



WLF

Washington Legal Foundation

2024 ANNUAL REPORT

Keeping Free Enterprise
Free 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.

2024 Annual Report



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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

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

We're delighted to share with you Washington Legal Foundation's 2024 Annual Report. WLF's 47-year mission advanced on several fronts in 2024. Perhaps most significantly, the U.S. Supreme Court finally wrested control of statutory interpretation from the Administrative State and returned it to the courts. We proudly played a key role in the 40-year legal-policy fight to overturn *Chevron* and restore the separation of powers. The victory in *Loper Bright Enterprises v. Raimondo* reflects WLF's perseverance and long-term vision.

That fight, like nearly every significant battle threatening economic liberty and America's competitiveness, played out in arenas where WLF thrives: the courts, regulatory agencies, and the public square. Since 1977, WLF has used a unique combination of **litigation**, **advocacy**, and **education** 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 2024, our highly regarded amicus briefs supported positive outcomes in 19 cases. Federal and state judges applied WLF's arguments to uphold businesses' freedoms of speech and contract, clarify federal agencies' authority, and terminate class-action lawsuits where the plaintiffs suffered no harm. Among our 10 victories in the U.S. Supreme Court were grants of six petitions that received WLF amicus support. For more on this notable achievement, please turn to this report's *Impact Focus* section on pages 18-19.

WLF's Legal Studies Division continued to shape legal-policy debates through formal publishing, our *WLF Legal Pulse* blog, educational programming, and media outreach—which all

offer a free-enterprise perspective too often missing from public debate. Our Webinars and Media Briefings, including five programs in a new "Tech in the Courts" series, drew large audiences for a wide range of legal-policy debates, from regulation of cryptocurrency and AI to the impact of 2024 Supreme Court decisions.

We owe so much of WLF's success to our ever-growing network of private practitioners, corporate counsel, academics, and others who volunteer their time and expertise to our cause. Volunteers who glance through the report's list of law firms and other collaborative organizations, program speakers, and 2024 publications will know they are in good company. We also are grateful for the counsel and encouragement of our Legal Policy Advisory Board and the steady leadership of its Chair, Jay B. Stephens.

None of what's documented here, however, would be possible without the philanthropy of generous individuals, businesses, and foundations. We are ever mindful of your commitment and the special privilege we have in representing the public interest.

Although we've enjoyed many successes, we know there is no permanent victory in the battle against bad ideas. Despite the new enthusiasm in Washington, D.C., we expect special-interest activists and their allies in the plaintiffs' bar will escalate their crusade to replace a neutral and predictable rule of law with an unaccountable rule of lawyers. Nothing could be more antithetical to our shared values, so we humbly ask that you continue your friendship and support for our vital mission.



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 (Ret.)

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Elder Bruce, PLLC

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Patient Safety (US)
Roche Diagnostics

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Kirkland & Ellis LLP

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President
Lexpert Research Services

Leah L. Lorber

Assistant General Counsel
Litigation, Investigations, Digital & Privacy
GSK

Arvin Maskin

Mayer Brown LLP

Rob McKenna

Orrick, Herrington & Sutcliffe LLP

Steve McManus

Senior Vice President and Chief Legal Officer
State Farm Mutual Automobile Insurance Co.

Maureen Ohlhausen

Wilson Sonsini Goodrich & Rosati

R. Hewitt Pate

Vice President and General Counsel
Chevron Corporation

Carter G. Phillips

Sidley Austin LLP

Heather A. Pigman

Hollingsworth LLP

Prof. Stephen B. Presser

Raoul Berger Professor of Law Emeritus
Northwestern Pritzker School of Law

Charles F. (Rick) Rule

Rule Garza Howley LLP

George J. Terwilliger

Terwilliger Law PLLC

Prof. Larry D. Thompson

John A. Sibley Professor in
Corporate and Business Law
University of Georgia School of Law

Daniel E. Troy

Managing Director, Health Analytics
Berkeley Research Group, LLC

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

We mourned the passing of two Legal Policy
Advisory Board members in 2024.

Theodore B. Olson

served on the Board for 31
years. In 2000, he took a
four-year leave of absence
to serve as Solicitor General
of the United States.



Michael J. Lotito

joined the Board in 2019.



Both served with great distinction.
WLF will miss their counsel and support.

Pro Bono Network and Collaboration

Over the past 47 years, WLF has built a strong rapport with other prestigious organizations and 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 and other professionals from the following law firms and organizations who offered their time and expertise in 2024 as pro bono counsel for amicus briefs, authors of publications and *WLF Legal Pulse* commentaries, and panelists for educational webinars. We could not achieve our goals in litigation, education, and advocacy without your support!

Pro Bono Law Firms

A&O Shearman
Amin Talati Wasserman, LLP
ArentFox Schiff LLP
Arnold & Porter
Baker Botts LLP
BakerHostetler LLP
Beveridge & Diamond PC
Brownstein Hyatt Farber Schreck, LLP
Davis Wright Tremain LLP
E&W Law
Eckert, Seamans, Cherin & Mellott, LLC
Epstein Becker & Green, PC
Evans Fears Schuttert McNulty Mickus LLP
Faegre Drinker Biddle & Reath LLP
Gibson, Dunn & Crutcher LLP
Hogan Lovells US LLP
Hollingsworth LLP
Hunton Andrews Kurth LLP
Hyman, Phelps & McNamara, PC
Keller & Heckman LLP
King & Spalding LLP
Littler Mendelson
Mayer Brown LLP
McDermott Will & Emery
McGuireWoods LLP
Morgan, Lewis & Bockius LLP
Munsch Hardt Kopf & Harr, PC
Orrick, Herrington & Sutcliffe LLP
Perkins Coie LLP
Pillsbury Winthrop Shaw Pittman LLP
Schaerr Jaffe LLP

Shook, Hardy & Bacon LLP
Sidley Austin LLP
Steptoe & Johnson LLP
The Kogan Law Group, PC
Thompson Hine LLP
Thompson Miller & Simpson PLC
Venable LLP
Wiley Rein LLP
Wilson Sonsini Goodrich & Rosati
Winston & Strawn LLP

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.

Other Organizations

In 2024, individuals from the following public-interest groups, colleges, law schools, business associations, and corporations collaborated with WLF as publication or *WLF Legal Pulse* authors or acted as panelists in a WLF program.

American Civil Liberties Union	Hudson Institute Center for Economics of the Internet
Antonin Scalia Law School, George Mason University	International Center for Law and Economics
Center for Democracy and Technology	National Association of Manufacturers
Coinbase	National Venture Capital Associations
Cornell University Law School	Pacific Legal Foundation
Electronic Frontier Foundation	Rensselaer Polytechnic Institute
Florida International University	TechFreedom
George Washington University Regulatory Studies Center	U.S. Chamber of Commerce, Global Innovation Policy Center
Georgetown University Law Center	University of Colorado Law School

2024 Highlights: A Year of Impact

Each year, WLF strategically engages in litigation, education, and advocacy efforts 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

In WLF Success, Delaware Supreme Court Agrees to Enforce Contracts As Written

Cantor Fitzgerald, LP v. Ainslie

Litigation Victory

Agreeing with WLF, the state's highest court reversed a lower court that invalidated a routine partnership agreement on public-policy grounds, affirming the state's strong protection for freedom of contract.



