

HEATHER K. GERKEN

Yale Law School
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EMPLOYMENT:

Yale Law School

Dean and Sol & Lillian Goldman
Professor of Law
July, 2017–present

J. Skelly Wright Professor of Law
November 2008–June 2017

Professor of Law
July 2006–November 2008

Visiting Professor of Law
September 2005–June 2006

Harvard Law School

Professor of Law
July 2005–June 2006

Assistant Professor of Law
July 2000–June 2005

**Harvard University Center for Ethics and
the Profession**

Eugene P. Beard Faculty Fellow
September 2003–June 2004

Jenner & Block, Washington D.C.

Associate, December 1996–July 2000

**Justice David H. Souter,
Supreme Court of the United States**

Law Clerk, July 1995 - July 1996

**Judge Stephen Reinhardt,
U.S. Court of Appeals for the Ninth Circuit**

Law Clerk, June 1994–June 1995

EDUCATION:

University of Michigan Law School, J.D., May 1994

- *Summa cum laude*; Order of the Coif
- Henry M. Bates Memorial Scholarship: highest honor awarded to a graduating student
- Clarence Darrow Scholarship: full-tuition merit scholarship
- Editor-in-Chief, *Michigan Law Review*
- Commencement Speaker
- *Other Honors and Awards*: Robert S. Feldman Labor Law Award; ABA-BNA Labor and Employment Law Award

Princeton University, History, B.A., June 1991

- *Summa cum laude*; Phi Beta Kappa
- Dodds Prize: one of four top prizes awarded to graduating seniors
- Princeton University Scholar; Kenneth C. Harris Award for research
Senior Thesis: *Stepping Out of the Bounds of Womanhood: An Analysis of Rosie the Riveter and the Women Who Worked During World War II*

SCHOLARLY PUBLICATIONS:

BOOKS

The Democracy Index: Why Our Election System is Failing and How to Fix It (Princeton University Press 2009)

Editor, *Race, Reform, and Regulation of the Electoral Process: Recurring Puzzles in American Democracy* (with Guy-Uriel Charles and Michael Kang) (2010)

ARTICLES, ESSAYS, AND REVIEWS

Second-Order Diversity: Decentralization's Egalitarian Possibilities (forthcoming volume, Danielle Allen, ed. 2017)

Presentation on Behalf of the Social Sciences, 52 Am. Acad. Arts & Sciences 8 (Winter 2018)

The Jorde Lecture: A Research Agenda for Federalism in the 21st Century, 105 Cal. L. Rev. 1695 (2017)

Federalism: A User's Guide, 45 Hofstra L. Rev. 1087 (2017)

Playing Cards in a Hurricane: Party Reform in an Age of Polarization, 54 Hous. L. Rev. 911 (2017)

Progressive Federalism: A User's Guide, 44 *Democracy Journal* (Spring 2017)

The Taft Lecture: Living Under Someone Else's Law, 84 *U. Cincinnati L. Rev.* 377 (2016)

Beyond Sovereignty, Beyond Autonomy: A Nationalist's View of Federalism's Future, National Constitution Center's Interactive Constitution Project (2016)

Article I, Section 8: Federalism and the Overall Scope of Federal Power, National Constitution Center's Interactive Constitution Project (with Randy Barnett) (2016)

"The *Citizens United* Trilogy: The Myth, the True Tale, and the Story Yet to Come," in *Election Law Stories* 359 (2016) (with Erica Newland)

The Right to Vote: A Conversation with the Co-Chairs of the Presidential Commission on Election Administration, 159 *Proceedings Am. Phil. Soc.* 17 (March 2015)

The Real Problem with Citizens United: Campaign Finance, Dark Money, and Shadow Parties, 159 *Proceedings Am. Phil. Soc.* 5 (March 2015)

The Childress Lecture, Federalism and Nationalism: Time for a Détente?, 59 *St. Louis. L. Rev.* 997 (2015).

An Academic Elegy, 100 *Iowa L. Rev.* 109 (2015)

The Craft of Interpreting the Declaration of Independence, *Crooked Timber* (June 15, 2015)

The Party's Over: Shadow Parties, Campaign Finance, and the Legacy of McCutcheon, 2014 *Sup. Ct. Rev.* 175 (with Joseph Fishkin)

The Interlocking Gears of Rights and Structure: Why the Critics Are Wrong about U.S. v. Windsor, 95 *B.U. L. Rev.* 487 (2015) (Boston University's Annual Distinguished Lecture)

Living Under Someone Else's Law, *Democracy Journal* 24 (Spring 2015) (with James Dawson)

Slipping the Bonds of Federalism, 128 *Harv. L. Rev.* 85 (2014)

The Political Safeguards of Horizontal Federalism, 113 *Mich. L. Rev.* 57 (2014) (with Ari Holtzblatt)

The Right to Vote: Is the Amendment Game Worth the Candle?, 23 *Wm. & Mary L. Rev.* 11 (2014)

How to Teach the Socratic Method with a Heart, 21 *The Law Teacher* 24 (Fall 2014)

Polarization at the Local Level, *Marquette Lawyer* 13 (Fall 2014)

The Two Trends That Matter for Party Politics, 89 N.Y.U. L. Rev. Online 32 (2014) (with Joseph Fishkin)

The Real Problem with Citizens United: Campaign Finance, Dark Money, and Shadow Parties, 97 Marquette L. Rev. 904 (2014).

Federalism as the New Nationalism: An Overview, 123 Yale L.J. 1889 (2014)

The Loyal Opposition, 123 Yale L.J. 1958 (2014)

A Public Finance Model for Lobbying: Lobbying, Campaign Finance, and the Privatization of Democracy, 13 Elec. L. J. 75 (2014) (with Alex Tausanovitch)

The Federalis(m) Society, 36 Harv. J. L. & Pub. Pol'y 943 (2013)

Abandoning Bad Ideas and Disregarding Good Ones for the Right Reasons: Reflections on a Festschrift, 48 Tulsa L. Rev. 535 (2013)

Exit, Voice, and Disloyalty, 62 Duke L.J. 1349 (2013)

Make It Easy: The Case for Automatic Registration, 28 Dem. J. 17 (2013)

Déjà vu All Over Again: Courts, Corporate Law, and Election Law, 126 Harv. L. Rev. 86 (2013) (with Michael Kang)

Federalism(s), 53 Wm. & Mary L. Rev. 1549 (2012)

A New Progressive Federalism, 24 Dem. J. 37 (Spring 2012)

Comment, *The Constitution, the Practice of Democracy, and Unintended Consequences*, Bulletin of the American Academy of Arts and Sciences, Winter 2012, at 26.

