Circuit.

The following pages spotlight five especially significant filings. A complete list of all 2023 cases and regulatory proceedings can be found on pages 14-18. All WLF amicus briefs and regulatory comments are archived at [WLF.org/litigation](https://www.wlf.org/litigation).



“If Washington Legal Foundation has filed an amicus brief, that is a strong signal to the judiciary that the case has significant implications for America’s free-enterprise system.”

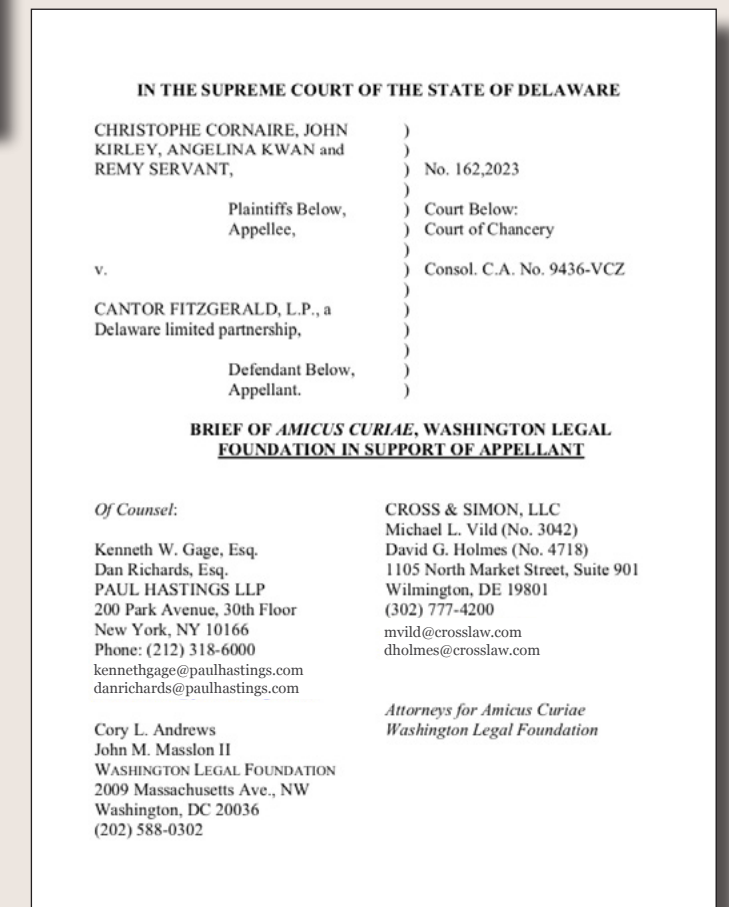
Paul D. Clement
43rd Solicitor General of the United States
Partner, Clement & Murphy PLLC



Coinbase v. Bielski

U.S. Supreme Court

WLF successfully argues that district court proceedings must be stayed when an appeal from the denial of a motion to compel arbitration is pending.



Cantor Fitzgerald v. Ainslie
Delaware Supreme Court

WLF successfully urges the court to reverse a Chancery Court decision barring sophisticated parties from negotiating contracts that include “forfeiture for competition” provisions.

Calcutt v. FDIC
U.S. Supreme Court

WLF successfully urges the Supreme Court to grant review and vacate a Sixth Circuit opinion in which the court, instead of the agency, decided the appropriate sanction.

No. 22-714

In The
Supreme Court of the United States

HARRY C. CALCUTT III,
Petitioner,

v.

FEDERAL DEPOSIT INSURANCE CORPORATION,
Respondent.

On Petition for a Writ of Certiorari to the United States Court of Appeals for the Sixth 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

March 1, 2023

23-410(L)

23-418(CON), 23-420(CON), 23-423(CON)

IN THE UNITED STATES COURT OF APPEALS
FOR THE SECOND CIRCUIT

IN RE BYSTOLIC ANTITRUST LITIGATION

(caption continued on inside cover)

On Appeal from the United States District Court for the Southern District of New York (Case No. 20-cv-5735) (Judge Lewis J. Liman)

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

John M. Masslon II
Cory L. Andrews
WASHINGTON LEGAL FOUNDATION
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(202) 588-0302
jmasslon@wlf.org

Counsel for Amicus Curiae
Washington Legal Foundation

July 21, 2023

In re Bystolic Antitrust Litigation
U.S. Court of Appeals for the Second Circuit

WLF explains why the Second Circuit should not give any weight to the view of the lawless Federal Trade Commission in an important case about antitrust scrutiny of reverse payments.

NOS. 22-3648, 23-1325

IN THE UNITED STATES COURT OF
APPEALS FOR THE EIGHTH CIRCUIT

UNION PACIFIC RAILROAD CO.,
Petitioner,

v.

SURFACE TRANSPORTATION BOARD AND UNITED STATES OF AMERICA,
Respondents,

AMERICAN CHEMISTRY COUNCIL, CORN REFINERS ASSOCIATION,
NATIONAL GRAIN AND FEED ASSOCIATION, NATIONAL INDUSTRIAL
TRANSPORTATION LEAGUE, AND THE FERTILIZER INSTITUTE,
Intervenor.

ASSOCIATION OF AMERICAN RAILROADS,
Petitioner,

v.

SURFACE TRANSPORTATION BOARD AND UNITED STATES OF AMERICA,
Respondents.

