

# President Biden to Sign Executive Order Creating the Presidential Commission on the Supreme Court of the United States

APRIL 09, 2021 • STATEMENTS AND RELEASES

President Biden will today issue an executive order forming the Presidential Commission on the Supreme Court of the United States, comprised of a bipartisan group of experts on the Court and the Court reform debate. In addition to legal and other scholars, the Commissioners includes former federal judges and practitioners who have appeared before the Court, as well as advocates for the reform of democratic institutions and of the administration of justice. The expertise represented on the Commission includes constitutional law, history and political science.

The Commission's purpose is to provide an analysis of the principal arguments in the contemporary public debate for and against Supreme Court reform, including an appraisal of the merits and legality of particular reform proposals. The topics it will examine include the genesis of the reform debate; the Court's role in the Constitutional system; the length of service and turnover of justices on the Court; the membership and size of the Court; and the Court's case selection, rules, and practices.

To ensure that the Commission's report is comprehensive and informed by a diverse spectrum of views, it will hold public meetings to hear the views of other experts, and groups and interested individuals with varied perspectives on the issues it will be examining. The Executive Order directs that the Commission complete its report within 180 days of its first public meeting. This action is part of the Administration's commitment to closely study measures to improve the federal judiciary, including those that would expand access the court system.

The two co-chairs of this Commission are Bob Bauer, Professor of Practice and Distinguished Scholar in Residence at New York University School of Law and a former White House Counsel, as well as Yale Law School Professor Cristina Rodriguez, former Deputy Assistant Attorney General in the Office of Legal Counsel at the U.S. Department of Justice.

## COMMISSIONERS

### **Michelle Adams**

Michelle Adams is a Professor of Law at Benjamin N. Cardozo School of Law, where she teaches Constitutional Law, Federal Courts, and Federal Civil Rights. At Cardozo, she is a Director of the Floersheimer Center for Constitutional Democracy and was a Board Member of the Innocence Project. Adams has published in the *Yale Law Journal*, the *California Law Review*, and the *Texas Law Review*. She recently appeared in “Amend: The Fight for America,” a 2021 Netflix documentary about the 14th Amendment. She is the author of *The Containment: Detroit, The Supreme Court, and the Battle for Racial Justice in the North*, forthcoming in 2022 from Farrar, Straus and Giroux. Previously, she was a Law Professor at Seton Hall Law School, practiced law at the Legal Aid Society, and served as a Law Clerk for Magistrate Judge James C. Francis IV in the Southern District of New York. Adams holds a B.A. from Brown University, a J.D. from City University of New York Law School, and an LL.M. from Harvard Law School, where she was the first Charles Hamilton Houston Scholar. She is a two-time recipient of Cardozo’s Faculty Inspire Award.

### **Kate Andrias (Rapporteur)**

Kate Andrias is a Professor of Law at the University of Michigan. She teaches and writes about constitutional law, labor and employment law, and administrative law, with a focus on problems of economic and political inequality. Her work has been published in numerous books and journals, including the *Harvard Law Review*, the *NYU Law Review*, the *Supreme Court Review*, and the *Yale Law Journal*. In 2016, Andrias was the recipient of Michigan Law School’s L. Hart Wright Award for Excellence in Teaching. Andrias previously served as special assistant and associate counsel to President Obama, and as chief of staff of the White House Counsel’s Office. A graduate of Yale Law School, she clerked for Justice Ruth Bader Ginsburg of the U.S. Supreme Court and the Hon. Stephen Reinhardt of the U.S. Court of Appeals for the Ninth Circuit.

### **Jack M. Balkin**

Jack M. Balkin is Knight Professor of Constitutional Law and the First Amendment at Yale Law School. He is the founder and director of Yale’s Information Society Project, an interdisciplinary center that studies law and new information technologies. He also directs the Abrams Institute for Freedom of Expression, and the Knight Law and Media Program at Yale. Balkin is a member of the American Law Institute and the American Academy of Arts and Sciences, and founded and edits the group blog Balkinization. His most recent books include *The Cycles of Constitutional Time, Democracy and Dysfunction* (with Sanford Levinson), *Processes of Constitutional Decisionmaking* (7th ed. with Brest, Levinson, Amar, and Siegel), *Living Originalism*, and *Constitutional Redemption: Political Faith in an Unjust World*.

