

# Paul M. Smith

## PERSONAL STATEMENT

After 35 years in private practice of law in Washington DC, I became a visitor at Georgetown starting in January 2017, teaching three courses a year. I also became a VP at the Campaign Legal Center, which litigates and advocates to protect American democracy in such areas as voting rights, redistricting, campaign finance regulation and government ethics. I would like to continue teaching on a long-term basis.

## EMPLOYMENT HISTORY

1/2017 – Present

### Professor from Practice, Georgetown University Law Center

- Course taught include Election Law, Constitutional Law, and Topics in LGBTQ Civil Rights

### VP for Litigation and Strategy, Campaign Legal Center

- CLC works to protect the right to vote, make district maps fair, protect reasonable campaign finance regulation, and promote ethics in government.
- In this capacity, I argued two cases in the Supreme Court in October Term 2017 – Gill v. Whitford (partisan gerrymandering) and Husted v. A. Philip Randolph Inst. (voter purging). This brought my career total of Supreme Court arguments to 21 cases,

06/1994 – 12/2016

### Partner, Jenner & Block, Washington, DC

- Served for 7 years on the firm's top governance committee
- Chaired the firm's Appellate and Supreme Court practice for many years
- Co-chaired the firm's Election Law and Media Law practices
- Practice focused on First Amendment, Copyright, Election Law, Civil Rights
- Most prominent argued case – Lawrence v. Texas

09/1981 – 05/1994

### Associate and then Partner, Onek, Klein & Farr, Washington, DC

07/1980 – 07/1981

### Law Clerk, Supreme Court Justice Lewis F. Powell, Jr.

07/1979 – 07/1980

### Law Clerk, Judge James L. Oakes, U.S. Court of Appeals for the Second Circuit

## EDUCATION

09/1976 – 05/1979

### Yale Law School, New Haven, Connecticut. J.D.

- Editor-in-Chief, Yale Law Journal

09/1972 – 05/1976

### Amherst College, Amherst, Massachusetts. B.A. summa cum laude

## VOLUNTEER ACTIVITIES

- Member, Board of Trustees, Amherst College
- Member, Board of Governors, Folger Shakespeare Library

- Member, Board of Directors, Electronic Privacy Information Center
- Chair, Board of Directors, Castleton Festival
- Member, Section Council, ABA Section of Civil Rights and Social Justice
- Former President of the Board, D.C. Bar Foundation
- Former Member and Chair of National Board, American Constitution Society
- Former Member and Co-Chair of Board of Directors, Lambda Legal
- Former Member, ABA House of Delegates, elected to represent the DC Bar
- Former Member, DC Bar Board of Governors
- Former Member, Board of Washington Lawyers Comm. for Civil Rights & Urban Affairs

## **AWARDS**

- American Bar Association Section of Individual Rights and Responsibilities  
The Thurgood Marshall Award - 2010
- American Constitution Society  
Progressive Champion Award – 2012
- Amherst College  
Honorary Degree -- 2015
- *Best Lawyers*  
Washington, DC Litigation - First Amendment Lawyer of the Year - 2012
- *Best Lawyers in America* - 2005-2016  
Appellate Law  
Litigation-First Amendment  
Media Law
- Benchmark  
National Litigation Star - 2015
- *Chambers USA*  
Appellate (Nationwide) and Media & Entertainment Law (District of Columbia) - 2003-2015  
First Amendment Litigation (Nationwide) - 2007-2015
- DC Bar  
Thurgood Marshall Award – 2012
- DC Commission on Human Rights  
Cornelius R. "Neil" Alexander Humanitarian Award -- 2018
- Electronic Privacy Information Center  
Champion of Freedom Award – 2009
- Video Game Developers Conference  
Ambassador Award – 2012
- Human Rights Campaign  
Equality Award 2003
- *Law360*  
Appellate MVP 2011, 2014
- *Lawdragon Magazine*  
500 Leading Lawyers in America - 2011-2015
- *Legal 500*  
Intellectual Property: Copyright - 2013  
Litigation: Appellate and Supreme Court - 2010, 2011, 2013

