

KATE ANDRIAS
University of Michigan Law School
701 S. State Street, Ann Arbor MI 48109
(734) 763-9697
kandrias@umich.edu

ACADEMIC APPOINTMENTS

University of Michigan Law School

Professor of Law, 2018-present; *Assistant Professor of Law*, 2013-18

Courses: Constitutional Law; Labor Law; Employment Law; Economic Inequality & the Law; Public Law Workshop; Legal History Workshop; Workplace Law & Policy Advocacy

Honors: L. Hart Wright Award for Excellence in Teaching, 2016; Graduation Speaker, Dec. 2018

Service: Entry-level & Lateral Appointments Committee, 2014-15, 2017-18, 2018-19 (chair); Governance Workshop, Fall 2016 (convener); Judicial Clerkship Committee, Fall 2016; Academic Placement Committee, 2015-16; Student Selection, Recruitment & Recognition Committee, 2013-14

University of Chicago Law School

Visiting Professor of Law, April 2020 (“mini visit”)

Institut d’Études Politiques de Paris, France (Sciences Po)

Visiting Researcher, Max Planck Center, Spring 2020

Visiting Researcher, Sciences Po Law School, Spring 2017

Visiting Professor and Scholar, Sciences Po Law School, 2005-06

Columbia Law School

Academic Fellow, 2011-13

JUDICIAL CLERKSHIPS

The Honorable Ruth Bader Ginsburg, Supreme Court of the United States

Law Clerk, 2006-07

The Honorable Stephen Reinhardt, U.S. Court of Appeals, Ninth Circuit

Law Clerk, 2004-05

OTHER EMPLOYMENT

White House Counsel’s Office

Associate Counsel and Special Assistant to President Barack Obama, 2009-11

Chief of Staff to the Counsel, 2010-11

Perkins Coie

Associate, Political Law and Appellate Litigation, Washington, D.C., 2007-2009

Service Employees International Union & SEIU 1199NE

Consultant to Legal Department, 2005-06

Area Director, 2000-01

Lead Organizer and Organizer, 1997-2000

EDUCATION

Yale Law School, J.D., 2004

Yale Law Journal, Notes Development Editor, 2003-04, Editor, 2002-03

Coker Teaching Fellow

The Marbury Institute of Piper Rudnick/Legal Affairs Writing Contest, First Prize

Workers' Rights Project, Co-Director

Lowenstein International Human Rights Clinic

Effecting Change: Law and Organizing, Co-Teacher

Yale College, B.A. in American Studies, *magna cum laude*, with distinction in major, 1997

Phi Beta Kappa

Wrexham Prize for the Best Senior Thesis in the Humanities

Norman Holmes Pearson Prize for the Best Senior Thesis in American Studies

Board of Directors and Executive Committee, Dwight Hall, Center for Public Service and Social Justice

PUBLICATIONS

Works in Progress

Constructing Countervailing Power: Law and Organizing in an Era of Political Inequality, YALE L. J. ____ (forthcoming 2020) (co-authored with Benjamin Sachs)

Beyond the Labor Exemption: Recovering Labor's Antimonopoly Tradition, Tobin Project, ANTIMONOPOLY TRADITION AND AMERICAN DEMOCRACY (Daniel Crane & William Novak, eds.) (forthcoming 2021)

Worker Freedom and Democracy: The 100 Year Life, LAW AND THE 100 YEAR LIFE (Anne Alstott & Abbe Gluck eds.)