On Petitions for Review from the Surface Transportation Board (Docket Nos. EP 665 & 755)

BRIEF OF WASHINGTON LEGAL FOUNDATION AS AMICUS CURIAE
SUPPORTING PETITIONERS AND SETTING ASIDE THE FINAL RULE

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

April 17, 2023

Union Pacific Railroad and Association of American Railroads v. Surface Transportation Board
U.S Court of Appeals for the Eighth Circuit

WLF argues that the Surface Transportation Board cannot evade a statutory bar on mandating arbitration by simply renaming it “final-offer rate review.”

“WLF consistently submits top-flight briefs with distinct perspectives. Whenever I see a WLF brief, I know that it will be thoughtful and well written. And it is always a pleasure working with WLF’s lawyers on my own cases.”

Kannon K. Shanmugam
Chair of the Supreme Court and Appellate Practice Group
Paul, Weiss, Rifkind, Wharton & Garrison LLP



Briefs and
Regulatory Comments

WLF participated in or obtained outcomes in the following 76 court cases and regulatory proceedings. Briefs and regulatory comments filed by WLF are available at [WLF.org](https://www.wlf.org).

U.S. Supreme Court

Apple Inc. v. Epic Games
Defending core federalism principles

Avail Vapor v. FDA
Ensuring a regulatory process that comports with due process

Axon v. FTC
Securing a regulated party’s right to challenge an agency’s structure

Bissonnette v. LePage Bakeries
Clarifying the Federal Arbitration Act’s “transportation exception”

BP plc v. Mayor & City Council of Baltimore
Supporting federal jurisdiction for greenhouse-gas litigation

Calcutt v. FDIC
Combatting unconstitutional agency structures

CFPB v. Community Financial Services Association
Ensuring congressional oversight under the Appropriations Clause

Coinbase v. Bielski
Ensuring that arbitration helps avoid costly and burdensome litigation

Cooper Tire v. McCall
Opposing personal jurisdiction based on business registration

E.I. du Pont de Nemours & Co. v. Abbott
Protecting defendants’ due-process rights in multidistrict litigation

EMD Sales v. Carrera
Ensuring the proper burden of proof for Fair Labor Standard Act exemptions

Gonzalez v. Google
Supporting the protections of Section 230 of the Communications Decency Act

In re Grand Jury
Safeguarding the attorney-client privilege

Johnson & Johnson v. California
Protecting commercial speech rights

Loper Bright v. Raimondo
Opposing deference for federal agencies’ statutory interpretations

Macquarie Infrastructure Corp. v. Moab Partners
Opposing novel liability theories under federal securities law

Mallory v. Norfolk So. Railway
Opposing personal jurisdiction based on business registration

Moody v. Net Choice, LLC
Opposing government compelled speech

Murray v. UBS Securities LLC
Urging proper construction of Sarbanes-Oxley’s whistleblower provision

National Pork Producers Council v. Ross
Opposing state violations of the dormant Commerce Clause

NetChoice, LLC v. Paxton
Opposing government compelled speech

Pivotal Software, Inc. v. Superior Court of California
Applying the Private Securities Litigation Reform Act discovery stay in both state and federal court

RJ Reynolds Tobacco Co. v. Bonta
Ensuring uniform tobacco product standards through federal preemption

RJ Reynolds Tobacco Co. v. Los Angeles
Ensuring uniform tobacco 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

SEC v. Jarkesy
Combatting unconstitutional agency structures

Slack Technologies, LLC v. Pirani
Opposing novel liability theories under federal securities law

Suncor v. County of Boulder
Supporting federal jurisdiction for greenhouse-gas litigation

United States ex rel. Polansky v. Executive Health Resources
Ensuring the government’s right to dismiss False Claims Act suits

United States ex rel. Proctor v. Safeway
Bolstering the False Claims Act’s scienter requirement

United States ex rel. Schutte v. SuperValu
Bolstering the False Claims Act’s scienter requirement

Yegiazaryan v. Smagin
Opposing the extraterritorial application of U.S. law

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

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

Burgess v. Whang
U.S. Court of Appeals for the Fifth Circuit
Combatting unconstitutional agency structures

Carson v. Monsanto
U.S. Court of Appeals for the Eleventh Circuit
Supporting federal preemption for federally registered pesticides

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

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

E. Ohman J:or Fonder AB v. NVIDIA Corp.
U.S. Court of Appeals for the Ninth Circuit
Ensuring heightened pleading standards in federal securities suits

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

Gulden v. ExxonMobil
U.S. Court of Appeals for the Third Circuit
Reserving judicial enforcement for final—not preliminary—agency orders

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

Illumina v. FTC
U.S. Court of Appeals for the Fifth Circuit
Combatting unconstitutional agency structures

In re Bystolic Antitrust Litigation
U.S. Court of Appeals for the Second Circuit
Opposing baseless antitrust liability for patent holders

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

In re Google Play Store Antitrust Litigation
U.S. Court of Appeals for the Ninth Circuit
Opposing class certification based on unreliable expert evidence

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

Medical Imaging & Technology Alliance v. Library of Congress
U.S. Court of Appeals for the D.C. Circuit
Ensuring the right to judicial review of administrative actions

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

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

United States ex rel. Streck v. Takeda Pharmaceuticals America
U.S. Court of Appeals for the Seventh Circuit
Bolstering the False Claims Act’s materiality and scienter requirements

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



“My client and my team here at Winston really appreciate Washington Legal Foundation’s filings at both the certiorari and merits stages of the Macquarie case. Your focus on plain meaning and the common-law origins of fraud-by-omission are arguments that truly resonate with some members of the Court.”

