

# ANTHONY JOHNSTONE

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## EDUCATION

### University of Chicago Law School (Chicago, Illinois)

*J.D. with Honors, 1999*

Articles Editor, *University of Chicago Legal Forum*

Thomas R. Mulroy Prize for Excellence in Appellate Advocacy

Mandel Legal Aid Clinic, Intensive Trial Workshop

### Yale College (New Haven, Connecticut)

*B.A. in Ethics, Politics & Economics and Geology & Geophysics, 1995*

Ethics, Politics & Economics Fellowship; Richter Fellowship

Staff Opinion Columnist, *Yale Daily News*

Directed Studies Program

## EXPERIENCE

### University of Montana School of Law (Missoula, Montana)

*Associate Professor 2014 - present; Assistant Professor 2011 - 2014; Adjunct Professor, 2007-2009*

*Associate Dean for Faculty Development 2013 - 2014*

Law School Merit Award, 2016

Boone Law Faculty Scholarship Award, 2016 & 2013

Native American Law Student Association Teaching Award, 2016

Robert & Pauline Poore Law Faculty Service Award, 2015

Curriculum & Instruction Partnership Award, 2015

Margery Hunter Brown Award for Teaching & Service, 2012

Courses taught: Constitutional Law, Montana Constitutional Law, Legislation: Law & Politics,

Advanced Constitutional Law, Philosophy of Law, and Supreme Court Seminar

Previous courses taught: Election Law, First Amendment, Public Regulation of Business

### State of Montana (Helena, Montana)

*State Solicitor / Assistant Attorney General, 2004 - 2011*

Represented State in constitutional litigation; elections, nonprofits, & antitrust counsel

### Carroll College (Helena, Montana)

*Adjunct Professor, 2006 - 2007*

Taught college-level Constitutional Law and Contemporary Legal Issues

### Cravath, Swaine & Moore (New York, New York)

*Litigation Associate, 2000 - 2003*

Litigated corporate, securities, antitrust, and pro bono matters

### Hon. Sidney R. Thomas (Billings, Montana)

*Law Clerk, 1999 - 2000*

United States Court of Appeals for the Ninth Circuit

## SCHOLARLY PUBLICATIONS

*The Federalist Safeguards of Politics*

39 Harv. J. L. & Pub. Pol. 415 (2016). <http://ssrn.com/abstract=2660484>

*A Past and Future of Judicial Elections: The Case of Montana*

16 J. App. Practice & Process 47 (2015). <http://ssrn.com/abstract=2660514>

*Foreword: The Future of Federalism, from the Bottom Up*

76 MONT. L. REV. 1 (2015). <http://ssrn.com/abstract=2686299>

*Recalibrating Campaign Finance Law*

32 YALE L. & POL. REV. 217 (2014). <http://ssrn.com/abstract=2394937>

*Outside Influence*

13 ELECTION L. J. 117 (2014). <http://ssrn.com/abstract=2379171>

*The System of Campaign Finance Disclosure*

99 IOWA L. REV. BULL. 143 (2014). <http://ssrn.com/abstract=2295545>

*The Hercules of Helena: Justice James C. Nelson and the Jurisprudence of Principle*

75 MONT. L. REV. 199 (2014). <http://ssrn.com/abstract=2491690>

*Politics and the Public Benefit Corporation*

COLUM. NAT'L ST. ATTYS. GEN. PROG. (2013).

