

PAMELA SUSAN KARLAN

Stanford Law School
Stanford, CA 94305-8610

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karlan@stanford.edu

ACADEMIC APPOINTMENTS

Stanford Law School
Kenneth and Harle Montgomery Professor of Public Interest Law (since 1999); Co-Director, Supreme Court Litigation Clinic (since 2004); Associate Dean (1999-2000, 2005-06); Professor of Law (1998-99)

University of Virginia School of Law
Roy L. and Rosamond Woodruff Morgan Research Professor (1994-98); Professor of Law (1993-98); Associate Professor of Law (1988-93)

Visiting Professor, Harvard Law School (1994-95); N.Y.U. School of Law (Spring 1993); Stanford Law School (Fall 1996); University of Virginia School of Law (Fall 2002); Yale Law School (Fall 1992, Fall 2006)

Courses Taught: Civil Procedure; Classics in Constitutional Scholarship; Constitutional Law; Constitutional Litigation; Criminal Adjudication; Justice at Home and Abroad (undergraduate course); Regulation of the Political Process; Professional Responsibility; Sex Discrimination; Supreme Court Litigation Clinic; Supreme Court Term Seminar; Torts

Coif Distinguished Visiting Professor (2006); John Bingham Hurlbut Award for Excellence in Teaching, Stanford (2002, 2009); State Council of Higher Education in Virginia Outstanding Faculty Award (1997); University of Virginia All-University Outstanding Teaching Award (1995-96); Elected Graduation Speaker, Yale Law School (2007), University of Virginia School of Law (1991)

OTHER PROFESSIONAL EXPERIENCE

Commissioner, California Fair Political Practices Commission (2003-05) (appointed by Controller Steve Westly)

Lecturer, Judicial Education Programs (since 1993), including, among others, the ABA Appellate Judges' Conference Seminars, NYU Institute of Judicial Administration New Judges' Seminar, California Center for Judicial Education and Research Continuing Judicial Education Program, Pennsylvania Appellate Courts, Federal Judicial Center, and University of Virginia School of Law Master of Laws in the Judicial Process Program); Guest Lecturer, Federal Bureau of Investigation National Academy (1990-2001)

Pro bono representation of civil rights and civil liberties groups, associations of minority elected officials, reproductive rights groups, and others in the United States Supreme Court and other courts, as well as in the legislative process (individual cases are listed under Litigation Experience) (since 1988)

Cooperating Attorney, NAACP Legal Defense and Educational Fund, Inc. (since 1988)
Named one of the *American Lawyer Public Sector 45* – a group of lawyers “actively using their law degrees to change lives” (1997)

Assistant Counsel, NAACP Legal Defense and Educational Fund, Inc. (1986-88)

Law Clerk to Justice Harry A. Blackmun, Supreme Court of the United States, 1985 Term

Law Clerk to Judge Abraham D. Sofaer, United States District Court, S.D.N.Y. (1984-85)

Elected Member: American Law Institute; American Academy of Arts and Sciences

Member, Board of Directors and Co-Chair, Democracy and Voting Issues Group, American Constitution Society

PUBLICATIONS

Books

Civil Rights Actions: Enforcing the Constitution (2000; 2^d ed. 2007) (with John C. Jeffries, Jr., Peter W. Low and George A. Rutherglen) (with supplements)

Constitutional Law (5th ed. 2005; 6th ed. 2009) (with Geoffrey R. Stone, Louis Michael Seidman, Cass R. Sunstein, and Mark V. Tushnet) (with supplements)

The First Amendment (2nd ed. 2003; 3rd ed. 2008) (with Geoffrey R. Stone, Louis M. Seidman, Cass R. Sunstein, and Mark V. Tushnet) (with supplements)

Keeping Faith With the Constitution (2009; rev'd ed. 2010) (with Goodwin Liu and Christopher Schroeder)

The Law of Democracy: Legal Structure of the Political Process (1998; 2^d ed. 2001; rev. 2^d ed. 2002; 3rd ed. 2007) (with Samuel Issacharoff and Richard H. Pildes) (with supplements)

Race, Incarceration, and American Values (2008) (with Glenn C. Loury, Tommie Shelton, and Loïc Wacquant) (Tanner Lecture and commentaries)

When Elections Go Bad: The Law of Democracy and the Presidential Election of 2000 (with Samuel Issacharoff and Richard H. Pildes) (2001; rev. ed. 2001)

Articles and Book Chapters

Forthcoming

Lightning in the Hand: Indians and Voting Rights, ____ Yale L.J. ____ (2011)

Marriage, Method, and the Supreme Court 2011 Sup. Ct. Rev. ____

The Reconstruction of Voting Rights *in* Race, Reform, and the Regulation of the Political Process: Recurring Puzzles in American Democracy (Heather Gerken, Guy-Uriel Charles and Michael Kang ed.)