Keynote Address: Lobbying as the New Campaign Finance, 27 Georgia St. L. Rev. 1155 (2011)

The Foreword: Federalism All the Way Down, 124 Harv. L. Rev. 4 (2010)

Judge Stories: Clerking for Judge Reinhardt, 120 Yale L.J. 529 (2010)

“The Institutional Turn in Election Law Scholarship” (with Michael Kang), in *Race, Reform, and Regulation of the Electoral Process: Recurring Puzzles in American Democracy* (Gerken, Charles, and Kang eds.) (2010)

Keynote Address, What Election Law Has to Say to Constitutional Law, 44 Ind. L. Rev. 7 (2010)

Getting From Here to There in Redistricting Reform, 5 Duke J. Const. L. & Pol'y 1 (2010)

Creating Better Heuristics in the Presidential Nominating Process: Why a Citizens Assembly

Beats Out Iowa and New Hampshire, 125 Pol. Sci. Q. 233 (2010) (with Doug Rand)

Clerking for Justice Souter, 35 J. Sup. Ct. Hist. 4 (2010)

Mexico's Election Reforms: A Comparative View, 2 Mexican L. Rev. 163 (July-December 2009)

In Praise of Rankings, John L. Gedid Lecture Series, 19 Widener L. Rev. 1 (2009)

Dean's Lecture, *The Invisible Election: Making Policy in World Without Data*, 35 Ohio Northern L. Rev. 1013 (2009)

Making Democracy Work, Book Review (*The Concept of Constituency: Political Representation, Democratic Legitimacy, and Institutional Design*, by Andrew Rehfeld; *Saving Democracy: A Plan for Real Representation in America*, by Kevin O'Leary), 37 Pol. Theory 838 (2009).

Uncooperative Federalism, 118 Yale L.J. 1256 (2009) (with Jessica Bulman-Pozen)

"Provisional Ballots: The Miner's Canary for Election Administration," in *Provisional Ballots: An Imperfect Solution* (Report of the Pew Center on the States, 2009).

Getting from Here to There in Election Reform, 34 Okla. City. Univ. L. Rev. 33 (2009)

Shortcuts to Reform, 93 Minn. L. Rev. 1582 (2009)

Replacing Section 5 of the Voting Rights Act: An Opt-In Approach, White Paper, The Tobin Project, www.tobinproject.org/papers/Heather_Gerken_paper.pdf

The (Winding) Road Ahead, "Data for Democracy: Improving Elections Through Metrics and Measurement," 43 (Pew Center on the States 2008)

Larry and Lawrence, 42 Tulsa L. Rev. 843 (2007)

Justice Kennedy and the Domains of Equal Protection, 121 Harv. L. Rev. 104 (2007)

Rashomon and the Roberts Court, 68 Ohio St. L. J. 1213 (2007)

The Hydraulics of Constitutional Reform: A Skeptical Response to Our Undemocratic Constitution, 55 Drake L. Rev. 925 (2007)

The Double-Edged Sword of Independence: Inoculating Electoral Reform Commissions Against Everyday Politics, 6 ELEC. L. J. 184 (April 2007)

Of Sovereigns and Servants, 115 YALE L. J. 2634 (2006)

A Third Way: Section 5 and the Opt-In Approach, in THE FUTURE OF THE VOTING RIGHTS ACT 277 (Epstein et al. 2006)

A Third Way for the Voting Rights Act: Section 5 and the Opt-In Approach, 106 COLUM. L. REV. 708 (2006)

Dissent, Diversity, and the Global Polity, in THE LEAST EXAMINED BRANCH: THE ROLE OF LEGISLATURES IN THE CONSTITUTIONAL STATE 547 (eds. Bauman & Kahana 2006)

Dissenting by Deciding, 57 STAN. L. REV. 1745 (2005)

Second-Order Diversity, 118 HARV. L. REV. 1099 (2005)

Lost in the Political Thicket: The Supreme Court, Election Law, and The Doctrinal Interregnum, 153 U. PENN. L. REV. 503 (2004)

The Costs and Causes of Minimalism in Voting Cases: Baker v. Carr and Its Progeny, 80 N.C. L. REV. 1411 (2002)

Election Law Exceptionalism? A Bird's Eye View of the Symposium, 82 B.U. L. REV. 737 (2002)

Understanding the Right to an Undiluted Vote, 114 HARV. L. REV. 1663 (2001)

Morgan Kousser's Noble Dream, 99 MICH. L. REV. 1298 (2001)

New Wine in Old Bottles: A Comment on Richard Hasen's and Richard Briffault's Essays on Bush v. Gore, 29 FLA. ST. UNIV. L. REV. 407 (2001)

Note, *Understanding Mixed-Motives Claims Under the Civil Rights Act of 1991*, 91 MICH. L. REV. 1824 (1993)

SELECT POPULAR PUBLICATIONS:

Semi-regular contributor to Balkinization, Election Law Blog, Room for Debate, and Politico.