Articles, Essays & Book Chapters

Constructing a New Labor Law for the Post New Deal Era, in THE POLITICAL ECONOMY OF THE NEW DEAL AND ITS OPPONENTS (Romain Huret, Nelson Lichtenstein & Christian Vinel eds.) (forthcoming 2020)

An American Approach to Social Democracy: The Forgotten Promise of the Fair Labor Standards Act, 128 YALE L.J. 616 (2019)

Janus's *Two Faces*, SUP. CT. REV. 21 (2019)

Union Rights for All: Toward Sectoral Bargaining in the United States in THE CAMBRIDGE HANDBOOK OF U.S. LABOR LAW: REVIVING AMERICAN LABOR FOR A 21ST CENTURY ECONOMY (Richard Bales & Charlotte Garden eds.) (2019)

Peril and Possibility: Strikes, Rights, and Legal Change in the Age of Trump, 40 BERK. J. EMP. & LAB. L. 137 (2019) (invited lecture)

The Fortification of Inequality: Constitutional Doctrine and the Political Economy, 93 IND. L. J. 5 (2018) (symposium issue)

Social Bargaining in States and Cities, Labor Law Reform Symposium, HARV. L. POL'Y REV. ONLINE (2017)

Confronting Power in Public Law, 130 HARV. L. REV. F. 1 (2016)

The New Labor Law, 126 YALE L. J. 2 (2016)

Building Labor's Constitution, 94 TEX. L. REV. 1591 (2016) (symposium issue)

Separations of Wealth: Inequality and the Erosion of Checks and Balances, 18 J. CONST. L. 419 (2015)

Hollowed Out Democracy, 89 N.Y.U. L. REV. ONLINE 48 (2014)

The President's Enforcement Power, 88 N.Y.U. L. REV. 1031 (2013)

Gender, Work, and the NAFTA Labor Side Agreement, 37 U.S.F. L. REV. 521 (2003)

Note, *A Robust Public Debate: Realizing Free Speech in Workplace Representation Elections*, 112 YALE L.J. 2415 (2003)

Selected Blog Posts, Policy Reports & Popular Writing

"How to Make Every Job a Good Union Job," BuzzFeed News (Jan. 23, 2020)

Kate Andrias, David Madland, and Malkie Wall, "A How-To Guide for State and Local Workers' Boards" (Dec. 11, 2019)

"GM Strike Exposes Flaws in U.S. Labor Laws," *Detroit Free Press* (Sept. 19, 2009) (republished in *USA Today*)

"Labor Law Reform is Still Essential," *Boston Review* (June 6, 2019)

"A Seat at the Table: Sectoral Bargaining for the Common Good," *Dissent* (Spring 2019)

"Rebuilding Worker Voice in Today's Economy," Roosevelt Institute (Aug. 2018) (co-authored with Brishen Rogers)

"Inequality and Political Economy in Constitutional Doctrine," Law & Political Economy Blog (June 1, 2018)

“Economic Inequality, Trump’s Election, and the Possibility of Change,” ACSBlog (Apr. 11, 2017)

“Collective Bargaining As We Know It Can Still Work, But It Is Not Enough,” On Labor (Feb. 1, 2017)

“Against Despair,” On Labor (Dec. 2, 2016)

“Building Labor’s Constitution,” Balkinization (Jan. 24, 2016)

SELECTED PANELS, PRESENTATIONS & COLLOQUIA

“Beyond the Antitrust Exemption: Recovering U.S. Labor’s Antimonopoly Agenda,” Max Planck Sciences Po Center on Coping with Instability in Market Societies, Paris, France (Jan. 2020)

“Constructing Countervailing Power: Law and Organizing in an Era of Political Inequality,” Tel Aviv University (Feb. 2020); Michigan State Law School (Nov. 2019); Michigan Law School Governance Workshop (Nov. 2019); Wayne State Law School (Oct. 2019)

Panelist, “The History of Judicial Impeachment,” Michigan Law School (Oct. 2019)

Panelist, “Political Economy and the Constitution,” Cornell ILR Conference, Labor and the Constitution, New York, NY (Sept. 2019)

“The Constitutional Law of Labor after *Janus*,” Law and Society, Washington D.C. (May 2019)

Participant, “The May Gathering,” Karsh Center for Law and Democracy, UVA Law School (May 2019)

Panelist and Participant, Clean Slate: Rethinking American Labor Law, Labor and Worklife Program, Harvard Law School (May 2019, Jan. 2019, July 2018, Oct. 2018)