Litigation: First Amendment Litigation and Counseling - 2009  
Media, Technology and Telecoms: Defamation and Libel – 2008

- Legal Aid Society of D.C.  
Servant of Justice Award - 2013
- *Managing Intellectual Property*  
IP Star - 2014-2015
- National Coalition Against Censorship  
Honoree, Annual Celebration of Free Speech & Its Defenders - 2011
- *The National Law Journal*  
The Decade's Most Influential Lawyers – 2010
- *Washington DC Super Lawyers*  
Top 10 - 2010, 2012, 2014  
Top 100 - 2007-2012, 2014-2015  
Appellate - 2007-2015  
Media and Advertising - 2014-2015
- *Washingtonian Magazine*  
Washington's Best Lawyers, "The Supremes" - 2011  
Washington's Best Lawyers, "Supreme Court" - 2013  
Washington's Best Lawyers, "Supreme Court" – 2015
- Whitman-Walker Health Legal Services  
Joel A. Toubin Memorial Award – 2011
- William & Mary Law School  
Edmund Randolph Award for Excellence in Oral Advocacy – 2014

### **SELECT PUBLICATIONS**

- "Arguing Lawrence v. Texas at the Supreme Court," in *Love Unites Us: Winning the Freedom to Marry in America* (2016)
- *The Realist's Guide to Redistricting: Avoiding the Legal Pitfalls*, ABA Section of Admin. Law (2010)
- Regular Column called *Courtside* in the journal *Communications Lawyer*, published by the ABA Forum of Communications Law

### **SPEAKING ENGAGEMENTS**

Panelist, "Handling the Big Case: How to Manage a Landmark at the Lectern," Appellate Judges Education Institute, November 12, 2016

Panelist, "The Law, the Media, and the Changing Parameters of Free Expression," The Forum for the Academy and the Public, January 23, 2016

"A Review of Supreme Court Decisions," Corporate Counsel Institute, October 08, 2015

"Supreme Court Preview," Pacific Legal Foundation and the National Review Institute, October 02, 2015

"The Biggest Patent Cases of 2015-2016: Looking Back, Looking Ahead," Jenner & Block, September 17, 2015

Voting Rights Institute, American Constitution Society for Law and Policy and The Campaign Legal Center, May 07, 2015

"Home Stretch at the Supreme Court," Constitutionality Accountability Center, April 30, 2015

"Supreme Court Series - *Kimble v. Marvel Enterprises, Inc.* Discussion," American University Washington College of Law Program on Information Justice and Intellectual Property, March 31, 2015

"Communications Law in the Digital Age 2014," Practising Law Institute, November 13, 2014 "National LGBT Leadership Forum," Our Fund, November 10, 2014

George Washington University Law School's Practising Pro Bono Event, October 21, 2014 "Relationship Recognition and the Supreme Court," National LGBT Bar Association, October 09, 2014

27th Annual Supreme Court Preview, William & Mary Law School, September 19, 2014 to September 20, 2014

"The Biggest Patent Cases Of 2014-2015: Looking Back, Looking Ahead," Jenner & Block, September 10, 2014

"On The Docket: The 2013 Supreme Court Term," American Bar Association Annual Meeting, August 09, 2014

"2013 Supreme Court Term in Review," Jenner & Block CLE, June 30, 2014

"2013-2014 Supreme Court Review," American Constitution Society, June 27, 2014

Voting Rights Litigation Training, American Constitution Society for Law and Policy, May 09, 2014

Panelist, "The State of LGBT Equality," American Constitution Society for Law and Policy, April 23, 2014

Keynote Speaker, Washington Council of Lawyers' 2013 Awards Reception, December 04, 2013

"Communications Law in the Digital Age," Practising Law Institute, November 14, 2013

"Unprecedented: A Look Back at the Affordable Care Act Legislation," Supreme Court Institute and the Georgetown Center for the Constitution, September 16, 2013

"2012 Supreme Court Term in Review," Jenner & Block CLE, June 28, 2013

"*Lawrence* and *Goodridge* at 10," Suffolk University Law School, April 5, 2013

"Briefing Call on DOMA, Proposition 8 and the Supreme Court - American Constitution Society for Law and Policy", December 14, 2012