February

Arbitration Association's New Rules and Fees Address Some, But Not All, Abuses of Mass Arbitration

Legal Backgrounder

Three top arbitration thought-leaders from Mayer Brown LLP explain how an association answered lawyers' and business defendants' concerns over abuse of mass arbitration with new rules and fees.

March

Marching U.S. Innovation Off a Cliff: The Case for Withdrawal of NIST's Proposed Bayh-Dole Distortion

Webinar

A panel that featured two retired federal-court chief judges and three business-association leaders discussed a patent-seizure proposal and its corrosive impact on innovation and economic growth.



April

FDA Lacks Statutory Authority to Mandate Front-of-Pack Nutrition Labeling

Legal Backgrounder

In a paper widely circulated on Capitol Hill and within the packaged-food industry, four Hogan Lovells attorneys argued that neither federal law nor the First Amendment support a compelled labeling idea popular at FDA and among health activists.

May

Dark Money: Why Courts Should Enforce Disclosure of Third-Party Litigation Funding

Third-Party Litigation Funding Justifies Cost-Shifting in Mass Tort/Class Action Discovery

Legal Opinion Letters

Released on the same day, these papers addressed key arguments in the larger movement to expose lawsuit funding by third parties, an issue of growing importance among civil-justice reformers.

June

In Victory for WLF, Supreme Court Eliminates Chevron Deference

Loper Bright v. Raimondo

Litigation Victory

WLF's amicus brief supported a decision that returned the job of finding the best interpretation of a statute to courts after decades of judges deferring to regulatory agencies when Congress drafted unclear laws.



July

WLF Urges Third Circuit To Strike Down Inflation Reduction Act's Drug Price Negotiation Program

Bristol Myers Squibb Co. v. Becerra; Janssen v. Becerra

Litigation Filing

WLF's amicus brief explained how a major intrusion into the free market treads on the Constitution and why the price-control program would reduce innovation and lead to fewer lifesaving and life-enhancing drugs.

August

From Railroads to the Internet: Legal Limits on Common Carriage

Webinar

In the first of five "Tech in the Courts" programs this year, our panel assessed the pitfalls of federal and state regulators imposing common-carriage status on industries including railroads, social media, and internet service providers.

September

Ninth Circuit Holds California Law Likely Violates Social Media Platforms' Free-Speech Rights

X Corp. v. Bonta

Litigation Victory

WLF successfully argued that a California social-media-regulation law violated the



First Amendment because it compels companies to speak against their will and impermissibly interferes with constitutionally protected editorial judgments.

October

"You Won't Know the Answer Until We Come After You": Traversing the Crypto Regulatory Minefield

Webinar

TechFreedom attorney and Tech Policy Podcast host Corbin Barthold led a broad-ranging discussion with Coinbase Chief Legal Officer Paul Grewal about federal regulators' refusal to establish clear legal standards for cryptocurrency regulation.

November

WLF Asks California Supreme Court To Reject Novel Liability Theory For Prescription Drugs

Gilead Sciences, Inc. v. Superior Court

Litigation Filing

Together with the U.S. Chamber of Commerce and the California Chamber of Commerce, WLF urged the California high court to reject a radical new theory of liability for manufacturers that would hold them responsible for not developing and selling a different version of the drug.

December

Amended F.R.E. 702: One Year in, Ten Themes Emerge

Legal Backgrounder

A year's worth of judicial decisions applying an amended rule for expert evidence reflect ten themes that signal judges' recognition of the amendment's corrective purpose.

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 covet 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.

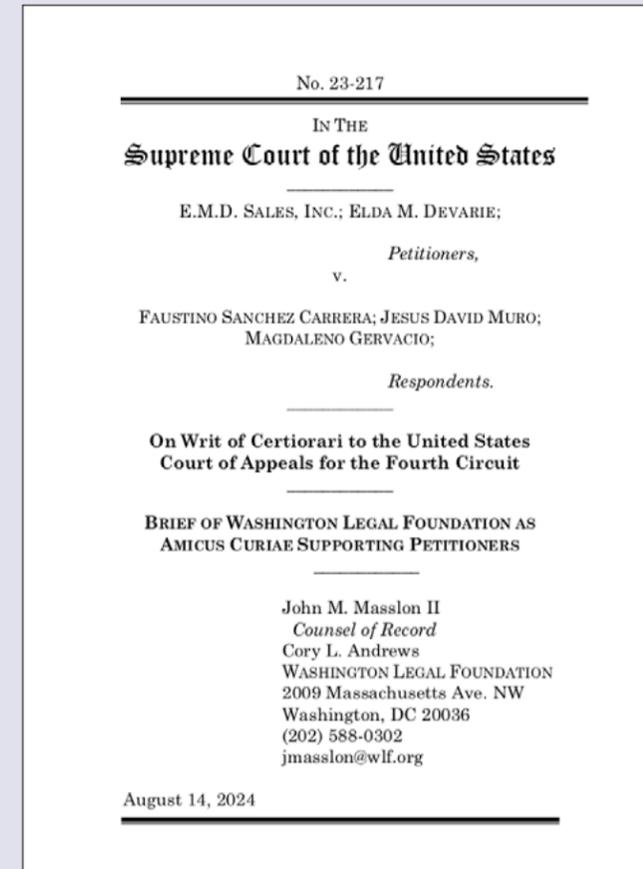


“If Washington Legal Foundation has filed an amicus brief, that is a strong signal to the judiciary that the case has significant implications for America’s free-enterprise system.”

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

During 2024, the legal or constitutional principle WLF advanced in its amicus briefs prevailed in 19 cases. Included among those victories were 10 positive outcomes in the U.S. Supreme Court—5 on the merits and 5 granted certiorari petitions—and wins in 5 different federal circuits.

The following pages spotlight five especially significant filings or victories. A complete list of all 2024 cases and regulatory proceedings can be found on pages 14-17. All WLF amicus briefs and regulatory comments are archived at WLF.org/litigation.



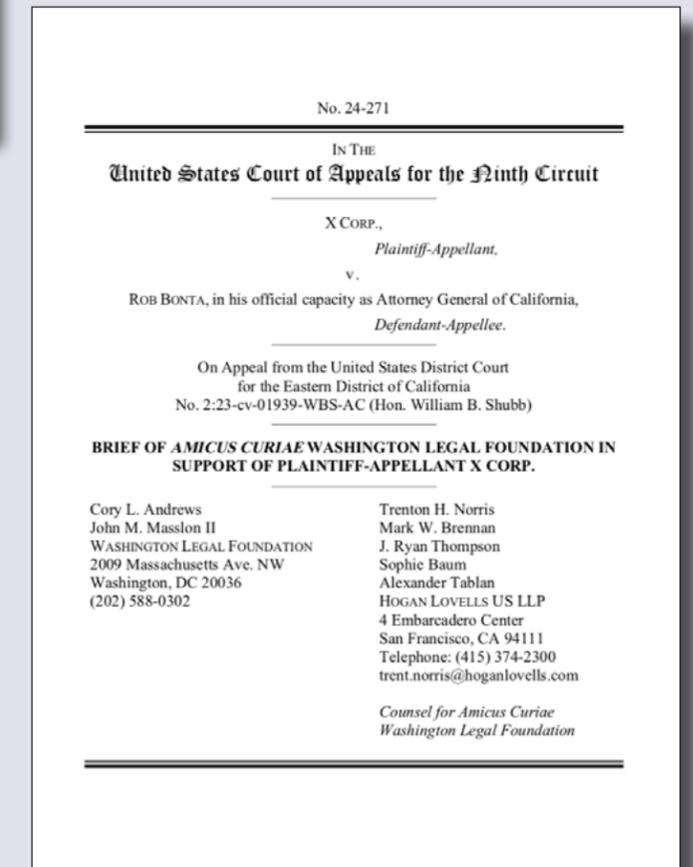
E.M.D. Sales v. Carrera U.S. Supreme Court

WLF successfully persuaded the Supreme Court to hold that employers must prove the applicability of an exemption to the Fair Labor Standards Act by only a preponderance of the evidence.

