

**KATE ANDRIAS**  
Columbia Law School  
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## **ACADEMIC APPOINTMENTS**

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### **Columbia Law School**

*Patricia D. and R. Paul Yetter Professor of Law*, Oct. 2022-present

*Professor of Law*, July 2021-Sept. 2022

*Courses:* Constitutional Law; Labor Law; Employment Law; The Constitution, Inequality & Political Economy

*Service:* Co-Director, Center for Constitutional Governance  
Co-Director, Center for Political Economy, Columbia World Projects  
Lateral Appointments Committee, 2022-23; Clerkships Committee, 2021-22;  
International Committee, 2021-22

### **University of Michigan Law School**

*Professor of Law*, 2018-2021; *Assistant Professor of Law*, 2013-18

*Courses:* Constitutional Law; Labor Law; Economic Inequality & the Law; Legal History Workshop; Rebuilding American Democracy; Public Law Workshop; Workplace Law & Policy Advocacy

*Honors:* L. Hart Wright Award for Excellence in Teaching, 2016

*Service:* Entry-level & Lateral Appointments Committee, 2020-21 (chair 2021), 2018-19 (chair), 2017-18, 2014-15; Teaching Committee, 2020; 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*, April-May 2021

*Course:* Labor and Employment Law in the Gig, Fissured, and Automated Economy

### **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 (course: *U.S. Constitutional Law*)

### **University of Tokyo, Japan, Summer 2018**

*Visiting Professor of Law*

### **Columbia Law School**

*Academic Fellow*, 2011-13

## **JUDICIAL CLERKSHIPS**

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### **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**

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### **White House Counsel's Office**

*Chief of Staff to the Counsel, 2010-11*

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

### **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**

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### **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 Magazine* 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**

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### **Forthcoming and Works-in-Progress**

*Constitutional Clash: Labor, Capital, and Democracy*, 118 NORTHWESTERN L. REV. (forthcoming 2024)

*Labor and Democracy*, in *Law of Work Handbook* (eds. Guy Davidov, Brian Langille & Gillian Lester) (forthcoming, Oxford University Press)

*Strengthening Collective Bargaining in the United States*, 3 WSI Mitteilungen (forthcoming 2023) (co-authored with Virginia Doellgast)

*Labor, Power, and Referenda*, KINGS LAW JOURNAL (forthcoming 2023).

*Beyond the Labor Exemption: Democratic Political Economy and Labor's Antimonopoly Vision*, in Tobin Project, ANTIMONOPOLY TRADITION AND AMERICAN DEMOCRACY (Daniel Crane & William Novak, eds.) (forthcoming, Oxford University Press)

*Working to Death: Labor Law in the 100 Year Life*, in LAW AND THE 100 YEAR LIFE (Anne Alstott & Abbe Gluck eds.) (forthcoming)

### **Academic Publications**

*Class, Care, and the Equal Rights Amendment*, COLUM. J. GENDER & LAW 2 (2022)

*Power Struggles: The Tyranny of Merit and the Degradation of Work*, AM. J. LAW & INEQUALITY (reviewing Michael Sandel, *The Tyranny of Merit: What's Become of the Common Good?*) (2021)

*Ending At-Will Employment: A Guide for Just Cause Reform*, Roosevelt Institute (2021) (co-authored with Alex Hertel-Fernandez)

*Constructing Countervailing Power: Law and Organizing in an Era of Political Inequality*, 130 YALE L. J. 546 (2021) (co-authored with Benjamin Sachs)

*A New Labor Law for the Post New Deal Era*, in CAPITALISM CONTESTED: THE NEW DEAL AND ITS LEGACIES (Romain Huret, Nelson Lichtenstein & Christian Vinel eds. 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)

*A How-To Guide for State and Local Workers' Boards*, CAP (Dec. 11, 2019) (co-authored with David Madland & Malkie Wall)

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

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

*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)

### **Popular Writing and Blog Posts (Selected)**

"New Democracy: Finding Hope in the Past and Heavy Lifting for the Future," in Symposium on William Novak's "New Democracy: The Creation of the Modern American State," *Yale J. L. Reg. Notice & Comment* (July 21, 2022)