"Supreme Court Preview 2012," William & Mary Law School, Williamsburg, VA, September 28, 2012 to September 29, 2012

"Sizing Up the Supreme Court," *The National Law Journal* and *Legal Times*, Washington, DC, September 13, 2012

"An Evening of Ideas (and Cocktails, Hors D'oeuvres and Dessert)," Jenner & Block, New York, NY, June 05, 2012

Panelist, "Developments in First Amendment Jurisprudence," Practising Law Institute - Communications Law in the Digital Age 2011, New York, NY, November 10, 2011 to November 11, 2011

"Three Dogfights & A Funeral: The Roberts Court and the First Amendment," Bar Association of the City of New York Committee on Communications & Media Law, New York, NY, March 24, 2011

"Developments in First Amendment Jurisprudence," Practising Law Institute 2010 Communications Law in the Digital Age Conference, New York, NY, November 11, 2010

"Not Child's Play: The Misguided Effort to Regulate Violent Video Games," 25th Annual Silha Lecture, Silha Center for the Study of Media Ethics and Law at the University of Minnesota, Minneapolis, MN, October 18, 2010

"The Current State of LGBT Civil Rights: A Discussion of the Recent Cases Impacting Marriage Rights and LGBT Equality," Jenner & Block CLE Program, Chicago, IL, October 01, 2010

"Supreme Court IP Review," Chicago-Kent College of Law, Chicago, IL, September 30, 2010

"2009 Supreme Court Term in Review: Leading Business Cases," Jenner & Block Litigation Department Spotlight Live Seminar Series Event CLE Seminar, Chicago, IL, June 30, 2010

"Assessing the October 2009 U.S. Supreme Court Term," Washington Legal Foundation Media Briefing Series, Washington, DC, June 22, 2010

Panelist, "A Look Ahead: Redistricting in 2010," American Bar Association Section of Administrative Law & Regulatory Practice and Jenner & Block, Washington, DC, April 30, 2010

Panelist, "A Panel Discussion of *Christian Legal Society v. Martinez*," The Federalist Society Religious Liberties Practice Group, The Becket Fund for Religious Liberty and The Cato Institute, Washington, DC, April 14, 2010

"Developments in First Amendment Jurisprudence," Practicing Law Institute - Communications Law in the Digital Age 2009, New York, NY, November 12, 2009

Panelist, "2009 - 2010 Supreme Court Term Preview," American Constitution Society for Law and Public Policy, Washington, DC, September 24, 2009

"The Internet Revolution and Its Effect on the First Amendment," American Constitution Society for Law and Policy - 2009 National Convention: Keeping the Faith with the Constitution, Washington, DC, June 19, 2009

Panelist, "Shouting Fire: Stories from the Edge of Free Speech," HBO Documentary Film Premiere - The First Amendment Center at the Newseum, Washington, DC, June 18, 2009

"Supreme Court Rules on North Carolina Redistricting Case -A Review," National Conference of State Legislatures Spring Forum 2009, Washington, DC, April 22, 2009 to April 25, 2009

"Developments in First Amendment Jurisprudence," Practicing Law Institute - Communications Law in the Digital Age 2008, New York, NY, November 13, 2008

Panelist, "Free Speech, Human Dignity & Contemporary Controversies," First Amendment Center and the Newseum, Washington, DC, June 09, 2008

"Sexuality, Liberty and the Constitution," Lambda Legal Roundtable Discussion, Washington, DC, June 05, 2008

"The Summer of 1787: The Men Who Invented the Constitution," The American Constitution Society for Law and Policy, Washington, DC, April 28, 2008

"The Constitution and Partisanship in Our Election Laws," Northwestern University Program in American Studies, Evanston, IL, April 22, 2008

Keynote Speaker, "Lawrence v. Texas Five Years Out: Can the Promises of Liberty and Equality Be Fulfilled?" Emory Law School, Atlanta, GA, April 11, 2008

"Supreme Court, First Amendment Review," Practicing Law Institute Communications Law Conference 2007, New York, NY, November 08, 2007 to November 09, 2007