Linda Coberly
Chair of Appellate and Critical Motions Practice
Winston & Strawn LLP

Painters Fund v. Takeda Pharmaceutical Co.
U.S. Court of Appeals for the Ninth Circuit
Opposing certification of an unwieldy class under Rule 23

RJ Reynolds Tobacco Co. v. FDA
U.S. Court of Appeals for the Fifth Circuit
Opposing unconstitutionally compelled speech

Union Pacific Railroad Co. v. Surface Transportation Board
U.S. Court of Appeals for the Eighth Circuit
Opposing extra-statutory regulations

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

State Appellate and Supreme Courts

Ainslie v. Cantor Fitzgerald
Delaware Supreme Court
Defending the freedom of contract

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

Carey v. CSX
Kentucky Court of Appeals
Opposing unconstitutionally excessive punitive damages awards

Coates v. R.J. Reynolds
Florida Supreme Court
Opposing unconstitutionally excessive punitive damages awards

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

LHC Group, Inc. v. Bayer Corp
California Court of Appeal
Supporting national uniformity for employee-benefit plans

Regulatory Comments

In re Certification of Dispatchers and Signal Employees
Federal Railroad Administration
Ensuring that federal regulatory costs do not exceed their benefits

In re Federal Acquisition Regulation
Department of Defense
Opposing extra-statutory regulations

In re Food Labeling: Nutrient Content Claims; Definition of Term “Healthy”
Food and Drug Administration
Ensuring that federal agencies adhere to the First Amendment

In re Negative Option Rule
Federal Trade Commission
Opposing extra-statutory regulations

In re Non-Compete Rule
Federal Trade Commission
Defending the freedom of contract

In re Proposed Amendments to Ohio Rule of Evidence 702
Ohio Supreme Court
Opposing unreliable expert evidence

In re Proposed Changes to the Florida Rules of Civil Procedure
Florida Supreme Court
Supporting commonsense civil-discovery reforms

In re Safeguarding and Securing the Open Internet
Federal Communications Commission
Opposing extra-statutory regulation of broadband services

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

Impact Focus:
Commercial Speech

Businesses’ freedom to speak commercially, as well as consumers’ access to that information, is an essential pillar of free enterprise.

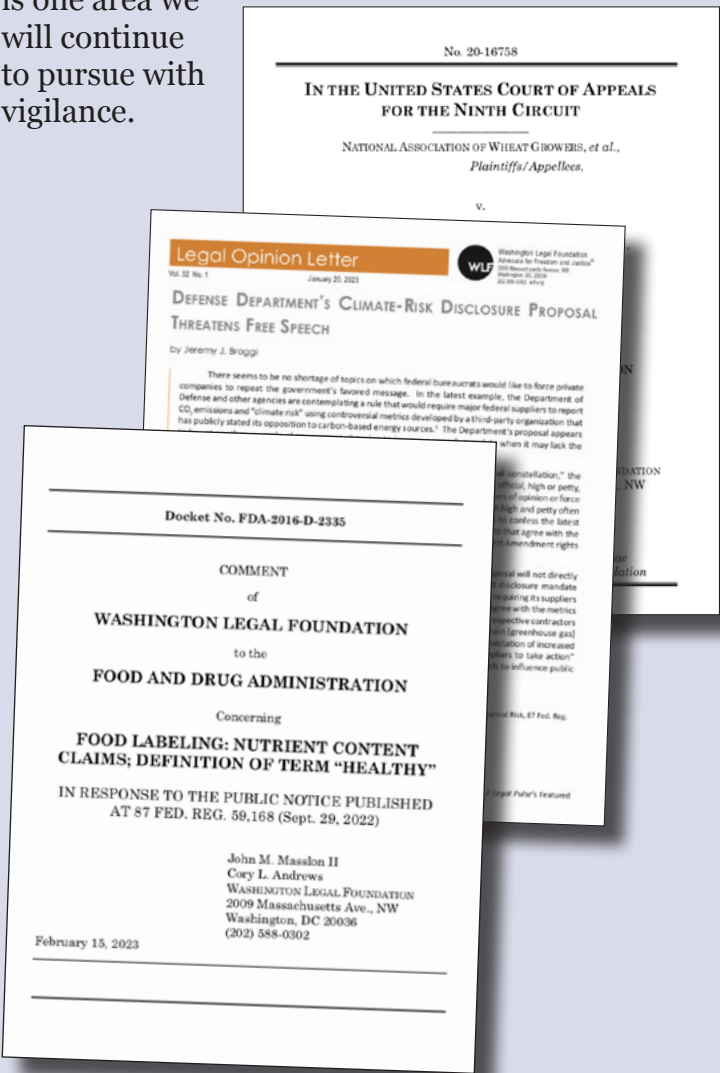
For that reason, WLF has pursued a decades-long campaign to promote and defend commercial speech. We’ve pursued this objective through original litigation against government agencies and through amicus briefs in support of others’ First Amendment challenges. Our publications and educational programs have instructed policy makers on the fundamentals of commercial speech while offering expert analysis of court decisions and proposed regulations.

Regulators and politicians routinely curtail truthful speech about a product, or mandate disclosures or warnings businesses otherwise would not choose to provide. The commercial-speech cases and regulations that engaged WLF’s attention this year fall into both categories.

