

## **ASHUTOSH BHAGWAT**

University of California, Davis  
School of Law  
400 Mrak Hall Drive  
Davis, California 95616  
(530) 752-8687  
[aabhagwat@ucdavis.edu](mailto:aabhagwat@ucdavis.edu)

### **EXPERIENCE**

- 2011 - Present**      **University of California, Davis School of Law**  
Davis, California  
Boochever and Bird Endowed Chair for the Study and Teaching of  
Freedom and Equality (2019 to Present)  
Martin Luther King, Jr. Professor of Law (2015 to Present)  
Professor of Law (2011-2015)  
Law school courses I have taught include first amendment law,  
constitutional law, administrative law, contracts, antitrust,  
regulated industries, and constitutional theory
- May, 2011 - Present**      **California Independent System Operator**  
Member, Board of Governors  
Chair, Audit Committee (2012 to 2017)  
Member, DMM Oversight Committee
- May, 2017**      **Pontificia Universidad Católica de Chile, School of Law**  
Visiting Scholar
- 1994 – 2011**      **University of California, Hastings College of the Law**  
San Francisco, California  
Professor of Law (2000 - 2011)  
Harry H. and Lillian H. Hastings Research Chair (2008-2009)  
Associate Academic Dean (2002 - 2004)  
Associate Professor of Law (1997 - 2000)  
Assistant Professor of Law (1994 - 1997)
- Spring, 2005**      **Leiden University**  
Leiden, The Netherlands  
Visiting Professor of Law
- 1992 - 1994**      **Sidley & Austin**  
Washington, D.C.  
Associate  
Practiced in appellate, regulatory, and general litigation areas, with a focus

on telecommunications issues

**1991 - 1992**

**Associate Justice Anthony M. Kennedy**

Supreme Court of the United States, Washington, D.C.  
Law Clerk

**1990 - 1991**

**Judge Richard A. Posner**

United States Court of Appeals for the Seventh Circuit, Chicago, Illinois  
Law Clerk

**1986 - 1987**

**Board of Governors of the Federal Reserve System,**

Division of Research and Statistics, Washington, D.C.  
Research Assistant

## **EDUCATION**

**1987 - 1990**

**University of Chicago Law School**

Chicago, Illinois

J.D. with Honors

Order of the Coif

Articles Editor, University of Chicago Law Review

D. Francis Bustin Prize for An Outstanding Student Comment

Joseph Henry Beale Prize for Outstanding Work in the first-year  
Research and Writing Program

John M. Olin Fellow in Law and Economics

**1982 - 1986**

**Yale University**

New Haven, Connecticut

B.A., *summa cum laude*, with Honors in History

Fellows Prize of Jonathan Edwards College, for highest academic  
average in the college

Phi Beta Kappa

## **PUBLICATIONS**

### **Books**

OUR DEMOCRATIC FIRST AMENDMENT (Cambridge forthcoming 2020)

FIRST AMENDMENT LAW: FREEDOM OF EXPRESSION AND FREEDOM OF RELIGION, 4<sup>th</sup> ed.  
(Carolina Academic Press 2018) (with Arthur D. Hellman, William D. Araiza, and Thomas E.  
Baker)

THE MYTH OF RIGHTS: THE PURPOSES AND LIMITS OF CONSTITUTIONAL RIGHTS (Oxford 2010)

Teacher's Manual to Stone, Seidman, Sunstein, Tushnet & Karlan, *Constitutional Law*, 6<sup>th</sup> ed. (Aspen 2009) (with Mark Tushnet)

Teacher's Manual to Stone, Seidman, Sunstein, Tushnet & Karlan, *Constitutional Law*, 5<sup>th</sup> ed. (Aspen 2005) (with Mark Tushnet)

Teacher's Manual to Stone, Seidman, Sunstein & Tushnet, *Constitutional Law*, 4<sup>th</sup> ed. (Aspen 2001) (with Mark Tushnet)