2011

Ten Years After Bush v. Gore, Boston Rev., Jan./Feb. 2011, at 10

2010

Acting Out, Boston Rev., Nov./Dec. 2010, at 10

In the Beginning, Boston Rev., Sept./Oct. 2010, at 7

Let's Call the Whole Thing Off, 98 Cal. L. Rev. 697 (2010) (Jorde Symposium)

Shoe-Horning, Shell Games, and Enforcing Constitutional Rights in the Twenty-First Century, 78 U.M.K.C. L. Rev. 875 (2010) (Edward A. Smith/Bryan Cave Lecture)

2009

Ballots, Bullets, and Battles on the Roberts Court, 35 Ohio N.U.L. Rev. 435 (2009) (Kormendy Lecture)

Constitutional Law As Trademark, 43 U.C. Davis L. Rev. 385 (2009) (Barrett Lecture)

Electing Judges, Judging Elections and the Lessons of *Caperton*, 123 Harv. L. Rev. 80 (2009)

Lessons Learned: Voting Rights and the Bush Administration, 4 Duke J. Con. Law & Pub. Pol'y 17 (2009)

Reflecting on the Election and Its Consequences, Am. Acad. Arts & Sciences Bull., Spring 2009, at 15 (with David Brady)

Some Thoughts on Autonomy and Equality in Relation to Ruth Bader Ginsburg 70 Ohio St. L.J. 1085 (2009)

Voting Rights and the Third Reconstruction *in* The Constitution in 2020 (Jack Balkin & Reva Siegel eds. 2009) (honored by the Green Bag as one of its examples of "Exemplary Legal Writing 2009")

What Can *Brown*® Do For You?: Neutral Principles and the Struggle for Ownership of the Equal Protection Clause, 58 Duke L.J. 1059 (2009) (Currie Lecture)

2008

Identifying the Barriers and Challenges to Voting by Residents in Nursing Homes and Assisted Living Settings: A Study of the 2003 Philadelphia Mayor's Race, 20(1) J. Aging & Social Pol'y 65 (2008) (with Jason H.T. Karlawish, Richard Bonnie, Paul S. Appelbaum, Constantin Lyketsos, Brian D. James, Charles Sabatino, T. Lawrence, David Knopman, and R.M. Kane)

The Law of Small Numbers: *Parents Involved*, *Gonzales cv. Carhart* and Some Emerging Themes of the Roberts Court, 86 N.C.L. Rev. 1369 (2008)

Pluralists and Republicans, Rules and Standards: Conflicts of Interest and the California Experience *in* Conflict of Interest and Public Life: Cross-National Perspectives (Christine Trost & Alison L. Gash eds. 2008) (with Karen Getman)

Taking Politics Religiously: How Free Exercise and Establishment Clause Cases Illuminate the Law of Democracy, 83 Ind. L.J. 1 (2008) (Harris Lecture)

2007

Compelling Interests/Compelling Institutions: Law Schools as Constitutional Litigants 54 UCLA L. Rev. 1613 (2007)

Framing the Voting Rights Claims of Cognitively Impaired Individuals, 38 McGeorge L. Rev. 917 (2007)

How Voting Rights Arose in Southern Courts, Legal Times, June 25, 2007, at 43 (reviewing Brian K. Landsberg, *Free At Last To Vote: The Alabama Origins of the 1865 Voting Rights Act*)

Judicial Independences, 95 Geo. L.J. 1041 (2007)

New Beginnings and Dead Ends in the Law of Democracy, 68 Ohio St. L.J. 743 (2007)

The Paradoxical Structure of Constitutional Litigation, 75 Fordham L. Rev. 1913 (2007) (Levine Lecture)

Section 5 Squared: Congressional Power to Extend and Amend the Voting Rights Act, 44 Houston L. Rev. 1 (2007) (Frankel Lecture)

2006

Batson v. Kentucky: The Constitutional Challenges of Peremptory Challenges, in *Criminal Procedure Stories* 381 (Carol S. Steiker ed. 2006)

The Partisan of Nonpartisanship: Justice Stevens and the Law of Democracy, 74 *Fordham L. Rev.* 2187 (2006)

2005

Contracting the Thirteenth Amendment: *Hodges v. United States*, 85 *B.U.L. Rev.* 783 (2005) (symposium issue)

Go East, Young Lawyers: The Stanford Law School Supreme Court Litigation Clinic, 7 *J. App. Prac. & Proc.* 207 (2005) (with Thomas C. Goldstein and Amy Howe)

John Hart Ely and the Problem of Gerrymandering: The Lion in Winter, 114 *Yale L.J.* 1329 (2005)

Same-Sex Marriage as a Moving Story, 16 *Stan. L. & Pol'y Rev.* 1 (2005)

2004

Addressing the Ethical, Legal and Social Issues Raised By Voting By Persons with Dementia, 292 *J.A.M.A.* 1345 (2004) (with Jason H. Karlawish, Richard J. Bonnie, Paul S. Appelbaum, Constantine Lyketsos, Bryan James, David Knopman, Christopher Patusky, and Rosalie A. Kane)

Convictions and Doubts: Retribution, Representation, and the Debate Over Felon Disenfranchisement, 56 *Stan. L. Rev.* 1147 (2004)

Critics of Gay Unions Can Look at the Stats, *New Orleans Times-Picayune*, April 1, 2004 (op-ed)

The Elysian Fields of the Law, 56 *Stan. L. Rev.* 695 (2004) (with Kathleen M. Sullivan)

Loving Lawrence, 102 *Mich. L. Rev.* 1447 (2004)

Georgia v. Ashcroft and the Retrogression of Retrogression, 3 *Election L.J.* 21 (2004)

“Pricking the Lines”: The Due Process Clause, Punitive Damages, and Criminal Punishment, 88 *Minn. L. Rev.* 880 (2004) (Lockhart Lecture)

Where To Draw the Line?: Judicial Review of Political Gerrymandering, 153 *U. Pa. L. Rev.* 541 (2004) (with Samuel Issacharoff)