“The Future of Workers’ Rights in America,” 2019 Donald S. Bernstein ’75 Lecture, Princeton University, Program in Law and Public Affairs (Apr. 2019)

Panelist, “The Weaponized First Amendment,” Michigan Law School (Apr. 2019)

Democracy All the Way Down, Legal Theory Workshop, Wisconsin Law School (Apr. 2019)

Panelist, “Careers in Legal Academia,” Michigan Law School (Mar. 2019)

“The Future of Labor Law,” Shanker Institute, Washington, D.C. (Feb. 2019)

Panelist, “Corporate Power & Democracy,” Law & Political Economy Convening, Yale Law School (Jan. 2019)

Moderator, “Working in Public Interest Law Firms,” Michigan Law School (Jan. 2019)

Panelist, “Reimagining Regulatory Reform,” American Constitution Society, Washington D.C. (Dec. 2018)

An American Approach to Social Democracy: The Forgotten Promise of the Fair Labor Standards Act, Yale Law Journal Contemporary Scholarship Workshop (Sept. 2018); Chicago-Kent Law School, Faculty Workshop (Apr. 2018); University of Chicago Law School, Constitutional Law Workshop (Jan. 2018)

Panelist and Participant, “The Antimonopoly Tradition and American Democracy,” Tobin Project, Michigan Law School (July 2018)

Peril and Possibility: Strikes, Rights, and Legal Change in the Era of Trump, Feller Lecture, Berkeley Law School (Apr. 2018)

Panelist, “Immigration and the Michigan Workforce,” Michigan Law School (Apr. 2018)

Panelist, “Striking a Balance: Teacher Strikes in WV, OK, AZ, and Beyond,” Michigan Law School (Apr. 2018)

“Labor and the Politics of Inequality: The US in Comparative Perspective,” Columbia University School of International and Public Affairs (Feb. 2018)

Panelist, *Janus v. AFSCME*, Michigan Law School (Dec. 2017)

Social Bargaining in States and Cities, Governance Workshop, Michigan Law School (Oct. 2017)

Panelist, “The ASLH and Labor Disputes: Historical Context for Future Decisions,” American Society for Legal History, Annual Meeting (Oct. 2017)

Panelist, “The Future of Labor Law,” SEIU/AFSCME Lawyers’ Conference, Washington D.C. (Oct. 2017)

Panelist, “Race, Sports, and the Law: NFL Protests,” Michigan Law School (Sept. 2017)

Speaker, *Could Experiments at the State and Local Levels Expand Collective Bargaining and Workers’ Collective Action?*, Harvard Law School (Sept. 2017)

Speaker, “Cérémonie Officielle de remise des Travaux Cliniques,” Université de Paris, Nanterre (June 2017)

Panelist, “The U.S. Supreme Court after Justice Scalia,” MLaw Reunion, Rome, Italy (June 2017)

Panelist, “Economic Inequality & Plutocracy,” Symposium: The Future of Constitutional Law, Indiana Law School (Apr. 2017)

Discussant, “Séminaire université Yale – Conseil d’État,” Paris, France (Mar. 2017)

The New Labor Law, Yale Law Journal Reading Group, Yale Law School (Nov. 2016); Faculty Workshop, Duke Law School (Sept. 2016)

“Rethinking Participation and Power in an Era of Inequality,” American Constitution Society, Yale Law School (Nov. 2016)

Blue Jeans Lecture, Michigan Law School (Nov. 2016)

Panelist, “The Constitution’s Obligations,” American Constitution Society Convention (June 2016)

Commenter, “The Crisis of the Middle Class Constitution,” by Ganesh Sitaraman, Vanderbilt Law School (Apr. 2016)

Building Labor’s Constitution, Public Law Workshop, Columbia Law School (Feb. 2016)

Panelist, “The Supreme Court After Justice Scalia: His Legacy, The Court’s Future, and The Political Landscape,” Michigan Law School (Feb. 2016)

