

Chad E. DeVeaux



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Education

Harvard Law School, LL.M. (Constitutional Law), 2008

University of Notre Dame, J.D., *summa cum laude*, 2001 (graduated 2nd in class; Articles Editor, *Notre Dame Law Review*; competed as member of Jessup International Moot Court Team)

Bowling Green State University, B.A. (Political Science and Creative Writing), 1997

Professional Affiliations

St. Thomas More Society

Notre Dame and Harvard Alumni Associations

Bar Admissions

State Bar of California

United States District Courts for all of California

United States Court of Appeals for the Ninth Circuit

Supreme Court of the United States

Practice Areas

Antitrust
Appeals
Business Litigation
Class Action Litigation
Constitutional Law
Dormant Commerce Clause Litigation
Federal Enclave Litigation
First Amendment and anti-SLAPP Litigation
Intellectual Property
IP & Brand Protection | Supply Chain Security
Trade Secret Litigation
Unfair Competition Litigation
White Collar and Regulatory Defense and Investigations

Experience

Chad DeVeaux is a Principal of the firm. His primary areas of practice are commercial litigation, class actions, constitutional law, First Amendment and anti-SLAPP litigation, administrative law, white collar crime, antitrust, and unfair competition litigation.

Chad brings a wealth of experience to BZBM. Before joining the firm, he spent seven years as a Constitutional Law professor at Concordia University School of Law and Western State University and nine years as a commercial litigator. He is a nationally recognized expert in the field of horizontal federalism—the law governing the delineation of powers between the governments of different states. He is best known for his work on the dormant Commerce Clause and its applicability to multi-state class actions, environmental regulations, and marijuana laws. He has testified before the United States House of Representatives' Judiciary Committee as an expert on the Constitution's extraterritoriality doctrine, the dormant Commerce Clause, the Tenth Amendment, and the scope of Congress's power to regulate interstate commerce.

Chad is also widely regarded as an expert in First Amendment, anti-SLAPP litigation, including cases involving the freedom of the press, medical peer review proceedings, political speech, commercial speech, and California's litigation privilege.

Chad is experienced in all aspects of civil litigation, including law and motion, discovery, negotiation, and appeals. He has authored briefs at all levels of the federal and state court systems and successfully argued more than 30 matters before federal and state courts. He is particularly accomplished in constitutional law cases. He has been on the winning side of decisions involving the First Amendment, California's anti-SLAPP statute, the dormant Commerce Clause, procedural and substantive due process, administrative law, housing rights, conflict of laws, the separation of powers, and federal enclave law. He also specializes in Federal Indian law.

Honors

Professor of the Year, Concordia University School of Law, 2012-13

Dean Joseph O'Meara Award, University of Notre Dame, 2001

Best Law School Exam/Paper (equivalent of *AmJur* or CALI award): Administrative Law, Constitutional Law, Criminal Procedure, Federal Indian Law

Speaking Engagements

One Toke Too Far?: The Horizontal-Federalism Implications of Marijuana Legalization, Boston College Law Review Symposium, Boston College School of Law, Newton, MA (2017) (co-chair); Co-Panelists: Jessica Berch, Lea Brilmayer, Erwin Chemerinsky, Jack Chin, Katherine Florey, and Mark Rosen.

Commencement Speaker, Concordia University School of Law Spring Commencement 2016, Boise, ID (May 14, 2016).

Problem-Solving Courts, Conference on Criminal Justice Reform, Concordia University School of Law, in partnership with the U.S. Attorney for the District of Idaho and the Federal Defender Services of Idaho, Boise, ID (June 6, 2016) (moderator).

One Toke Over the (State) Line, Law and Society Conference, New Orleans, LA (June 2, 2016) (co-chair and panelist).

Congressional Dysfunction and Executive Lawmaking during the Obama Administration, Association of American Law Schools Annual Meeting Academic Symposium, Washington, D.C. (Jan. 5, 2015) (panelist).

Commencement Speaker, Concordia University School of Law Winter Commencement 2015, Boise, ID (Dec. 18, 2015).

Congressional Testimony

Prepared Statement and Live Testimony, Hearing on H.R. 2887, No Regulation Without Representation Act, United States House of Representatives Committee on the Judiciary (Bob Goodlatte, Chair), 115th Congress (July 25, 2017) (invited by Chair Bob Goodlatte as an expert on extraterritoriality doctrine, dormant Commerce Clause, the Tenth Amendment, and scope of Congress's power to regulate interstate commerce).

Representative Cases

Hillside Dairy, Inc. v. Lyons, 539 U.S. 59 (2003) (California's agriculture regulations not exempted from dormant Commerce Clause restrictions).

Att'y Gen. v. Clarke (2008) ZLR [SC] (Zambia), available at <http://www.chr.up.ac.za/index.php/browse-by-country/zambia/500-zambia-attorney-general-v-clarke-2008-ahrlr-zasc-2008-.html> (finding presidential order to deport British newspaper columnist for satirical cartoon violated right to freedom of the press).

Peterson v. Sutter Med. Found., 615 F. Supp. 3d 1097 (N.D. Cal. 2022) (granting anti-SLAPP motion striking all state-law claims filed by plaintiff physician because they targeted speech in connection with medical peer review proceedings, which is constituted protected petitioning activity, as well as other First Amendment protected speech relating to matters of public interest).

Societe Des Hotels Meridien v. LaSalle Hotel Operating Partnership L.P., 280 F.3d 126 (2d Cir. 2004) (reversing District Court's dismissal of Lanham Act claim).