X Corp. v. Bonta

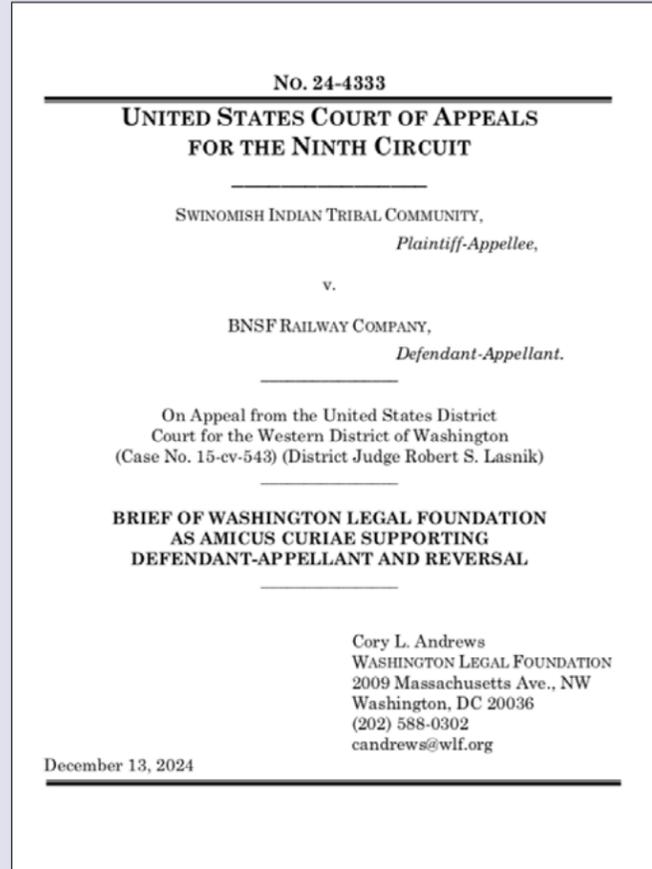
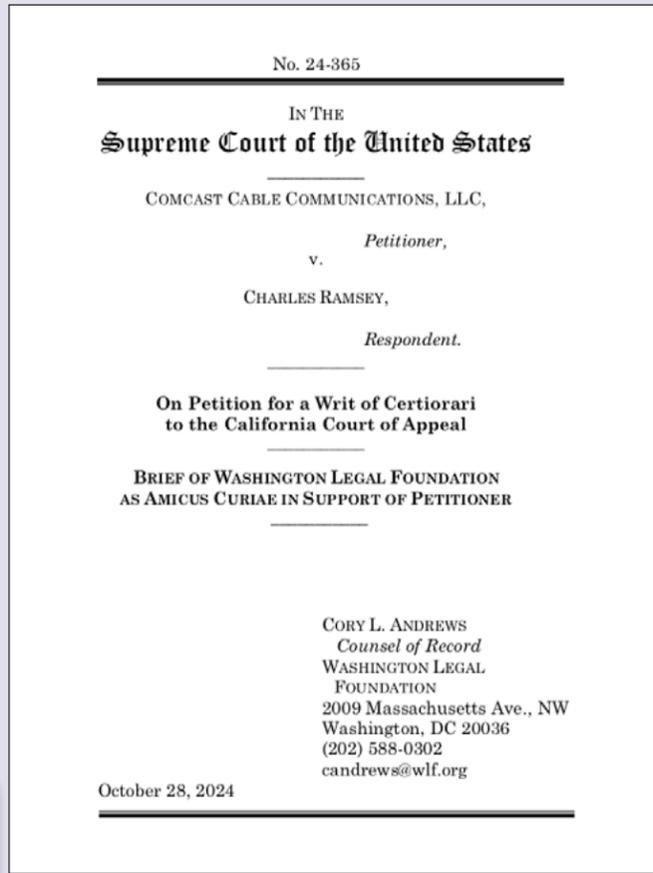
U.S. Court of Appeals for the Ninth Circuit

WLF successfully argued that a California social-media law violated the First Amendment by compelling companies to speak against their will and impermissibly interfering with constitutionally protected editorial judgments.



Comcast Cable Communications v. Ramsey
U.S. Supreme Court

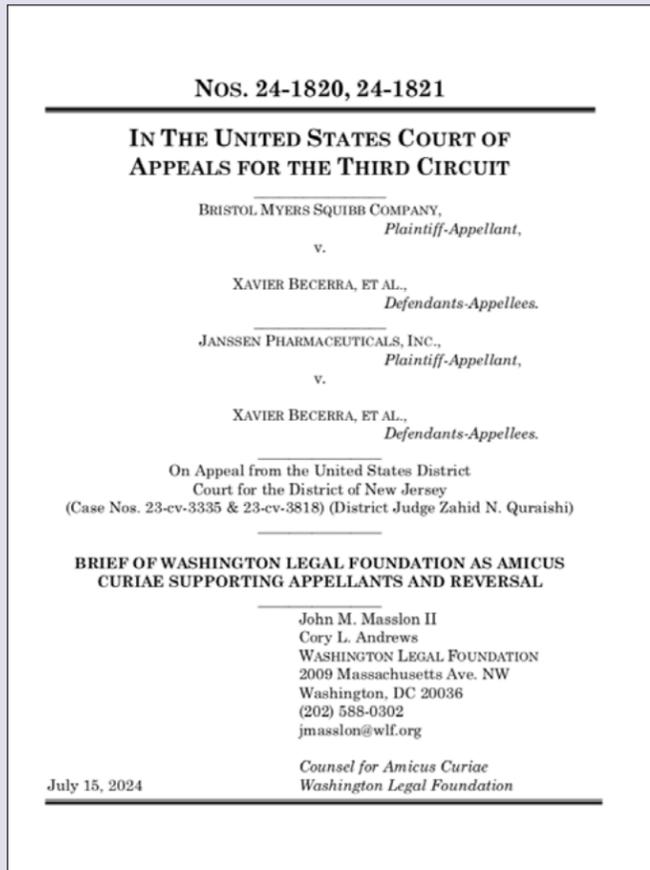
WLF urged the Supreme Court to rein in California’s ongoing hostility to the Federal Arbitration Act.



Swinomish Indian Tribal Community v. BNSF

U.S. Court of Appeals for the Ninth Circuit

WLF urged the court to overturn a nearly \$400 million award that improperly converted the equitable remedy of disgorgement into a penalty.



Bristol Myers Squibb Co. v. Becerra; Janssen v. Becerra

U.S. Court of Appeals for the Third Circuit

WLF argued that the Inflation Reduction Act’s drug-price-negotiation provisions compel manufacturers’ involvement and, even if participation is voluntary, the Act imposes unconstitutional conditions.