In November, the Ninth Circuit enjoined California from mandating that a widely used pesticide include a health warning. The court in *NAWG v. Bonta* agreed with WLF’s amicus brief, which argued that because the warning would cause confusion and stoke controversy, it advanced no governmental interest. In the Fifth Circuit, WLF argued that FDA-required graphic warnings on tobacco products are far from the ordinary disclosures government can require to prevent consumer confusion. And in an amicus brief filed in the U.S. Supreme Court, WLF urged the justices to clarify the correct review standard for such compelled commercial speech while holding two states’ laws requiring certain disclosures on social media platforms unconstitutional.

WLF also advanced commercial-speech arguments through comments on two proposed regulations. We urged FDA to withdraw an attempt to define “healthy” when used on food labels, arguing that the proposal failed every part of the test courts use to evaluate commercial-speech restrictions. WLF also counseled the Defense Department that its proposal to require federal contractors to disclose greenhouse-gas emissions and climate-related financial risks violates the First Amendment. A WLF *Legal Opinion Letter* also criticized the proposal as yet another attempt to force private entities to repeat the government’s preferred message.

WLF is proud of the work we have accomplished in promoting and defending commercial speech, though we know all too well progress requires perseverance and this is one area we will continue to pursue with vigilance.



Legal Studies Division

WLF established its Legal Studies Division in 1986 as a complement to our litigation efforts. Our founders envisioned a legal think tank that could inject ideas into the courts and other policy-making bodies through timely, relevant publications. Thirty-seven years later, the Legal Studies Division still shapes legal-policy debates through formal publishing, but also relies upon other tools, such as an online journal, educational programming, and media outreach to offer a free-enterprise perspective that may otherwise be overlooked.

WLF's Legal Studies Division is an uncommon think tank. While traditional

think tanks are known for their in-house scholars and contracted fellows who conduct research, write, and appear on panels, WLF has earned the trust and support from a large network of private practitioners, corporate counsel, academics, and other legal professionals to serve as writers and speakers. Their pro-bono contributions allow WLF to focus charitable resources on expanding the breadth and depth of our efforts, covering a vast landscape of issues affecting Americans as consumers, shareholders, and employees.

We express our thanks to the professionals who donated their time and expertise to the Legal Studies Division this year, as well as the organizations recognized in this Annual Report who employ those volunteers.

“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



Publications

Since 1986, WLF has published and distributed nearly 3,000 papers written by over 2,500 different experts—a resource bank that former U.S. Court of Federal Claims Chief Judge Loren Smith called “a true library for the defense of our free-enterprise system.” For the past 32 years, the Lexis/Nexis® database has made our two- and four-page papers available to subscribers. Recipients use our publications as third-party educational tools in legal-policy campaigns, handouts at conferences, and references in court briefs and law review articles. Law firms share the publications written by their partners and associates through mailings, social media, and other targeted communications.

In 2009, WLF added a blog, the *WLF Legal Pulse*, to its educational and advocacy tools. The *WLF Legal Pulse* has evolved into a highly respected online journal where both WLF legal staff and outside legal professionals publish commentaries that evaluate new ideas, offer

rapid expert assessments of court decisions and regulatory developments, and provide valuable updates on ongoing litigation and legal-policy debates. The *WLF Legal Pulse* features regular commentary by a group of “Featured Expert Contributors” who routinely write on a wide range of topics. WLF also maintains a long-running partnership with Forbes.com, which maintains a contributor site within its network of blogs for WLF attorneys’ commentaries.

WLF published 77 original papers and *WLF Legal Pulse* commentaries in 2023, written by 85 different volunteers, 46 of whom were first-time writers. A list of 2023 publications appears on the following pages.



Publications

Administrative Law and Procedure

Virginia’s Model: The Commonwealth Leads the Way on State Regulatory Modernization
Reeve Bull | Commonwealth of Virginia Office of Regulatory Management

Via Executive Order, Regulatory Reform Gets a Roadmap, Again
Gary C. Marfin | Rice University (ret.) and Christopher H. Marraro | BakerHostetler

WLF’s Circulating Opinion: *Solar Industries Association v. Federal Energy Regulation Commission*
Digesting a dissenting opinion by The Honorable Justin R. Walker, Circuit Judge, U.S. Court of Appeals for the D.C. Circuit.

Antitrust and Consumer Protection

The FTC’s Amended Complaint Against Amazon Employees Raises Serious Policy Concerns
Mark D. Hopson, William R. Levi, and Benjamin M. Mundel | Sidley Austin LLP

DOJ and FTC’s Proposed HSR Form Overhaul Would Add Significant Filing Burdens on Merging Parties
Gerald A. Stein, Amanda Wait, and Andrew Eklund | Norton Rose Fulbright US LLP

***Illumina/GRAIL*: FTC Illuminates the Path of Future Vertical Merger Review**
Gerald A. Stein and Marissa Madaras | Norton Rose Fulbright US LLP

SCOTUS Greenlights Constitutional Challenges to FTC Structure and Authority in Federal Court
Gerald A. Stein and Zachary Taylor | Norton Rose Fulbright US LLP

Actual Potential Competition: *FTC v. Meta/Within Court* Validates Odd-Sounding Theory
Steven Cernak | Bona Law PC

Time for SCOTUS to Set Meaningful Due-Process Standards for State “UDAP” Laws
Glenn Lammi | Washington Legal Foundation