“Campus Free Speech is Not Up for Debate,” *Time Magazine* (July 13, 2017)

“Federalism is Dead: Long Live Federalism,” *The Atlantic* (June 28, 2017)

“We’re About to See States’ Rights Used Defensively Against Trump,” *Vox* (Dec. 12, 2016)

“Wisconsin Court Case May Be Last Hope to Fix Gerrymandering Before 2020,” *Vox* (Dec. 1, 2016)

“Uncooperative Federalism,” *The Nation* (Nov. 29, 2016)

“On Voting Rights, Amendments Are Too Hard to Achieve and Enforce,” *New York Times Online* (November 4, 2014)

“The ‘Bad News Bears’ of Elections,” *The Hill* (June 4, 2014)

“The Real Problem with *Citizens United*,” *Marquette Lawyer* (Summer 2014)

“Rerouting the flow of ‘dark money’ into political campaigns,” *Washington Post* (April 3, 2014) (with Wade Gibson and Webb Lyons)

“The Fox and the Hedgehog: How Do We Achieve Political Accountability Given What Voters (Don’t) Know?,” *Cato Unbound* (October 14, 2013)

“Goodbye to the Crown Jewel of the Civil Rights Movement,” *Slate* (June, 2013)

“Real State Power Means Getting in the Obama Care Game,” *Harvard Business Review Online*, (April 2, 2013) (with Ted Ruger)

“No Middle Ground,” *New York Times Online* (June 27, 2011)

“Coloring Inside the Lines,” *Slate* (November 10, 2010)

“The Real Problem With *Citizens United*,” *American Prospect Online* (January 22, 2010)

“A Silver Lining,” *New York Times Online* (January 21, 2010)

“Will History Repeat Itself?,” *Huffington Post* (October 29, 2009)

“A False Depiction of Judging,” *New York Times Online* (July 15, 2009)

“Four Lawyers Review Sotomayor’s Performance,” *Wall Street Journal* (July 17, 2009).

“An Uncertain Fate for the Voting Rights Act,” *American Prospect Online* (June 23, 2009)

“Race, Voting Rights, and the Genius of Justice Souter,” *American Prospect Online* (May 5, 2009)

“A Common Law Judge,” *New York Times Online* (May 4, 2009)

“Our Elections Run Well, Don’t They?,” *Minneapolis Star Tribune*, March 30, 2009

“We Have the Facts and We’re Voting Yes,” *The American Prospect*, March 27, 2009

The Case for Keeping Score, “Revitalizing Democracy: Special Report,” *The American Prospect*

(January/February 2009)

The Invisible Election, Election Law Blog, November 16, 2008

Shadow districting commissions, Balkinization (series of posts dated May 5, 6, 31 & June 4, 2008)

Out of the Shadows: Private redistricting can help overcome lawmakers' partisanship, LEGAL TIMES (Vol. XXXI, No. 18, May 5, 2008)

Fixing Democracy, Brennan Center for Democracy Blog (May, 2008)

Justice Kennedy's Emerging Vision of Race, Balkinization (series of posts dated September 25 - 27, 2007)

A New Agenda for Election Law Scholarship, Balkinization (series of posts dated June 18- 22, 2007)

New Style of Election Reform Begins to Emerge, ROLL CALL (Tues. March 27, 2007).

How Does Your State Rank on the Democracy Index? LEGAL TIMES (Vol. XXX, No. 1, January 1, 2007)

Six Ways to Reform Democracy, Seeds of Change Forum, BOSTON REVIEW (November/December 2006)

Let's Shift Gears in Voting-Rights Enforcement, ROLL CALL (Dec. 12, 2005)

Next Time, Start with the People, Balkinization, Nov. 10, 2004 (with Chris Elmendorf)

Citizens Must Drive Electoral Reform, ROLL CALL (Nov. 15, 2005)

For Shame: How to Embarrass States into Election Reform, TNR-Online (Sept. 28, 2005)

Race (Optional), The New Republic (Sept. 15, 2005).

Lost in the Political Thicket, LEGAL AFFAIRS (November/December 2004) 22.

Bigger Issues, New Democracy Forum, 26 BOSTON REVIEW 18 (2001)

WORKS IN PROGRESS:

The Myth of the Laboratories of Democracy

The Loyal Opposition (book project)

“Getting From Here to There in Election Reform: A Trio of Ideas” (April 12, 2010)

OTHER

Scholarship

Work featured in the Politico’s Top 50 Ideas 2017 Issue, Boston Globe’s Ideas Section, the Atlantic “Ideas of the Year” 2013 Issue, the New York Times, NPR, and Time Magazine.

Honoree, “Not Your Father’s Federalism,” Tulsa Law Review Legal Scholarship Symposium Honoring the Work of Heather Gerken, University of Tulsa College of Law

Symposium Devoted to “Federalism All the Way Down,” Colorado Law School

Symposium Devoted to “Federalism and Nationalism: Time for a Détente?” Childress Lecture, St. Louis University

Member of the American Academy of Arts and Sciences

Order of the Coif Distinguished Visitor 2011-2012

Green Bag Exemplary Legal Writing 2010 Honoree

Board Member, Foundations Press

Teaching

Named one of the 26 Best Law Teachers in the Country, *What the Best Law Teachers Do* (Harvard University Press 2013).

Subject of National Law Journal article, “This Scholar’s Comfortable in the Classroom,” for balancing teaching and research.

Yale Law Women Faculty Teaching Award, Yale Law School, 2009. Awarded to one member of the faculty each year.

Sachs-Freund Award for Teaching Excellence, Harvard Law School, 2003. Awarded to one member of the faculty each year.

Service/Reform/Political Work

Proposed creating a “Democracy Index” in 2007. The proposal was incorporated into three separate bills (sponsored by Senators Hillary Clinton and Barack Obama and Representative Israel). The Pew Trusts made the idea a reality, releasing the nation’s first Election Performance Index in the spring of 2013.

Featured on NPR's On the Media, "A Modest Election Finance Reform Proposal (That Might Actually Work)" (October 2014)

Senior Adviser, Obama for America Reelection, 2011-2012. Member of the National Election Protection Team and the Boiler Room "Legal Brain Trust."

Senior Adviser, Obama for America, 2007-2008. Member of the National Election Protection Team and the Boiler Room Team.

Co-founder and Adviser, San Francisco Affirmative Litigation Project, Yale Law School. Program allows students to do cutting-edge structural reform litigation in conjunction with the nationally renowned San Francisco City Attorney's office. The program has become a national model and helped focus attention on local government work as a source for change.