Panelist, American Constitution Society for Law and Policy Luncheon, Washington, DC, September 26, 2007

Panelist, United States Chamber of Commerce National Chamber Litigation Center Annual Supreme Court Preview, Washington, DC, September 18, 2007

Faculty, William & Mary School of Law Supreme Court Preview, Williamsburg, VA, September 14, 2007 to September 15, 2007

"Going to Trial," InsideCounsel's Annual SuperConference, Chicago, IL, May 15, 2007

"A Conference on Elections and Democracy," American Constitution Society, Stanford Law School, Palo Alto, CA, April 06, 2007 to April 07, 2007

National Youth Leadership Forum on Law Winter Forum, Washington, DC, February 13, 2007

Panelist, "Supreme Court, First Amendment Review," Practicing Law Institute Communications Law Seminar, New York, NY, November 09, 2006 to November 10, 2006

"Protecting the First Amendment in Challenging Times," The Newspaper Association of America, National Association of Broadcasters and the Media Law Resource Center Conference, Alexandria, VA, September 27, 2006

Panelist, "Election Law & Concluding Thoughts," William & Mary School of Law - Institute of Bill of Rights Law Supreme Court Preview, Williamsburg, VA, September 15, 2006 to September 16, 2006

Panelist, "Redistricting: Where Should We Draw the Lines?" American Constitution Society National Convention: Democracy and the Rule of Law, Washington, DC, June 16, 2006

Guest Speaker, Lambda Legal Defense and Education Fund Fundraiser, Fort Lauderdale, FL, March 26, 2006

Panelist, American Constitution Society - DC Lawyer Chapter Supreme Court Review, Washington, DC, June 30, 2005

Panelist, "Supreme Court, First Amendment Review," Practicing Law Institute Communications Law Conference 2004, New York, NY, November 18, 2004 to November 19, 2004

"Symposium on the Reporter's Privilege," Media Law Resource Center, New York, NY, November 17, 2004

Moderator, Special Presidential Debate, Washington Council of Lawyers, Washington, DC, October 07, 2004

"Justice Over the Rainbow: *State v Dorothy Gale, et al.*," American Bar Association Section of Litigation Annual Meeting, Atlanta, GA, August 06, 2004 to August 08, 2004

"Reframing Democracy: Texas, Georgia, Pennsylvania and the Redistricting Battles," American Constitution Society 2004 ACS National Convention: Liberty & Equality in the 21st Century, Washington, DC, June 18, 2004

National Association for Law Placement 2004 NALP Annual Education Conference & Resource Center Exhibition, Salt Lake City, UT, April 28, 2004

Panelist, "Privacy & Intimacy," DePaul University College of Law - Privacy & Identity: Constructing, Maintaining, and Protecting Personhood, Chicago, IL, March 13, 2004

"Supreme Court Practice: Review-Preview of this Year's Key Cases," The Chicago Inn of Court, Chicago, IL, October 21, 2003

Panelist, "The First Amendment, Federalism, and Sodomy," The Cato Institute- The Supreme Court: Past & Prologue, Washington, DC, September 17, 2003

Panelist, "Progress at Last? Equal Rights for Gay Men and Lesbians," American Constitution Society 2003 National Convention, Washington, DC, August 01, 2003 to August 03, 2003

"Sizing Up A Pivotal Supreme Court Term: A Practitioner's View," Legal Times, Georgetown University Law Center, Washington, DC, July 16, 2003 to July 17, 2003

Guest Speaker, "*Lawrence v. Texas*," Jenner & Block and Lambda Legal Executive Briefing, Washington, DC, June 23, 2003

Cohen Lecture, University of Missouri School of Law, Columbia, MO, January 16, 2003

Panelist, "First Amendment Rights and the Internet" Bruce J. Ennis Foundation, Washington, DC, November 21, 2002

Moderator, "Will Bakke Survive?: The University of Michigan Affirmative Action Case," The Washington Council of Lawyers, Washington, DC, September 25, 2002

"The Shifting Legal Sands in the Redistricting Desert," National Conference of State Legislatures Annual Meeting, San Antonio, TX, August 13, 2001