### Book Chapters

*Freedom of Expression and Democracy* in Frederick Schauer and Adrienne Stone, eds., OXFORD HANDBOOK ON FREEDOM OF SPEECH (Oxford University Press forthcoming 2019) (with James Weinstein)

*Counter Terrorism Policies and Freedom of Association: International and Comparative Perspectives* in Ian Cram, ed., EXTREMISM, FREE SPEECH AND COUNTER-TERRORISM LAW AND POLICY (Routledge 2019)

*Bad law: How the United States Supreme Court Mishandled the Free Speech Issue in Holder v. Humanitarian Law project* in Ian Cram, ed., EXTREMISM, FREE SPEECH AND COUNTER-TERRORISM LAW AND POLICY (Routledge 2019) (with James Weinstein)

*Free Speech Categories in the Digital Age* in Susan J. Brison and Katharine Gelber, ed.s, FREE SPEECH IN THE DIGITAL AGE (Oxford University Press 2019)

*The Story of Whitney v. California: The Power of Ideas* in Michael C. Dorf, ed., CONSTITUTIONAL LAW STORIES, 2<sup>nd</sup> ed. (Foundation 2009)

*Affirmative Action and Benign Discrimination* in Vikram David Amar and Mark V. Tushnet, eds., GLOBAL PERSPECTIVES ON CONSTITUTIONAL LAW (Oxford University Press 2009)

*The Story of Whitney v. California: The Power of Ideas* in Michael C. Dorf, ed., CONSTITUTIONAL LAW STORIES (Foundation 2004)

### Articles and Published Briefs

[\*The Conscience of the Baker: Religion and Compelled Speech\*](#), \_\_ Wm. & Mary Bill of Rt.s J. \_\_ (forthcoming 2019)

[\*Judge Johnson and the Kaleidoscopic First Amendment\*](#), \_\_ Ala. L. Rev. \_\_ (forthcoming 2019)

[\*More Speech Everywhere: Justice Kennedy and the Public Forum\*](#), 70 Hastings L.J. 1185 (2019)

[\*Candidates and Cassandras: Technology and Free Speech on the Roberts Court\*](#), 95 Wash. U. L. Rev. 1327 (2018)

[\*When Speech Is Not “Speech,”\*](#) 78 Ohio St. L. J. 839 (2017)

[\*Free Speech and “A Law of Rules,”\*](#) 15 First Amendment L. Rev. 159 (2017)

[\*In Defense of Content Regulation\*](#), 102 Iowa L. Rev. 1427 (2017)

[\*Calvin Massey: Gentleman and Scholar\*](#), 15 U.N.H. L. Rev. 265 (2017)

[\*The Democratic First Amendment\*](#), 110 Nw. U. L. Rev. 1097 (2016)

[\*Liberty or Equality?\*](#), 20 Lewis & Clark L. Rev. 381 (2016)

[\*Posner, Blackstone, and Prior Restraints on Speech\*](#), 2015 BYU L. Rev. 1151

[\*Free Speech Without Democracy\*](#), 49 U.C. Davis L. Rev. 59 (2015)

[\*Producing Speech\*](#), 56 Wm. & Mary L. Rev. 1029 (2015)

[\*Reed v. Town of Gilbert: Signs of \(Dis\)Content?\*](#), 9 N.Y.U. J. L. & Liberty 137 (2015)

[\*Religious Associations: Hosanna-Tabor and the Instrumental Value of Religious Groups\*](#), 92 Wash. U. L. Rev. 73 (2014)

[\*Truthiness: Corporate Public Figures and the Problem of Harmful Truths\*](#), 99 Minn. L. Rev. 297 (2014)

[\*Terrorism and Associations\*](#), 63 Emory L.J. 581 (2014)

[\*Justice Kennedy’s Free Speech Jurisprudence: A Quantitative and Qualitative Analysis\*](#), 44 McGeorge L. Rev. 167 (2013) (with Matthew Struhar)

[\*Details: Specific Facts and the First Amendment\*](#), 86 S. Cal. L. Rev. 1 (2012)