Building Labor’s Constitution, Symposium: The Constitution and Economic Inequality, University of Texas Law School (Feb. 2016)

Separations of Wealth, Constitutional Law Colloquium, NYU Law School (Oct. 2015)

Commenter, “How do you put a legal analogy to work? Discerning the imposition of ‘a condition analogous to that of a slave,’” by Rebecca J. Scott et al., Michigan Law School (Oct. 2015)

Law and the Labor Question in the Post New Deal Order, Conference: Beyond the New Deal Order, University of California, Santa Barbara (Sept. 2015)

Right to Work and the Unraveling of American Labor Law, Faculty Fawley Workshop, Michigan Law School (June 2015)

Panelist, “Gridlock, Partisanship, and the Administrative State,” The Constitution and the Administrative State: Past, Present, and Future, Stanford Law School (Apr. 2015)

Separations of Wealth, Legal Theory Workshop, Emory Law School (Mar. 2015)

The Limits of Dissent in Harris v. Quinn, Labor and Employment Law Scholarship Colloquium, Colorado Law School (Sept. 2014)

Panelist, “Agency Enforcement and Prosecution of Regulatory Crimes,” Administrative Conference of the United States, Washington D.C. (May 2014)

Participant, “Convening: Money in Politics 2030, Building a New Jurisprudence,” The Brennan Center, New York, NY (May 2014)

Students or Workers?: Northwestern University and College Athletics Players Association, Frank Murphy Society, Michigan Law School (Mar. 2014)

Inequality and the Separation of Powers, Governance Workshop, Michigan Law School (Mar. 2014)

Labor Law and Inequality, Interdisciplinary Group on Poverty and Inequality & Domestic Policy Corps, Ford School, University of Michigan (Feb. 2014)

Panelist, “Supreme Court Preview,” Federalist Society & American Constitution Society, Michigan Law School (Oct. 2013)

Panelist, *Inequality for All*, screening and discussion of film by Jacob Kornbluth, Michigan Theater, Ann Arbor, MI (Oct. 2013)

Panelist, “Equal Pay Roundtable with Lily Ledbetter,” Michigan Law School (Oct. 2013)

SELECTED PRO BONO EXPERIENCE

Clean Slate Project: Rethinking American Labor Law, Labor and Worklife Program, A Program of the Harvard Law School, co-chair, bargaining working group (2018-2020)

Epic Systems Corp. v. Lewis, (S.Ct. 2017) (for *amici* Main Street Alliance, the American Sustainable Business Council, and Nick Hanauer) (with S. Bagenstos)

IUOE v. Wasden (9th Cir. 2017) (brief of law professors Andrias, Estlund, Fisk, Lee & Weinrib as *amici curiae* in support of appellant seeking reversal)

IUOE v. Schimel (7th Cir. 2017) (brief of law professors Andrias, Estlund, Fisk, Lee & Weinrib as *amici curiae* in support of appellant seeking reversal)

MetLife Inc. v. Financial Stability Oversight Council (D.D.C. 2015) (for *amici* Professors of Law and Finance, arguing in support of defendant)

Home Care Association of America v. Weil (D.C. Cir. 2015) (for *amici* Paraprofessional Health Institute et al., arguing in support of DOL regulation extending overtime and minimum wage to homecare workers)

Obama for America, Washington, DC, 2012
Senior Legal Advisor

Obama-Biden Transition Team, Washington, DC, 2008-09
Labor Policy Working Group

PROFESSIONAL ACTIVITIES

Faculty Expert, Michigan Poverty Solutions, University of Michigan (2017-present)

American Constitution Society, Board of Academic Advisors (2015-present)

The Green Bag Almanac & Reader of Good Legal Writing, Board of Advisors (2006-09, 2011-15)

American Bar Association, Member

BAR ADMISSIONS

Michigan
New York State
District of Columbia (inactive)
U.S. District Court for the District of Columbia
U.S. Court of Appeals for the District of Columbia