<http://academiccommons.columbia.edu/catalog/ac:168607>

*Commandeering Information (and Informing the Commandeered)*

161 U. PA. L. REV. ONLINE 205 (2013). <http://ssrn.com/abstract=2244191>

*The State of the Republican Form of Government in Montana*

74 MONT. L. REV. 4 (2013). SSRN: <http://ssrn.com/abstract=2229543>

*A Madisonian Case for Disclosure*

19 GEO. MASON L. REV. 413 (2012). SSRN: <http://ssrn.com/abstract=1967196>

Council of Appellate Lawyers, *The Appellate Practice Compendium* (Montana chapter)  
(Dana C. Livingston, ed., American Bar Association 2012)

*The Constitutional Initiative in Montana*

71 U. MONT. L. REV. 325 (2010). SSRN: <http://ssrn.com/abstract=1623249>

*Captive Regulators, Captive Shippers: The Legacy of McCarty Farms*

70 U. MONT. L. REV. 239 (2009). SSRN: <http://ssrn.com/abstract=1604922>

*Peremptory Pragmatism: Religion and the Administration of the Batson Rule*

1998 U. CHI. LEGAL F. 441. SSRN: <http://ssrn.com/abstract=1604909>

## SELECTED CASES

- American Tradition Partnership v. Attorney General*, 2011 MT 328, *rev'd* 567 U.S. \_\_\_ (2012) (defended constitutional free speech challenge to state corporate independent expenditure ban)
- PPL Montana et al. v. State of Montana*, 2010 MT 64, *rev'd* 565 U.S. \_\_\_ (2012) (prosecuted public land trust claims against hydroelectric projects on Clark Fork, Madison, and Missouri Rivers)
- Citizens United v. Federal Election Commission*, 558 U.S. 310 (2010) (*amicus* counsel for 26 States in constitutional free speech challenge to federal corporate electioneering regulation)
- Kelly et al. v. McCulloch* (9th Cir. 2010) (defended constitutional free speech and equal protection challenge to independent and third party candidate ballot access laws)
- Donaldson et al. v. State of Montana* (Mont. 1st Dist. 2010) (defended constitutional equal protection and privacy challenge to state spousal benefits by same-sex couples)
- Northern Plains Resource Council v. Board of Land Commissioners* (Mont. 16th Dist. 2010) (defended constitutional “clean and healthful environment” challenge to lease of state trust coal reserves)
- Baxter v. State of Montana*, 2009 MT 449 (defended constitutional privacy and dignity challenge to homicide laws as applied to physician-assisted death of terminal patients)
- Canyon Ferry Road Baptist Church v. Unsworth*, 556 F.3d 1021 (9th Cir. 2009) (defended constitutional free speech and free exercise challenge to campaign disclosure laws)
- Columbia Falls Elem. School Dist. No. 6 et al. v. State of Montana*, No. BDV-2002-528 (Mont. 1st Dist. 2002) (defended constitutional challenge to school funding reforms in compliance proceedings)
- In re: The Charles M. Bair Family Trust*, 2008 MT 144 (prosecuted breach of trust action against one of Montana’s largest charitable trusts)
- Seven-Up Pete Venture v. Brian Schweitzer*, 523 F.3d 948 (9th Cir.), *cert. denied* 129 S.Ct. 258 (2008) (defended constitutional taking challenge to initiative banning certain open-pit gold mining)
- Montanans for Justice v. State of Montana*, 2006 MT 277 (represented state in claims of widespread ballot issue petition signature gathering fraud)
- Larry White, et al. v. Judy Martz*, No. CDC-2002-133 (Mont. 1st Dist. 2002) (prosecuted constitutional right to counsel and due process challenge to state public defender system)
- Other published cases:** *Montana Democratic Party v. Eaton*, 581 F. Supp. 2d 1077 (D. Mont. 2008); *Thompson v. State*, 2007 MT 185; *Montanans for Equal Application of Initiative Laws v. State ex rel. Johnson*, 2007 MT 75; *Commission on Unauthorized Practice of Law v. O’Neil*, 2006 MT 284; *Citizens Right to Recall v. State ex rel. McGrath*, 2006 MT 192; *Stop Over Spending Montana v. State ex rel. McGrath*, 2006 MT 178; *State v. Muhammad*, 2005 MT 234; *State v. Griffin*, 2004 MT 331; *State v. Fyant*, 2004 MT 298; *State v. Meyer*, 2004 MT 272; *State v. Snell*, 2004 MT 269; *State v. Audet*, 2004 MT 224; *State v. Hill*, 2004 MT 184

