



## R. SHAWN GUNNARSON

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### SHAREHOLDER

Shawn Gunnarson is a member of the firm's Appellate, Litigation, and First Amendment and Religious Organizations sections. Before joining Kirton McConkie, he spent over a decade in Washington, DC. There, he served as senior counsel to U.S. Senator Robert F. Bennett, worked as an associate for the Washington office of White & Case, and litigated for the Washington Legal Foundation.

His practice focuses on critical motions and appeals in civil cases before the U.S. Supreme Court and other courts. He has extensive U.S. Supreme Court experience, having filed briefs or petitions in 65 cases before that Court, including six cases during the October 2018 term alone. For instance, he has obtained a grant of

certiorari, remand, and vacatur by the Supreme Court for his client in a Takings Clause case. He has also filed briefs in all but two U.S. Courts of Appeals.

He was recently appointed to a second four-year term as a member of the Utah Supreme Court Advisory Committee on Rules of Appellate Procedure. He is a member of the Utah State Bar and the DC Bar.

## EXPERIENCE

- Represented clients in 65 cases before the U.S. Supreme Court
  - Represented amici curiae before the Supreme Court in numerous religion cases under the First Amendment and federal statutes
  - Drafted a petition seeking Supreme Court review of a state court decision rendered contrary to the Federal Arbitration Act
  - Assisted pro bono in drafting a petition seeking Supreme Court review of a prisoner's claim that the state's denial of medical treatment violated the Eighth Amendment
  - Represented a landowner before the Supreme Court and South Carolina Supreme Court in a prominent regulatory takings case
- Assisted with civil appeals before federal appellate courts and state supreme courts involving the First Amendment, torts, choice of law, and state rules of civil procedure
- Assisted state-owned energy suppliers in complex and appellate litigation raising issues under the Foreign Sovereign Immunities Act, the domestic execution of international arbitral awards, and valid service of process on a foreign state
- Quoted in the Economist and Financial Times in articles discussing internet governance
- Advised global organizations on Internet governance, assisting them to formulate strategic recommendations to achieve their goals and to execute that strategy
- Served as senior counsel to U.S. Senator Robert F. Bennett, advising him on issues regarding constitutional law, intellectual property, internet governance, telecommunications, and cybersecurity
- Served as ex officio member of the CSIS Commission on Cybersecurity for the 44th presidency

## PRACTICE AREAS

APPELLATE  
LITIGATION  
COMPLEX COMMERCIAL  
LITIGATION  
FIRST AMENDMENT  
AND RELIGIOUS  
ORGANIZATIONS  
INTERNATIONAL DISPUTE  
RESOLUTION  
INTERNET GOVERNANCE

## R. SHAWN GUNNARSON

### ADMISSIONS & AFFILIATIONS

- Admissions:* District of Columbia, 2002  
Utah, 1995
- Other Admissions:* Supreme Court of the United States  
U.S. Court of Appeals for the Fourth Circuit  
U.S. Court of Appeals for the Fifth Circuit  
U.S. Court of Appeals for the Seventh Circuit  
U.S. Court of Appeals for the Ninth Circuit  
U.S. Court of Appeals for the Tenth Circuit  
U.S. Court of Appeals for the Federal Circuit  
U.S. District Court for the District of Utah
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### EDUCATION

- Brigham Young University J. Reuben Clark Law School, JD, *cum laude*, 1994  
Scholarly Writing Award, 1994  
Member, *BYU Law Review*, 1993-94
- Brigham Young University, BA, Political Science and Honors in Philosophy (University Honors with Thesis), *magna cum laude*, 1991
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### PUBLICATIONS & PRESENTATIONS

#### Speaking Engagements

- Religious Freedom Under the First Amendment, Fifth Annual Law and Religious Freedom Conference, University of Missouri - Kansas City School of Law, 05.30.2019
- Panel: Overview of Federal Free Exercise Protections, Second Annual Law and Religion Symposium, University of Washington School of Law, 05.17.2019
- Panel: Magna Carta in the Twenty-First Century, International Symposium on Magna Carta, Utah Valley University Center for Constitutional Studies, 02.17.2015
- Upheaval in Internet Ecosystems: Is Your Future Safe?, IMD Global Business Conference in Lausanne, Switzerland, 06.23.2013
- Co-Panelist on Governments: What is their role?, .nxt Conference, San Francisco, 08.24.2011
- Internet Governance and ICANN: Emerging Policy Issues, Joint Conference of the Centre for European Policy Studies and Technology Policy Institute, Brussels, 06.18.2010

#### Publications

- ICANN transition plan needs new ideas to ensure accountability, *The Hill*, 12.17.2014
- A Constitutional Solution for Internet Governance, *The Columbia Science and Technology Law Review*, 03.23.2013
- Who should run the internet? A plaything of powerful nations., *The Economist*, 10.01.2011
- Questions over who governs internet names, *Financial Times*, 07.07.2011
- New Top Level Domains and Disruptive Change on the Internet, *Bloomberg Law Report*, 06.27.2011
- Using History to Reshape the Discussion of Judicial Review (Comment), 1994 *BYU Law Review* (151, cited in *Harvard Journal of Law & Public Policy*, *New England Law Review*, *The Review of Politics*, and *The Supreme Court Economic Review*), 04.2001

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### **PUBLICATIONS & PRESENTATIONS CONTINUED**

- Just Compensation and the Endangered Species Act, ABA Handbook on the Endangered Species Act (2001) (cited in Yale Journal on Regulation)
- Note, No Constitutional Shelter, 7 B.Y.U. J. Pub. L. 413 (1993) (cited in B.Y.U. Law Review and George Mason Law Review), 04.1993