Trustee, Mellon Foundation, 2018 – present

Trustee, Princeton University, 2014-18

Commissioner, Bipartisan Policy Center Commission on Political Reform

Testified before the Senate Rules Committee on the constitutionality of campaign-finance reform in the wake of *Citizens United*, on data collection and election administration, and on the constitutionality of disclosure rules.

Testified on federalism before the Speaker's Task Force on Intergovernmental Affairs, United States House of Representatives

Testified before Massachusetts legislature on redistricting and special elections.

Counsel of Record, Amicus Brief on behalf of Heather K. Gerken, Jonathan N. Katz, Gary King, and Samuel S.-H. Wang, *Gill v. Whitford*, Supreme Court

Member, Advisory Committee to the Standing Committee on Election Law, ABA

Originated idea for Harvard Law School's 1L Reading Groups

Member, Outside Review Team, Moritz Law School, Ohio State

Member, Academic Steering Committee; Chair (2005-2010), Democratic Governance Working Group, The Tobin Project. Program designed to connect academics to policymakers.

Trustee, Campaign Legal Center. Nonpartisan group dedicated to election reform. 2007-2016.

Participant, New Haven Teachers Institute. Work with New Haven teachers to

build curricula on Citizenship and Identity.

Member, Election Performance Index Advisory Group, the Pew Trusts

Member, Advisory Committee, MIT Election Data and Science Lab

Member, Connecticut Elections Performance Task Force

Member, Advisory Group, State Election Web Site Assessment. Project jointly sponsored by the California Voter Foundation and the Center for Governmental Studies.

Board of Supervisors, Center on Law and Redistricting

Member, State Election Web Site Assessment Project, California Voter Foundation and Center for Governmental Studies

Member, ABA Redistricting Task Force. Task force charged with recommending best practices for redistricting.

Member, American Law Institute

Member, Supreme Court Bar (2017), Connecticut Bar (2017), District of Columbia Bar (1998), Maryland Bar (1997).

Misc.

Featured guest cook for www.dramaticpancake.com

SELECT PRESENTATIONS, CONFERENCES, AND MAJOR SPEECHES:

May 2, 2018 Federalism in the Era of Trump: Resistance, Reform, and Compromise, Princeton University

April 2018 The Sibley Lecture, “The Lessons of Lawyering: Why Ours is an Honorable Profession,” University of Georgia Law School

One Person, One Vote, The Eric Holder Initiative, Columbia

University, New York City

- February 2017 “How the Right and Left Can Unite Around Federalism,” National Constitution Center, Washington DC
- February 2017 “Civil Rights and the Supreme Court,” Panel, New York Historical Society
- November 2017 Panel, “Is Federalism for Everyone?” Federalist Society National Convention, Washington DC
- October 2017 Testimony on federalism before the Speaker’s Task Force on Intergovernmental Affairs, House of Representatives, Washington, DC.
- Speech on Behalf of the Social Sciences, American Academy of Arts and Sciences, Cambridge MA
- The National Popular Vote Compact: An Election Lawyer’s Perspective, Making Every Vote Count, Washington DC
- June 2017 “Going Rogue: What Happens When the State and Federal Government Disagree?” Aspen Ideas Festival
- June 2017 Keynote Address, Connecticut Bar Association Annual Meeting
- June 2017 “Progressive Federalism,” American Constitution Society Convention, Washington DC
- June 2017 “Women in Leadership,” Women’s Campaign School, Yale Law School
- March 2017 The Jorde Lecture: “Federalism 3.0,” NYU Law School
- February 2017 Distinguished Scholars-in-Residence Lecture, “Progressive Federalism: A User’s Guide,” Hofstra Law School
- November 2016 “Playing Cards in a Hurricane: Party Reform in an Age of Polarization,” Houston School of Law, Houston
- October 2016 “The 2016 Election: Lessons Learned, Lessons Defied, and a Look to the Future,” Princeton University Alumni Association, New Haven
- October 2016 The Jorde Lecture: “Federalism 3.0,” Berkeley Law School

October 2016 “Decentralization’s Democratic Possibilities,” University of Chicago Law School

September 2016 “Second-Order Diversity, Decentralization’s Democratic Possibilities,” Safra Center on Ethics and the Profession, Harvard University

April 2016 Federalism 3.0, Faculty Workshop, Yale Law School

April 2016 “The Loyal Opposition,” Law and Public Affairs Program, Princeton University

March 2016 Federalism 3.0, Duke Law School Faculty Workshop

January 2016 Commentator, Redistricting Panel, Law of Democracy Symposium, Stanford Law School

January 2016 Edward Barrett, Jr. Lecture on Constitutional Law, “The Real Problem with *Citizens United*,” UC Davis Law School

January 2016 Federalism 3.0, Stanford Law School Faculty Workshop

October 2015 Madison as an Unreliable Narrator, Symposium on “Madison’s Hand,” Clough Center, Boston College School of Law

October 2015 The Taft Lecture: Living Under Someone Else’s Law, University of Cincinnati Law School

September 2015 Amicus Curiae Lecture, “The Real Problem with *Citizens United*: Campaign Finance, Dark Money, and Shadow Parties,” Simon Perry Center for Constitutional Democracy, Marshall University

June 2015 “Jerry’s *We*,” Symposium to Celebrate the work of Jerry Frug, Harvard Law School

June, 2015 *The Truth About Citizens United*, Yale University Reunions

April 2015 “Money in Politics: A Discussion of Recent Developments,” Dartmouth College

April 2015 The Volk Lecture, “Shadow Money and Dark Parties,” Dartmouth College

April 2015 “Normalizing the New Normal,” The New Normal in Election and Political Law, Yale Law School

April 2015 “The Loyal Opposition,” Wesleyan University

March 2015 Convener, Roundtable on Samuel Issacharoff’s *Fragile Democracies* Yale Law School

February 2015 The David C. Baum Lecture, “*Windsor’s* Mad Genius: The Interlocking Gears of Rights and Federalism,” University of Illinois Law School

January 2015 “The Interlocking Gears of Rights and Structure,” Institute for Advanced Study, Princeton, NJ

January 2015 “How to Teach the Socratic Method with a Heart,” Duke Law School Teaching Colloquium

November 2014 Panelist, “Show me the Money: How Transparency in Political Donations Could Change American Elections,” Institution for Social and Policy Studies, Yale University

October 2014 Convening Yale: “Dark Money and Shadow Parties: The Real Problem with *Citizens United*?” Yale School of Management

October 2014 The Childress Lecture, Federalism and Nationalism: Time for a Détente? St. Louis University.