2003

Ballots and Bullets: The Exceptional History of the Right to Vote, 71 *U. Cin. L. Rev.* 1345 (2003) (William Howard Taft Lecture)

Groups, Politics, and the Equal Protection Clause, 58 *Miami L. Rev.* 35 (2003) (with Samuel Issacharoff) (Fiss Symposium)

Disarming the Private Attorney General, 2003 *U. Ill. L. Rev.* 183 (David C. Baum Lecture)

Elections and Change Under “Voting With Dollars”, 91 *Cal. L. Rev.* 705 (2003) (Jorde Symposium Commentary)

When Freedom Isn't Free: The Costs of Judicial Independence in *Bush v. Gore*, 64 Ohio St. L.J. 265 (2003)

2002

Easing the Spring: Strict Scrutiny and Affirmative Action After the Redistricting Cases, 43 Wm. & Mary L. Rev. 1569 (2002) (Cutler Lecture)

Equal Protection, Due Process, and the Stereoscopic Fourteenth Amendment, 33 McGeorge L. Rev. 473 (2002) (Distinguished Speaker Series)

Exit Strategies in Constitutional Law: Lessons for Getting the Least Dangerous Branch Out of the Political Thicket, 82 B.U.L. Rev. 669 (2002) (Moffett Lecture)

Foreword: Litigation, War, and Politics By Other Means, 13 Stan. L. & Pol'y Rev. 5 (2002)

2001

The Court Finds Room for Racial Candor, New York Times, April 23, 2001, at A15

Equal Protection: *Bush v. Gore* and The Making of a Precedent in The Unfinished Election of 2000 (Jack N. Rakove ed. 2001)

The Irony of Immunity: The Eleventh Amendment, Irreparable Injury, and Section 1983, 53 Stan. L. Rev. 1311 (2001)

The Newest Equal Protection: Regressive Doctrine on a Changeable Court in The Vote: Bush, Gore and the Supreme Court (Cass R. Sunstein and Richard A. Epstein eds. 2001)

Nothing Personal: The Evolution of the Newest Equal Protection from *Shaw v. Reno* to *Bush v. Gore*, 79 N.C.L. Rev. 1346 (2001)

The Right to Counsel in Encyclopedia of Crime and Justice (Joshua Dressler ed. 2d ed. 2001)

The Soul of a New Political Machine: The Online, the Color Line, and Electronic Democracy, 34 Loy. L.A.L. Rev. 1089 (2001) (with Eben Moglen)

Unduly Partial: The Supreme Court and the Fourteenth Amendment in *Bush v. Gore*, 29 Fla. St. U.L. Rev. 589 (2001)

The Triumph of Expedience: How America Lost the Election to the Courts, Harper's, May 2001, at 31 (with Richard Posner)

2000

Redistricting for Inclusive Democracy: A Survey of the Voting Rights Landscape and Strategies for Post-2000 Redistricting (2000) (with Penda D. Hair) (Ford Foundation-sponsored report from the Advancement Project)

The Court Casts Its Vote, New York Times, Dec. 11, 2000, at A31

The Future of Voting Rights Litigation, in Census 2000: Considerations and Strategies for State and Local Government (Benjamin E. Griffith ed. 2000)

How Should the U.S. Supreme Court Rule?: Court Right to Side with Gore, USA Today, Nov. 30, 2000, at A30.

Outracing the Past, *Am. Law.*, Oct. 2000, at 73 (reviewing Scott L. Malcomson, *One Drop of Blood: The American Misadventure of Race* (2000))

1999

A Bigger Picture, in *Reflecting All of Us: The Case for Proportional Representation* (Robert Richie & Steven Hill eds. 1999) (reprinted from *Boston Review*, February/March 1998, at 19)

Constitutional Law, The Political Process, and the Bondage of Discipline, 32 *Loyola L.A.L. Rev.* 1185 (1999)

The Hydraulics of Campaign Finance Reform, 77 *Tex. L. Rev.* 1704 (1999) (with Samuel Issacharoff)

It's Not Black and White Any More: Contemporary Controversies in Voting Rights, 43 *N.Y.L. School L. Rev.* 137 (1999)

Justice and Mercy, *Religion & Values in Public Life*, Vol. 7, No. 2/3 at 5 (1999)

Politics By Other Means, 85 *Va. L. Rev.* 1697 (1999)

Two Concepts of Judicial Independence, 72 *So. Cal. L. Rev.* 535 (1999)

A Tribute to Justice Harry A. Blackmun, 113 *Harv. L. Rev.* 5 (1999)

1998

Constitutional Elitism?: Some Skepticism About Dogmatic Assertions, 30 *McGeorge L. Rev.* 117 (1998) (with Daniel R. Ortiz)

Constitutional Farce, in *Constitutional Stupidities, Constitutional Tragedies* (William N. Eskridge, Jr. & Sanford Levinson eds. 1998) (with Daniel R. Ortiz)

The Fire Next Time: Reapportionment After the 2000 Census, 50 *Stan. L. Rev.* 731 (1998)

The Geography of Race in Elections: Color Blindness and Redistricting, 14 *J.L. & Pol.* 109 (1998) (American Bar Association Presidential Showcase Program roundtable discussion)

The Impact of the Voting Rights Act on African Americans: Second and Third Generation Issues in Voting Rights and Redistricting in the United States (Mark Rush ed. 1998)