[\*Liberty’s Refuge, or the Refuge of Scoundrels?: The Limits of the Right of Assembly\*](#), 89 Wash. U. L. Rev. 1381 (2012)

[\*Sorrell v. IMS Health: Details, Detailing, and the Death of Privacy\*](#), 36 Vt. L. Rev. 855 (2012)

[\*Associations and Forums: Situating CLS v. Martinez\*](#), 38 Hastings Con. L. Q. 543 (2011)

[Associational Speech](#), 120 Yale L.J. 978 (2011)

[A Brief History of the Commercial Speech Doctrine \(With Some Implications for Tobacco Regulation\)](#), 2 Hastings Science & Technology L. J. 103 (2010)

[Wyeth v. Levine and Agency Preemption: More Muddle, or Creeping to Clarity?](#), 45 Tulsa L. Rev. 197 (2009)

Cooper v. Aaron *and the Faces of Federalism*, 52 St. Louis U. L.J. 1087 (2008)

[The Test That Ate Everything: Intermediate Scrutiny in First Amendment Jurisprudence](#), 2007 U. Ill. L. Rev. 783

[Brief of Constitutional Law Professors, David L. Faigman and Ashutosh A. Bhagwat, et al., as Amici Curiae in Support of Respondents in Gonzales v. Carhart and Gonzales v. Planned Parenthood, Nos. 05-380, 05-1382 \(Introduction and Published Brief to United States Supreme Court\)](#), 34 Hastings Con. L. Q. 69 (2006) (with David L. Faigman and Kathryn M. Davis)

[What If I Want My Kids to Watch Pornography?: Protecting Children from “Indecent” Speech](#), 11 Wm. & Mary Bill of Rt.s J. 671 (2003)

*Institutions and Long Term Planning: Lessons from the California Electricity Crisis*, 55 Admin. L. Rev. 95 (2003)

[Cloning and Federalism](#), 53 Hastings L.J. 1133 (2002)

[Affirmative Action and Compelling Interests: Equal Protection Jurisprudence at the Crossroads](#), 4 U. Penn. J. Con. L. 260 (2002)

[Injury Without Harm: Texas v. Lesage and the Strange World of Article III Injuries](#), 28 Hastings Con. L. Q. 445 (2001)

*Parking at BART, or Economics and Its Discontents*, 4 Green Bag 2d 7 (2000)

*Separate But Equal?: The Supreme Court, the Lower Federal Courts, and the Nature of the “Judicial Power,”* 80 B.U. L. Rev. 967 (2000)

[Unnatural Competition?: Applying the New Antitrust Learning to Foster Competition in the Local Exchange](#), 50 Hastings L.J. 1479 (1999)

[Modes of Regulatory Enforcement and the Problem of Administrative Discretion](#), 50 Hastings L.J. 1275 (1999)

*The McCleskey Puzzle: Remediating Prosecutorial Discrimination Against Black Victims in Capital Sentencing*, 1998 S. Ct. Rev. 111 (with Evan Tsen Lee)

*Hard Cases and the (D)Evolution of Constitutional Doctrine*, 30 Conn. L. Rev. 961 (1998)

[Purpose Scrutiny in Constitutional Analysis](#), 85 Cal. L. Rev. 297 (1997)

[Three-Branch Monte](#), 72 Notre Dame L. Rev. 157 (1996)

[Of Markets and Media: The First Amendment, the New Mass Media, and the Political Components of Culture](#), 74 N.C. L. Rev. 141 (1995)

#### Book Reviews

[Assembly Resurrected \(reviewing \*Liberty's Refuge: The Forgotten Freedom of Assembly\* by John D. Inazu\)](#), 91 Tex. L. Rev. 351 (2012)

Book Review (reviewing *Bush v. Gore: Exposing the Hidden Crisis in American Democracy* by Charles L. Zelden), 27 Law & History Rev. 715 (2009)

[One Nation Color-Blind \(reviewing \*One Nation Indivisible: How Ethnic Separatism Threatens America\*, by J. Harvie Wilkinson, III\)](#), 1 Green Bag 2d 105 (1997)