“Your briefs are compelling. You have your finger on the pulse of the Court. And you bring a unique perspective that sheds essential light on the legal challenges facing both ordinary individuals and sophisticated companies.”

Lisa S. Blatt
Chair, Supreme Court and Appellate practice
Williams & Connolly LLP

Briefs and Regulatory Comments

WLF participated in or obtained results in 61 court cases and regulatory proceedings. Briefs and regulatory comments filed by WLF are available at WLF.org/litigation.

U.S. Supreme Court

Bissonnette v. LePage Bakeries Park St., LLC

Clarifying the Federal Arbitration Act's "transportation exception"

Cantero v. Bank of America

Enforcing a statute's express preemption clause

CFPB v. Community Financial Services Association

Ensuring congressional oversight under the Appropriations Clause

Comcast Cable Communications v. Ramsey

Supporting the Federal Arbitration Act's preemptive effect

Dewberry Group v. Dewberry Engineers

Cabining equitable relief in trademark-infringement cases

E.M.D. Sales v. Carrera

Preserving preponderance-of-evidence standard for FLSA exceptions

Facebook, Inc. v. Amalgamated Bank

Fortifying the pleading standard for private securities-fraud lawsuits

FDA v. Wages & White Lion Investments, LLC

Ensuring a regulatory process that comports with due process

In re Bystolic Antitrust Litig.

Protecting patent settlements from antitrust challenges

Labcorp v. Davis

Clarifying constitutional standing limits on class actions

Loper Bright v. Raimondo

Returning the duty to interpret statutes to the courts

Lotus Vaping Technologies v. FDA

Ensuring a regulatory process that comports with due process

Lyft v. Seifu

Preventing California courts from ignoring the Federal Arbitration Act

Macquarie Infrastructure Corp. v. Moab Partners, LP

Opposing novel liability theories under federal securities law

Medical Marijuana, Inc. v. Horn

Limiting the scope of recovery under civil RICO

Moody v. NetChoice; NetChoice v. Paxton

Opposing unconstitutionally compelled speech

Murray v. UBS Securities

Urging proper construction of Sarbanes-Oxley's whistleblower provision

N.Y. State Telecom. Ass'n v. James

Supporting federal preemption of state telecom rate regulation

NVIDIA Corp. v. E. Ohman J:or Fonder AB

Fortifying the pleading standard for private securities-fraud lawsuits

RJ Reynolds Tobacco Co. v. FDA

Opposing unconstitutionally compelled speech

SEC v. Jarkesy

Enforcing SEC compliance with the Constitution

Smith & Wesson Brands, Inc. v. Estados Unidos Mexicanos

Clarifying proximate-cause and aiding-and-abetting standards

Snyder v. United States

Constraining an overly broad reading of a federal criminal statute

Starbucks v. McKinney

Opposing special rules for injunctive relief for the NLRB

Sunoco LP v. City & County of Honolulu

Supporting federal jurisdiction for greenhouse-gas litigation

Valeant Pharmaceuticals Int'l v. United States ex rel. Silbersher

Enforcing the False Claims Act's public-disclosure bar

Wisconsin Bell, Inc. v. United States ex rel. Heath

Restoring the False Claims Act's limited scope

Federal Appellate Courts

Amazon.com Services LLC v. NLRB

U.S. Court of Appeals for the Fifth Circuit
Ending unconstitutional NLRB enforcement actions

Apple Inc. v. Epic Games

U.S. Court of Appeals for the Ninth Circuit
Defending federalism principles

Bristol Myers Squibb Co. v. Becerra; Janssen v. Becerra

U.S. Court of Appeals for the Third Circuit
Challenging the constitutionality of government-compelled drug-price negotiation

Calhoun v. Google

U.S. Court of Appeals for the Ninth Circuit
Opposing data-privacy claims for terms-of-service conduct

Consumers' Research v. CPSC

U.S. Court of Appeals for the Fifth Circuit
Challenging an agency's unconstitutional structure

Dunn v. Santa Fe Natural Tobacco Co.

U.S. Court of Appeals for the Tenth Circuit
Supporting an ascertainability requirement for class certification

Gulden v. ExxonMobil

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

In the Matter of Securing and Safeguarding the Open Internet

U.S. Court of Appeals for the Sixth Circuit
Opposing FCC's latest regulatory takeover of the Internet

Minnesota Telecom Alliance v. FCC

U.S. Court of Appeals for the Eighth Circuit
Opposing a disparate-impact regulatory regime for the broadband industry

MITA v. Library of Congress

U.S. Court of Appeals for the D.C. Circuit
Safeguarding the right to judicial review of administrative actions

NicQuid LLC v. FDA

U.S. Court of Appeals for the Fifth Circuit
Ensuring a regulatory process that comports with due process

Painters Fund v. Takeda Pharmaceuticals

U.S. Court of Appeals for the Ninth Circuit
Opposing certification of an unwieldy class under Rule 23

PhRMA v. McClain

U.S. Court of Appeals for the Eighth Circuit
Preventing States from overhauling a federal prescription-drug benefit program

Popa v. PSP Group LLC

U.S. Court of Appeals for the Ninth Circuit
Upholding strict standing requirements in data-privacy litigation

RJ Reynolds Tobacco Co. v. Bonta

U.S. Court of Appeals for the Ninth Circuit
Ensuring preemption for federal tobacco product standards

Swinomish Indian Tribal Community v. BNSF

U.S. Court of Appeals for the Ninth Circuit
Bringing disgorgement remedies back within equitable bounds

Union Pacific Railroad Co. v. Surface Transportation Board

U.S. Court of Appeals for the Eighth Circuit
Ensuring that agencies do not exceed their statutory authority

X Corp. v. Bonta

U.S. Court of Appeals for the Ninth Circuit
Opposing content-based discrimination on speech

State Courts**Cantor Fitzgerald, LP v. Ainslie**

Delaware Supreme Court
Defending the freedom of contract

Carey v. CSX

Kentucky Supreme Court
Opposing unconstitutionally excessive punitive damages awards

In re Gilead Tenofovir Cases

California Supreme Court
Opposing novel product-liability theories

In re Meta Platforms, Inc.

Texas Supreme Court
Urging strict standard for plaintiffs to depose apex executives

In re The Cordish Company and Bayou Limited Partnership

Texas Supreme Court
Urging strict standard for plaintiffs to depose apex executives

Regulatory Comments**In re Climate-Related Disclosure Rule**

U.S. Securities and Exchange Commission
Illustrating legal and constitutional flaws in disclosure mandate

In re Final Amplifier Rule Clarification

U.S. Federal Trade Commission
Opposing retroactive interpretation of labeling rule

In re Growth in the Freight Rail Industry Hearings

U.S. Surface Transportation Board
Seeking clarification of railroads' common-carrier obligations

In re In-Use Locomotive Regulation

U.S. Environmental Protection Agency
Urging denial of California's regulatory authorization request

In re Non-Compete Rule

U.S. Federal Trade Commission
Questioning legal viability of proposal under major questions doctrine

In re Proposed Adoption of Rule of Civil Procedure 16.1

Committee on Rules of Practice and Procedure
Administrative Office of the United States Courts
Recommending amendment and adoption of MDL procedural rule

In re Proposed Amendments to Federal Rule of Appellate Procedure 29

Committee on Rules of Practice and Procedure
Administrative Office of the United States Courts
Opposing proposal to further regulate amicus briefs

In re Proposed Amendments to Ohio Rule of Evidence 702

Ohio Supreme Court
Supporting Ohio's amendment of expert-evidence rule

In re Proposed Changes to Florida Rule of Civil Procedure 1.208(c)

Florida Supreme Court
Urging adoption of proportional discovery rules

In re Safeguarding and Securing the Open Internet

U.S. Federal Communication Commission
Explaining why net-neutrality proposal violates the major questions doctrine

In re Scientific Information on Unapproved Uses

U.S. Food and Drug Administration
Supporting healthcare providers' and drug makers' First Amendment rights

"Thank you for WLF's support in this appeal. WLF never mails it in. Your briefs always add value and heft by going deeper doctrinally or situating the issues in a broader context."