U.S. Merger Enforcement is...Down? Lessons from the FY2021 HSR Annual Report
Amanda Wait and Andy Eklund | Norton Rose Fulbright US LLP

The Robinson-Patman Act Revival: Five Considerations for Business
Gerald A. Stein, Layne E. Kruse, Alex Cummings, and Marisa Madaras | Norton Rose Fulbright US LLP

FTC Action against Data-Breach Victim and its CEO Could Signal New Era of Enforcement
Gerald A. Stein, Andrea D’Ambra, and Susana Me-deiros | Norton Rose Fulbright US LLP

Asbestos and Toxic Torts

Distinguishing “Take-Home” Asbestos Liability Decision, California High Court Rejects Theory for COVID-19
Robert Wright | Horvitz & Levy LLP

Utah Joins Growing List of States Legislatively Addressing the Over-Naming Problem in Asbestos Litigation
Robert Wright | Horvitz & Levy LLP

Business Civil Liberties and Criminal Liability

Recent SEC Action Warns Companies with Overseas Subsidiaries to Reconsider the Adequacy of Their Internal Controls
Gregory A. Brower | Wynn Resorts and Emily R. Garnett | Brownstein Hyatt Farber Schreck, LLP

Why We’re Suing to Enjoin Arkansas’s Social Media Age-Verification Law
Paul Taske | NetChoice

Capital Markets, Securities, and Corporate Governance

SEC Enforcement Chief’s Guidance to Corporate Compliance Personnel
Gregory A. Brower | Wynn Resorts and Emily R. Garnett | Brownstein Hyatt Farber Schreck, LLP

Grayscale Court Victory Feels Right and Just
Professor Marc Powers | Florida International University School of Law

SEC Risk Alert for Broker-Dealers Includes Broader Lessons
Gregory A. Brower | Wynn Resorts

The \$279 Million Whistleblower Award Heard ‘Round the World
Gregory A. Brower | Wynn Resorts

Our Legal Challenge Targets SEC’s Regulatory Inconsistency and Its Impact on Investors
Craig Salm | Grayscale Investments

A Divided SEC Breaks New Ground with Activision Blizzard Settlement
Gregory A. Brower | Wynn Resorts and Emily R. Garnett | Brownstein Hyatt Farber Schreck, LLP

Delaware Court’s McDonald’s Opinion: Another Step in *Caremark’s* Ingestion of All Corporate Law
Professor Stephen A. Bainbridge | UCLA School of Law

Delaware Court of Chancery Decision Applies Duty of Oversight Liability to Corporate Officers
Gregory A. Brower | Wynn Resorts

Civil-Justice Reform

Justice Thomas’s Hits and Misses in Dissent from Denial of Review in MDL-Related Case
Gregory S. Chernak | Hollingsworth LLP

Nuclear Verdict Risk Grows as States Expand Wrongful Death Liability
Cary Silverman | Shook, Hardy & Bacon LLP

Bankruptcy Process Offers Only Realistic Path to Resolve Outstanding Talc Liability
Mikal C. Watts | Watts Guerra LLC

Florida Litigation Reforms Target Damage Windfalls for Plaintiffs—and Their Lawyers
David I. Spector and James J. Duffy | Holland & Knight LLP

Third Circuit Decision Offers MDL Courts Guidance on How They Can Apply Prior Rulings in Future Proceedings
Gregory S. Chernak | Hollingsworth LLP

Class-Action Litigation

Counterproductive ClaimClam: An AI Litigation Tool Encounters Resistance
Starr Vijolan | Washington Legal Foundation

Despite Defense Victories in PFAS-Related False Advertising Class Actions, Businesses Should Minimize Risks
Katie Bond and Samuel Butler | Keller and Heckman LLP

The *Nordic Naturals* Decision: A “Natural” Disaster?
Katie Bond and Samuel Butler | Keller and Heckman LLP

Sixth Circuit Decision on Plaintiffs’ Removal-Avoidance Tactic Underscores Courts’ Reluctance to Creatively Interpret CAFA
Gregory S. Chernak | Hollingsworth LLP

Food Court Report: MSG, Citric Acid, Paris, and, of Course, Vanilla
Glenn G. Lammi | Washington Legal Foundation

Court Rightfully Loses its Taste for Natural-Flavors Consumer-Fraud Class Actions
Joe Bierowski | Washington Legal Foundation

Commercial Speech

D.C.’s Highest Court Should Vindicate the Right of Businesses to Discuss Issues of Public Concern
Jeremy J. Broggi and Boyd Garriott | Wiley Rein LLP

WLF’s Circulating Opinion: *Junior Sports Magazines Inc. v. Bonta*
Digesting a concurring opinion by the Honorable Lawrence VanDyke, Circuit Judge, U.S. Court of Appeals for the Ninth Circuit.

Defense Department’s Climate-Risk Disclosure Proposal Threatens Free Speech
Jeremy J. Broggi | Wiley Rein LLP

Communications and Information Technology

WLF’s Circulating Opinion: *Cothron v. White Castle Systems, Inc.*
Digesting a dissenting opinion by the Honorable David K. Overstreet, Justice, Supreme Court of the State of Illinois.