"From Constitutional Theory to Political Practice," *Boston Review* (June 23, 2022)

"The Hard Questions About Constitutional Political Economy," *Balkanization* (April 15, 2022)

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

"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)

"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)

## **PANELS, PRESENTATIONS & COLLOQUIA (Selected)**

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*2023 Milton R. Konvitz Memorial Lecture*, Cornell ILR School, May 2023 (invited)

*Constitutional Clash*, U. Chicago Law School Public Law Workshop (May 2023, invited); Harvard Law and Political Economy Workshop (Mar. 2023); Georgetown Political Economy Consortium (Sept. 2022); Northwestern Law School (Apr. 2022); U Conn. Law School (Mar. 2022); Loyola Law School, Los Angeles (Jan. 2022);

“Labor and Democracy,” Law and Society, Lisbon, Portugal (July 2022)

“Labor Law and Regulatory Reform,” Reporting the U.S. Workplace, The Sidney Hillman Foundation (June 2022)

“What Can States Do About Worker Voice?” LERA (June 2022)

“After Amazon: Unions, Capitalism and the Future of the Labor Movement,” The Nation (May 2022)

“Innovation at the Agency,” U. Penn. Law School, Regulatory Law and Policy Group (Feb 2022)

Panelist, “The ERA: A New Guarantee of Sex Equality in the U.S. Constitution,” Columbia Law School (Mar. 2022)

Panelist, Supreme Court Reform: A Conversation with the CLS Commissioners, Columbia Law School (Feb. 2022)

Moderator, “Labor Rights in the Fissured, Gig, and Algorithmic Economy,” CALGA, Columbia Law School (Jan. 2022)

“Advancing Equity in Administrative Law,” American Constitution Society (Dec. 2021)

“Sectoral Bargaining,” NYU Law School (Nov. 2021)

“De la Suprema Corte a la Casa Blanca,” Escuela Libre de Derecho, Mexico (Apr. 2021)

*A New Labor Law for the Post-New Deal Era*, Institute for Work and Employment Research, MIT (Feb. 2021)

*Constructing Countervailing Power: Law and Organizing in an Era of Political Inequality*, Harvard Law School (Feb. 2021); Chicago Law School (Feb. 2021); Columbia Law School (Mar. 2020); Tel Aviv University (Feb. 2020); Michigan State Law School (Nov. 2019); Michigan Law School Governance Workshop (Nov. 2019); Wayne State Law School (Oct. 2019)

“Right to Work in Michigan,” Federalist Society, Michigan Law School (Mar. 2021)

“A Republic if You Can Keep It: Presidential Transition,” Michigan Law School (Jan. 2020)

“Paths to Academia,” American Constitution Society (Oct. 2020)

“Remembering Justice Ginsburg,” Michigan Law School (Sept. 2020)

“Labor and Antimonopoly,” Anti-Monopoly and Regulated Industries Summer Academy, Law and Political Economy Project, Yale Law School (July 2020).

“A Law & Political Economy Approach to Labor and Employment Law,” Law and Political Economy Project, Yale Law School (July 2020).

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

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

“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)

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)

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

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

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

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

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

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

“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)

“Labor, 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)

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

“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)

“Understanding *Janus v. AFSCME*,” Michigan Law School (Dec. 2017)

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

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

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

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

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

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

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

“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)

“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)

“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)

“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)

“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)

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

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

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

## **SELECTED PRO BONO EXPERIENCE**

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Presidential Commission on the Supreme Court, Rapporteur & Commissioner (2021)

*Restaurant Law Center v. City of New York et al.*, (S.D.N.Y. 2022) (for *amici* labor law professors)

National Employment Law Project, Advisor, State Policy Program

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

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American Constitution Society, Board of Academic Advisors (2015-present)  
Michigan Poverty Solutions, University of Michigan, Faculty Expert (2017-2021)  
Order of the Coif, Book Award Selection Committee (2019-present)  
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)  
*The Green Bag Almanac & Reader of Good Legal Writing*, Board of Advisors (2006-09, 2011-15)  
American Bar Association, Member

## **BAR ADMISSIONS**

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