**SELECTED PRESENTATIONS, REPORTS, AND LEGISLATION**

- “The Art of the Vote: Supreme Court Candidates,” Discussant, U.Lab Missoula Hub (Missoula, MT, Nov. 4, 2016)
- “Legal Implications of the Presidential Election,” Panelist, UM Political Science Dept. (Missoula, MT, Oct. 25, 2016)
- Montana Supreme Court Candidates Forum, Moderator, Federalist Society Society (Missoula, MT, Oct. 10, 2016)
- “From Magna Carta to the Montana Constitution,” Montana Supreme Court CLE (Helena, MT, Oct 5, 2016)
- “Title IX,” Moderator, Montana Law Review Browning Symposium (Missoula, MT, Sept. 30, 2016)
- “Voting Rights in Indian Country,” Panelist, ACS/NALSA Student Chapters (Missoula, MT, Sept. 27, 2016)
- “Montana judicial elections: Does the past hold lessons for future?” *Montana Lawyer*, Feature Article (Sept. 2016)
- “Montana Law Seminar: State Constitutional Law,” Montana Board of Bar Examiners (Missoula, MT, July 27, 2016 & July 30, 2015; Helena, MT, Feb. 25, 2016)
- “American Democracy: Our Constitution,” Mansfield International Program on Democracy & Citizenship (Missoula, MT, June 7, 2016 & June 11, 2015)
- Comment, *In re Rules for Admission to the Bar of Montana*, No. AF 11-0244 (May 20, 2016)
- “Balancing the Right to Know and the Right to Privacy Under the Montana Constitution,” State Bar CLE: Are the Rules Different when the Government is a Party? (Helena, MT, May 6, 2016)
- “Money & Politics in Judicial Elections,” Wheeler Center Politics & Pizza, Montana State University (Bozeman, MT, April 27, 2016)
- Introduction to *Krakauer v. Commissioner*, Montana Supreme Court (Bozeman, MT, April 27, 2016)
- “Constitutional Law as Civics: Free Exercise of Religion and the Right to Refuse Service,” Montana Judicial Institute (Missoula, MT, April 20, 2016)
- “Gun Rights,” Panelist, University of Montana Student Political Action (April 19, 2016)
- “We the People: Free Speech and Money in Politics,” James Madison Legacy Project, Center for Civic Education (Missoula, MT, April 2, 2016)
- “*Betterman v. State of Montana*,” Podcast, Federalist Society SCOTUSCast (April 13, 2016)

- “Picking Judges After *Citizens United*,” American Constitution Society Student Chapter, University of the District of Columbia (Washington, D.C., April 6, 2016)
- “Impact of the Supreme Court Vacancy on the States,” Panelist, U.S. Senate Democratic Steering and Outreach Committee (Washington, D.C., April 6, 2016)
- “Divided We Fall: Legal and Political Implications of the Supreme Court Vacancy, Panelist, American Constitution Society Student Chapter (Missoula, MT, March 24, 2016)
- “The President, the States, and the Clean Power Plan,” Montana Chamber of Commerce Business & the Law Conference (Helena, MT, March 22, 2016)
- “State Law & Politics,” Panelist, Eccles Family Rural West Conference, Bill Lane Center for the American West, Stanford University (Missoula, MT, Mar. 18, 2016)
- “We the People: How Equal Protection Changed the Constitution,” James Madison Legacy Project, Center for Civic Education (Missoula, MT, Feb. 5, 2016)
- “Money in Politics,” Panelist with Wyoming Sen. Alan Simpson (ret.) and campaign finance researcher Edwin Bender, Billings Library Foundation (Billings, MT, Oct. 29, 2015)
- “Fostering Engaged Citizens through General Education,” Panelist, University of Montana (Missoula, MT, Oct. 26, 2015)
- “Federal and State Constitutional Law,” Citizens Law School (Missoula, MT, Oct. 7, 2015)
- “Politics and the Public Benefit Corporation,” Montana Nonprofit Association CLE (Billings, MT, Sept. 30, 2015)
- “*The State of the Republican Form of Government in the States*,” Blog, American Constitution Society (Sept. 18, 2015)
- “Origins and Future of the Dignity Clause,” State Bar of Montana (Missoula, MT, Sept. 10, 2015)
- “The Federalist Safeguards of Politics,” Panelist, Campaign Finance and Political Parties, American Political Science Association Annual Meeting (San Francisco, CA, Sept. 5, 2015)
- “Comments on draft proposed rules under the Disclose Act,” Montana Commissioner of Political Practices (Helena, MT, July 15, 2015)
- “Last Best Constitution in the Last Best Place: Looking Back,” Evan Barrett’s Crucible of Change televised series (June 2, 2015)
- “Donor Disclosure and Anonymous Speech,” Podcast, National Constitution Center (May 28, 2015)
- “*Citizens United* Was Wrongly Decided,” National Constitution Center Town Hall Debate (Boston, MA, May 12, 2015)
- “From Cravath to State Solicitor,” Yale Law Student American Constitution Society Chapter