**Bob Bauer (Co-Chair)**

Bob Bauer is Professor of Practice and Distinguished Scholar in Residence at the New York University School of Law and Co-Director of NYU Law's Legislative and Regulatory Process Clinic. Bauer served as White House Counsel to President Obama from 2009 to 2011. In 2013, the President named him to be Co-Chair of the Presidential Commission on Election Administration. He is co-author with Jack Goldsmith of *After Trump: Reconstructing the Presidency* (2020), books on federal campaign finance and numerous articles on law and politics for legal periodicals. He has co-authored numerous bipartisan reports on policy and legal reform, including "The American Voting Experience: Report and Recommendations of the Presidential Commission on Election Administration" (Presidential Commission on Election Administration, 2014); "The State of Campaign Finance in the United States" (Bipartisan Policy Center, 2018); and "Democratizing the Debates" (Annenberg Working Group on Presidential Campaign Debate Reform, 2015); ; He is a Contributing Editor of *Lawfare* and has published opinion pieces on constitutional and political law issues in *The New York Times*, *The Washington Post*, and *The Atlantic*, among other publications.

**William Baude**

William Baude is a Professor of Law and Faculty Director of the Constitutional Law Institute at the University of Chicago Law School, where he teaches federal courts, constitutional law, conflicts of law, and elements of the law. His most recent articles include *Adjudication Outside Article III*, and *Is Quasi-Judicial Immunity Qualified Immunity?* He is also the co-editor of the textbook, *The Constitution of the United States*, and an Affiliated Scholar at the Center for the Study of Constitutional Originalism. He is a graduate of the University of Chicago and the Yale Law School, and a former clerk for then-Judge Michael McConnell and Chief Justice John Roberts.

**Elise Boddie**

Elise Boddie is a Professor of Law and Judge Robert L. Carter Scholar at Rutgers University. An award-winning scholar, Boddie teaches and writes about constitutional law and civil rights and has published in leading law reviews. Her commentary has appeared multiple times in *The New York Times*, as well as in *The Washington Post*, among other national news outlets. Boddie has served on the national board of the American Constitution Society and the board of the New Jersey Institute for Social Justice and is the founder and director of The Inclusion Project at Rutgers. Before joining the Rutgers faculty, Boddie was Director of Litigation for the NAACP Legal Defense & Educational Fund, Inc. and supervised its nationwide litigation program, including its advocacy in several major U.S. Supreme Court cases. An honors graduate of Harvard Law School and Yale, she also holds a master's degree in public policy from the Harvard Kennedy School of Government. Boddie clerked for Judge Robert L. Carter in the

Southern District of New York. She is a member of the American Law Institute and an American Bar Foundation Fellow. In 2016, Rutgers University President Barchi appointed Boddie a Henry Rutgers Professor in recognition of her scholarship, teaching, and service. In 2021, Boddie was named the founding Newark Director of Rutgers University's Institute for the Study of Global Racial Justice.

### **Guy-Uriel E. Charles**

Guy-Uriel E. Charles is the Edward and Ellen Schwarzman Professor of Law at Duke Law School. He writes about the relationship between law and political power and law's role in addressing racial subordination. He teaches courses on civil procedure; election law; constitutional law; race and law; legislation and statutory interpretation; law, economics, and politics; and law, identity, and politics. He is currently working on book, with Luis Fuentes-Rohwer, on the past and future of voting rights, under contract with Cambridge University Press. He is also co-editing, with Aziza Ahmed, a handbook entitled *Race, Racism, and the Law*, under contract with Edward Elgar Publishing. This book will survey the current state of research on race and the law in the United States and aims to influence the intellectual agenda of the field. He clerked on the Sixth Circuit for the late Judge Damon J. Keith. He has published numerous articles in top law journals. He is the co-author of two leading casebooks and two edited volumes. He is also a member of the American Law Institute. On July 1, 2021, he will become the inaugural Charles J. Ogletree Jr. Professor of Law at Harvard Law School.

### **Andrew Manuel Crespo**

Andrew Manuel Crespo is a Professor of Law at Harvard University where he teaches and writes about criminal law and procedure. Professor Crespo's scholarship has been published in multiple leading academic journals including the *Harvard Law Review*, the *Yale Law Journal*, and the *Columbia Law Review*. Prior to beginning his academic career, Professor Crespo served as a Staff Attorney with the Public Defender Service for the District of Columbia, where he represented over one hundred people accused of crimes who could not afford a lawyer. Professor Crespo graduated magna cum laude from Harvard Law School, where he served as president of the *Harvard Law Review* and was the first Latino to hold that position. Following law school, he served as a law clerk to Judge Stephen Reinhardt of the U.S. Court of Appeals for the Ninth Circuit before going on to serve for two years as a law clerk at the United States Supreme Court, first to Associate Justice Stephen Breyer and then to Associate Justice Elena Kagan during her inaugural term on the Court.