#### Shorter Pieces and Encyclopedia Entries

*Kennedy: A Most Strident Moderate*, Daily Journal 7 (June 20, 2018)

*Searching for Safe Spaces*, Inside Higher Ed (March 21, 2017), available at <https://www.insidehighered.com/views/2017/03/21/easily-caricatured-safe-spaces-can-help-students-learn-essay> (with John Inazu)

*Banning Trademarks Called Offensive Violates Free Speech*, New York Times Room for Debate (May 4, 2016), available at <http://www.nytimes.com/roomfordebate/2016/05/04/redskins-and-other-troubling-trademarks>

*Replacing Scalia: Uncertainty is the Enemy of Justice* (Feb. 4, 2016), available at <http://www.newsweek.com/replacing-scalia-uncertainty-enemy-justice-430002>

*More Flexible First Amendment Approach is Needed*, Daily Journal 7 (July 1, 2015)

*Elonis v. United States, What is a Threat?*, Daily Journal 7 (October 13, 2014)

*Content Matters . . . Or Does It?*, Daily Journal 7 (July 24, 2014)

*Public Prayer: Between a Rock and . . .*, Daily Journal 7 (May 12, 2014)

Hobby Lobby/Citizens United *analogies inherently flawed*, Daily Journal 7 (April 11, 2014)

*Heckler's Vetoes in High Schools*, Jurist (March 7, 2014), available at <http://jurist.org/forum/2014/03/ashutosh-bhagwat-heckler-vetoes.php>

*Parents Involved in Community Schools v. Seattle School District/Meredith v. Jefferson County Schools* in Vikram Amar et al., eds., ENCYCLOPEDIA OF THE SUPREME COURT OF THE UNITED STATES (Macmillan 2008)

*Miller v. California* in Vikram Amar et al., eds., ENCYCLOPEDIA OF THE SUPREME COURT OF THE UNITED STATES (Macmillan 2008)

*Bartnicki v. Vopper* in Vikram Amar et al., eds., ENCYCLOPEDIA OF THE SUPREME COURT OF THE UNITED STATES (Macmillan 2008)

*Burson v. Freeman* in Paul Finkelman, ed., ENCYCLOPEDIA OF AMERICAN CIVIL LIBERTIES (Routledge 2006)

#### Student Comment

*Patronage and the First Amendment: A Structural Approach*, 56 U. Chi. L. Rev. 1369 (1989)

### CONFERENCES AND PRESENTATIONS

Sixth Annual Summer Teacher Institute  
Justice Anthony M. Kennedy Judicial Learning Center  
Robert T. Matsui U.S. Courthouse, Sacramento, California  
June 17, 2019  
Talk: An Introduction to the *U.C. Regents v. Bakke* Action

Joint Law School Workshop of UC Davis and Korea Univeresity  
Korea University School of Law, Seoul, South Korea  
May 29, 2019  
Paper Title: Free Speech Categories in the Digital Age

Chancellor's Forum on 3D-Printed Guns  
UC Davis School of Law, Davis, California  
April 12, 2019

Constitutional Rights: Intersections, Synergies, and Conflicts  
William & Mary Law School, Williamsburg, Virginia

March 15-16, 2019

Paper Title: The Conscience of the Baker: Religion and Compelled Speech

Polarization and Civil Disagreement: Confronting America's Civic Crisis  
School of Civic and Economic Thought and Leadership, Arizona State University, Tempe,  
Arizona

February 22-23, 2019

Paper Title: Polarization in the Media: Problem or Cause for Celebration?