Drew Tulumello
Co-Head, Complex Commercial Litigation practice
Weil, Gotshal & Manges LLP
Counsel for Appellant, *Swinomish Indian Tribal Community v. BNSF*



Impact Focus: Cert-Stage Amicus Briefs

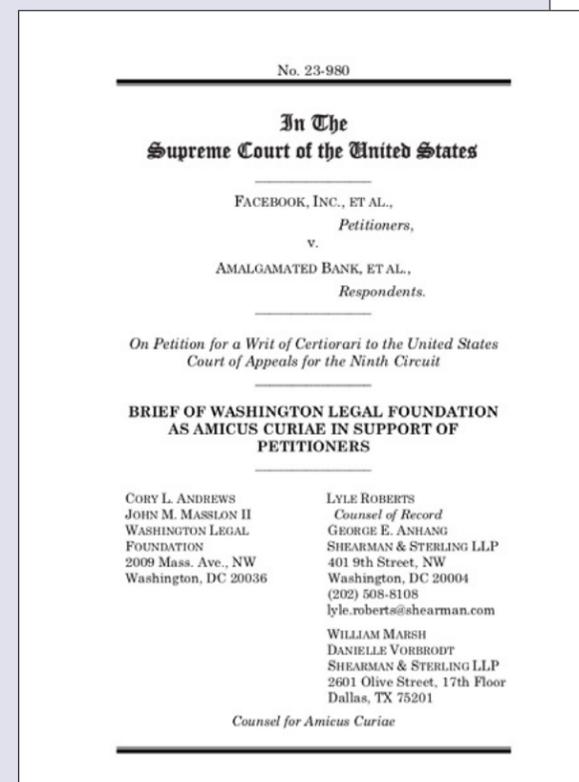
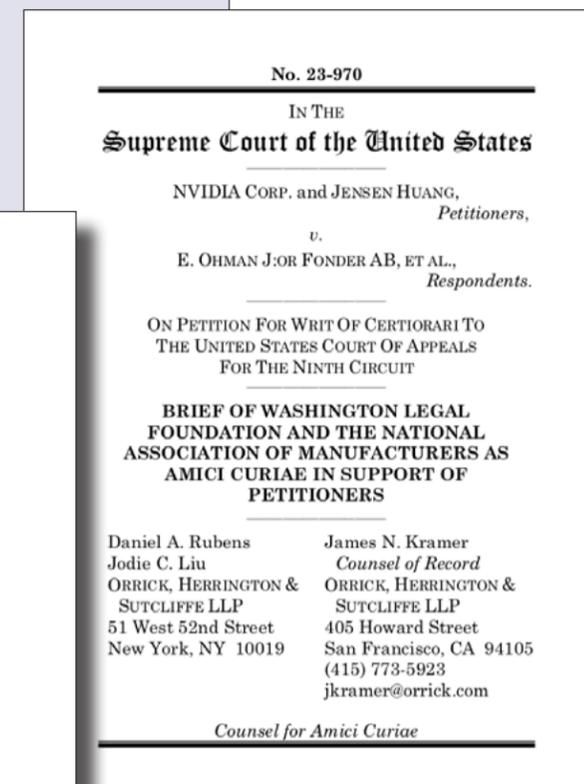
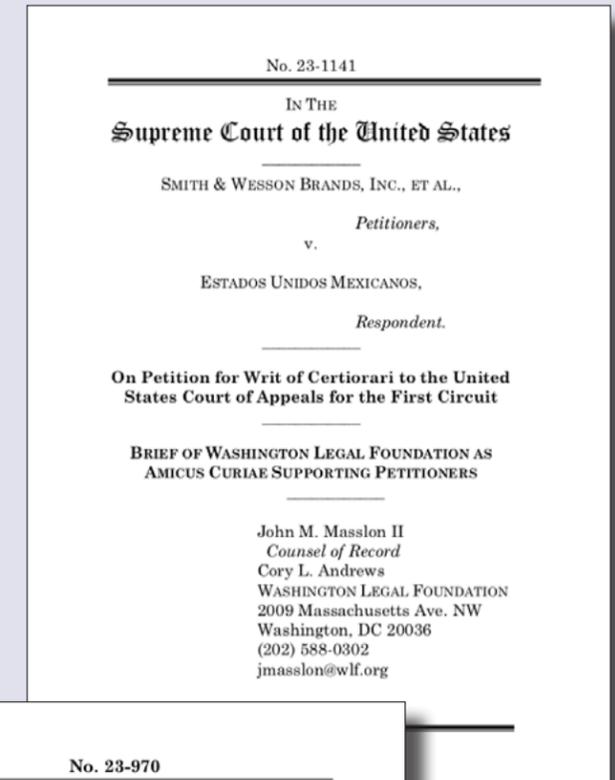
A study by U.S. Supreme Court scholar Dr. Adam Feldman reports that, in 2024, the Court received 1,327 petitions to review a federal or state appellate court’s decision—also known as certiorari or “cert” petitions. Of those requests, the Court granted cert to 52, or 4%. Among the factors thought to influence a justice’s consideration of a petition, Dr. Feldman and other Court scholars include the support of amici curiae (“friends of the court”). In 2024, 70% of all successful petitions received amicus support.

WLF has long understood the value of filing amicus briefs at the cert stage, and that strategy yielded a remarkable achievement this year. During a Supreme Court term, we routinely file more briefs at the cert stage than at the merits stage. For the current term (October Term 2024), WLF so far has filed seven merits-stage briefs and 13 cert-stage briefs.

Of the 13 cert-stage amicus briefs WLF filed, the Court granted six petitions, a success rate of 46%—over 10 times above the 2024 cert-grant rate of 4%. In one case, *Laboratory Corporation of American Holdings v. Davis*, WLF filed the only supporting brief. In two cases, *Wisconsin Bell, Inc. v. U.S. ex rel. Heath and E.M.D. Sales, Inc. v. Carrera*, WLF was one of only two supporting amici and in both we were the only public-interest group to file. In two other cases, both of which involved the standards for resource-draining private securities fraud class action lawsuits, WLF was one of three (*Facebook v. Amalgamated Bank*) and four (*NVIDIA Corp. v. E. Ohman J:or Fonder AB*) amici, respectively.

WLF also successfully supported a petition to review and reverse a federal appellate court decision in *Smith & Wesson Brands, Inc. v. Mexico* that would allow Mexico to hold a U.S. manufacturer responsible for unlawful trafficking of its products by drug cartels. WLF’s brief stood out from the 13 other briefs filed by focusing on how the lower court’s reasoning on such basic tort-law principles as proximate cause could vastly expand litigation against countless U.S. businesses.