### **Walter Dellinger**

Walter Dellinger is the Douglas Maggs Emeritus Professor of Law at Duke University and a Partner in the firm of O'Melveny & Myers. He was named one of the 100 Most Influential Lawyers in America by the National Law Journal and is the recipient of Lifetime Achievement

Awards from the American Lawyer, the American Constitution Society and the Mississippi Center for Justice. Dellinger served in the White House and as Assistant Attorney General and head of the Office of Legal Counsel (OLC) from 1993 to 1996. He was acting Solicitor General for the 1996-97 Term of the US Supreme Court, He has argued 25 cases before the United States Supreme Court and has testified more than 30 times before committees of Congress. He has published in academic journals including the Harvard Law Review, the Yale Law Journal and the Duke Law Journal, and has written extensively for the *Washington Post*, *The New York Times*, the *Wall Street Journal*, *Slate*, and other publications. In 1987-88 he was a scholar at the National Humanities Center and has lectured at universities throughout the United States and other countries including China, Belgium, Netherlands, Germany, Mexico, Italy, Brazil, and Denmark. He graduated from University of North Carolina and Yale Law School and served as law clerk to Supreme Court Justice Hugo Black.

### **Justin Driver**

Justin Driver is the Robert R. Slaughter Professor of Law at Yale Law School. He teaches and writes in the area of constitutional law, education law, and prison law. His book, *The Schoolhouse Gate: Public Education, the Supreme Court, and the Battle for the American Mind*, was selected as a *Washington Post* Notable Book of the Year, an Editors' Choice of the *New York Times Book Review*, and received the Steven S. Goldberg Award for Distinguished Scholarship in Education Law, among numerous other honors. A recipient of the American Society for Legal History's William Nelson Cromwell Article Prize, he has a distinguished publication record in the nation's leading law reviews and has also written extensively for general audiences. He is an editor of the *Supreme Court Review* and an elected member of the *American Law Institute*. He holds degrees from Brown, Oxford (where he was a Marshall Scholar), Duke (where he received certification to teach public school), and Harvard Law School (where he was an editor of the *Harvard Law Review*). After graduating from Harvard, he clerked for Judge Merrick Garland, Justice Sandra Day O'Connor (Ret.), and Justice Stephen Breyer.

### **Richard H. Fallon, Jr.**

Richard H. Fallon, Jr., joined the Harvard Law School faculty as an assistant professor in 1982 and is currently Story Professor of Law. He is also an Affiliate Professor in the Harvard University Government Department. Fallon is a graduate of Yale University and Yale Law School. He also earned a B.A. degree in Philosophy, Politics, and Economics from Oxford University, which he attended as a Rhodes Scholar. Before entering teaching, Fallon served as a law clerk to Judge J. Skelly Wright and to Justice Lewis F. Powell of the United States Supreme Court. Fallon has written extensively about Constitutional Law and Federal Courts Law. He is the author of *The Nature of Constitutional Rights: The Invention and Logic of Strict Judicial Scrutiny* (Cambridge University Press, 2019); *Law and Legitimacy in the Supreme Court* (Harvard University Press, 2018), *The Dynamic Constitution* (Cambridge University

Press, 2d ed. 2013), and *Implementing the Constitution* (Harvard University Press, 2001) and a co-editor of *Hart & Wechsler's The Federal Courts and the Federal System* (7<sup>th</sup> ed. 2015). Fallon is a fellow of the American Academy of Arts and Sciences and a member of the American Law Institute. He is a two-time winner of Harvard Law School's Sacks-Freund Award, which is voted annually by the School's graduating class to honor excellence in teaching. In 2021, the Federal Courts Section of the American Association of Law Schools honored Fallon with its lifetime achievement award.

### **Caroline Fredrickson**

Caroline Fredrickson served as the President of the American Constitution Society from 2009-2019. Fredrickson has published works on many legal and constitutional issues and is a frequent guest on television and radio, including serving as a regular on-air commentator on impeachment. Before joining ACS, Fredrickson served as the Director of the ACLU's Washington Legislative Office and as General Counsel and Legal Director of NARAL Pro-Choice America. In addition, she served as the Chief of Staff to Senator Maria Cantwell, of Washington, and Deputy Chief of Staff to then-Senate Democratic Leader Tom Daschle, of South Dakota. During the Clinton Administration, she served as Special Assistant to the President for Legislative Affairs. Fredrickson is currently an elected member of the American Law Institute, co-chair of the National Constitution Center's Coalition of Freedom Advisory Board, a member of If/When/How's Advisory Board, and on the boards of American Oversight and the National Institute of Money and Politics. In 2015 Fredrickson was appointed a member of the Yale Les Aspin Fellowship Committee. Fredrickson received her J.D. from Columbia Law School with honors and her B.A. from Yale University in Russian and East European Studies summa cum laude, phi beta kappa. She clerked for the Hon. James L. Oakes of the United States Court of Appeals for the Second Circuit.