(New Haven, CT, April 23, 2015)

Guest Lecturer in *Federal Courts, States, and the Federal System*, Prof. Abbe Gluck, Yale Law School  
(New Haven, CT, April 22, 2015)

“Oversharing: Privacy in the Digital Age,” Panelist, MontPIRG (Missoula, MT, April 16, 2015)

“Ensuring Gender Equality: Women’s Rights and the Constitution,” Panelist, Montana Equal Pay Summit (Butte, MT, April 11, 2015)

“The Future of Judicial Elections,” CLE, Yellowstone Area Bar Association  
(Billings, MT, Feb. 27, 2015)

“The Montana Constitution” and “Dual Sovereignty,” Presentations to the 64th Montana Legislature, State Bar Law School for Legislators (Helena, MT, January 6, 2015)

Montana Courts of Limited Jurisdiction Course: Constitutional Law (Missoula, MT, Nov. 17, 2014)

“Constitutional Law as Civics: *The Marriage Cases*,” Montana Judicial Institute  
(Missoula, Montana, Oct. 8, 2014)

Montana Supreme Court Candidates Forum, Moderator, Federalist Society & American Constitution Society (Missoula, MT, Sept. 23, 2014)

“The Corrupt Practices Act and Voting Rights,” Panelist, Montana League of Women Voters  
(Missoula, MT, May 15, 2014)

Introduction to *Malcomson v. Liberty Northwest*, Montana Supreme Court (Butte, MT, May 6, 2014)

“Federalism,” Global Civics Roundtables, Guest, TVMT Public Affairs Network  
(Helena, MT, April 18, 2014)

“*Baxter v. Montana*: Four Years Later,” Moderator & Panelist, ACLU Student Chapter  
(Missoula, MT, April 14, 2014)

“The Constitution and Campaign Finance,” Moderator & Panelist, Wheeler Center Conference  
(Helena, MT, April 11, 2014)

Law School Town Hall with Justice Sandra Day O’Connor, Moderator, University of Montana School of Law (Missoula, MT, Sept. 14, 2013)

“Constitutional Law as Civics: The Second Amendment,” Montana Judicial Institute  
(Missoula, Montana, April 16, 2012 & April 17, 2013)

“Should the Young Subsidize the Old” and “The Future of Health Care in Montana: Medicaid Expansion in the Big Sky State,” Moderator, Mansfield Center Conference (Missoula, MT, March 20-21, 2013)

Informational witness on constitutional issues concerning S.B. 375 (TRACE Act), Senate Judiciary Committee (63rd Mont. Leg. Sess. March 14, 2013)

“The Montana Constitution,” Presentation to the 63rd Montana Legislature, State Bar Law School for Legislators (Helena, MT, January 8, 2013)

“The *Citizens United* Court and the Continuing Importance of the Voting Rights Act,” Testimony, United States Senate Judiciary Committee (Washington, DC, September 12, 2012)