We are proud of the considerable impact our cert-stage amicus briefs achieved this year and thank our friends and supporters for their vital role in our success.



Legal Studies Division

WLF established its Legal Studies Division in 1988 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-six years later, Legal Studies 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 of 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 Legal Studies this year, as well as to the organizations listed on pages 6 and 7 who employ those volunteers.

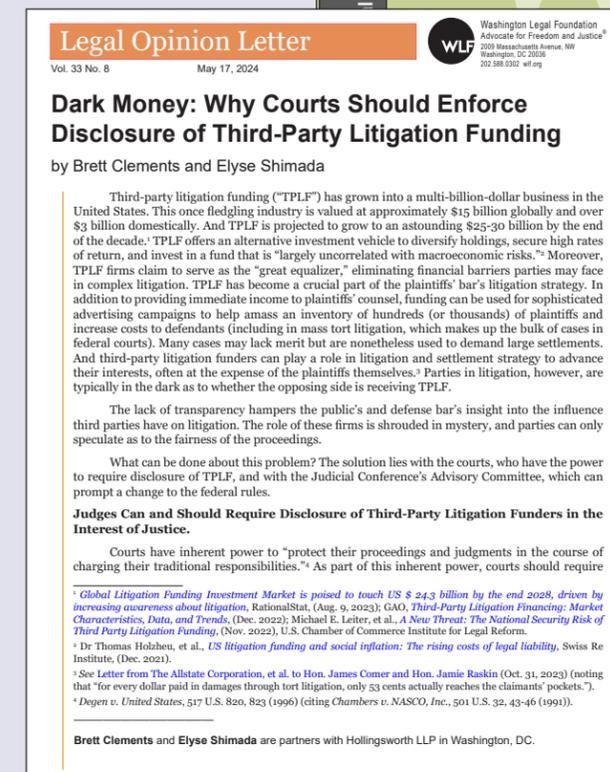
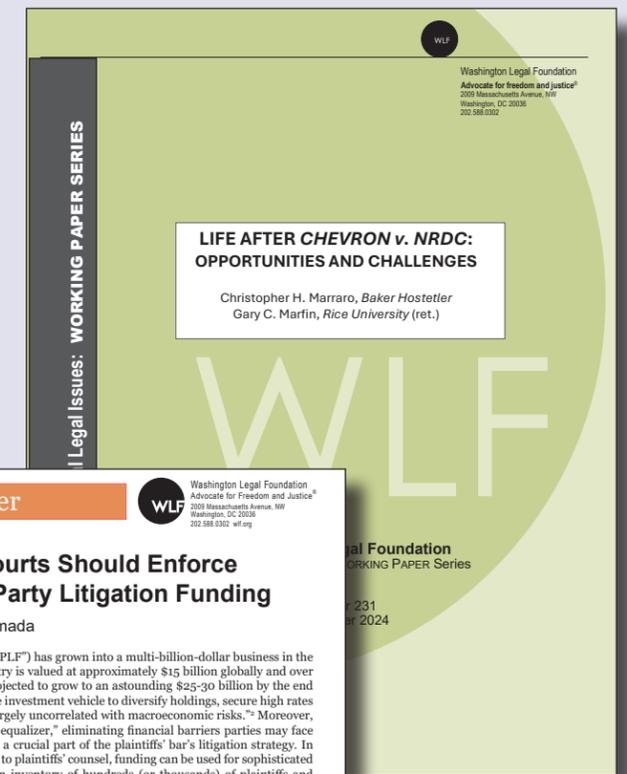
Publications

Since 1988, WLF has published and distributed over 3,000 papers written by over 2,570 different experts—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.” For the past 33 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 40 original papers in 2024, written by 68 different volunteers, 45 of whom were first-time writers. A list of 2024 publications appears on the following pages.



Publications

Administrative Law and Procedure

Life After *Chevron v. NRDC*: Opportunities and Challenges

Christopher H. Marraro | Baker Hostetler and Gary C. Marfin | Rice University (ret.)

Common Carrier Regulation of Railroads Must Abide by Statute's Ascertainable Standards

Bernard S. Sharfman | Law & Economics Center, Antonin Scalia Law School, George Mason University

Antitrust and Consumer Protection

The *IQVIA/Propel Media* Ruling and Its Potential Effect on Merger Enforcement

Chris Wilson and Svetlana S. Gans | Gibson, Dunn & Crutcher LLP

CIDs and Robinson-Patman Act Investigations: Lessons from the FTC-Total Wine Dispute

Richard S. Snyder | Mayer Brown LLP

After a Year of Maneuvering, FTC Primed for Aggressive Action on Artificial Intelligence

Katherine Monks Bleicher and Stephen Groh | Mayer Brown LLP

Arbitration Rights

Arbitration Association's New Rules and Fees Address Some, But Not All, Abuses of Mass Arbitration

Andrew J. Pincus, Archis A. Parasharami, and Kevin S. Ranlett | Mayer Brown LLP

Asbestos and Toxic Torts

Navigating Asbestos Challenges: Current Trends in Litigation, M&A, and Restructuring

John Bae, Eric Daniel, Will Henry, and Heather Richardson | Thompson Hine LLP

Business Civil Liberties and Criminal Liability

Congressional Oversight in an Era of Partisan Gridlock

Greg Brower, Will Moschella, and Alice Lugo | Brownstein Hyatt Farber Schreck, LLP

Civil-Justice Reform

Third-Party Litigation Funding Justifies Cost-Shifting in Mass Tort/Class Action Discovery

Andrew J. Trask | Shook, Hardy & Bacon LLP

Dark Money: Why Courts Should Enforce Disclosure of Third-Party Litigation Funding

Brett Clements and Elyse Shimada | Hollingsworth LLP

Trial Lawyers' Liability-Expansion Submarines and How They Might Be Torpedoed

Victor E. Schwartz | Shook, Hardy & Bacon LLP

Proposed Federal Rule on MDLs Gives Parties Opportunity to Advance Merits-Driven Case Management

Robert E. Johnston, Gary Feldon, and Stephanie L. Salek | Hollingsworth LLP

Class-Action Litigation

Cool to Be KIND: Second Circuit Rejects "Expert" Survey Evidence, Ends Long-Running "All Natural" Class Action

Jennifer Adams | Amin Talati Wasserman, LLP

No Cause of Action: California's Pen/Trap Law Inapplicable to Web Ad Cookies and Pixels

Steven G. Stransky, Kip T. Bollen, and Jennifer A. Adler | Thompson Hine LLP

Appeals Court Rejects PFAS-Related Class Action Without Addressing Unsettled Rule 23 Issues

Brian A. Troyer and Andrew J. Thompson | BakerHostetler LLP

Commercial Speech

California's Compelled Greenhouse-Gas Disclosure Laws Are Constitutionally Infirm

James M. Sullivan and Sarah A. Haddon | Hollingsworth LLP

Discovery Process

The Ongoing Debate Over the Apex Doctrine: New Developments in Georgia and Washington

Paul Alessio Mezzina, Billie Pritchard, and Charlie Spalding | King & Spalding LLP

"I always appreciate the opportunity to write for Washington Legal Foundation, especially on my favorite topic, Federal Rule of Evidence 702. You've done a great job getting our papers on the Rule and its recent amendment in the hands of lawyers and judges. I look forward to continued collaboration!"