Lawsuits Accusing Online Session Replay of Criminal “Wiretapping” Implicate Serious Constitutional Concerns
Gerald M. Stegmaier, Mark D. Quist, and Alan D. Bart | Reed Smith LLP

Two Illinois High Court Decisions Open the Floodgates Even Wider for No-Injury Biometric Privacy Litigation
Matthew D. Provance and Jed W. Glickstein | Mayer Brown LLP

Discovery Process

Privilege Logs: Mitigating the Burden of Privilege Logging While Improving Usefulness
Gareth T. Evans and Ted S. Hiser | Redgrave LLP

Employment Law

Sixth Circuit Opinion Sends a Timely Message: The Bill of Rights Constrains Public, Not Private, Actors
Joe Bierowski | Washington Legal Foundation

After 200+ Years Under State Law, FTC Proposes to Sweep Away All Noncompetes in Unauthorized Federal Power Grab
Erik W. Weibust, Peter Steinmeyer, and Stuart Gerson | Epstein Becker & Green, PC

Environmental Regulation and Enforcement

EPA Seeks Comments on Guidance that Dramatically Expands Environmental Justice Impact Analysis
Karen Bennett | E&W Law

After EPA’s Rule Revision, CWA 401 Remains Potent State Tool Against Interstate Infrastructure Projects
Jim Wedeking | Sidley Austin LLP

Upon Closer Scrutiny, EPA’s Environmental Justice Retreat May Be No Retreat at All
Karen C. Bennett | E&W Law

Fourth Circuit CWA Ruling Portends Risks of Overreliance on Major Questions Doctrine
Jim Wedeking | Sidley Austin LLP

***Louisiana v. EPA*: A Chastened Agency Retreats on Environmental Justice, For Now**
Kevin S. O’Scannlain | Reservoir Strategies LLC

A Children’s Climate Crusade: *Held v. State* and the Perils of Green Amendments
Lincoln Davis Wilson and Timothy Longfield | Idaho Office of the Attorney General

EPA Accepting Public Comments on Amended Ethylene Oxide Regulations
David A. Fusco, David L. Rieser, Wesley A. Prichard, and Hudson M. Stoner | K&L Gates LLP

Methylene Chloride Proposal: An EPA Template for Superseding OSHA on Workplace Chemical Regulation
Lawrence P. Halprin | Keller and Heckman LLP

2023 PFAS Chemical Litigation: “Everything Everywhere All At Once”
Jane C. Luxton, William J. Walsh, and George F. Leahy | Lewis Brisbois Bisgaard & Smith LLP

Trends in PFAS Litigation: Proposed Federal Drinking Water Regulations and So Much More
Joel Eagle | Thompson Hine LLP

President Biden’s Executive Order Directs Sweeping New Environmental Justice Actions
Karen C. Bennett | E&W Law

Diligent Prosecution Bar Holds Firm in a Recent Citizen Suit Decision Despite Increasingly Narrow Judicial Application
Jim Wedeking | Sidley Austin LLP

Ninth Circuit Quashes Practice of Vacating Rulemakings Without Finding Them Unlawful
Jim Wedeking | Sidley Austin LLP

Expert Evidence and Junk Science

Ethylene Oxide: How Dubious Regulatory Science Has Fueled Vicious Cycle of Litigation and Overregulation
Robert E. Johnston and Aleksandra Rybicki | Hollingsworth LLP

Attorneys and Courts Should Immediately Rely on the Forthcoming Rule 702 Amendment
Lee Mickus | Evans Fears & Schuttert LLP and Alex Dahl | Lawyers for Civil Justice

Federal Preemption

Update: EPA Prepares the Way for California’s In-Use Locomotive Regulation
Steven G. Bradbury | The Heritage Foundation

California’s Attempt to Dictate Locomotive Technology for Our National Rail System Unlawfully Conflicts with Federal Law
Steven G. Bradbury | The Heritage Foundation

A Prescription for Pharmaceutical Preemption
Philip Goldberg and Christopher Gramling | Shook, Hardy & Bacon LLP

Which is to Be Master? A Preemption Win in the Dietary Supplement Space
Katie Bond and Samuel Butler | Keller and Heckman LLP

***California Restaurant Association v. Berkeley*: Presumptions and Preemption**
Frank Cruz-Alvarez and Sofia M. Perla | Shook, Hardy & Bacon LLP

Food, Drug, and Medical-Device Law

Federal Anti-Virus Strategy Must Encourage Broader Innovation to Expand Treatment Options

Glenn G. Lammi | Washington Legal Foundation

General Jurisdiction and Standing to Sue

ADA Testers Have No Standing, and the Supreme Court Must Decide the Issue Now

Kevin J. Kearns | Washington Legal Foundation

Government Contracting and False Claims Act

An Open Invitation to Challenge the Constitutionality of Qui Tam False Claims Act Cases

Kristin Graham Koehler and Joshua J. Fougere | Sidley Austin LLP

The Deepening Circuit Split Over the Causal Connection Between AKS Violations and FCA Liability

Kristin Graham Koehler, Jaime L.M. Jones, Joshua J. Fougere, Brenna E. Jenny, and Joseph R. LoCas-
cio | Sidley Austin LLP

Healthcare

The IRA’s Property Rights Ramifications: Drug-Price “Negotiation” Meets the Takings Clause

Michael M. Berger | Manatt, Phelps & Phillips, LLP

Initial Lawsuits Claim IRA’s Compelled Drug-Price Negotiation Is Broad Break with Rule of Law