The Jurisprudence of Justice Anthony M. Kennedy: Four Decades of Influence

UC Hastings College of the Law, San Francisco, California

February 1, 2019

Paper Title: More Speech Everywhere

Judge Frank M. Johnson, Jr. Centennial Symposium

Hugh F. Culverhouse, Jr. School of Law, University of Alabama, Tuscaloosa, Alabama

January 25, 2019

Paper Title: Judge Johnson and the Kaleidoscopic First Amendment

*Bakke* at 40: Diversity, Difference & Doctrine

UC Davis School of Law, Davis, California

October 26, 2018

Moderator for Panel "The Past"

Trigger Warning: Safe Spaces Are Dangerous

Intelligence<sup>2</sup> Debates

Held at the Fairmont Banff Springs Hotel, Banff, Canada

June 23, 2018

Available to stream at: <https://www.intelligencesquaredus.org/debates/trigger-warning-safe-spaces-are-dangerous>

Freedom of Expression Scholars Conference

Yale Law School, New Haven, Connecticut

April 27-29, 2018

Paper Title: The First Amendment and Democratic Citizenship

Schwartz Levi Inn of the Court, Davis, California

April 11, 2018

Panel: Free Speech for Lawyers and Judges

The Roberts Court's First Amendment

Washington University School of Law, St. Louis, Missouri

January 19, 2018

Paper Title: Candides and Cassandras: Technology and Free Speech on the Roberts Court



Law, Institutions & Justice: Understanding the Role and Responsibility of the “Public” and the “Private” Institutions in Policymaking and Governance

Jindal Global Law School, Sonapat, India

December 2, 2017

Paper Title: Free Speech Categories in the Digital Age

Faculty Colloquium

Arizona State University, Sandra Day O’Connor College of Law, Phoenix, Arizona

November 13, 2017

Presentation: The First Amendment and Democratic Citizenship

Roundtable: First Amendment in the Regulatory State

Center for the Study of the Administrative State

Antonin Scalia Law School, George Mason University, Arlington, Virginia

October 27, 2017

Commentator

Immigration Law & Resistance: Ensuring a Nation of Immigrants

UC Davis School of Law, Davis, California

October 20, 2017

Panel: The Future of DACA and Prosecutorial Discretion

Moderator

California Law Academy

San Francisco, California

June 15, 2017

Talk: First Amendment Rights and Responsibilities for Teachers

Faculty Colloquium

Universidad de Chile, School of Law, Santiago, Chile

May 18, 2017

Paper Titles: When Speech Is Not “Speech”

Free Speech Boundaries on the Internet

Coloquio Internacional

Center for Environmental Law, Universidad de Chile, Santiago, Chile

May 17, 2017

Public Lecture: Renewable Energy: Opportunities and Challenges

ICARE, Santiago, Chile

May 17, 2017

Lecture: Developments in American Administrative and Regulatory Law

Punto de Encuentro (Round Table Discussion)  
Pontificia Universidad Católica de Chile, School of Law, Santiago, Chile  
May 16, 2017  
Topic: THE MYTH OF RIGHTS

Faculty Workshop  
Pontificia Universidad Católica de Chile, School of Law, Santiago, Chile  
May 15, 2017  
Paper Title: When Speech Is Not “Speech”

Freedom of Expression Scholars Conference  
Yale Law School, New Haven, Connecticut  
April 28-30, 2017  
Paper Title: When Speech Is Not “Speech”

The Expanding First Amendment  
The Ohio State University, Moritz College of Law, Columbus, Ohio  
November 18, 2016  
Keynote Address: When Speech Is Not “Speech”

The First Amendment Legacy of Justice Antonin Scalia  
University of North Carolina School of Law, Chapel Hill, North Carolina  
October 28, 2016  
Paper Title: Free Speech and “A Law of Rules”

A Celebration of the Life and Work of Calvin Massey  
University of New Hampshire School of Law, Concord, New Hampshire  
September 24, 2016  
Paper Title: Calvin Massey: Gentleman and Scholar

Freedom of Expression Scholars Conference  
Yale Law School, New Haven, Connecticut  
April 30-May 1, 2016  
Moderator, Plenary Panel: *First Amendment Theory and Coverage*

Conference of Asian Pacific American Law Faculty  
University of California, Davis School of Law, Davis, California  
April 8-9, 2016  
Panel: Asian Americans and College Admissions

Free Speech Foundations  
Northwestern University School of Law, Chicago, Illinois  
October 25, 2015  
Paper Title: The Democratic First Amendment

Anthony Kennedy Lecture  
Northwestern School of Law of Lewis & Clark College, Portland, Oregon  
September 23, 2015  
Talk: Liberty or Equality?