October 2014 Annual Distinguished Lecture, *The Interlocking Gears of Rights and Structure: Why the Critics Are Wrong about U.S. v. Windsor*, Boston University Law School

August 2014 Panelist, Commissioners Meet Critics: The Presidential Commission on Election Administration, American Political Science Association, Washington DC

July 2014 Testimony before the Senate Committee on Rules and Administration on disclosure, campaign finance, and the DISCLOSE Act.

July 2014 “Suiting Up and Getting into the Game: Why the Most Important Form of State Power is Inside Federal Regimes,” National Association of Attorneys General Conference, Solicitors General and Appellate Chiefs Conference, Washington DC

June 2014 “How to Teach the Socratic Method with a Heart,” What the Best Law Teachers Do Conference, Northwestern Law School

June 2014 Commissioner Press Conference, Election Reform, Governing in a Polarized America: A Bipartisan Blueprint to Strengthen Our Democracy, Bipartisan Policy Center, The Newseum, Washington DC

May 2014 Testimony before the Senate Committee on Rules and Administration on data collection and election administration.

May 2014 “The Rule of Law,” Justice and the Rule of Law, International Symposium 2014, Istanbul

May, 2014 Looking Forward, “Money and Politics 2030: Toward a New Jurisprudence, The Brennan Center

March 2014 Federalism as the New Nationalism? The Tocqueville Project, University of New Orleans

February 2014 Democracy, the Right to Vote, and the Constitution, District of Columbia Voting Rights Symposium, Washington DC

February 2014 The Real Problem with *Citizens United*, Ford Policy School, University of Michigan, Ann Arbor

January 2014 Panelist, Democracy and Political Ignorance, Is Democracy Desirable? University of Texas Law School

January 2014 “The Loyal Opposition,” The Tom Sealy Freedom Lecture, University of Texas Law School

January 2014 Moderator, Electoral Reform Meeting, Bipartisan Commission on Political Reform, Bipartisan Commission on Policy Reform, Washington DC

November 2013 The Right to Vote: A Conversation with the Co-Chairs of the Presidential Commission on Election Administration, Moderator, American Philosophical Society, Philadelphia

November 2013 “The Myth of *Citizens United* and the Real Reason Why It Matters, American Philosophical Society, Philadelphia

November 2013 “Righting Voting Wrongs: Making our Republic more Democratic,”
Panel, *E Pluribus Paralysis*, Mass Humanities, Boston College

November 2013 Keynote Address, “The Political Safeguards of Horizontal Federalism,”
Conference, Federalism All the Way Down, Colorado Law School

November 2013 The Political Safeguards of Horizontal Federalism, Wisconsin
Discussion Group on Constitutionalism, University of Wisconsin Law
School

October, 2013 2013 Boden Lecture, “Dark Money and the Future of Political Parties:
The Real Problem with *Citizens United*,” Marquette University Law
School

July, 2013 Convener, Symposium, “Federalism as the New Nationalism,” Yale
Law School

July, 2013 Implications and Possible Reform, “Voting Rights After *Shelby County*
v. Holder,” Brookings Institution, Washington DC

April, 2013 “Dark Money and Shadow Parties,” William & Mary Law School

March, 2013 “Horizontal Federalism,” William & Mary Law School

March, 2013 “Horizontal Federalism,” Constitutional Roundtable, University of
Toronto Law School

March, 2013 “Progressive Federalism,” Harvard Federalist Society and the Yale
Law Women, Harvard Law School

March, 2013 “Lobbying as the New Campaign Finance,” Lobbying Roundtable,
NYU Law School

March, 2013 “A Public Financing Model for Lobbying,” Under the Influence?
Interest Groups, Lobbying, and Campaign Finance, The Baldy Center
for Law and Social Policy, Buffalo, New York

March, 2013 A National Conversation on American Unity, Bipartisan Policy Center
Commission on Political Reform, Town Hall Meeting, Ronald Reagan
Presidential Library, Simi Valley, California

February, 2013 “Shadow Money, Shadow Parties, and the Future of American
Democracy,” NYU-Abu Dhabi Institute, Abu Dhabi

January, 2013	“Three Views of the Cathedral,” Is American Governable? University of Texas Law School
December, 2012	Indexing Election Performance and the Use of Data in Elections, Moderator, Voting in America 2012, Elections Initiatives, Pew Center on the States
December, 2012	Politics, Corporations, and the First Amendment, NELF CEO Forum, Boston, MA
November, 2012	Election Administration in 2012, Political Law Symposium Dinner, George Washington University Law School
November, 2012	Federalism and Federal Power, Federalist Society’s National Lawyers Convention, Washington DC
November, 2012	Order of the Coif Lecture, “Not Your Father’s Federalism,” Pepperdine Law School
October, 2012	Keynote Address, “Campaign Finance and Shadow Parties: The Future of American Politics,” The 2012 Election in Comparative and Historical Perspective, The Clough Center for the Study of Constitutional Democracy, Boston College
October, 2012	Order of the Coif Lecture, “Not Your Father’s Federalism,” Moritz College of Law, Ohio State University
October, 2012	“Not Your Father’s Federalism,” Tulsa Law Review Legal Scholarship Symposium Honor the Work of Heather Gerken, University of Tulsa College of Law
October, 2012	Insight Lecture, Race, Dissent, and Decentralization, Rockefeller University
September, 2012	The Political Safeguards of Horizontal Federalism, University of Iowa Law School Faculty Workshop
September, 2012	Order of the Coif Lecture, “Presidential Politics,” University of Iowa Law School
September, 2012	Comment on Ned Foley’s “Virtue over Party” Address, Symposium, Foxes, Henhouses, and Commissions: Assessing the Nonpartisan

Model in Election Administration, Redistricting, and Campaign Finance, University of Irvine Law School.