### **Heather Gerken**

Heather Gerken is the Dean and Sol & Lillian Goldman Professor of Law at Yale Law School and one of the country's leading experts on constitutional law and election law. A founder of the "nationalist school" of federalism, her work focuses on federalism, diversity, and dissent. Gerken's work has been featured in the *Harvard Law Review*, the *Yale Law Journal*, and the *Stanford Law Review* as well as *The Atlantic*, *The Boston Globe*, NPR, and *The New York Times*. In 2017, *Politico* Magazine named Gerken one of The Politico 50, a list of idea makers in American politics. At Yale, she founded and runs the country's most innovative clinic in local government law, the San Francisco Affirmative Litigation Project (SFALP). Gerken is also a renowned teacher who has won awards at both Yale and Harvard. She was named one of the nation's "twenty-six best law teachers" in a book published by the Harvard University Press. She became dean of Yale Law School on July 1, 2017.

**Nancy Gertner**

Nancy Gertner was United States District Court Judge (D. Mass.) from 1994-2011. She retired to join the faculty at Harvard Law School and has been a Visiting Lecturer at Yale Law School. Prior to 1994, Gertner was a civil rights and criminal defense lawyer. Named one of “The Most Influential Lawyers of the Past 25 Years” by Massachusetts Lawyers Weekly, she has published widely on sentencing, discrimination, forensic evidence, women’s rights, and the jury system. Her autobiography, “In Defense of Women: Memoirs of an Unrepentant Advocate,” (Beacon Press) was published in 2011. She is coauthor of “The Law of Juries” (Thomson Reuters, 2021). She is the author of an edited volume of the dissenting and majority opinions of Justice Ruth Bader Ginsburg (Talbot, forthcoming). She is writing a memoir, “Incomplete Sentences” (Beacon, forthcoming) about the men she has sentenced. A graduate of Barnard College, with a M.A in Political Science and J.D. from Yale, she clerked for Justice Luther Swygert, Chief Judge, 7th Circuit. She has received numerous awards, including the ABA’s Margaret Brent Award, the National Association of Women Lawyers’ Arabella Babb Mansfield Award, and the Thurgood Marshall Award from the American Bar Association. In October 2014, she was a resident scholar at the Rockefeller Foundation in Bellagio, Italy.

**Jack Goldsmith**

Jack Goldsmith is the Learned Hand Professor of Law at Harvard Law School, a Senior Fellow at the Hoover Institution, and co-founder of Lawfare. He teaches and writes about national security law, presidential power, cybersecurity, international law, internet law, foreign relations law, and federal courts. Before coming to Harvard, Professor Goldsmith served as Assistant Attorney General, Office of Legal Counsel from 2003-2004, and Special Counsel to the Department of Defense from 2002-2003.

**Thomas B. Griffith**

Thomas B. Griffith served on the U. S. Court of Appeals for the D. C. Circuit from 2005 – 2020. He is now Special Counsel at Hunton Andrews Kurth, a Senior Advisor to the National Institute for Civil Discourse, and a Lecturer on Law at Harvard Law School. During his tenure on the D.C. Circuit, Judge Griffith served on the Judicial Conference’s Committee on the Judicial Branch, which is concerned with the federal judiciary’s relationship to the Executive Branch and Congress, and the Code of Conduct Committee, which sets the ethical standards that govern the federal judiciary. Prior to his appointment to the D.C. Circuit, Judge Griffith was the General Counsel of Brigham Young University. Previously he served as Senate Legal Counsel, the nonpartisan chief legal officer of the U.S. Senate, and before that was a partner at Wiley, Rein & Fielding. Judge Griffith has long been active in the American Bar Association’s rule of law projects in Eastern Europe and Eurasia and is currently a member of the International Advisory Board of the CEELI Institute in Prague. He is a graduate of Brigham

Young University and the University of Virginia School of Law.

### **Tara Leigh Grove**

Tara Leigh Grove is the Charles E. Tweedy, Jr., Endowed Chairholder of Law and Director of the Program in Constitutional Studies at the University of Alabama School of Law. After graduating *summa cum laude* from Duke University and *magna cum laude* from Harvard Law School, Grove clerked for Judge Emilio Garza of the U.S. Court of Appeals for the Fifth Circuit. She then spent four years as an appellate attorney for the U.S. Department of Justice, arguing fifteen cases in the courts of appeals. Grove has written extensively about the federal judiciary, exploring issues related to judicial legitimacy and judicial independence. Grove's work has been published in prestigious law journals, such as the *Harvard Law Review*, the *Columbia Law Review*, the *University of Pennsylvania Law Review*, the *New York University Law Review*, the *Cornell Law Review*, and the *Vanderbilt Law Review*. Grove has served as a visiting professor at Harvard Law School and Northwestern Pritzker School of Law.