“*Citizens United* Two Years Later: Money, Politics, and Democracy at Stake,” Panelist, American Constitution Society Annual Conference, Plenary Session (Washington, DC, June 16, 2012)

“Sovereignty Under Two Constitutions,” Panelist, Humanities Montana’s We the People: Conversations on the Montana and U.S. Constitutions (Helena, Montana, April 21, 2012)

Introduction to *Donaldson & Guggenheim v. State of Montana*, Montana Supreme Court (Missoula, Montana, April 13, 2012)

“The Constitutional Politics of the Affordable Care Act,” League of Women Voters (Billings, Montana, April 5, 2012)

“*PPL Montana v. Montana*,” Panelist, ABA Section of Environment, Energy, and Resources Constitutional Law Committee (Missoula, Montana, April 3, 2012)

“Personhood Amendments,” Commentator on Prof. Robin Wilson, University of Montana School of Law, Federalist Society (March 8, 2012)

“Two Cheers for the Tea Party Constitution,” Commentator on Prof. Richard Duncan, University of Montana School of Law, Federalist Society (Missoula, Montana, November 1, 2011)

“The Right to Dignity and *Baxter v. Montana*,” Panelist, University of Montana School of Law, Browning Symposium (Missoula, Montana, October 7, 2010)

“Amending the Montana Constitution,” Panelist, University of Montana School of Law, Browning Symposium (Missoula, Montana, October 7, 2010)

“Constitutional Litigation and Its Limits,” Constitution Day Address, University of Montana (Missoula, Montana, September 16, 2010)

“What *Citizens United* Tells Us about the First Amendment and the Supreme Court,” University of Montana School of Law, American Constitution Society (Missoula, Montana, April 19, 2010)

“Legal Considerations of End of Life Choices,” Panelist, Carroll College, ACLU Montana and Humanities Montana (Helena, Montana April 10, 2010)

Lawrence L. White, et al., *Montana’s Hospitals: Issues and Facts Related to the Charitable Purposes of Our Hospitals and the Protection of Montana Consumers*, Montana Att’y Gen. Report (2008-2010) (edited)

“An In-Depth Look at the *Citizens United* Decision,” Panelist, The Policy Institute (Helena, Montana, March 22, 2010)

“Corporate Money in Politics – What the *Citizens United* decision means to Montana,” Panelist, Montana Conservation Voters (Helena, Montana, March 12, 2010)

Attorneys General of 14 States, “Comments Regarding Competition in the Agriculture Industry,” U.S. Depts. of Justice and Agriculture Workshops (March 11, 2010) (edited with Chuck Munson)

Montana Supreme Court Advisory Commission on Rules of Civil and Appellate Procedure, Proposed Revisions to the Rules of Civil Procedure (2010) (co-edited)

Attorney General Steve Bullock, Testimony Before the United States Senate Committee on Rules and Administration, Hearing on “Corporate America vs. The Voter: Examining the Supreme Court’s Decision to Allow Corporate Spending in Elections” (February 2, 2010) (edited)

“The Role of the State Solicitor General,” Panelist, University of Chicago Law School, Federalist Society (Chicago, Illinois, May 1, 2009)

“Competition and Concentration in Agricultural Markets,” Panelist, University of Montana School of Law, Browning Symposium (Missoula, Montana, April 6, 2009)

John Cutler, et al., *Railroad Rates and Services Provided to Montana Shippers*, Montana Attorney General’s Report (2009) (edited)

“Case Study: *The Bair Family Trust*,” Panelist, Columbia Law School, National State Attorneys General Program (New York, New York, January 24, 2009)

Senate Bill 96, 2007 Mont. Laws 481, “An Act Generally Revising the Laws Relating to Initiatives and Referendums” (drafted)

## SELECTED MEDIA

Derek Brouwer, *Finger on the trigger: Conflicting stories underlie scheme to nullify city gun ordinance*, Missoula Independent (Oct. 6, 2016)