- May, 2012 Closing Roundtable, HAVA@10, Moritz College of Law, Ohio State University
- May, 2012 Duke Law School Culp Colloquium, Duke Center on Law, Race, and Politics, Duke Law School
- March, 2012 Uri & Carol Bauer Memorial Lecture, "Exit, Voice, and Disloyalty," Cardozo Law School
- March, 2012 Brainerd Currie Memorial Lecture, "Exit, Voice, and Disloyalty," Duke Law School
- March, 2012 Cegla Lecture, Toward a New Theory of Minority Empowerment, Tel Aviv University, Israel
- March, 2012 Exit, Voice, and Disloyalty, Faculty Workshop, Tel Aviv University Law School, Israel
- February, 2012 Exit, Voice, and Disloyalty, Faculty Workshop, University of Iowa Law School
- February, 2012 Coif Lecture, "Winning the White House," University of Iowa Law School
- January, 2012 Redistricting Reform in California and Beyond, Symposium, "Redrawing the Maps: Redistricting, Race, and Representation in the Next Decade," Stanford Law School
- January, 2012 Exit, Voice, and Disloyalty, Faculty Workshop, Quinnipiac Law School
- October, 2011 Working Group, Cambridge University Press Series, Center on Law, Race and Politics, Duke Law School
- October, 2011 "Voice, Exit, and Disloyalty," Faculty Workshop, George Washington School of Law at American University
- October, 2011 "American Institutions and a Civil Society," American Academy of Arts and Sciences, Cambridge, MA

September, 2011	Testimony, Connecticut Elections Performance Task Force, Hartford, Connecticut
June, 2011	“Review of the Major Supreme Court Decisions of the October Term, 2010,” Judicial Conference of the Fourth Circuit
June, 2011	“Using Indices to Jumpstart Reform,” Transparency 2011, Springboard to Action, National Institute on Money in State Politics, Bigfork, Montana
March, 2011	Voting Rights Panel, Department of Justice 2011 Civil Rights Conference for the District of Connecticut, Quinnipiac Law School
March, 2011	“Federalism All the Way Down,” Duke Law School.
March, 2011	“Exit, Voice, and Disloyalty,” Faculty Workshop, UNC Law School
February, 2011	“Exit, Voice, and Disloyalty,” Legal Theory Workshop, Penn Law School
February, 2011	“Federalism All the Way Down,” Conference on Federalism and its Future, University of Texas Law School
February, 2011	“Voice, Exit, and Disloyalty,” Workshop on Law and Social Policy, Harvard Law School
December, 2010	“Shortcuts to Reform,” Funders’ Committee for Civic Participation, Pew Foundation, Washington DC
November, 2010	“Beyond Voice and Exit,” Inequality Seminar, Harvard University
November, 2010	“The Foreword: Federalism All the Way Down,” Harvard Law Review Supreme Court Forum, Harvard Law School
November, 2010	Keynote Address, “The Future of Campaign Finance Reform After <i>Citizens United</i> ,” Symposium -- An Intersection of Laws: <i>Citizens United v. FEC</i> , Georgia State Law School
October, 2010	“A New Take on Voice and Exit in Federalism Debates,” James Gould Cutler Memorial Lecture, William & Mary Law School
October, 2010	“The Foreword: Federalism All the Way Down,” Washington University School of Law Faculty Workshop

October, 2010 City	“The Supreme Court and Politics,” One Day University, New York
October, 2010	The Electoral Marketplace for the Latino Vote, National Latino/a Law Student Conference, Yale Law School
September, 2010	“Federalism All the Way Down,” NYU Legal Theory Workshop, NYU Law School
September, 2010	Moderator, Campaign Finance Law and Politics, American Political Science Association, Washington DC
July, 2010	Planning for a Model Redistricting Commission, Moritz Law School at Ohio State, Columbus, Ohio
June, 2010	Elections Performance Index: Goals and Challenges, Performance Index of Elections Advisory Meeting, Pew Foundation, Providence, Rhode Island
May, 2010	American Law Institute, Board of Advisers Meeting, Election Law Project
May, 2010	“ <i>Citizens United</i> : Mountain or Mole Hill?,” Yale Law School Center for the Study of Corporate Law, New York City
April, 2010	“Federalism All the Way Down,” University of Miami School of Law Faculty Workshop
April, 2010	Voting and Democratic Participation, “Acknowledging Race in a ‘Post-Racial’ Era,” Benjamin Cardozo School of Law
April, 2010	“Federalism All the Way Down,” Fordham Faculty Workshop, Fordham Law School
April, 2010	“Federalism All the Way Down,” Columbia Legal Theory Workshop, Columbia Law School
April, 2010	Keynote, “The Voting Rights Act and Dynamic Integration: What Election Law Has to Say to Constitutional Law,” Law of Democracy Symposium, Indiana Law School

March, 2010 Presentation, “The Democracy Index in India”, Janagraaha, Bangalore, India

March, 2010 “Federalism All the Way Down,” J. Skelly Wright Inaugural Lecture, Yale Law School

February, 2010 “The Future of Redistricting Reform,” Keynote Address, Conference, *Drawing the Lines: The Future of Redistricting in America*, Duke Law School

February, 2010 Testimony before the Senate Committee on Rules and Administration on campaign-finance regulation in the wake of *Citizens United*.

January, 2010 “The Gap Between Political Science and Election Law,” The Past, Present, and Future of Election Law: A Symposium Honoring Daniel Hays Lowenstein, UCLA Law School

November, 2009 “Uncooperative Federalism,” Legal Theory Workshop, Cornell Law School

October, 2009 “Creating Better Heuristics for the Presidential Nominating Process: Why a Citizen Assembly Beats Out Iowa and New Hampshire,” Symposium on the Presidential Nominating Process and American Democracy, *Political Science Quarterly*, New York, New York.

