

Hon. Thomas B. Griffith (Ret.)

Arbitrator • Mediator • Mock Trial Judge • Special Discovery Master • Corporate Investigations



Judge Thomas B. Griffith serves through FedArb as an arbitrator, mediator, mock trial judge, special discovery master, and investigator. He brings particular value to disputes involving appellate, administrative, regulatory, energy, environmental, constitutional, civil rights, employment, and complex commercial issues. His fifteen years on the United States Court of Appeals for the District of Columbia Circuit, where he authored approximately 200 opinions, give him deep experience evaluating complex records, applying specialized statutory and regulatory frameworks, and resolving issues that sit at the intersection of law, policy, and institutional decision-making.

Judge Griffith served on the D.C. Circuit from 2005 to 2020. His judicial work included disputes involving federal agencies, energy markets and pipelines, environmental review, utility rates, administrative law, and congressional investigations. His opinions reflect experience with deferential standards of review, agency expertise, statutory interpretation, contractual and tariff language, standing and jurisdiction, and the practical consequences of regulatory decisions. That background informs his work for FedArb in matters requiring a neutral who can quickly understand technically demanding records and assess both legal merits and institutional context.

Judge Griffith also has extensive experience in investigations and strategic counseling. As Senate Legal Counsel, the nonpartisan chief legal officer of the United States Senate, he represented the Senate in litigation and advised Senate leadership and committees on investigations, including matters involving executive-branch relations and congressional oversight. He later served for five years as General Counsel of Brigham Young University, where he advised a major educational institution on legal, governance, regulatory, and operational matters. Earlier, as a litigation partner at Wiley, Rein & Fielding, he represented clients in complex litigation and appellate matters.

Judge Griffith is Special Counsel at Hunton Andrews Kurth and a Lecturer on Law at Harvard Law School. He previously taught at Stanford Law School and Brigham Young University and is a Senior Research Associate at Pembroke College, University of Oxford. He is active in rule-of-law and civic-institution projects in the United States and abroad and writes and speaks frequently about the judiciary, constitutional government, civic charity, civility, and the rule of law. His combination of judicial, governmental, institutional, academic, and private-practice experience allows him to contribute as a neutral, evaluator, mediator, mock trial judge, discovery master, or investigator in matters involving difficult legal questions and high-stakes institutional concerns.

Professional Background

- Special Counsel, Hunton Andrews Kurth LLP, Washington, D.C. (2021–present)
- Judge, United States Court of Appeals for the District of Columbia Circuit (2005–2020)
- General Counsel, Brigham Young University (2000–2005)
- Senate Legal Counsel, United States Senate (1995–1999)
- Litigation Partner, Wiley, Rein & Fielding, Washington, D.C.
- Lecturer on Law, Harvard Law School; previously Lecturer on Law at Stanford Law School and Brigham Young University
- Senior Research Associate, Pembroke College, University of Oxford

Areas of Expertise

- Appellate
- Business & Commercial Disputes
- Civil Rights
- Complex & Mass Litigation
- Corporate Investigations / White Collar
- Corporate Monitoring
- Employment & Ethics
- Energy, Oil, Gas & Water
- Environmental / CERCLA
- Healthcare & Injury
- Insurance / Reinsurance
- Product Liability
- Regulatory and Compliance
- Telecommunications

Affiliations and Professional Leadership

- Senior Research Associate, Pembroke College, University of Oxford
- Member, Article III Coalition
- Member, National Constitution Center AI Content Advisory Committee
- Member, Board of Directors, iCivics
- Member, Advisory Board, Karsh Institute of Democracy, University of Virginia
- Member, Board of Directors, Interfaith America
- Judge, Data Protection Review Court, U.S. Department of Justice, Office of Privacy and Civil Liberties
- Deputy Member, First Composition of the Advisory Group of Experts on the Evaluation of Candidates for the Position of Judge of the Constitutional Court of Ukraine
- Member, American Bar Association Task Force for American Democracy
- Board of Advisors, Bech-Loughlin First Amendment Center, University of Texas
- Member, American Law Institute
- Fellow, The Wheatley Institute
- Member, Board of Directors, U.S. Chamber Litigation Center
- Member, Presidential Commission on the Supreme Court of the United States
- Member, International Advisory Board, CEELI Institute in Prague
- Senior Advisor, National Institute for Civil Discourse
- Member, Advisory Board, Center for Constitutional Studies at Utah Valley University

- Member, Advisory Board, Election Official Legal Defense Fund
- Member, Secretary of Education's Commission on Opportunity in Athletics (Title IX Commission) (2002–2003)
- General Counsel, Congressional Advisory Commission on Electronic Commerce (1999–2000)