Third Annual Conference on Governance of Emerging Technologies: Law, Policy and Ethics  
Scottsdale Resort & Conference Center, Scottsdale, Arizona  
Sponsored by the Sandra Day O'Connor College of Law, Arizona State University  
May 26-28, 2015  
Talk: Data, Privacy and the First Amendment

Freedom of Expression Scholars Conference  
Yale Law School, New Haven, Connecticut  
May 2-3, 2015  
Paper Title: Who's Afraid of Content Regulation?

National Muslim Law Students Association, Power in Diversity Conference  
University of California, Berkeley School of Law, Berkeley, California  
March 20, 2015  
Talk: The First Amendment and the Nature of Democratic Citizenship

The Religious Rights of Corporations in the Aftermath of *Burwell v. Hobby Lobby*  
University of California, Hastings College of the Law, San Francisco, California  
February 20, 2015  
Talk: Corporate Rights and Third Party Burdens

California Lawyer Energy Roundtable  
San Francisco, California  
September 26, 2014  
Discussion with leading energy lawyers regarding the current state of the industry. Transcript of Roundtable was published in the California Lawyer magazine

Twentieth Annual Adventist Attorneys Association Conference  
Sacramento, California  
September 15, 2014  
Talk: Supreme Court Review

Fifth Annual Law and Religion Roundtable  
Washington University in St. Louis School of Law, St. Louis, Missouri  
June 26-27, 2014

The Value of Privacy  
University of California, Hastings College of the Law, San Francisco, California

April 7, 2014  
Panel on Business, Consumers, & Data Collection  
Moderator

The Contemporary First Amendment: Freedom of Speech, Press, and Assembly  
William and Mary Law School, Williamsburg, Virginia  
February 21-22, 2014  
Paper Title: Producing Speech

First Amendment Roundtable  
Washington University in St. Louis School of Law, St. Louis, Missouri  
January 31, 2014

American Association of Law Schools Annual Meeting  
New York City  
January 2-5, 2014  
Scholarly Papers Competition Panel  
Moderator

California Lawyer Energy Roundtable  
San Francisco, California  
October 11, 2013  
Discussion with leading energy lawyers regarding the current state of the industry. Transcript of Roundtable was published in the California Lawyer magazine

Speech, Symbols and Substantial Obstacles: The Doing and “Undue”ing of Abortion Law since Casey  
University of California, Berkeley School of Law, Berkeley, California  
October 4, 2013  
Talk: Professional Speech Regulation

2013 Pacific Judicial Council Biennial Conference  
Territory of Guam  
September 23, 2013  
Talk: A Supreme Court Review

California Senate Public Safety Subcommittee on Gangs, Guns and Drugs  
Hearing on “The Impact of Media Violence on Public Safety”  
Sacramento, California  
July 10, 2013.  
Testimony regarding First Amendment limits on regulating media violence.

Freedom of Expression Scholars Conference  
Yale Law School, New Haven, Connecticut

May 4-5, 2013  
Paper Title: Terrorism and Associations

Federalist Society and John Templeton Foundation Colloquium on Freedom of Assembly and Religious Liberty  
Ballantyne Hotel, Charlotte, North Carolina  
March 22-23, 2013

The Evolution of Justice Anthony Kennedy's Jurisprudence  
University of the Pacific, McGeorge School of Law, Sacramento, California  
April 6, 2012  
Paper Title: Justice Kennedy's Free Speech Jurisprudence: A Quantitative and Qualitative Analysis

Engaging *Liberty's Refuge*  
Washington University in St. Louis School of Law, St. Louis, Missouri  
March 2, 2012  
Paper Title: Liberty's Refuge or the Refuge of Scoundrels: The Limits of the Right of Assembly