October, 2009 “Harnessing Politics to Fix Politics,” Ash Institute, Kennedy School of Government

October, 2009 “Federalism All the Way Down,” Localism and Democracy Panel, 2020 Conference

September, 2009 “The Legacy of David Souter,” Duke Law School

June, 2009 “Four Approaches to Redistricting Reform,” Midwest Democracy Network, Columbus, Ohio

May, 2009 “Getting from Here to There in Election Reform,” Election Reform Agenda Conference, University of Iowa

April, 2009 “Fixing the U.S. Election System: Is a Democracy Index the Answer?” AEI-Brookings Election Reform Project, Washington DC

April, 2009 Shortcuts to Reform,” The Next Democracy, Jacksonville, Florida

- March, 2009 “The Democracy Index: Why Our Election System is Failing and How to Fix It,” Law & Democracy Speaker Series, California Western School of Law
- March, 2009 “The Invisible Election: Why Our System Isn’t Working and How to Fix It,” John L. Gedid Lecture, Widener Law School
- March, 2009 “What is Left of the Integration Ideal?” Houston Lecture, Amherst College, Amherst, Massachusetts
- February, 2009 “Mexico’s Electoral Reform: A Comparative View,” Mexico’s New Democratic State: Political, Legal & Institutional Challenges, Columbia University
- February, 2009 “The Future of Elections Scholarship and Policymaking,” Tobin Project, Duke Law School
- January, 2009 “Building the Election System We Deserve,” Dean’s Lecture Series, Ohio Northern Law School
- January, 2009 “Institutional Pluralism,” Presidential Program, Plenary Session, AALS, San Diego, CA
- November, 2008 “Uncooperative Federalism,” Yale Law School Faculty Workshop
- October, 2008 “Toward a New Theory of Minority Empowerment,” Edmond J. Saffra Center for Ethics and the Profession, Harvard University
- October, 2008 “Shortcuts to Reform,” Symposium, Law and Politics for the 21st Century, Minnesota Law School
- June, 2008 *Crawford* and the Voter ID Debate, Public Law Lunch, Columbia Law School
- May, 2008 “Of immovable objects and irresistible forces,” Data for Democracy Conference, The Pew Foundation, Washington DC
- April, 2008 “Justice Kennedy and the Domains of Equal Protection,” Faculty Workshop, Yale Law School
- April, 2008 “Justice Kennedy and the Domains of Equal Protection,” NYU Legal Theory Workshop, New York University School of Law
- April, 2008 2008 Quinlan Lecture, “Getting From Here to There in Election

Reform, Oklahoma City University School of Law

- March, 2008 2008 William B. Lockhart Lecture, “Toward a New Vision of Minority Empowerment: Federalism All the Way Down,” University of Minnesota School of Law
- March, 2008 “Uncooperative Federalism,” Harvard Public Law Workshop, Harvard Law School
- February, 2008 “Dissenting by Deciding,” Legal Theory Workshop, University of Texas School of Law
- January, 2008 “Understanding the Value of Minority-Dominated Institutions,” Imagining a Constitution for the 21st Century, University of Alabama School of Law
- November, 2007 “The Democracy Index,” Pew Election 2008 Forum, Washington DC
- November, 2007 “Justice Kennedy and the Domains of Equal Protection,” Supreme Court Forum, Harvard Law School
- November, 2007 “The Presidency, the Supreme Court, and the ‘Culture Wars,’” The Presidency and the Supreme Court, Franklin D. Roosevelt Presidential Library and Museum, Hyde Park, New York.
- September, 2007 “Getting ‘From Here to There in Electoral Reform,’” Democracy Index Conference, Ohio State University
- July, 2007 “Moving Forward in the States and Cities,” American Constitution Society, 2007 National Convention
- June, 2007 “Getting from Here to There in Election Reform,” Tobin Project, Democratic Institutions Working Group, Cambridge MA
- May, 2007 “Three Obstacles to Election Reform,” *Broader Democracy Agenda: A Visioning Exercise*, Joyce Foundation
- May, 2007 “The Democracy Index,” 2007 Academics’ Conference, AEI-Brookings Election Reform Project
- April, 2007 “Larry and Lawrence,” Symposium Honoring Laurence Tribe, University of Tulsa Law School
- April, 2007 “The Hydraulics of Constitutional Reform,” Symposium on *Our Undemocratic Constitution*, Drake Law School

March, 2007	Dissent, Diversity, and Democracy, Center on Race and the Law, University of Virginia Law School
March, 2007	Dissenting by Deciding, Faculty Workshop, University of Virginia Law School
February, 2007	Dissenting by Deciding, Legal Theory Workshop, Columbia Law School
February, 2007	Constitutional Law Conference, Harvard Law School
January, 2007	Second-Order Diversity: Toward a New Theory of Minority Empowerment, Queens University, Canada
January, 2007	Dissenting by Deciding, Law and Politics Workshop, University of Chicago
January, 2007	The Democracy Index, Section on Legislation, AALS Annual Conference Washington DC
November, 2006	Toward a New Strategy of Minority Empowerment, Bridgewater State College
November, 2006	“A Third Way for the Voting Rights Act,” Law and Politics Workshop Series, William and Mary School of Law
October, 2006	“Dissenting by Deciding,” excerpts from book manuscript, Pepperdine Faculty Workshop
September, 2006	Roundtable Discussion, Election Law and the Roberts Court Symposium, Ohio State University, Moritz College of Law
July, 2006	2006 Supreme Court Review, American Constitution Society, New York City
August, 2006	Commentator, “The Judicial Struggle with Democracy,” American Political Science Association Annual Meeting, Washington DC
June, 2006	“No Voter Left Behind,” Tobin Project, Working Group Meeting, Washington D C
June, 2006	“Revitalizing Democracy,” Plenary Session, American Constitution Society Annual Meeting, Washington DC
April, 2006	“Dissenting by Deciding,” excerpts from book manuscript, Michigan Legal Theory Workshop