Matt Wetzel | Goodwin Proctor LLP

Federal Court Strikes Down Copay Accumulator Programs

Matt Wetzel and Heath Ingram | Goodwin Proctor LLP

HHS Faces IRA Implementation Risk Without Notice and Comment

Brenna E. Jenny, Meenakshi Datta, and Matthew Guillod | Sidley Austin LLP

Medicare’s Initial Plans for the Medicare Drug Price Negotiation Program

Matt Wetzel | Goodwin Proctor LLP

Intellectual and Private Property Rights

Federal Circuit to Sit En Banc to Hear *LKQ v. GM* Case on Obviousness for Design Patents

Tracy-Gene G. Durkin, Deirdre M. Wells, and Peter VanderVort | Sterne, Kessler, Goldstein & Fox

Occupational Safety and Health

OSHA Proposes Rule that May Allow Union Organizers and Activists to “Walk Around” Workplaces

Lawrence P. Halprin | Keller and Heckman LLP

Third Circuit Applies Narrow Reading of the OSH Act’s Private Right of Action

Megan S. Shaked and Eric C. Conn | Conn Maciel Carey

OSHA Issues General Duty Clause Citations for Alleged Medical Mismanagement of Employee Injuries

Lawrence P. Halprin | Keller and Heckman LLP

OSHA Further Intensifies Enforcement with Instance-by-Instance and Violation-Grouping Policy Memos

Eric J. Conn and Darius Rohani-Shukla | Conn Maciel Carey

Product Liability and Safety

New Hampshire Supreme Court Rejects Medical Monitoring

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

Educational Programs

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](#).



The IRA’s Drug Price Program: What You Need to Know as the “Negotiation” and Litigation Heat Up

Clockwise: Dan Troy of BGR; WLF’s Glenn Lammi; Stacy Cline Amin of Morrison & Foerster LLP; and Matthew Wetzler of Goodwin Procter LLP



Modernization or Transformation?: An Expert Assessment of the DOJ/FTC Draft Merger Guidelines

Clockwise: Jonathan Gleklen of Arnold & Porter; WLF’s Glenn Lammi; Debbie Feinstein of Arnold & Porter; Daniel J. Howley of Rule Garza Howley LLP; and Deborah Garza of Rule Garza Howley LLP

WLF Speakers

Stacy Cline Amin | Morrison & Foerster

Corbin K. Barthold | TechFreedom

Mira E. Baylson | Cozen O’Connor

Elizabeth Brannen | Stris & Maher LLP

Jessica L. Ellsworth | Hogan Lovells LLP

Debbie Feinstein | Arnold & Porter

Joshua J. Fougere | Sidley & Austin LLP

Deborah Garza | Rule Garza Howley LLP

Jonathan Gleklen | Arnold & Porter

Phil Goldberg | Shook, Hardy & Bacon LLP

Sarah E. Harris | Williams & Connolly LLP

Daniel J. Howley | Rule Garza Howley LLP

Thomas B. Hungar | Gibson, Dunn & Crutcher LLP

Sarah E. Hunt | Joseph Rainey Center for Public Policy

The Hon. Jerry W. Kilgore | Cozen O’Connor

Matthew Mailloux | ClearPath

Julia A. Malkina | Sullivan & Cromwell LLP

John M. Masslon II | Washington Legal Foundation

Professor Andrew C. Michaels | University of Houston Law Center

Professor Adam Mossoff | Antonin Scalia School of Law at George Mason University

Bernard Nash | Cozen O’Connor

Mark A. Perry | Weil Gotshal & Mages LLP

Jay B. Stephens | Kirkland & Ellis LLP

Hayley Trahan-Liptak | K&L Gates LLP

Dan Troy | BRG

Adam Unikowsky | Jenner & Block LLP

Christopher F. Warner | K&L Gates LLP

Matthew Wetzler | Goodwin Procter LLP

Stephen A. Wood | Chuhak & Tecson, PC

Program Spotlight: WLF Internship Program

Throughout WLF's almost five-decade history, the organization has hosted interns from across the country for various positions, including within our renowned Litigation and Legal Studies Divisions. This Program Spotlight highlights the success of our internship program.

WLF's Fall 2023 intern, **Starr Vijolan-Bobelea**, documents this program's success in the following report:

As a senior political science major at Ramapo College of New Jersey intending to apply to law school after graduation, I am immensely grateful to WLF and its staff for providing my first exposure to the legal world in a way that was incredibly compassionate and patient as well as thoroughly educational. My time with WLF not only helped me better understand the challenges and complexities that face America's free-enterprise system, but I am also more versed in how groups like WLF are working to create a stable and predictable regulatory environment that is guided by the rule of law.



In our conversations, former interns praised WLF's internship program for giving students hands-on work experience directed by a small team of highly skilled professionals. In fact, many WLF alumni credited this expert one-on-one mentorship as foundational for their careers.



For instance, **John Kendrick** reflected on his time at WLF as an undergraduate when he was tasked with writing *Legal Opinion Letters* and *WLF Legal Pulse* commentaries—assignments he recognized as the beginning of his current legal career. Now an Associate at Covington & Burling LLP, Kendrick focuses on antitrust matters, representing clients before government agencies and in federal court.

Similarly, **Ben Sperry**, Senior Scholar of Innovation Policy at the International Center for Law and Economics, acknowledged rigorous writing assignments in the Legal Studies Division for helping him learn “how to edit publications with a fine-toothed comb” while building critical research and writing skills. In his current role, Sperry focuses on technology and telecom policy.