### **Bert I. Huang**

Bert I. Huang is Michael I. Sovern Professor of Law at Columbia University, where he received the Reese Prize for Excellence in Teaching from the law school's graduating class. The university has also recognized him with its Presidential Award for Outstanding Teaching. At Columbia, he created the Courts & Legal Process colloquium to bring judges, students, and faculty together to discuss new academic research about the judiciary; and he previously served as a vice dean. He has also taught at Harvard. He served as the president of the Harvard Law Review and as a law clerk for Justice David H. Souter of the U.S. Supreme Court. He also clerked for Judge Michael Boudin of the U.S. Court of Appeals for the First Circuit. He completed his J.D. and Ph.D. at Harvard University, where he was a Paul & Daisy Soros Fellow. After receiving his A.B. from Harvard, he was a Marshall Scholar at the University of Oxford and worked for the White House Council of Economic Advisers.

### **Sherrilyn Ifill**

Sherrilyn Ifill is the President & Director-Counsel of the NAACP Legal Defense & Educational Fund, Inc. (LDF), the nation's oldest and premier civil rights law organization fighting for racial justice and equality. Ifill began her career as a Fellow at the American Civil Liberties Union, and then as an Assistant Counsel at LDF where she litigated voting rights cases in the South. In 1993 Ifill joined the faculty at University of Maryland School of Law, where she taught civil procedure, constitutional law, and a broad range of civil rights and clinical offerings. Her scholarship focused on the critical importance of a racially diverse judiciary to the integrity of judicial decision-making. Ifill also studies and writes about racial violence. Her critically acclaimed book, *On The Courthouse Lawn: Confronting The Legacy Of Lynching In The 21st Century*, is credited with inspiring contemporary conversations about lynching and



reconciliation. Since returning to LDF as its 7th President & Director-Counsel in 2013, Ifill has led the organization's bold advocacy in the federal courts, including the U.S. Supreme Court, on behalf of clients fighting voter suppression, racial discrimination in the criminal justice system, and a broad array of other urgent civil rights issues. Ifill is a member of the American Law Institute and the American Academy of Arts & Sciences. She holds an undergraduate degree from Vassar College, a J.D. from New York University School of Law, and numerous honorary doctorates.

### **Michael S. Kang**

Michael S. Kang is the William G. and Virginia K. Karnes Research Professor at Northwestern Pritzker School of Law and nationally recognized expert on campaign finance, voting rights, redistricting, judicial elections, and corporate governance. His research has been published widely in leading law journals and featured in *The New York Times*, *The Washington Post*, and *Forbes*, among others. His recent work focuses on partisan gerrymandering; the influence of party and campaign finance on elected judges; the de-regulation of campaign finance after *Citizens United*; and so-called "sore loser laws" that restrict losing primary candidates from running in the general election. Kang previously served as the Thomas Simmons Professor of Law at Emory University School of Law. He received his BA and JD from the University of Chicago, where he served as technical editor of the Law Review and graduated Order of the Coif. He also received a PhD in government from Harvard University and an MA from the University of Illinois. After law school, he clerked for Judge Kanne on the U.S. Court of Appeals for the Seventh Circuit and worked in private practice at Ropes & Gray in Boston.

### **Olatunde Johnson**

Olatunde Johnson is the Jerome B. Sherman Professor of Law at Columbia Law School where she teaches and writes about legislation, administrative law, antidiscrimination law, litigation, and inequality in the United States. In February 2020, she was appointed by the United States Department of Justice to the Resolutions Committee honoring Justice John Paul Stevens. In 2016, she was awarded Columbia University's Presidential Award for Outstanding Teaching, and Columbia Law School's Willis L.M. Reese Prize for Excellence in Teaching. Previously, Professor Johnson served as constitutional and civil rights counsel to Senator Edward M. Kennedy on the Senate Judiciary Committee and as an attorney at the NAACP Legal Defense Fund. Professor Johnson graduated from Yale University and from Stanford Law School. After law school, she clerked for Judge David Tatel on the U.S. Court of Appeals for the D.C. Circuit and for Justice John Paul Stevens on the United States Supreme Court.