Honors and Recognition

- District of Columbia Circuit Professionalism Award, American Inns of Court (2026)
- George Sutherland Award (2025)
- Distinguished Public Service Award, BYU Management Society D.C. Chapter (2023)
- Lifetime Achievement Award, National Law Journal (2022)
- Defender of Democracy Award, Center for Election Innovation & Research (2022)
- Distinguished Service Award, Brigham Young University (2018)
- David W. Peck Sr. Medal for Eminence in the Law, Wabash College (2014)

Publications

- D.C. Circuit Review: Reviewed—The August Rush, Yale Journal on Regulation (August 16, 2026)
- In Defense of Justice Barrett—and the Independent Judiciary, Deseret News (co-author, July 11, 2026)
- D.C. Circuit Review—Reviewed: Celebrating America250 at the D.C. Circuit Judicial Conference, Yale Journal on Regulation (July 6, 2026)
- A Republic of Neighbors: How Moral Agency and Community Can Heal Our Divided Nation, Deseret News (co-author, July 5, 2026)
- The Architecture of Respect: Inside the D.C. Circuit, Judicature, vol. 109, no. 3 (2026)
- D.C. Circuit Review—Reviewed: AI in War, Historic Tribal Site, Sexual Harassment Defamation, Yale Journal on Regulation (May 23, 2026)
- A Theology Against Culture Warring, The Dispatch (May 17, 2026)
- D.C. Circuit Review—Reviewed: Hope Springs Eternal for Unanimity, Yale Journal on Regulation (April 13, 2026)
- Is the Republic in the Midst of a Constitutional Crisis?, Deseret News (March 21, 2026)
- Justice Gorsuch's Powerful Lesson for the United States, Deseret News (co-author, March 2, 2026)
- D.C. Circuit Review—Reviewed: Two Run-of-the-Mill Cases and a Blockbuster En Banc Hearing, Yale Journal on Regulation (March 1, 2026)
- D.C. Circuit Review—Reviewed: Mine Run on the D.C. Circuit, Yale Journal on Regulation (January 19, 2026)
- D.C. Circuit Review—Reviewed: Just in the Nick of Time, Yale Journal on Regulation (December 8, 2025)
- A Model for How to Approach Disagreements on Contentious Issues with Civility and Respect, Deseret News (November 18, 2025)
- D.C. Circuit Review—Reviewed: A Reading Recommendation, Yale Journal on Regulation (October 26, 2025)
- In the Framers We Trust, NYU Law Democracy Project (September 12, 2025)
- On the Perpetuation of Our Constitution and Civic Charity, Yale Law Journal (February 25, 2025)
- Why It Is Important to Support the Federal Judiciary as They Wrestle with Major Issues, Deseret News (February 17, 2025)
- Claims of a Stolen Election Undermine Our Democracy, Deseret News (October 15, 2024)
- Restoring Respect in Public Discourse: An Appeal to the Legal Profession and All Americans, American Bar Association (September 30, 2024)
- Promoting the Rule of Law in Ukraine Sets an Example for the Entire World, Deseret News (August 2, 2024)
- Toxic Political Polarization and the Judiciary, Harvard Journal of Law & Public Policy Per Curiam, no. 10 (Summer 2024)

- Compromise for the Sake of Unity, Deseret News (February 17, 2024)
- Remarks at the Celebration of the 10th Anniversary of the Religious Liberty Clinic at Stanford Law School (June 12, 2023)
- Deference, Delegation, and Divination: Justice Breyer and the Future of the Major Questions Doctrine, Yale Law Journal (co-author, November 21, 2022)
- Yeshiva University Fights for Its Freedom of Religion, Wall Street Journal (August 29, 2022)
- Telling the Truth about the 2020 Election, National Review (co-author, July 22, 2022)
- Lost, Not Stolen: The Conservative Case that Trump Lost and Biden Won the 2020 Presidential Election, LostNotStolen.org (co-author, July 2022)
- The 2020 Election Was Lost, Not Stolen, Deseret News (July 14, 2022)
- Supreme Court Justices Aren't Partisans in Robes, Deseret News (May 11, 2022)
- The Role of the Article III Judge, BYU Studies Quarterly (March 28, 2022)
- D.C. Circuit Review—Reviewed: Justice Breyer's Replacement and the D.C. Circuit, Yale Journal on Regulation (January 29, 2022)
- The Presidential Commission on the Supreme Court, Yale Journal on Regulation (co-author, December 13, 2021)
- How Judicial Activism on the Right and Left Is Threatening the Constitution, Deseret Magazine (February 1, 2021)
- The Degradation of Civic Charity, 134 Harvard Law Review Forum 119 (2020)
- Civic Charity and the Constitution, 43 Harvard Journal of Law & Public Policy 633 (2020)
- Amy Coney Barrett's Religion Won't Dictate Her Rulings, Bloomberg Opinion (October 12, 2020)
- Was Bork Right About Judges?, 34 Harvard Journal of Law & Public Policy 157, 159–62 (2011)