The Path of the Law Firm: A Comment on Ribstein's "Ethical Rules, Agency Costs and Law Firm Structure", 84 *Va. L. Rev.* 1761 (1998)

Race, Rights, and Remedies in Criminal Adjudication, 96 *Mich. L. Rev.* 2001 (1998)

Some Thoughts on Autonomy and Equality in Relation to Justice Blackmun, 26 *Hastings Const. L.Q.* 59 (1998)

Standing and Misunderstanding in Voting Rights Law, 111 *Harv. L. Rev.* 2276 (1998) (with Samuel Issacharoff)

Two Section Twos and Two Section Fives: Voting Rights and Remedies After *Boerne*, 39 *Wm. & Mary L. Rev.* 725 (1998)

1997

Just Politics?: Five Not So Easy Pieces of the 1995 Term, 34 Houston L. Rev. 289 (1997) (Frankel Lecture)

Loss and Redemption: Voting Rights at the Turn of a Century, 50 Vand. L. Rev. 291 (1997)

The Majoritarian Difficulty: One Person, One-Vote, in Reason and Passion: Justice Brennan's Enduring Influence (E. Joshua Rosenkranz & Bernard Schwartz eds. 1997) (with Lani Guinier)

The Supreme Court and Voting Rights: Deja Vu All Over Again?, Voting Rights Review, Summer 1997, at 1

The Voting Rights Act and Judicial Elections: Horse of a Different Color or Canary in the Coal Mine?, in Race and Representation, 6 Nat'l Pol. Sci. Rev. 110 (1997)

1996

Cousins' Kin: Justice Stevens and Voting Rights, 27 Rutgers L.J. 521 (1996)

Disabilities, Discrimination, and Reasonable Accommodation, 46 Duke L.J. 1 (1996) (with George Rutherglen)

Still Hazy After All These Years: Voting Rights in the Post-*Shaw* Era, 26 Cumb. L. Rev. 287 (1996)

Why Voting Is Different, 84 Cal. L. Rev. 1201 (1996) (with Daryl J. Levinson)

1995

Après *Shaw* Le Déluge?, PS: Political Science and Politics, March 1995, at 50

Book Review, Voting Rights Review, Spring 1995, at 24 (reviewing Chandler Davidson & Bernard Grofman, eds., *Quiet Revolution in the South: The Impact of the Voting Rights Act, 1965-1990* (1994)), reprinted in a slightly different form as Not So Quiet Anymore, *Southern Changes*, Summer 1995, at 18.

Court Still Ambivalent on Redistricting, Nat'l L.J., July 24, 1995, at A19 (with Thomas C. Goldstein)

Cumulative Voting as a Remedy in Voting Rights Cases, Nat'l Civic Rev., Fall/Winter 1995 at 337 (with Edward Still)

Democracy and Dis-Appointment, 93 Mich. L. Rev. 1273 (1995) (reviewing Lani Guinier, *The Tyranny of the Majority: Fundamental Fairness in Representative Democracy* (1994))

Fee Shifting and Criminal Defendants, 71 Chi.-Kent L. Rev. 583 (1995)

Negative Political Theory, 68 S. Cal. L. Rev. 1691 (1995) (with Daniel R. Ortiz)

On a Collision Course: The Ambiguity of *Shaw v. Reno* Pits the Voting Rights Act Against the Constitution, *Legal Times*, April 17, 1995, at 24 (with Thomas C. Goldstein)

Our Separatism? Voting Rights as an American Nationalities Policy, 1995 U. Chi. Legal For. 83

The Supreme Court and Voting Rights: "Bizarre" Districts or Bizarre Decisions?, *Southern Changes*, Fall/Winter 1995, at 8

Voting Rights Act Enforcement: An Agenda for Equal Electoral Opportunity in New Challenges: The Civil Rights Record of the Clinton Administration Mid-Term (Corinne M. Yu and William L. Taylor eds. 1995) (with Arthur A. Baer)

1994

From Logic to Experience, 83 Geo. L.J. 1 (1994)

My Seder with Blackmun: Court Gossip & Matzoh Balls, Los Angeles Times, Apr. 10, 1994, at M2 (Opinion Section)

Not By Money But By Virtue Won? Vote Trafficking and the Voting Rights System, 80 Va. L. Rev. 1455 (1994)

A Tribute to Justice Harry A. Blackmun, 108 Harv. L. Rev. 13 (1994)

The Supreme Court, Racial Politics, and the Right to Vote: Shaw v. Reno and the Future of the Voting Rights Act, 44 Am. U.L. Rev. 1 (1994) (roundtable)

Voting Rights and the Court: End of the Second Reconstruction?, The Nation, May 23, 1994, at 698

1993

About Redistricting: A Ballot Box for Diversity, New York Newsday, Mar. 25, 1993, at 94

All Over the Map: The Supreme Court's Voting Rights Trilogy, 1993 Sup. Ct. Rev. 245, reprinted in 10 Civil Rights and Attorney Fees Annual Handbook (Steven Saltzman & Barbara M. Wolvovitz eds. 1995)

Bringing Compassion into the Province of Judging: Justice Blackmun and Outsiders, 97 Dick. L. Rev. 527 (1993), *reprinted in a slightly edited form*, 71 N. Dak. L. Rev. 173 (1995)

Contingent Fees and Criminal Cases, 93 Colum. L. Rev. 595 (1993)

In a Diffident Voice: Relational Feminism, Abortion Rights, and the Feminist Legal Agenda (with Daniel R. Ortiz), 87 Nw. U.L. Rev. 858 (1993)