### **Alison L. LaCroix**

Alison L. LaCroix is the Robert Newton Reid Professor of Law at the University of Chicago Law School. She is also an Associate Member of the University of Chicago Department of

History. Professor LaCroix is the author of *The Ideological Origins of American Federalism* (Harvard University Press, 2010), and in 2018 she was awarded a National Endowment for the Humanities Fellowship for her current book project, titled *The Interbellum Constitution: Union, Commerce, and Slavery From the Long Founding Moment to the Civil War* (Yale University Press, forthcoming). Before joining the University of Chicago faculty in 2006, she practiced in the litigation department at Debevoise & Plimpton in New York. Professor LaCroix received her B.A. and J.D. from Yale University, and her A.M. and Ph.D. from Harvard University.

### **Margaret H. Lemos**

Maggie Lemos is the Robert G. Seaks LL.B. '34 Professor of Law, Senior Associate Dean for Faculty and Research, and faculty co-advisor for the Bolch Judicial Institute at Duke Law School. She is a scholar of constitutional law, legal institutions, and procedure. Her current research focuses on the institutions of law interpretation and enforcement, including both public and private lawyers, and their effects on substantive rights. Lemos is also a co-author of a new multidisciplinary coursebook on judicial decision making. She teaches courses on civil procedure, legislation, and judicial process, and was awarded Duke's Distinguished Teaching Award in 2013. Prior to joining the Duke Law faculty, Lemos was an associate professor at the Benjamin N. Cardozo School of Law; a Bristow Fellow at the Office of the Solicitor General; and a law clerk for Judge Kermit V. Lipez of the U.S. Court of Appeals for the First Circuit, and for U.S. Supreme Court Justice John Paul Stevens. She received her J.D. from New York University School of Law and her B.A. from Brown University.

### **David F. Levi**

David F. Levi is the Levi Family Professor of Law and Judicial Studies and Director of the Bolch Judicial Institute at Duke Law School. Levi was previously the James B. Duke and Benjamin N. Duke Dean of the Duke Law School. He served as dean for 11 years from 2007-2018. Prior to his appointment at Duke, Levi was the Chief United States District Judge for the Eastern District of California with chambers in Sacramento. He was appointed to the district court in 1990. From 1986-1990 he was the United States Attorney for the Eastern District of California. Following graduation from Stanford Law School in 1980, Levi served as a law clerk to Judge Ben C. Duniway of the U.S. Court of Appeals for the Ninth Circuit, and then to Justice Lewis F. Powell, Jr., of the U.S. Supreme Court. Levi has served as member and chair of two U.S. Judicial Conference committees — the Advisory Committee on the Civil Rules and the Standing Committee on the Rules of Practice and Procedure. He was chair of the American Bar Association's Standing Committee on the American Judicial System (2014-2016). He is an elected fellow of the American Academy of Arts and Sciences. He is the author or co-author of several books, articles, and published speeches mostly on the judiciary, judicial independence, and judicial decision-making. He is President of the American Law Institute.

### **Trevor W. Morrison**

Trevor Morrison serves as Dean of NYU School of Law, where he is also the Eric M. and Laurie B. Roth Professor of Law. He previously held faculty appointments at Cornell Law School and Columbia Law School. Morrison's research and teaching interests are in constitutional law (especially separation of powers), federal courts, and the law of the executive branch. After graduating from Columbia Law School, he served as a law clerk to Judge Betty Fletcher of the U.S. Court of Appeals for the Ninth Circuit and to Justice Ruth Bader Ginsburg of the U.S. Supreme Court. Between those clerkships, he was a Bristow Fellow in the U.S. Justice Department's Office of the Solicitor General, an attorney-adviser in the Justice Department's Office of Legal Counsel, and an associate at Wilmer, Cutler & Pickering (now WilmerHale). Morrison also served as associate counsel to President Barack Obama. He is a fellow of the American Academy of Arts & Sciences and a member of the American Law Institute and the Council on Foreign Relations.

### **Caleb Nelson**

Caleb Nelson is the Emerson G. Spies Distinguished Professor of Law and the Caddell and Chapman Professor of Law at the University of Virginia School of Law. He earned his A.B. from Harvard College and his J.D. from Yale Law School. After law school, he clerked for Judge Stephen F. Williams on the United States Court of Appeals for the D.C. Circuit and Justice Clarence Thomas on the United States Supreme Court. He joined the Virginia faculty in 1998. At Virginia, he has taught Federal Courts, Civil Procedure, Legislation, and Constitutional Law. His articles have appeared in the *Columbia Law Review*, the *Harvard Law Review*, the *Michigan Law Review*, the *NYU Law Review*, the *University of Chicago Law Review*, the *University of Pennsylvania Law Review* (forthcoming), the *Virginia Law Review*, and the *Yale Law Journal*. He is also the author of a casebook on statutory interpretation, published by Foundation Press. He is a member of the American Law Institute and a past winner of the University of Virginia's All-University Teaching Award. He has also taught as a visiting professor at Harvard Law School and as the James S. Carpentier Visiting Professor at Columbia Law School.