Jayne Fraser, *Montana Supreme Court race could again break fundraising record as outside groups spend on advertising*, Montana Standard (Oct. 6, 2016)

Andy Bixler, *‘Marsy’s Law’ would enshrine victims’ rights in Montana’s Constitution, but at what cost?*, Bozeman Chronicle (Oct. 5, 2016)

Corin Cates-Carney, *State Supreme Court Rules On Krakauer’s Student Records Request*, MTPR (Sept. 19, 2016)

Peter Christian, “UM Law School To Host National Symposium On Campus Sexual Assault,” KGVO (Sept. 17, 2016)



Brian Kahn, "The Constitution and the Supreme Court," Interview, Home Ground Radio (August 16, 2016)

Corin Cates-Carney, *Gianforte Wants 'Misleading' Campaign Ads Pulled*, MTPR (July 27, 2016)

Matt Hudson, *Meager County attorney recall effort turns to the courts*, Billings Gazette (July 26, 2016)

*Supreme Court lowers bar passing score*, Montana Lawyer 7 (June/July 2016)

Bobby Caina Calvan, *State judge dominates money race in bid for Supreme Court* (May 31, 2016)

Keila Szpaller, *Supreme Court hears arguments in Krakauer v. State of Montana* (Apr. 28, 2016)

Corin Cates-Carney, *Krakauer Case Tests Balance Between Privacy, Right to Know* (Apr. 26, 2016)

James DeHaven, *Uncapped services criticized: Bullock's use of party-paid campaign staffers irks GOP*, Independent Record (Apr. 24, 2016)

Abby Lynes, *Student Political Action committee holds gun control forum*, Montana Kaimin (Apr. 20, 2016)

Matt Volz, *Judge to Decide Penalties in Next Phase of Dark Money Case*, Associated Press (Apr. 12, 2016)

Matt Volz, *US Supreme Court takes up speedy-trial fight in Montana case*, Associated Press (Mar. 24, 2016)

Bobby Caina Calvan, *Panel considers options to ease growing burden on Montana's courts*, Associated Press (Mar. 24, 2016)

Dillon Kato, *Sen. Tester, other panelists speak at UM on US Supreme Court vacancy*, Montana Standard (Mar. 25, 2016)

Bobby Caina Calvan, *Montana Chief Justice Mike McGrath reflects on first term*, Associated Press (Feb. 12, 2016)

John S. Adams, *Judge presiding over political corruption lawsuit is married to newly appointed lieutenant governor*, Montana Free Press (Feb. 1, 2016)

Michael Wright, *Journalist, bison advocate sue National Parks Service over access*, Bozeman Chronicle (Jan. 27, 2016)

Barrister, *Q & A with Associate Professor Anthony Johnstone*, Alexander Blewett III School of Law (Fall 2015)

Matt Volz, *Montana becomes latest state to reform campaign finance rules after Citizens United Case*, Associated Press (Nov. 18, 2015)

Tristan Scott, *A Dark Corner of the First Amendment*, Flathead Beacon (Nov. 18, 2015)

Sarah Jane Keller, *Montana gets D grade in 2015 State Integrity Investigation* (Nov. 9, 2015)