The Rights To Vote: Some Pessimism About Formalism, 71 Tex. L. Rev. 1705 (1993)

1992

Book Review, J. Southern Hist., Feb. 1992, at 175 (reviewing Frank Parker, Black Votes Count: Political Empowerment in Mississippi after 1965 (1990))

Individual Rights Upheld, Nat'l L.J., Aug. 31, 1992, at S12

Minority Reps, The Nation, Mar. 8, 1993, at 292

Richard Posner's Just So-Stories: The Phallacies of Sex and Reason, 1 Va. J. Soc. Pol'y & L. 229 (1993) (reviewing Richard A. Posner, Sex and Reason (1992))

1991

"Law and ...", Va. L. School Rep., Summer 1991, at 41

Throwing Out the First Pitch, Va. L. School Rep., Winter 1991, at 12

Undoing the Right Thing: Single-Member Offices and the Voting Rights Act, 77 Va. L. Rev. 1 (1991)

Use It and Lose It: Forfeiture and Section 881, Charlottesville Bus. J., April 1991, at 20

1990

Going Beyond District Boundaries in Voting Rights Law, Va. L. School Rep., Spring 1990, at 25

1989

Maps and Misreadings: The Role of Geographic Compactness in Racial Vote Dilution Litigation, 24 Harv. C.R.-C.L. L. Rev. 173 (1989)

1988

Book Review, Human Rights, Fall 1988, at 10 (reviewing Seth Cagin & Philip Dray, We Are Not Afraid: The Story of Goodman, Schwerner and Chaney and the Civil Rights Campaign for Mississippi (1988))

Book Review, A.B.A.J., Feb. 1988, at 117 (reviewing Abigail Thernstrom, Whose Vote Counts?: Affirmative Action and Minority Voting Rights (1987))

Nonmajority Rules and the Supreme Court, 136 U. Pa. L. Rev. 1067 (1988) (with Richard Revesz)

Without Fear and Without Research: Abigail Thernstrom on the Voting Rights Act, 4 J.L. & Pol. 751 (1988) (with Peyton McCrary) (reviewing Abigail Thernstrom, Whose Vote Counts?: Affirmative Action and Minority Voting Rights (1987))

1983

Discriminatory Purpose and Mens Rea: The Tortured Argument of Invidious Intent, 93 Yale L.J. 111 (1983)

EDUCATION

Yale Law School, J.D./M.A. (History), 1984

Article & Book Review Editor, Yale Law Journal

Director, Yale Moot Court of Appeals

Supervising Student, Jerome N. Frank Legal Services Organization

Head Coach, Yale Debate Association

Research Assistant, Professor Paul Gewirtz

Freshman Counselor, Jonathan Edwards College

Yale College, B.A. *magna cum laude* with distinction in history, 1980

Robert D. French Scholar (intellectual leadership; ranking prize of Jonathan Edwards College)

Ellsworth Prize (senior essay)

DeForest, Thacher, TenEyck, and Buck-Jackson Prizes (debate and public speaking)

BAR ADMISSIONS

Supreme Court of the United States

United States Courts of Appeals for the Fourth, Eighth, Ninth, and Eleventh Circuits

United States District Court for the Southern District of New York

Supreme Court, Appellate Division, First Department of the State of New York

INVITED LECTURES, WORKSHOPS, PAPERS, AND SYMPOSIUM PRESENTATIONS

AFL-CIO Lawyers Conference; American Association of Law Schools Annual Meeting; American Bar Association Annual Meeting Presidential Showcases; American Civil Liberties Union Biennial Plenary Session; American Constitution Society Annual Convention; American Political Science Association Annual Meeting; American Sociological Association Annual Meeting; American University, Washington College of Law; Appellate Judges Educational Institute Annual Meeting; Association of Business Trial Lawyers San Francisco Chapter Annual Meeting; Aspen Institute Justice & Society Program; Boston University Law School; Brown University; California Judicial Council; University of California at Berkeley Institute of Governmental Studies; University of California at Berkeley, Boalt Hall; University of California at Davis School of Law; University of California, Hastings College of the Law; University of California at Los Angeles School of Law; University of California at Santa Cruz; Benjamin N. Cardozo School of Law; University of Chicago Law School; University of Cincinnati College of Law; University of Colorado Law School; Cornell Law School; Cumberland Law School; Defense Research Institute Appellate Lawyers Conference; Delaware Courts Annual Meeting; University of Denver, Sturm College of Law; DePaul University College of Law; Dickinson Law School; Drake Law School; Duke Law School; Eighth Circuit Judicial Conference; Emory Law School; Federal Judicial Center; Fifth Circuit Judicial Conference; Florida State University School of Law; University of Florida College of Law; Fordham University School of Law; Fourth Circuit Judicial Conference; George Washington University Law School; Georgetown University Law Center; University of Georgia Law School; Harvard University Civil Rights Project; Harvard Law School; University of Houston Law Center; University of Illinois College of Law; Iowa Federal Bar Association Annual Meeting; Indiana University Law School; University of Kansas Law School; Law and Society Association Annual Meeting; Law School Admissions Council; Lewis and Clark Law School; Institute of Advanced Legal Studies, University of London; Louisiana State Bar Association/Louisiana Judicial College Annual Meeting; Loyola University Law School; McGeorge School of Law; University of Miami Law School; University of Michigan Law School; Minnesota Judicial Branch Annual Conference of Judges; University of Minnesota Law School; NAACP Legal Defense and Educational Fund, Inc., Annual Civil Rights Training Institute; National Association of Attorneys General; National Civil Rights Museum; National Legal Aid and Defender Association Annual Litigation Directors' Conference; National Association of Women Judges; Nebraska Supreme Court and Court of Appeals Annual Meeting; University of New Mexico School of Law; N.Y.U. School of Law; Ninth Circuit Judicial Conference; University of North Carolina School of Law; Northern District of California Historical Society; Northern District of California Judicial Conference; Nova Southeastern University; Ohio Northern University Pettit College of Law; Ohio State University College of Law; Oregon Bar Association; Pacific Northwest Judicial Conference; Pennsylvania State Appellate Courts Annual Conference; University of Pennsylvania School of Law; Princeton University; University of Southern California Law School; Southern Oregon Federal Bar Association; Southwestern Law School; Stanford Law School; University of Texas Law School; Tulane Law School; Vanderbilt Law School; University of Virginia School of Law; Washington State Courts Appellate Conference; Washington and Lee School of Law; Western New England College School of Law; Washington University School of Law; William & Mary College of Law; William & Mary Bill of Rights Institute; Yale Law School