Lee Mickus
Parter, Evans Fears Schuttert McNulty Mickus LLP



Environmental Regulation and Enforcement

Obscure Flight Plan Case May Bring Down CEQ NEPA Rules

Christopher Danley and Jeffrey Wood | Baker Botts LLP

Baltimore and Boulder County: A Tale of Two Climate-Change Tort Suits

Jim Wedeking | Sidley Austin LLP

The United States Government's Ongoing Defiance of *EPA v. Sackett-II*

Lawrence A. Kogan | The Kogan Law Group, PC

EPA Seeks Comments on California's Request to Authorize Unprecedented Locomotive Standards for National Rail Network

James Burnley and Fred Wagner | Venable LLP

Expert Evidence and Junk Science

Amended F.R.E. 702: One Year in, Ten Themes Emerge

Lee Mickus | Evans Fears Schuttert McNulty Mickus LLP

Trio of Tylenol Product-Liability Opinions Exemplifies Effective Judicial Gatekeeping

Matt Saxon and Patrick Hogan | Winston & Strawn LLP

In re Paraquat: Studious Gatekeeping Exposes and Excludes Made-for-Litigation Testimony

Craig A. Woods and Linda X. Shi | Mayer Brown LLP

Federal Rule of Evidence 702: A Practitioner's Guide to Understanding the 2023 Amendments

Lee Mickus | Evans Fears Schuttert McNulty Mickus LLP

Lead-Wrapped Telecom Cables: A Case Study in Media Sensationalism vs. Credible Scientific Review

Nancy B. Beck, PhD, BABT and Eric J. Murdock | Hunton Andrews Kurth LLP

The First 100 Days of Amended FRE 702: The Good, The Bad, The Ugly, and The Next Steps

Lee Mickus | Evans Fears Schuttert McNulty Mickus LLP

Federal Preemption

Preemption and Standing Defenses Succeed in OTC Decongestant Multidistrict Litigation

Andrew Reissaus and Alexandra Stubblefield | Hollingsworth LLP

Next Stop, SCOTUS?: Preemption Holding Creates Circuit Split Over Pesticide Labeling

Shannen W. Coffin and Mark C. Savignac | Steptoe & Johnson LLP

WLF's Circulating Opinion: *Fenner et al. v. General Motors, LLC*

Digesting a dissenting opinion by Judge Raymond M. Kethledge, U.S. Court of Appeals for the Sixth Circuit.

High Court's Latest Preemption Ruling Sheds Little New Light for Banks, Other Businesses

Kris D. Kully | Mayer Brown LLP

Food, Drug, and Medical-Device Law

FDA Lacks Statutory Authority to Mandate Front-of-Pack Nutrition Labeling

Martin J. Hahn, Veronica Colas, Andrea Bruce, and Trenton H. Norris | Hogan Lovells

FDA's Misguided Quest to Regulate the Practice of Medicine Implicates Federalism Concerns

Jeffrey N. Gibbs | Hyman, Phelps & McNamara, P.C. and Christian B.W. Stephens | Eckert, Seamans, Cherin & Mellott, LLC

FDA's Proposal to Regulate Laboratory Developed Tests Vulnerable to a "Major Questions" Challenge

Jeffrey N. Gibbs and Steven J. Gonzalez | Hyman, Phelps & McNamara, P.C.

Government Contracting and False Claims Act

Federal Court Finds False Claims Act Damages and Penalties Unconstitutionally Excessive

Murad Hussain and Alex Potcovaru | Arnold & Porter

Intellectual and Private Property Rights

An Odor of Mendacity: The Campaign to Finalize NIST's Patent "March-In" Rights Guidance

Judge Susan G. Braden (ret.) | George Mason University's Antonin Scalia Law School's Center for Intellectual Property X Policy

The Current Status of FTC's Orange Book Listings Challenge: A Mixed Bag

Eric Grannon and Ryan Duff | White & Case LLP; Jordan Brown | USC Gould School of Law; and Saron Araya | Cornell University Law School

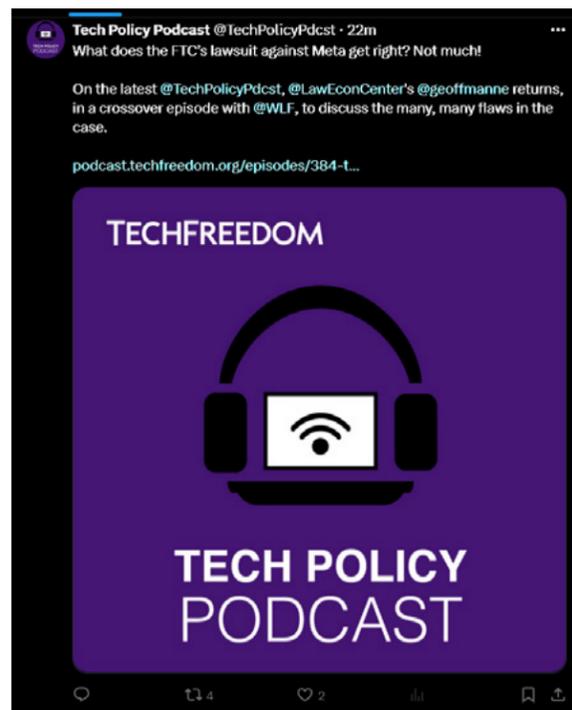
Educational Programs

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](#).

Tech in the Court Series

In August, WLF and TechFreedom, a like-minded public-interest organization, kicked off a jointly sponsored webinar series, “Tech in the Courts.” The collaboration allows WLF to draw on the expertise of TechFreedom’s attorneys and

policy experts, as well as its excellent reputation among technology businesses, reporters, regulators, and academics. In addition to actively promoting the webinars to their friends and supporters, TechFreedom utilized the audio from two webinars as content for two episodes of its popular “Tech Policy Podcast.”



The five webinars touched on a wide range of legal and policy developments in the tech space, including antitrust litigation against social-media businesses and online sales platforms, age-verification mandates, shifting legal standards for cryptocurrency, and efforts to treat tech and telecom companies as common carriers.

See the following page for a full list of 2024 Webinar and Media Briefing Speakers.



WLF Speakers

Corbin K. Barthold, TechFreedom

The Hon. Susan G. Braden, U.S. Court of Federal Claims (ret.)

Greg Brower, Brownstein Hyatt Farber Schreck, LLP

Ari Cohn, TechFreedom

Charles Crain, National Association of Manufacturers

Joel D. Eagle, Thompson Hine LLP

Vera Eidelman, American Civil Liberties Union

Jonathan Y. Ellis, McGuireWoods LLP

James C. Fraser, Thompson Hine LLP

Stuart M. Gerson, Epstein Becker & Green, PC

David Greene, Electronic Frontier Foundation

Paul Grewal, Coinbase

Sean C. Griffin, Sidley Austin LLP

Michelle Yost Hale, Wilson Sonsini Goodrich & Rosati

Allyson N. Ho, Gibson, Dunn & Crutcher LLP

William J. Hubbard, Thompson Hine LLP

Hilary T. Jacobs, Beveridge & Diamond PC

Erik S. Jaffe, Schaerr Jaffe LLP

Brenna E. Jenny, Sidley Austin LLP

Lauren M. Karam, Beveridge & Diamond PC

Michael E. Kenneally, Morgan, Lewis & Bockius LLP

Michael B. Kimberly, McDermott Will & Emery

Scott Kosnoff, Faegre Drinker Biddle & Reath LLP

Professor Mario Loyola, Florida International University

Alice Lugo, Brownstein Hyatt Farber Schreck, LLP

Geoffrey A. Manne, International Center for Law & Economics

John M. Massion II, Washington Legal Foundation

The Hon. Paul R. Michel, U.S. Court of Appeals for the Federal Circuit (ret.)