The Electoral Tribunal of the Federal Judiciary of Mexico  
Mexico City, Mexico  
January 20, 2012  
Talk: The Separation of Powers and the Role of the Judiciary in the American Constitutional System

California Independent System Operator Legal Forum  
Folsom, California  
November 1, 2011  
Talk: The Path of Free Speech Law after *Sorrell v. IMS Health*

Chicago-Kent Faculty Workshop Series  
Chicago-Kent College of Law, Chicago, Illinois  
October 25, 2011  
Paper Title: Details: Specific Facts and the First Amendment

Constitutional Constraints on State Health Care & Privacy Regulation after *Sorrell v. IMS Health*  
Sponsored by the University of New Hampshire and Vermont Law Reviews  
University of New Hampshire Law School, Concord, New Hampshire  
October 14, 2011  
Paper Title: *Sorrell v. IMS Health*: Details, Detailing, and the Death of Privacy

Freedom of Association Conference

University of San Diego School of Law, San Diego, California  
November 19-20, 2010

Constitutional Conversations  
Stanford Constitutional Law Center, Stanford, California  
October 28, 2010  
Paper Title: Associational Speech

The Constitution on Campus: The Case of *CLS v. Martinez*  
University of California, Hastings College of the Law, San Francisco, California  
October 1, 2010  
Paper Title: Associations and Forums: Situating *CLS v. Martinez*

Implementing the Tobacco Control Act: Advice to the FDA  
University of California, Hastings College of the Law, San Francisco, California  
August 28, 2009  
Paper Title: Commercial Speech Doctrine – A Brief History

The Roberts Court: Distinguishing *As Applied v. Facial* Challenges in the Midst of Ideological Differences  
University of California, Hastings College of the Law, San Francisco, California  
February 6, 2009  
Moderator

Childress Lecture and Symposium on the Fiftieth Anniversary of *Cooper v. Aaron*  
Saint Louis University School of Law, St. Louis, Missouri  
October 5, 2007  
Paper Title: *Cooper v. Aaron* and the Faces of Federalism

Talk to the Law Faculty  
University of Leiden, Leiden, The Netherlands  
June 13, 2005  
Talk: Intermediate Scrutiny in the Area of First Amendment Law

Security in America: Privacy and Safety in the New Millennium  
University of California, Hastings College of the Law, San Francisco, California  
March 21, 2003  
Opening Remarks

Legal Theory Scholar  
S.J. Quinney College of the Law at the University of Utah, Salt Lake City, Utah  
April 18, 2002.  
Paper title: Institutions and Long Term Planning: Lessons from the California Electricity Crisis

Conceiving a Code for Creation: The Legal Debate Surrounding Human Cloning  
University of California, Hastings College of the Law, San Francisco, California  
January 26, 2002.

Paper title: Cloning and Federalism

Northern District of California District Court Judges' Retreat  
Sonoma, California  
October 18, 2001

Talk: Supreme Court Update

Equal Protection After the Rational Basis Era: Is it Time to Reassess the Current Standards of Review?

University of Pennsylvania Law School, Philadelphia, Pennsylvania

February 2-3, 2001

Paper title: Affirmative Action and Compelling Interests: Equal Protection Jurisprudence at the Crossroads

Mixed Signals: Academic and Industrial Perspectives on the Telecommunications Act of 1996

University of California, Hastings College of the Law, San Francisco, California

March 6, 1999

Paper title: Unnatural Competition?: Applying the New Antitrust Learning to Foster Competition in the Local Exchange

Antitrust Symposium: Antitrust Issues in the Telecommunications and Software Industries

Southwestern University School of Law, Los Angeles, California

March 2, 1996

## **HONORS/AWARDS/LEADERSHIP**

Member, Board of Directors, Sacramento Federal Judicial Library and Learning Center Foundation, 2014-2017

Chair, 2014 American Association of Law Schools Committee to Review Scholarly Papers

Member, American Law Institute

2003 Rutter Award for Teaching Excellence, UC Hastings College of the Law

## **BAR MEMBERSHIPS**

Washington, D.C.

United States Court of Appeals for the Seventh Circuit