LITIGATION EXPERIENCE

U.S. SUPREME COURT MERITS CASES

Board of Trustees of Leland Stanford Junior University v. Roche Molecular Systems, Inc., 131 S. Ct. ____ (counsel for petitioner) (to be argued October Term 2010)

†Bullcoming v. New Mexico, 131 S. Ct. ____ (counsel for petitioner) (to be argued October Term 2010)

Chamber of Commerce v. Whiting, 131 S. Ct. ____ (counsel for amici curiae Asian American Institute, Asian Law Caucus and AsianPacific American Legal Center of Southern California in support of petitioners) (argued October Term 2010)

Connick v. Thompson, 131 S.Ct. ____ (counsel for amici curiae Former Federal Civil Rights Officials and Prosecutors Wan J. Kim, Bill Lann Lee, Grace Chung Becker, William Yeomans, John R. Dunne, Stephen J. Pollak, J. Stanley Pottinger, James P. Turner, Edward S.G. Dennis, Jr., David W. Marston, Matthew D. Orwig, John Ratcliffe, and Uttam Dhillon in support of respondent) (argued October Term 2010)

†Schwarzenegger v. Plata and Coleman, 131 S. Ct. ____ (counsel for appellee California Correctional and Peace Officers Association) (argued October Term 2010)

†Sossamon v. Texas, 131 S. Ct. ____ (counsel for petitioner) (argued October Term 2010)

†United States v. Tinklenberg, 131 S. Ct. ____ (counsel for respondent) (to be argued October Term 2010)

†Magwood v. Patterson, 130 S. Ct. 2788 (2010) (counsel for petitioner)

†Dolan v. United States, 130 S. Ct. 2533 (2010) (counsel for petitioner) (arguing counsel)

†Abbott v. Abbott, 130 S. Ct. 1983 (2010) (counsel for petitioner)

†Samantar v. Yousuf, 130 S. Ct. 2248 (2010) (counsel for petitioner)

†United States v. O'Brien, 130 S. Ct. 2169 (2010) (counsel for respondent)

†Jerman v. Carlisle, McNellie, Rini, Kramer & Ullrich, LPA, 130 S. Ct. 1605 (2010) (counsel for petitioner)

†Reed-Elsevier v. Muchnick, 130 S. Ct. 1237 (2010) (counsel for the Muchnick respondents)

†Cuomo v. The Clearing House Association, LLC, 129 S. Ct. 2710 (2009) (counsel for amici curiae Central New York Citizens in Action, Inc., Empire Justice Center, Lawyers' Committee for Civil Rights Under Law, Long Island Housing Services, Inc., National Community Reinvestment Coalition, National Fair Housing Alliance, Neighborhood Economic Development Advocacy Project, Progressive Research & Action Center, Inc., Public Citizen, Inc., South Brooklyn Legal Services, U.S. PIRGs: Federation of State PIRGs, and Washington Lawyers' Committee for Civil Rights and Urban Affairs at the certiorari stage and amici curiae NAACP Legal Defense and Educational Fund, Inc., and Lawyers' Committee for Civil Rights Under Law at the merits stage)

†Ricci v. DeStefano, 129 S. Ct. 2658 (2009) (counsel for amici curiae ACLU, Mexican American Legal Defense and Education Fund, and LatinoJustice PRLDF)

†Melendez-Diaz v. Massachusetts 129 S. Ct. 2527 (2009) (counsel for petitioner)

†Northwest Austin Municipal Utility District No. 1 v. Holder, 129 S. Ct. 2504 (2009) (counsel for amici curiae Reps. John Conyers, Jr., F. James Sensenbrenner, Jr., Jerrold Nadler, and Melvin Watt and former Rep. Steve Chabot)

†AT&T v. Hulteen, 129 S.Ct. 1962 (2009) (counsel for respondents)

†Flores-Figueroa v. United States, 129 S. Ct. 1886 (2009) (counsel for petitioner)

†Kansas v. Ventris, 129 S. Ct. 1841 (2009) (counsel for amicus curiae National Association of Criminal Defense Lawyers)

†Cone v. Bell, 129 S.Ct. 1769 (2009) (counsel for petitioner)