Through an arrangement with Texas Tech University School of Law, WLF welcomed dozens of law students seeking a unique experience to work on major legal issues



while expanding networking opportunities. During his time at WLF, **Ryan Ward** researched cases and worked on Supreme Court amicus briefs. Ward credits his internship with helping him make connections that paved the way

for his current career in DC. Now serving as Counsel at Venable, LLP, Ward practices patent prosecution and counseling.



Similarly, **Jordan Miller** noted the opportunity was his first exposure to active, pending cases, helping him appreciate the significance and responsibility associated with litigation. Miller is currently an Equity Partner at Baker

Moran Doggett Ma & Dobbs LLP where he focuses on eminent domain and related property disputes.

Likewise, **Hillary Hunter** was drawn to WLF's location in Washington, D.C., and credits WLF for preparing her for the process of writing and drafting that is associated with her line of work as Corporate Counsel of Real Estate for Southern Glazer's Wine and Spirits.



Perhaps the most attractive benefit to an internship at WLF is the unique voice the organization has crafted and perfected since its founding in 1977. **Gaston Fernandez** interned at WLF as an undergraduate at Brown University, analyzing and summarizing Supreme Court cases and other prominent cases. He believes that WLF stands apart from other public-interest law firms in that it follows a philosophy but is non-partisan.



Fernandez has been with Hogan Lovells for 16 years and is currently working in Vietnam as the Office Managing Partner.

Kevin Kearns, currently a 2L student at Georgetown University Law Center, echoed these sentiments, adding “WLF approaches each brief with purpose, and each argument WLF makes stands out from the increasing numbers of amicus briefs submitted to the courts for cases on appeal.” During his internship, Kearns credits WLF for teaching him the subtle complexities of legal writing.



To measure the success of the WLF internship program, it's hard not to acknowledge WLF's own **Glenn Lammi** and **John Masslon, II**, as examples of the impactful leadership cultivated each year. Lammi served as a Legal Studies Division law clerk during the summer and fall of 1990. He joined fulltime after finishing law school and has been with WLF ever since, working his way up to Executive Director and Vice President of Legal Studies. “It's been a privilege growing with WLF for the past three decades,” Lammi continued “I look forward to advancing our mission while mentoring future generations of leaders to join in our worthy efforts.”

Lammi is in great company on the WLF team, joined by Masslon, WLF's Senior Litigation Counsel and fellow WLF intern alum who shares that same passion for the mission and mentoring future leaders. Masslon added “WLF is an excellent option for students interested in meaningful hands-on work with direct impact. Few institutions offer such high-level experience and the opportunity to have guidance in preparing a writing sample.”

If past performance is any indication of the future, it's safe to say WLF's future is bright!

Resources and Support

As an independent, nonpartisan 501(c)(3) organization, WLF relies on annual charitable contributions from individuals, corporations, and foundations to carry out its singular mission. Though we do not disclose our donors, we remain humbled and grateful for their generosity and for making WLF's achievements possible. Contributions to our annual general operating fund sustain our efforts through an array of well-established advocacy tools as carried out by our Litigation and Legal Studies Divisions, respectively.

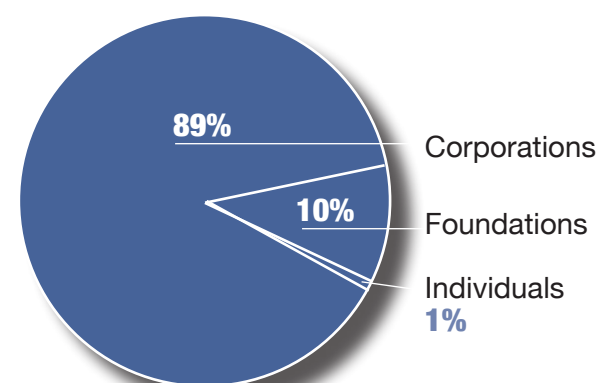
WLF operates on an annual budget of \$3 million. We do not employ professional third-party fundraisers. WLF is fully eligible for matching-gift programs and all charitable contributions are tax-deductible to the full extent allowed by law. The Washington Legal Foundation Tax ID number is: 52-1071570.

Voluntary charitable gifts constitute all of WLF's operating revenue. In addition to cash contributions, WLF accepts fully tax-deductible donations in the form of:

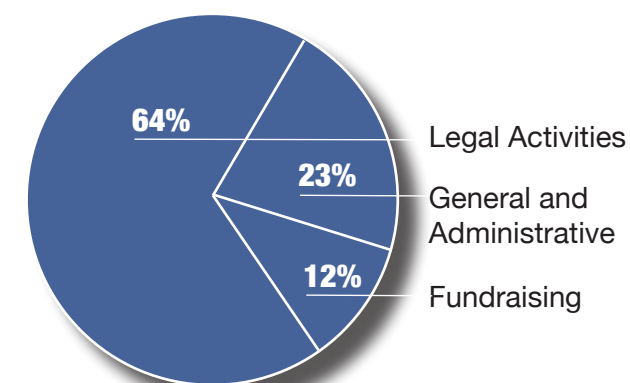
- Wills, Trusts, Life Insurance Policies, Retirement Plans
- Charitable Gift Annuities, Deferred Gift Annuities
- Securities, IRAs, Personal Property, Real Estate
- Donor Advised Funds, Wire Transfers, Monthly Giving

To make a contribution in support of WLF's mission, please visit www.wlf.org/donate.

2023 Support



2023 Expenses



"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.

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

Thomas Jefferson



Washington Legal Foundation

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WLF.org