Will Moschella, Brownstein Hyatt Farber Schreck, LLP

Roger Nober, George Washington University Regulatory Studies Center

Maureen Ohlhausen, Wilson Sonsini Goodrich & Rosati

Taylor Owings, Wilson Sonsini Goodrich & Rosati

Professor Blake E. Reid, University of Colorado Law School

Ashlyn Roberts, National Venture Capital Associations

Lyle Roberts, A&O Shearman

Bradley S. Rochlen, ArentFox Schiff LLP

Kate Ruane, Center for Democracy and Technology

Daniel A. Rubens, Orrick, Herrington & Sutcliffe LLP

Bilal Sayyed, TechFreedom

J. Michael Showalter, ArentFox Schiff LLP

Elizabeth Slattery, Pacific Legal Foundation

Aaron Streett, Baker Botts LLP

Ben Sperry, International Center for Law and Economics

Berin Szóka, TechFreedom

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.

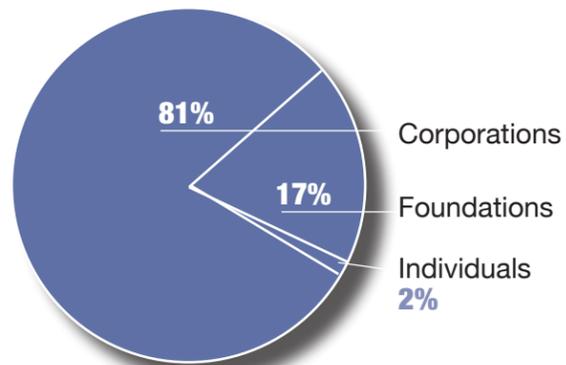
WLF operates on an annual budget of \$3 million. We do not employ professional third-party fundraisers. WLF is fully eligible for matching-gift programs and all charitable contributions are tax-deductible to the full extent allowed by law. The Washington Legal Foundation Tax ID number is: 52-1071570.

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:

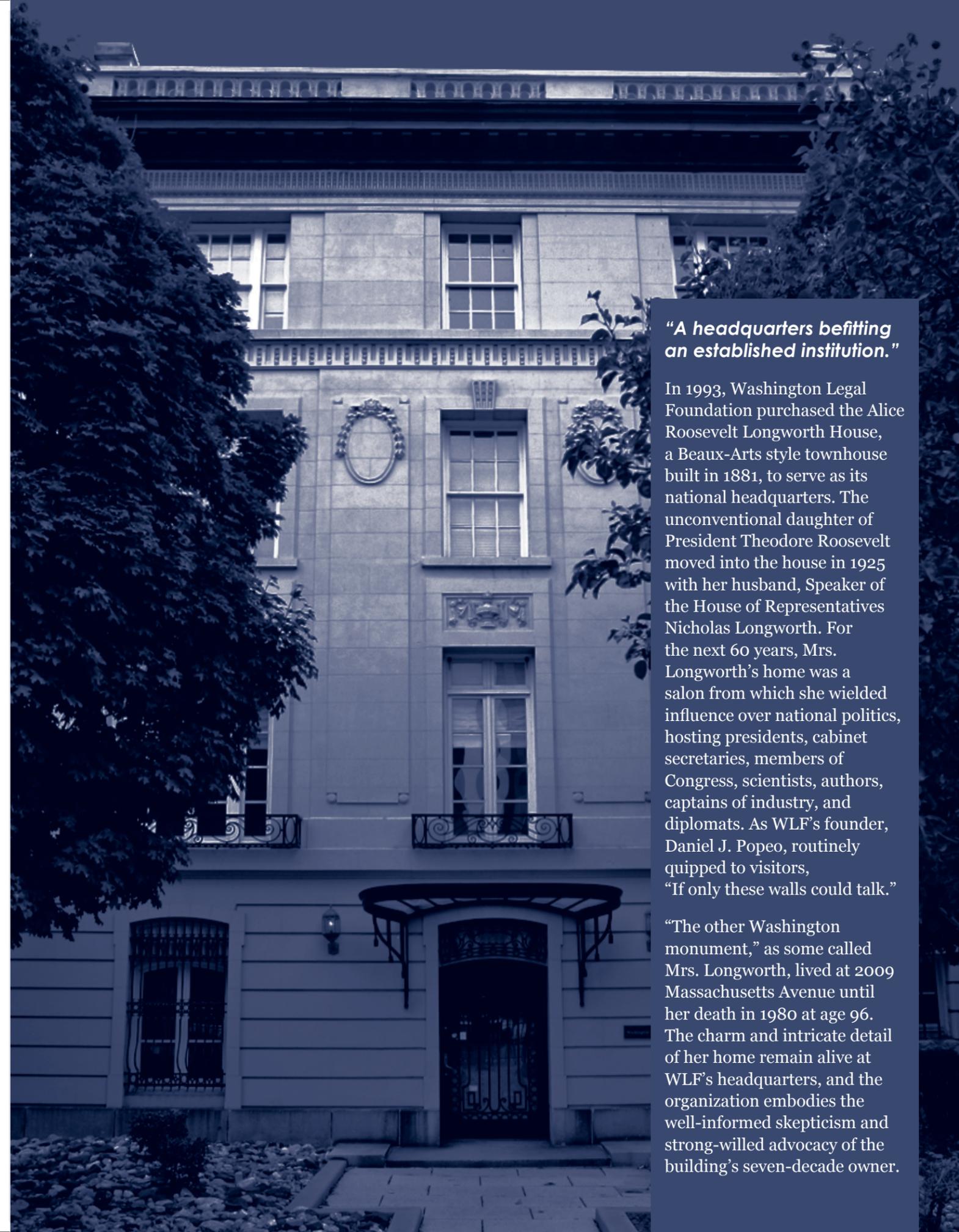
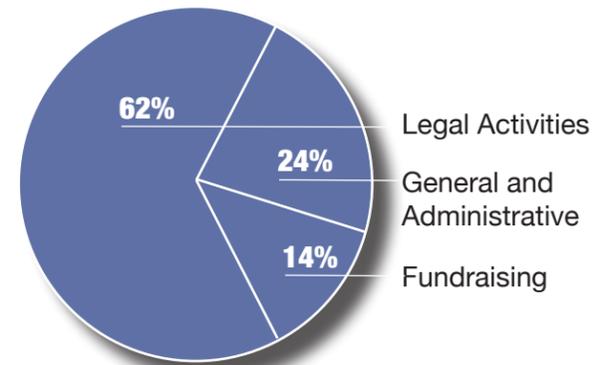
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To make a contribution in support of WLF's mission, please visit www.wlf.org/donate.

2024 Support



2024 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

2009 Massachusetts Avenue, NW
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