Laub v. Horbaczewski, 2019 WL 3492402 (C.D. Cal. July 30, 2019) (granting anti-SLAPP motion striking defamation counterclaim filed by counterclaimant represented by Morrison & Foerster and Davis Polk targeting edits to counterclaimant's Wikipedia page based on finding that challenged edits were not defamatory and were protected by the First Amendment).

Swords to Plowshares v. Kemp, 423 F. Supp. 2d 1031 (N.D. Cal. 2005) (San Francisco's Presidio remains federal enclave outside ambit of state regulatory authority).

Evanston Insur. Co. v. OEA, Inc., 2005 WL 3500799 (E.D. Cal. Dec. 20, 2005) (finding that California's choice-of-law rules required application of notice-prejudice rule recently adopted by Colorado Supreme Court).

Swords to Plowshares v. Kemp, 2005 WL 3882063 (N.D. Cal. Oct. 18, 2005) (public housing eviction notice violated due process; HUD regulation preempted state law).

Hillside Dairy, Inc. v. Kawamura, 317 F. Supp. 2d 1194 (E.D. Cal. 2004) (striking down dairy regulations as violative of dormant Commerce Clause).

Clearstream Communications, Inc. v. Murray, 2003 WL 24309646 (E.D. Cal. Jan. 15, 2003) (granting plaintiff summary judgment in fiduciary duty/legal malpractice suit).

Swords to Plowshares v. Smith, 294 F. Supp. 2d 1067 (N.D. Cal. 2002) (public housing eviction notice violated due process; HUD regulation preempted state law).

Shugart v. OEA, Inc., 2005 WL 1503812 (Cal. App. June 27, 2005) (reversing \$15 million verdict because the introduction of prejudicial evidence violated defendant's due process rights).

S.B. Beach Prop. v. Berti, 39 Cal. 4th 374 (2006) (delineating degree of protections afforded by anti-SLAPP statute when plaintiff's case terminates on other grounds before anti-SLAPP motion is decided) (amicus for former Colorado Gov. Richard Lamm).

Robles v. Chalilpoyil, 181 Cal. App. 4th 566 (2010) (establishing principles delineating interplay of the anti-SLAPP statute and attorneys' fiduciary obligations to their clients).

Rhein v. KNBR, Inc., 2006 WL 3193916 (Cal. Superior Mar. 1, 2006) (granting anti-SLAPP motion in wrongful termination/defamation action by radio producer).

Publications

One Toke Too Far: The Demise of the Dormant Commerce Clause's Extraterritoriality Doctrine Threatens the Marijuana Legalization Experiment, 58 B.C. L. REV. 953 (2017) (Boston College Law Review Symposium) (Symposium Chair and Co-Organizer).

The Monster Unleashed: How Hobby Lobby Threatens the Freedom of Employees to Practice Religion, 1 CONC. L. REV. 114 (2016).

Fear and Loathing in Colorado: Invoking the Supreme Court's State-Controversy Jurisdiction to Challenge the Marijuana-Legalization Experiment, 56 B.C. L. REV. 1829 (2015) (with Anne Mostad-Jensen).

The Fourth Zone of Presidential Power: Analyzing the Debt-Ceiling Standoffs Through the Prism of Youngstown Steel, 47 CONN. L. REV. 395 (2014).

- Cited by *Williams v. Lew*, 819 F.3d 466, 470 (D.C. Cir. 2016).

A Tale of Two Searches: Intrusive Civil-Discovery Rules Violate the Fourth Amendment, 46 CONN. L. REV. 1083 (2014).

Perverted Liberty: How the Supreme Court's Limitation of the Commerce Power Undermines Our Civil-Rights Laws, 41 CAP. U. L. REV. 49 (2013).

Trapped in the Amber: State Common Law, Employee Rights, and Federal Enclaves, 77 BROOK. L. REV. 499 (2012).

- Cited by *Ace Am. Insur. Co. v. AERCO Int'l, Inc.*, 2021 WL 859556, at *6 (E.D. Mo. Mar. 8, 2021); *JAAAT Tech. Servs., LLC v. Tetra Tech Tesoro, Inc.*, 2017 WL 4003026, at *3 (E.D. Va. Sept. 11, 2017); *JAAAT Tech. Servs., LLC v. Tetra Tech Tesoro, Inc.*, 2016 WL 1271039, at *5, *7 (E.D. Va. Mar. 29, 2016).

Lost in the Dismal Swamp: Interstate Class Actions, False Federalism, and the Dormant Commerce Clause, 79 GEO. WASH. L. REV. 995 (2011).

- Cited by *S.C. Johnson, Inc. v. Transp. Corp. of Am., Inc.*, 697 F.3d 544, 557 (7th Cir. 2012).

Rationalizing the Constitution: The Military Commissions Act and the Dubious Legacy of Ex Parte Quirin, 42 AKRON L. REV. 13 (2009).

Blogs

Do California Code of Civil Procedure § 425.17's Exclusions of Anti-SLAPP Protection for Certain Types of Commercial Speech Violate the First Amendment?, LEXOLOGY (Nov. 2, 2018).

Multiplying Loaves and Fishes: Why Congressional Debt-Ceiling Brinkmanship May Plunge Us into Economic Depression, PRAWFSBLAWG (Oct. 26, 2015) (with Jessica Berch).

Franchise Tax Bd. v. Hyatt: State Sovereign Immunity, Our Federalism, and Jerry Springer, PRAWFSBLAWG (Dec. 7, 2015) (with Jessica Berch).

News/Media

Chad has provided commentary on constitutional law matters for the *Washington Post*, NPR affiliate KBSX, ABC affiliate KIVI, C-Span, Sirius XM's *POTUS* program, and the legal blog *PrawfsBlawg*.