### **Richard H. Pildes**

Professor Richard H. Pildes is Sudler Family Professor of Constitutional Law at New York University School of Law and one of the country's leading experts on the legal aspects of American democracy and government. His academic work focuses on all aspects of the political process, as well as legal issues concerning the structure of American government, including the powers of the President, Congress, and the Supreme Court. His two casebooks, *The Law of Democracy* and *When Elections Go Bad*, created the law of democracy as a field of study in the law schools. In addition to editing the book, *The Future of the Voting Rights Act*, he has published more than seventy academic articles. Pildes has represented

numerous clients before the Supreme Court. He served as a law clerk at the Court to Justice Thurgood Marshall and to Judge Abner J. Mikva of the United States Court of Appeals for the D.C. Circuit. He has testified several times before the United States Senate and House of Representatives. Born in Chicago, he began his teaching career at the University of Michigan Law School, before moving to NYU. He is an elected member of the American Academy of Arts and Sciences and the American Law Institute, as well as a Guggenheim Fellow.

### **Michael D. Ramsey**

Michael D. Ramsey is Hugh and Hazel Darling Foundation Professor of Law at the University of San Diego School of Law, where he teaches and writes in the areas of constitutional law, foreign relations law, and international law. He is the author of *The Constitution's Text in Foreign Affairs* (Harvard University Press 2007), co-editor of *International Law in the U.S. Supreme Court: Continuity and Change* (Cambridge University Press 2011), and co-author of two casebooks, *Transnational Law and Practice* (Aspen 2015) and *International Business Transactions: A Problem-Oriented Coursebook* (12th ed., West 2015). His scholarly articles have appeared in publications such as the *Yale Law Journal*, the *University of Chicago Law Review*, the *Georgetown Law Journal* and the *American Journal of International Law*. He received his B.A. *magna cum laude* from Dartmouth College and his J.D. *summa cum laude* from Stanford Law School. Prior to teaching, he served as a judicial clerk for Judge J. Clifford Wallace of the United States Court of Appeals for the Ninth Circuit and Justice Antonin Scalia of the United States Supreme Court, and practiced law with the law firm of Latham & Watkins. He has taught as a visiting professor at the University of California, San Diego, in the Department of Political Science and at the University of Paris – Sorbonne, in the Department of Comparative Law.

### **Cristina M. Rodríguez (Co-Chair)**

Cristina M. Rodríguez is the Leighton Homer Surbeck Professor of Law at Yale Law School. Her fields of research and teaching include constitutional law and theory, immigration law and policy, and administrative law and process. Her new book, *The President and Immigration Law* (with Adam B. Cox) was published by Oxford University Press in September 2020, and explores the long history of presidential control over immigration policy and its implications for the future of immigration law and the presidency itself. Rodríguez joined Yale Law School in 2013 after serving for two years as Deputy Assistant Attorney General in the Office of Legal Counsel at the U.S. Department of Justice. She was on the faculty at the New York University School of Law from 2004–2012 and has been Visiting Professor of Law at Stanford, Harvard, and Columbia Law Schools. She is a member of the American Academy of Arts and Sciences and the American Law Institute, a non-resident fellow at the Migration Policy Institute in Washington, D.C., and a past member of the Council on Foreign Relations. She is also a past recipient of the Yale Law Women Award for Excellence in Teaching. She earned her B.A. and J.D. degrees from Yale and attended Oxford University as a Rhodes Scholar, where she received

a Master of Letters in Modern History. Following law school, Rodríguez clerked for Judge David S. Tatel of the U.S. Court of Appeals for the D.C. Circuit and Justice Sandra Day O'Connor of the U.S. Supreme Court.

### **Kermit Roosevelt**

Kermit Roosevelt is a professor of law at the University of Pennsylvania Carey Law School, where he teaches constitutional law and conflict of laws. He is a graduate of Harvard College and Yale Law School. Before joining the Penn faculty, he practiced appellate litigation with Mayer Brown in Chicago and clerked for D.C. Circuit Judge Stephen F. Williams and Supreme Court Justice David H. Souter.