Presentations Speaking Engagements and Events

- The Rule of Law Event, Virginia Law Foundation — Speaker (October 8, 2026)
- The Transatlantic Partnership: A Constitutional Perspective, Embassy of Germany and Konrad Adenauer Stiftung USA — Panelist (September 29, 2026)
- Forming a More Perfect Union in a Polarized Time, American Bar Foundation — Presenter (September 24, 2026)
- Celebrating Constitution Day: Why the Constitution Matters in Today's Changing World, ABA Task Force for American Democracy — Panelist (September 17, 2026)
- Conscience and Compromise Panel, Wheatley Institute and George Washington University Law School — Moderator (September 16, 2026)
- How to Form a More Perfect Union in a Polarized Nation, Judicial Education Institute — Speaker (2026)
- Civility vs. Collegiality, Advisory Opinions Podcast — Featured guest with Judge David Tatel (August 25, 2026)
- Court & Counsel Webinar Series: Supreme Court October 2025 Term in Review — Presenter (July 15, 2026)
- We Hold These Truths to Be Self-Evident, Washington National Cathedral — Participant (July 3, 2026)
- Civility, Education, and the Future of Our Republic, St. John's College — Speaker (June 12, 2026)
- Separation of Powers and the Rule of Law, Article III Coalition and National Constitution Center — Panelist (June 1, 2026)
- Law Day 2026, Task Force for American Democracy — Speaker (May 1, 2026)
- Symposium on Neither Sword Nor Purse, University of Washington School of Law — Moderator and panelist (April 17–18, 2026)
- Bolch Prize Lunch Program: Civility in the Courts, Duke Law — Speaker (April 15, 2026)
- Judicial Collegiality in a Time of Partisan Polarization, University of Virginia School of Law — Speaker (April 7, 2026)

- Facts, Pretexts, and Judicial Scrutiny of Executive Power, NYU School of Law — Speaker (April 1, 2026)
- Faith & Veritas, Harvard Law School — Speaker (March 28, 2026)
- A Non-Partisan Inquiry into the Federal Judiciary, NACD — Speaker (March 25, 2026)
- Finding Common Ground, UC Berkeley Law — Speaker (February 17, 2026)
- Bridging Ideological Divides for Impactful Outcomes, Yale Philanthropy Conference — Panelist (February 6, 2026)
- Navigating Emerging Administrative, Regulatory, and Government Trends in 2026 — CLE webinar presenter (February 5, 2026)
- Executive Power: How Much Is Too Much?, Federal Bar Council Winter Bench & Bar Conference — Panelist (February 2, 2026)
- A Conversation About Judicial Independence & Economic Stability, U.S. Chamber of Commerce — Panelist (January 14, 2026)
- Toward a Better Politics, Washington National Cathedral — Speaker (December 9, 2025)
- How to Create a More Perfect Union Out of a Polarized Nation, National Council for the Social Studies — Speaker (December 6, 2025)
- The Role of a Judge, Canterbury Institute, University of Oxford — Speaker (December 2, 2025)
- Rosenkranz Debate & Luncheon, National Lawyers Convention — Moderator (November 8, 2025)
- A More Perfect Union Out of a Polarized Nation, BYU Law Forum — Speaker (November 5, 2025)
- The Constitution and the Clinton Impeachment, American College of Trial Lawyers — Speaker (October 10, 2025)
- Faith in the Public Arena, Forum on Faith — Panelist and speaker (October 9, 2025)
- Learning to Disagree in a Pluralistic Society — Panelist (September 18, 2025)
- The Fourth American Revolution: How to Create a More Perfect Union Out of Our Polarized Nation, American Inns of Court — Presenter (September 17, 2025)
- Checks and Balances and the Future of the Supreme Court, Kohlberg Center — Speaker (June 10, 2025)
- Rule of Law and Constitutional Crises for Lawyer Ambassadors, Washington State Bar Association — CLE webinar speaker (May 6, 2025)
- Celebrating William J. Stuntz, Harvard Law Today — Moderator (April 24, 2025)
- William J. Stuntz Legacy Project Fireside Chat, Harvard Law School — Moderator (April 2, 2025)
- Navigating Political Polarization: A Call to Constitutional Action, Utah State University — Keynote speaker (March 25, 2024)
- Constitutional Crisis: What Is It and Are We in One?, American Academy of Arts & Sciences — Speaker (March 14, 2025)
- The Constitution and the High Court: Our Compass in a Changing World, Embassy of Germany — Panelist with Justice Stephen G. Breyer (March 4, 2025)
- American Covenant, Sutherland Institute — Interviewed alongside Yuval Levin by Governor Spencer Cox (February 25, 2025)
- A New Political Reality: The Trump 2.0 Administration, Business for America — Speaker (January 29, 2025)
- Utah Interfaith Fireside 2025 Inauguration Celebration — Speaker (January 5, 2025)
- How to Strengthen American Democracy, Conference Board Chief Legal Officers Council — Moderator (December 4, 2024)
- Peacemakers Needed Lecture Series, BYU Law — Speaker (September 4, 2024)
- Disagree Better 2024 Summit, National Institute for Civil Discourse — Speaker (August 14, 2024)
- Disagreeing Better, American Bar Association — Panelist (August 6, 2024)
- How to Remove Contempt from Our Political Discourse, ABA Democracy Summit — Moderator (July 31, 2024)
- Judicial Perspectives on Religious Liberty, Notre Dame Religious Liberty Summit — Panelist (July 9, 2024)

