James FitzGibbon Litigation Intern, Institute for Justice Wellman Hill Grant Recipient, 2021

With the generous support of the Wellman Hill Grant, I worked as a litigation intern at the Institute for Justice (IJ) in Arlington, Virginia. As a public interest law firm, much of their work revolves around the provision of *pro bono* legal services to those whose civil rights have been violated. Notably, IJ represented Tyson Timbs in the landmark Supreme Court case *Timbs v. Indiana* (2019), which resulted in the Excessive Fines Clause of the Eighth Amendment to the Constitution being made applicable to state law. While IJ has divisions that specialize in legislative outreach and judicial engagement, I primarily worked in the litigation department.

As a Litigation Intern, my duties consisted of assisting litigators in preparing cases. In one instance, I created a map of businesses impacted by a particular law in Georgia to be used as a trial exhibit. Additionally, I drafted a legal memorandum on the constitutionality of the Open Fields Doctrine in Delaware. This doctrine, which allows for the warrantless search of open fields "beyond the curtilage of a home," is not uniformly respected by state governments. Vermont, for instance, held the doctrine to be incompatible with its own state constitution. Thus, I was tasked with determining the feasibility of initiating a similar challenge in Delaware, whose constitution uses the broader term "possession" in place of "effects."

Alongside my regular duties as an intern, I interacted with many experts in the legal field, both inside and outside of the company. The first memo I wrote was for Dana Berliner, the company's Senior Vice President and Litigation Director who served as co-counsel for Susette Kelo in *Kelo v. New London* (2004). Having her guide my writing was an exceptional experience, and the opportunity to learn legal writing and other critical legal skills from a Supreme Court litigator was extraordinary. Additionally, the interns had lunch with Judge Douglas Ginsburg, Senior Judge (and former Chief Judge) on the Federal Court of Appeals for the D.C. Circuit. These opportunities, along with the ability to learn practical skills from IJ attorneys, provided for a professionally rewarding summer internship. Consequently, I would like to thank Judge Hill and the Wellman Hill Committee for their support. Given the cost of living in Washington, this position may not have been tenable without the support of the grant, and I am very grateful to the Committee for allowing me to experience this amazing opportunity.