- Ed Kemmick, *'Dark Money' discussion, thankfully, includes solutions*, Last Best News (Oct. 30, 2015)
- Mike Ferguson, *'The American people are fed up': Forum addresses influence of money in politics*, Billings Gazette (Oct. 30, 2015)
- Troy Carter, *Proposed electioneering rule addresses political attack ads*, Bozeman Chronicle (Aug. 18, 2015)
- Troy Carter, *Taking control: Montana elections getting new disclosure rules*, Bozeman Chronicle (Aug. 16, 2015)
- Dana Liebelson, *A Gaggle of Future Governors Just Had A Great Time in Maui*, HuffPost (Aug. 10, 2015)
- Patrik Jonsson, *Two attorneys general indicted in one week: What gets top cops in trouble?*, Christian Science Monitor (Aug. 8, 2015)
- Mikkel Pates, *STB should restrike balance for shippers*, AgWeek (May 25, 2015)
- Gregory Nickerson, *Libertarian Gore-Tex Heiress Fuels Hidden Political Donations* (Wyofile, Apr. 28, 2015)
- Michael Wright, *Montana Republicans Divided Over Open Primaries*, MTPR (Mar. 18, 2015)
- Tristan Scott, *Who's Pulling the Strings*, Flathead Beacon (Feb. 25, 2015)
- Alex Sakariassen, *One-Word Debate: Bill to Clarify Constitution Gets Mired in Trapping Dispute*, Missoula Independent (Feb. 12, 2015)
- Samuel Wilson, *Bill Would Bar Foreign Laws in Montana Courts*, Daily Inter Lake (Feb. 3, 2015)
- Keila Szpaller, *Changes Afoot to Tighten Campaign Finance Reporting Laws in Montana*, Missoulian (Jan. 19, 2015)
- Ashley Sanchez, *Ninth Circuit Court Meets in Montana*, ABCFOX Montana (Jan. 13, 2015)
- Alexander Deedy, *Religious Activities in Capitol a Daily Occurrence During Session*, Helena Independent Record (Jan. 11, 2015)
- Parker Collins, *MT AG Challenges Obama's Executive Action on Immigration*, ABCFOX Montana (Dec. 3, 2014)
- Joe Menden, *Montana Native Rising to Top Spot on Circuit*, Montana Lawyer (Nov. 2014)
- Kathryn Haake, *Same-Sex Couples Face Continued Obstacles in Montana*, Missoulian (Nov. 30, 2014)
- Christopher Allen, *Discrimination Questions Remain Despite Gay Marriage Decision*, MTPR (Nov. 24, 2014)
- Christopher Allen, *9th Circuit to Heat Montana's Appeal Over Gay Marriage*, MTPR (Nov. 21, 2014)
- Lauren Bradley, *Supreme Court to Weigh in on Facebook Threats*, NBCMontana (Nov. 7, 2014)

- Eric Lipton, *Lobbyists, Bearing Gifts, Pursue Attorneys General*, N.Y. Times (Oct. 28, 2014)
- Michael Wright, *Spirit Animal Resolution Legal, But Imperfect*, Kaimin (Oct. 23, 2014)
- Matt Volz, *Supreme Court Race Takes on Partisan Edge*, Associated Press (Oct. 23, 2014)
- Jessica Mazur, *Justice Rice Faces Jury Nullification Advocate*, Community News Service (Oct. 7, 2014)
- Lisa Baumann, *Montana's Gay Marriage Decision Could Come Sooner*, Associated Press (Oct. 6, 2014)
- Lauren Bradley, *Supreme Court Mum on Gay Marriage, Montana Not Impacted*, NBCMontana (Oct. 6, 2014)
- John S. Adams, *Supreme Court Candidates Square off in Missoula*, Great Falls Tribune (Sept. 24, 2014)
- Ketti Wilhelm & Dennis Swibold, *Looking for Light: What Doomed the "Stop Dark Money" Ballot Initiative?*, Missoula Independent (Aug. 28, 2014)
- Ashley Sanchez, *Supreme Court Rules Against Birth Control Coverage*, ABCFOX Montana (June 30, 2014)
- Brett Berntsen, *No Place to Hide*, 2014 Montana Journalism Review 21
- Andrew Visscher, *Sandra Day O'Connor to Receive Honorary Doctorate from School of Law* (Sept. 13, 2013)
- Scott Zoltan, *Montanans Weigh In On Gmail Privacy Controversy*, KECI (August 15, 2013)
- Keilla Szpaller, *In Montana, Judicial Candidates Tend to Keep Races Clean*, Missoulian (August 11, 2013)
- Matt Gouras, *Montana Gay Couple Advocates Laud High Court Decision*, Associated Press (June 26, 2013)
- Rachel Lippmann, *Partner of Late Trooper Takes Benefits Fight to Supreme Court*, St. Louis Public Radio, (Feb. 26, 2013)
- Allie Harrison, *Big money in Montana: what are the odds for campaign finance reform?*, Montana Public Media (Dec. 5, 2012)
- Laura Lundquist, *Mandate Mayhem: 2011 laws prevent Montana from keeping insurance control*, Bozeman Chronicle (Dec. 2, 2012)
- Dan Boyce, *ATP Legal Counsel Jim Brown believes the group is following the law*, KUFM (Nov. 13, 2012)
- Monica Gokey, *Word of Mouth: Jesse Nichols, Independent Candidate*, KBGA (Nov. 6, 2012)
- Laura Lundquist, *Year of Campaigning Dangerously*, Bozeman Chronicle (Oct. 27, 2012)
- Adam Cotterell, *Why Idaho May Win and Lose Fight to Uncover Donors to Education Proposition Campaign*, Boise State Public Radio (Oct. 25, 2012)