- How Can Our Elections Be More Trustworthy?, Braver Angels Convention — Moderator (June 28, 2024)
- Civic Charity and the Constitution, Braver Angels Convention — Speaker (June 28, 2024)
- Bonds of Affection: Is Unity Possible in a Divided America?, American Enterprise Institute — Moderator (May 16, 2024)
- Religious Freedom Symposium & Gala, Harvard Law School — Speaker (April 11, 2024)
- Across the Aisle Series, University of Missouri Law School — Speaker (April 9, 2024)
- Crossing Divides Speaker Series, Yale Law School — Speaker (April 3, 2024)
- NGA Winter Meeting — Moderator of a discussion between Justices Sonia Sotomayor and Amy Coney Barrett (February 23, 2024)
- How to Support and Defend the Constitution in a Divided Nation, BYU — Speaker (February 15, 2024)
- Government Enforcement & Investigations Seminar, Federal Bar Association — Keynote (February 6, 2024)
- ABA Task Force for American Democracy Program, Association of American Law Schools — Moderator (January 6, 2024)
- Making Men Moral: 30th Anniversary Conference, AEI — Moderator (December 1, 2023)
- Public Trust and the Judiciary, Lawyers for Civil Justice — Speaker (November 30, 2023)
- National Lawyers Convention, Federalist Society — Speaker (November 9, 2023)
- The Future of the Major Questions Doctrine, Yale Law School — Speaker (November 2, 2023)
- Stanford Law School Religious Liberty Clinic 10th Anniversary Conference — Participant (October 17, 2023; March 16, 2023)
- Defamation and the First Amendment, Columbus School of Law — Panelist (March 2, 2023)
- Seigenthaler Debate, Catholic University Columbus School of Law — Moderator (February 13, 2023)
- The Future of Judicial Conservatism, Georgetown Law Center — Speaker (February 7, 2023)
- Administrative Law in the States Symposium, Harvard Journal of Law & Public Policy — Moderator (January 9, 2023)
- Bringing the Federal Courts Out of SCOTUS's Shadow, Federalist Society — Speaker (December 13, 2022)
- Render Law Unto Congress and Execution Unto the Executive, Federalist Society — Speaker (December 1, 2022)
- Advancing Religious Freedom in a Divided America, International Center for Law and Religion Studies — Keynote (November 15, 2022)
- DFW Interfaith Summit — Closing keynote (October 27, 2022)
- National Institute for Civil Discourse Judicial Panel — Panelist (October 27, 2022)
- The Ames Moot Court Competition, Harvard Law School — Judge (April 14, 2021)
- Robert J. Beaudry Moot Court Competition, Georgetown University Law Center — Judge (March 31, 2021)
- Moving Forward with Civility, Utah Valley University — Speaker (March 24, 2021)
- Virtual Mock Trial, Shakespeare Theatre Company — Judge (March 11, 2021)
- Civic Charity: A Key to Legal Professionalism — Speaker (February 25, 2021)
- U.S. Supreme Court Confirmation Hearing of Justice Amy Coney Barrett, U.S. Senate Judiciary Committee — Witness (October 2020)

Bar Admissions

- District of Columbia

Education

- J.D., University of Virginia School of Law, 1985
- B.A., Brigham Young University, summa cum laude, 1978