### **Bertrall Ross**

Bertrall Ross is the Chancellor's Professor of Law at the University of California, Berkeley School of Law. He teaches and writes in the areas of constitutional law, election law, administrative law, and statutory interpretation. Ross's research is driven by a concern about democratic responsiveness and accountability, as well as the inclusion of marginalized communities in administrative and political processes. His past scholarship has been published in several books and journals, including the *Columbia Law Review*, the *NYU Law Review*, and the *University of Chicago Law Review*. Ross is currently working on book projects related to separation of powers, gerrymandering, and voter data as a tool for disfranchisement. Ross has been the recipient of the Berkeley Law Rutter Award for Teaching Distinction, the Berlin Prize from the American Academy in Berlin, the Princeton University Law and Public Affairs Fellowship, the Columbia Law School Kellis Parker Academic Fellowship, and the Marshall Scholarship. He is currently a public member of the Administrative Conference of the United States. Ross earned his law degree from Yale Law School and Masters degrees from the London School of Economics and Princeton University's School of Public and International Affairs. Prior to joining Berkeley Law, he clerked for Judge Dorothy Nelson of the U.S. Court of Appeals for the Ninth Circuit and Judge Myron Thompson of the U.S. District Court for the Middle District of Alabama.

### **David A. Strauss**

David Strauss is the Gerald Ratner Distinguished Service Professor of Law and the Faculty Director of the Supreme Court and Appellate Clinic at the University of Chicago. He is the author of *The Living Constitution* (Oxford University Press, 2010) and the co-author of *Democracy and Equality: The Enduring Constitutional Vision of the Warren Court* (Oxford University Press, 2019), and he has written many academic and popular articles on constitutional law and related subjects. He is a Fellow of the American Academy of Arts and Sciences and a co-editor of the *Supreme Court Review*. He has been a visiting professor at Harvard and Georgetown. He has served as an Assistant to the Solicitor General of the United

States, in the Office of Legal Counsel of the U.S. Department of Justice, and as Special Counsel to the Senate Judiciary Committee. He has argued nineteen cases before the U.S. Supreme Court.

### **Laurence H. Tribe**

Laurence Tribe is the Carl M. Loeb University Professor and Professor of Constitutional Law Emeritus at Harvard University. Tribe has taught at Harvard since 1968 and was voted the best professor by the class of 2000. The title “University Professor” is Harvard’s highest academic honor, awarded to a handful of professors at any given time and to fewer than 75 professors in Harvard University’s history. Tribe clerked for the California and U.S. Supreme Courts; was elected to the American Academy of Arts and Sciences in 1980 and the American Philosophical Society in 2010; helped write the constitutions of South Africa, the Czech Republic, and the Marshall Islands; and has received eleven honorary degrees, most recently a degree *honoris causa* from the Government of Mexico in March 2011 (never before awarded to an American) and an LL.D from Columbia University. Tribe has argued 35 cases in the U.S. Supreme Court. He was appointed in 2010 by President Obama and Attorney General Holder to serve as the first Senior Counselor for Access to Justice. He has written 115 books and articles, most recently, “To End A Presidency: The Power of Impeachment.” His treatise, “American Constitutional Law,” has been cited more than any other legal text since 1950.

### **Adam White**

Adam White is a resident scholar at the American Enterprise Institute and an assistant professor of law at George Mason University’s Antonin Scalia Law School, where he directs the C. Boyden Gray Center for the Study of the Administrative State. He writes on the courts, the Constitution, administrative law, and regulatory policy. He is a public member of the Administrative Conference of the United States, and he serves on the board of the Land Conservation Assistance Network. Previously he practiced constitutional and administrative law in Washington, D.C., and he clerked for the U.S. Court of Appeals for the D.C. Circuit. In 2005, the *Harvard Journal of Law & Public Policy* published his study of the Senate’s constitutional power to grant or withhold its “advice and consent” for judicial nominations.

### **Keith E. Whittington**

Keith E. Whittington is the William Nelson Cromwell Professor of Politics at Princeton University and is currently the chair of Academic Freedom Alliance. He works on American constitutional history, politics and law, and on American political thought. He is the author of *Repugnant Laws: Judicial Review of Acts of Congress from the Founding to the Present* and *Political Foundations of Judicial Supremacy: The Presidency, the Supreme Court, and Constitutional Leadership in U.S. History*, among other works. He has been a visiting professor at Harvard Law School, Georgetown University Law Center, and the University of Texas

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### **Michael Waldman**

Michael Waldman is the president of the Brennan Center for Justice at NYU School of Law. The Brennan Center is a nonpartisan law and policy institute that works to strengthen the systems of democracy and justice so they work for all Americans. The Center is a leading national voice on voting rights, money in politics, criminal justice reform, and constitutional law. Waldman has led the Center since 2005. He is the author of *The Fight to Vote* (2016), a history of the struggle to win voting rights for all citizens, *The Second Amendment: A Biography* (2014), and five other books. Waldman served as director of speechwriting for President Bill Clinton from 1995-1999, and special assistant to the president for policy coordination from 1993-1995. He was responsible for writing or editing nearly two thousand speeches, including four State of the Union and two inaugural addresses. He is a graduate of NYU School of Law and Columbia College.

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