- “Dissenting by Deciding,” excerpts from book manuscript, George Washington University Law School Faculty Workshop
- “Dissenting by Deciding,” excerpts from book manuscript, Notre Dame Law School Faculty Workshop
- March, 2006 Commentator, *The Most Dangerous Branch? Mayors, Governors, Presidents, and the Rule of Law: A Symposium on Executive Power*, Yale Law School
- February, 2006 Commentator, *Carter-Baker and Beyond: The Work of the Commission on Federal Election Reform and Implications for Reauthorization of the Voting Rights Act Symposium*, NYU Law School
- October, 2005 “Dissenting by Deciding,” excerpts from book manuscript, Yale Law School Faculty Workshop
- “Dissenting by Deciding,” excerpts from book manuscript, NYU Law School Faculty Workshop
- September, 2005 “Dissenting by Deciding,” excerpts from book manuscript, Harvard Public Law Workshop
- September, 2005 “Political Inoculation and Independent Commissions,” Independent Election Administration sponsored by the Moritz College of Law at Ohio State University.
- June, 2005 “Rediscovering Democracy,” Panel, American Constitution Society Annual Meeting, Washington DC
- April, 2005 “The Double-Edge Sword of Independence: Inoculating Electoral Reform Commissions Against Everyday Politics,” Workshop on Citizen-Designed Democratic Processes sponsored by the University of British Columbia
- February, 2005 “Dissenting by Deciding,” Harvard Constitutional Law Workshop
- “Dissenting by Deciding,” Emory Law School Faculty Workshop
- December, 2004 “Second-Order Dissent,” Yale Legal Theory Workshop, Yale Law School
- November, 2004 Commentator, *Voting Rights and Barriers, Law and Democracy: A Symposium on the Law Governing Our Democratic Process*, George Washington University Law School

October, 2004 Commentator, Electoral Redistricting and the Supreme Court, Cornell Journal of Law and Public Policy, Cornell Law School

“Second-Order Dissent,” UCLA Legal Theory Workshop, UCLA Law School

July, 2004 “Second-Order Dissent and Legislatures in the Global Era,” Constitutionalism and Legislatures Symposium, Centre for Constitutional Studies, University of Alberta

June, 2004 “Second-Order Diversity and Democracy,” Constitutional Theory Papers, Stanford-Yale Junior Faculty Forum

June, 2005 “Race, Crime, and Democracy,” Panel, American Constitution Society Annual Meeting, Washington DC

March, 2004 Speech, “Theory and Practice in the Law of Democracy,” Law and Society Program, Federal Judicial Center, Harvard Law School

February, 2004 “Lost in the Political Thicket,” Campaign Finance Panel, Law of Democracy after *Bush v. Gore*, University of Pennsylvania Law School

December, 2003 “Second-Order Diversity and Democracy,” Constitutional Law Conference, Harvard Law School

October, 2003 “Second-Order Diversity and Democracy,” Washington University Law School Faculty Workshop

Speech, “The American Judicial System,” Wexner-Israeli Fellowship Program, Kennedy School of Government

September, 2003 “Diversity and Districting,” The Future of the Voting Rights Act Conference, Columbia University

“Second-Order Diversity and Democracy,” Faculty Colloquium, Arizona State University Law School

Speech, “Reflections on *Lawrence v. Texas*,” Supreme Court Review, First Circuit Judicial Conference, Boston, Massachusetts

“Second-Order Diversity and Democracy,” Race, Ethnicity, and the Future of Voting Rights, Colorlines Conference, Civil Rights Project, Harvard University

July, 2003 “Second-Order Diversity and Juries,” Harvard Law School Summer Workshop

May, 2003 Participant, Implicit Social Cognition and the Law, Radcliffe Institution for Advanced Study

Speech, “From *Baker v. Carr* to *Bush v. Gore*,” Federal Judicial Conference for Bankruptcy Judges

March, 2003 “Second-Order Diversity and Juries,” Faculty Colloquium, University of Iowa Law School

November, 2002 Participant, “Building Politics: Law, Institutions, and Democratic Theory,” University of Buffalo Law School

July, 2002 Commentator, Theoretical Perspectives on Law, Democracy, and the Courts in the United States, The Funding of Political Parties Workshop, Institute of Advanced Legal Studies, University of London

January, 2002 “A Bird’s Eye Perspective on Election Law,” Federal Courts and Electoral Politics, Section on Federal Courts, Annual Meeting of the Association of American Law Schools

November, 2001 “*Baker v. Carr*: New Directions and New Understandings,” Commemorative Symposium on *Baker v. Carr*, University of North Carolina School of Law

September, 2001 Keynote address to Harvard Law School 1L Class

July, 2001 Speech, “*Reflections on Bush v. Gore*,” Harvard Law School Worldwide Alumni Congress, Paris

June, 2001 “Reflections on *Bush v. Gore*,” Keynote Address, Harvard Law School Reunions

May, 2001 Keynote Address, “Reflections on a Journey,” Women’s Law School Association

March, 2001 “New Wine in Old Bottles,” State Election Law and Presidential Selection, Symposium on the Law of Presidential Elections, Florida

February, 2001 Commentator, New Challenges in Voting, Symposium on New Structures for Democracy, University of Colorado School of Law

COURSES:

Constitutional law, election law, seminars in election law and constitutional theory, public law workshop, advanced election law workshop, local government in action.

COMMITTEES:

Appointments Committee (Member, Chair, and Juniors Chair), Promotion and Tenure Committee (Member and Chair), Clinical Appointments Committee (Chair), Nondiscrimination Committee (Chair), Committee on Diversity and Inclusion (Co-chair), Clerkship and Placement Committee (Member and Chair), University Budget Committee, Standing Advisory & Appointments Committee for the School of Management, Placement Committee, Liman Committee, Budget Committee, Law Teaching Committee, Grading Review Committee, Legal Writing Committee