†Bartlett v. Strickland, 129 S.Ct. 1231 (2009) (counsel for amici curiae NAACP, ACLU, Cindy Moore, Milford

Farrior, and Mary Jordan)

†Herring v. United States, 129 S.Ct. 695 (2009) (counsel for petitioner) (arguing counsel)

†Jimenez v. Quarterman, 129 S.Ct. 681 (2009) (counsel for petitioner)

†Kennedy v. Louisiana, 128 S.Ct. 2641 and 129 S. Ct. 1 (2008) (counsel for petitioner)

†Greenlaw v. United States, 554 U.S. 237 (2008) (counsel for petitioner)

†Chamber of Commerce v. Brown, 554 U.S. 60 (2008) (counsel for amici curiae AARP, Association for Gerontology and Human Development in Historically Black Colleges and Universities, California Alliance for Retired Americans, Center for Medicare Advocacy, Inc., the Gray Panthers Project Fund, National Citizens' Coalition for Nursing Home Reform, Older Women's League, and Paraprofessional Healthcare Institute)

†Meacham v. Knolls Atomic Power Laboratory, 554 U.S. 84 (2008) (counsel for petitioners)

†Richlin Security Services Corp. v. Chertoff, 553 U.S. 571(2008) (counsel for amici curiae National Association of Legal Assistants and Paralyzed Veterans of America)

†Riley v. Kennedy, 553 U.S. 406 (2008) (counsel for appellees) (arguing counsel)

†Crawford v. Marion County Election Board, 553 U.S. 181 (2008) (counsel for petitioners)

†Virginia v. Moore, 553 U.S. 164 (2008) (counsel for respondent)

†Burgess v. United States, 553 U.S. 124 (2008) (counsel for petitioner)

†Tennessee Secondary School Athletics Association v. Brentwood Academy, 551 U.S. 291 (2007) (counsel for amicus curiae National School Boards Association)

†Wilkie v. Robbins, 551 U.S. 537 (2007) (counsel for respondent)

†Gonzales v. Carhart, 550 U.S. 124 (2007) (counsel for amicus curiae California Medical Association)

†Cunningham v. California, 549 U.S. 270 (2007) (counsel for amicus curiae National Association of Criminal Defense Lawyers)

†Ledbetter v. Goodyear Tire & Rubber Co., 550 U.S. 618 (2007) (counsel for petitioner)

†Hamdan v. Rumsfeld, 548 U.S. 557 (2006) (counsel for amici curiae historians)

†United States v. Gonzalez-Lopez, 548 U.S. 140 (2006) (counsel for respondent)

†Burlington Northern & Santa Fe Railway Co. v. White, 548 U.S. 53 (2006) (counsel for amici curiae National Women's Law Center et al.)

†Hill v. McDonough, 547 U.S. 573 (2006) (counsel for amici Bradley A. MacLean and William P. Redick)

†Whitman v. U.S. Department of Transportation, 547 U.S. 512 (2006) (counsel for petitioner) (arguing counsel)

†Georgia v. Randolph, 547 U.S. 103 (2006) (counsel for respondent)

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†Tum v. Barber Foods, 546 U.S. 21 (2005) (counsel for petitioners)

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†Spector v. Norwegian Cruise Line Limited, 545 U.S. 119 (2005) (counsel for petitioners)

†Rousey v. Jacoway, 544 U.S. 320 (2005) (counsel for petitioners) (arguing counsel)

†Smith v. City of Jackson, 544 U.S.228 (2005) (counsel for petitioners)

†Whitfield v. United States, 543 U.S. 209 (2005) (counsel for petitioners)

†U.S. Dept. of Transportation v. Public Citizen 541 U.S. 752 (2004) (counsel for amici curiae Defenders of Wildlife, Environmental Defense, and Sierra Club)

Vieth v. Jubelirer, 541 U.S. 267 (2004) (counsel for amici curiae Texas House Democratic Caucus and Representatives Chris Bell, Martin Frost, Sheila Jackson Lee, and John Lewis)

Lawrence v. Texas, 539 U.S. 558 (2003) (counsel for amici curiae constitutional law professors)

Gutter v. Bollinger, 539 U.S.306 (2003) (counsel for amicus curiae American Association of Law Schools)

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State of Texas v. United States, 523 U.S. 296 (1998) (counsel for amici curiae American Civil Liberties Union and NAACP Legal Defense and Educational Fund)

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Lotus Development Corp. v. Borland, International, Inc., 516 U.S. 233 (1996) (counsel for amicus curiae League for Programming Freedom)

Miller v. Johnson, 515 U.S. 900 (1995) (counsel for amicus curiae Georgia Association of Black Elected Officials)

United States v. Hays, 515 U.S. 734 (1995) (counsel for amicus curiae Congressional Black Caucus)

Voinovich v. Quilter, 507 U.S. 146 (1993) (counsel for amici curiae NAACP Legal Defense and Educational Fund, Mexican American Legal Defense and Educational Fund, National Asian Pacific American Legal

Consortium, Lawyers Committee for Civil Rights Under Law, and Puerto Rican Legal Defense and Education Fund)

Planned Parenthood of Southeastern Pennsylvania v. Casey, 505 U.S. 833 (1992) (counsel for an ad hoc group of 178 amici curiae)

Presley v. Etowah County Commission, 502 U.S. 491 (1992) (counsel for appellants)

Chisom v. Roemer, 501 U.S. 380 (1991) (counsel for petitioners) (arguing counsel)

Equal Employment Opportunity Commission v. Arabian American Oil Co., 499 U.S. 244 (1991) (counsel for amici curiae NAACP Legal Defense and Educational Fund, American Jewish Committee, American Jewish Congress, Anti-Defamation League of B'nai B'rith, and Women's Legal Defense Fund)

Lytle v. Household Manufacturing, Inc., 494 U.S. 545 (1990) (counsel for petitioners)

U.S. SUPREME COURT CERTIORARI-STAGE AND JURISDICTIONAL STATEMENT-STAGE CASES

(Note: Cases in which I participated at the certiorari or jurisdictional statement stage in which the Supreme Court granted plenary review or issued a written opinion are listed above; cases in which I participated in the courts of appeals where review was sought but denied are listed in the section concerning litigation in those courts.)