Matt Volz, *Montana Ballot: Abortion, Immigration, Medical Marijuana*, Associated Press (Oct. 8, 2012)

Jeremy Leaming, *Senate Panel Takes on High Court's Opinions that Help Corporate Politicking, Hinder Individual Voters*, ACSBlog (Sept. 12, 2012)

Nicole Flatow, *The Populist, Bipartisan History of the Now-Invalidated Montana Anti-Corruption Law*, ACSBlog (June 25, 2012)

Marcia Coyle, *Appellate Lawyer of the Week: Anthony Johnstone*, National Law Journal (May 24, 2012)

Charles S. Johnson, *State solicitor leaves to teach law at University of Montana*, Missoulian (June 7, 2011)

Charles S. Johnson, *Candidates corporate spending law may be at stake*, Billings Gazette (Jan. 12, 2010)

Jess Bravin, *Campaign Finance Ruling Looms*, Wall St. Journal at A6 (Dec. 8, 2009)

Mike Dennison, *Personal choice vs. public interest: 'Right to die' argued*, Billings Gazette (Sept. 3, 2009)

Kirk Johnson, *Montana Court to Rule on Assisted Suicide Case*, N.Y Times at A1 (Sept. 1, 2009)

*Jim Ho '99 and Anthony Johnstone '99: The Solicitors General*, U. Chicago Law School Record (Fall 2009)

Carol J. Williams, *Church may shield campaign donations*, L.A. Times at A12 (Feb. 26, 2009)

Len Iwanski, *Montana supports Arizona's appeal in election case*, Billings Gazette (Dec. 29, 2008)

Jim Gransbery, *State asks judge to order museum reopened*, Billings Gazette (May 14, 2005)

**MEMBERSHIPS & SERVICE**

*Elected Member*, American Law Institute (Adviser for Principles of Government Ethics, Members Consultative Group for Principles of the Law of Nonprofit Organizations)

*Fellow*, American Bar Foundation

*Member*, American Bar Association

*Member*, State bars of Montana and New York; Federal bars of the U.S. Supreme Court, Ninth Circuit, District of Montana, and Southern, Eastern, and Northern Districts of New York

Member, U.S. District Court Merit Selection Committee for Billings Magistrate Judge (2016)

*Co-Chair*, ABA Accreditation Self-Study Committee (2015-Present); *Chair*, Strategic Planning Committee (2013 - Present); *Chair*, Faculty Development Committee (2012 - 2014); *Member*, University Program Assessment Committee (2015 - Present), Clerkship Committee (2011 - Present), Bar Exam Working Group (2015 - Present) University Research Council (2013 - 2015), Budget Advisory Committee (2012 - 2014), Admissions Committee (2014 - 2015); Curriculum & Clinic Committee (2012 - 2014), Law Dean Search Committee (2013 - 2014)

*Former Senior Counsel*, National State Attorneys General Program, Columbia Law School

*Former Member*, Montana Supreme Court Advisory Commission on Rules of Civil and Appellate Procedure