

KATE ANDRIAS
Columbia Law School
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ACADEMIC APPOINTMENTS

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; Labor, Inequality, and Multiracial Democracy; The Constitution, Inequality, and Political Economy

Service: Co-Director, Center for Constitutional Governance; Co-Director, Columbia Labor Lab; Board of Advisors, Columbia Center for Political Economy
Advisory Committee, 2024-25; Dean Search Committee, 2023-24; Lateral Appointments Committee, 2023-24 (chair), 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; 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

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

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

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

ACADEMIC PUBLICATIONS

Constitutional and Administrative Innovation Through State Labor Law, 2024 WISC. L. REV.
(forthcoming 2024) (symposium issue)

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

Speaking Collectively: The First Amendment, The Public Sector, and the Right to Bargain and Strike, Knight First Amendment Institute (forthcoming 2024)

Labor and Democracy, in OXFORD HANDBOOK OF THE LAW OF WORK (Guy Davidov, Brian Langille & Gillian Lester eds.) (2024)

The Chicken-and-Egg of Law and Organizing: Enacting Policy for Power Building, 124 COLUMBIA L. REV. 777 (2024) (co-authored with Benjamin I. Sachs)

Constitutional Clash: Labor, Capital, and Democracy, 118 NW. U. L. REV. 985 (2024)

The Perils and Promise of Direct Democracy: Labour Ballot Initiatives in the United States, KINGS L. J. (2023)

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

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.) (Oxford University Press 2023)

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)

“State and Local Government Efforts to Build Worker Power,” American Political Economy Blog (June 5, 2024)

“Labor’s Constitutional Vision in the Face of Capital’s Attack,” Law & Political Economy Blog, May 20, 2024 (cross-published on the OnLabor Blog)

“Amazon, SpaceX and other companies are arguing the government agency that has protected labor rights since 1935 is unconstitutional,” *The Conversation* (Mar. 25, 2024)

“History Provides Inspiration for a Stronger Alliance Between Labor and Antimonopoly Advocates,” ProMarket (Feb. 29, 2004)

“A New Path for Unionizing Uber and Lyft,” *CommonWealth Beacon* (Dec. 2023) (co-authored with Sharon Block and Benjamin Sachs)

“How a New California Law for Fast-Food Workers Can Set a Path for Industries Nationwide,” *L.A. Times* (Aug. 31, 2022)

“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)

PANELS, PRESENTATIONS & COLLOQUIA (Selected)

Participant, “Law and Organizing Convening,” NYU Law School (June 2024)

“Constitutional and Administrative Innovation through State Labor Law,” Wisconsin Law School (May 2024)

“Antimonopoly and American Democracy,” Columbia University (Apr. 2024)

“Constitutional Law Disorientation,” Columbia Law School (Mar. 2024)

“Constructing Countervailing Power: Law and Organizing in an Era of Political Inequality,” Harvard

Radcliffe Institute (Dec. 2023)
 2023 *Milton R. Konvitz Memorial Lecture*, Cornell ILR School (May 2023) (invited)
Constitutional Clash, Emory Law School (Oct. 2023); U. Chicago Law School Public Law Workshop (May 2023, invited); UVA Law School Inequality Workshop (May 2023); Harvard Law and Political Economy Workshop (Mar. 2023); University of Texas Faculty Workshop (Dec. 2022); Georgetown Political Economy Consortium (Sept. 2022); Northwestern Law School (Apr. 2022); U Conn. Law School (Mar. 2022); Loyola Law School, Los Angeles (Jan. 2022);
 “Organized: A Conversation on the State of Labor Law and its Future,” Columbia Law School (Mar. 2023)
 “Constitutional Political Economy,” Columbia Law School (Mar. 2023)
 “Frances Perkins: Pioneer for Social Justice,” Columbia Law School (Oct. 2022)
 “Labor, Capitalism, and Democracy,” Law and Society, Lisbon, Portugal (July 2022)
 “Labor Law and Regulatory Reform,” Reporting the U.S. Workplace, The Sidney Hillman Foundation, CUNY Graduate School of Journalism (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)

PRO BONO EXPERIENCE (Selected)

Comment re: Docket No. OSHA–2023–0008, RIN 1218-AD45: Worker Walkaround Representative Designation Process, Department of Labor (on behalf of labor and employment law scholars)
Glacier Northwest v. Teamsters (S. Ct. 2022) (*amicus* brief of administrative law, constitutional law and federal courts professors supporting respondent)
 Presidential Commission on the Supreme Court, Rapporteur & Commissioner (2021)
Restaurant Law Center v. City of New York et al., (S.D.N.Y. 2022) (2d Cir. 2022) (for *amici* labor law professors)
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 (Selected)

American Law Institute (2023-present)

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

New York State (admitted 2005)

District of Columbia (admitted 2008; inactive)

Michigan (admitted 2018; inactive)

U.S. District Court for the District of Columbia

U.S. Court of Appeals for the District of Columbia