†Allshouse v. Pennsylvania, 131 S. Ct. (counsel for petitioner) (pending)

†Barbour v. Louisiana, 131 S. Ct. (counsel for petitioner) (pending)

†Greene v. Palkovich, 131 S. Ct. (counsel for petitioner) (pending)

†Zuress v. Donley, 131 S. Ct. (counsel for petitioner) (pending)

†Castro v. United States, 131 S. Ct. ____ (2011) (counsel for petitioner)

†Lafler v. Cooper, 131 S. Ct. ____ (2011) (counsel for respondent at the cert. stage)

†Experian Information Solutions v. Pintos, 131 S. Ct. ____ (2011) (counsel for respondent)

†Gao v. Holder, 131 S. Ct. ____ (2011) (counsel for petitioner)

†Bannister v. Illinois, 131 S. Ct. ____ (2010) (counsel for petitioner)

†Meacham v. Knolls Atomic Power Laboratory, 131 S. Ct. 413 (2010) (counsel for petitioners)

†Pendergrass v. Indiana, 130 S. Ct. 3409 (2010) (counsel for petitioner)

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†United States v. Bowden, 130 S. Ct. 1014 (2009) (counsel for respondent)

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†Burkey v. Marberry, 130 S. Ct. 458 (2009) (counsel for petitioner)

†Daniels v. Washington, 130 S. Ct. 85 (2009) (counsel for petitioner)

†Bowen v. Oregon, 130 S. Ct. 52 (2009) (counsel for petitioner)

†Mitchell v. Rees, 129 S. Ct. 1524 (2009) (counsel for petitioner)

†Navajo Nation v. United States Forest Service, 129 S. Ct. 2763 (2009) (counsel for petitioners)

†Polar Tankers, Inc. v. City of Valdez, 129 S. Ct. 762 (2008) (counsel for respondent at the certiorari stage)

†Smith v. United States, 129 S.Ct. 488 (2008) (counsel for petitioner)

†Lee v. Louisiana, 129 S. Ct. 130 (2008) (counsel for petitioner)

†Riley v. Plump, 129 S. Ct. 98 (2008) (counsel for appellee)

†Green v. Chilton County Commission, 128 S.Ct. 2961 (2008) (counsel for Dillard respondents)

†Baker v. Chisom, 128 S Ct. 2932 (2008) (counsel for petitioner)

†Lawler v. Nara, 128 S. Ct. 1869 (2008) (counsel for respondent)

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†NCAA v. Cohane, 552 U.S. 1022 (2007) (counsel for respondent)

†Sasouvong v. Washington, 552 U.S. 816 (2007) (counsel for petitioner)

†McKenzie v. Carolina Care Plan, Inc., 551 U.S. 1176 (2007) (counsel for petitioner)

†Carolina Care Plan, Inc. v. McKenzie, 551 U.S. 1176 (2007) (counsel for respondent)

†Medeiros v. Sullivan, 548 U.S. 904 (2006) (counsel for petitioner)

†Mouelle v. Gonzalez, 548 U.S. 901 (2006) (counsel for petitioners)

†Pierce v. Jeter, 547 U.S. 1127(2006) (counsel for petitioner)

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†Stavropolous v. Firestone, 544 U.S. 976 (2005) (counsel for petitioner)

†City of Evanston v. Franklin, 544 U.S. 956 (2005) (counsel for respondent)

†Arkansas v. Jolly, 544 U.S. 948 (2005) (counsel for respondent)

†Donaldson v. Lott, 543 U.S. 1050 (2005) (counsel for petitioners)

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†Farrakhan v. Gregoire, ___ F.3d ___ (9th Cir. 2010) (counsel for amici curiae law professors)

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Boureslan v. Arabian American Oil Co., 892 F.2d 1291 (5th Cir. 1990), *aff'd*, 499 U.S. 244 (1991) (counsel for amicus curiae NAACP Legal Defense and Educational Fund)

City of Scottsboro v. Battle, No. 88-7674 (11th Cir. 1989) (counsel for interlocutory appellants) (arguing counsel)

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defendant)

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Voting Integrity Project v. Fleischer, Case No. Civ. 00 0109 PHX (PGR) (D. Ariz. Feb. 29, 2000) (counsel for amici curiae Center for Governmental Studies, Benjamin E. Mays National Educational Resource Center and Professor Charles E. Nesson)

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Hi-Voltage Wire Works, Inc. v. City of San Jose, 12 P.3d 1068 (Cal. Sup. Ct. 2000) (of counsel to *amicus curiae* NAACP Legal Defense and Educational Fund, Inc.)

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† Cases litigated as co-director of the Stanford Supreme Court Litigation Clinic