



Columbia
Law School

2024–2025

**COLUMBIA LAW
SCHOOL CANDIDATES
FOR POSITIONS IN
LAW TEACHING**

COLUMBIA LAW SCHOOL
435 W 116TH ST, NEW YORK, NY 10027





Introduction

Columbia Law School is pleased to introduce our alumni and affiliates who are entering the academic teaching market this year.

This book details their curriculum vitae and candidates can be searched by name (index 1) or by their teaching preferences (index 2). Please note that there may be additional candidates who are affiliated with Columbia but who did not submit their resumes for this book. Their information will be included in the AALS Faculty Appointments Register.

If you have any questions, please email Elizabeth Williams at eaw2185@columbia.edu.

Thank you for your interest and consideration.

2024

COLUMBIA LAW SCHOOL ALUMNI

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ALEEM, YUSSUF, LL.M. '21

Preferred Subjects: Contracts, Civil Procedure, Business Associations, Torts, Property

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BERMAN, JONATHAN, J.D. '93

Preferred Subjects: Antitrust, Clinical Teaching, Civil Procedure, Evidence, Remedies

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BOROWICZ, KONRAD, J.S.D. '20

Preferred Subjects: Business Associations, Financial Institutions, Securities Regulation, Corporate Finance, Payment Systems

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CARRILLO, RAÚL, J.D. '15

Preferred Subjects: Contracts, Financial Institutions, Law and Technology, Business Associations, Legislation

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CHAEVITCH, ANTON, J.D. '16

Preferred Subjects: Contracts, Alternative Dispute Resolution, International Law

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COVO, YARON, J.S.D. '23

Preferred Subjects: Contracts, Disability Law, Torts, Health Care Law, Employment Law

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DARDEN, TIFFANI, LL.M. '06

Preferred Subjects: Civil Procedure, Juvenile Law, Education Law, Constitutional Law, Employment Law

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DHALIWAL, SANDEEP, J.D. '16

Preferred Subjects: Business Associations, Criminal Law, Race and the Law, Labor Law, Financial Institutions

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HALFTECK, GUY, LL.M. '00

Preferred Subjects: Law and Technology, Contracts, Business Associations, Legislation, Intellectual Property

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JOSENEY, OMOLARA, J.D. '10

Preferred Subjects: Clinical Teaching, Civil Procedure, Torts, Contracts, Consumer Law

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LOCKMAN, MARTIN, J.D. '19

Preferred Subjects: Property, Environmental Law, Torts, Natural Resources, Other

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MARTIN, JOHN, J.D. '21

Preferred Subjects: Constitutional Law, Election Law, Legislation, Civil Procedure, Local Government

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MITCHELL, JANE, J.D. '11

Preferred Subjects: Criminal Law, Criminal Procedure, Criminal Justice, Local Government, Other

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MYSLINSKA, DAGMAR, J.D. '04

Preferred Subjects: Torts, Contracts, Criminal Law, Civil Procedure, Commercial Law

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PRIBYTKOVA, ELENA, J.S.D. '19

Preferred Subjects: International Law, Human Rights, Law and Technology, Constitutional Law, Torts

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YORKE, SUSAN, J.D. '11

Preferred Subjects: Civil Procedure, Federal Courts, Criminal Procedure, Evidence, Torts

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YOUNG, EZRA, J.D. '12

Preferred Subjects: Constitutional Law, Federal Courts, Critical Race Theory, Sexual Orientation and Gender Identity Issues, Civil Procedure

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ANTILL, GREGORY

ACADEMIC FELLOW AND LECTURER IN LAW

Preferred Subjects: Criminal Law, Torts, Evidence, Criminal Procedure, Professional Responsibility

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PANG, BELISA

RESEARCHER

Preferred Subjects: Creditors and Debtors Rights, Corporate Finance, Commercial Law, Business Associations, Contracts

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MOTALA, MICHAEL

VISITING SCHOLAR

Preferred Subjects: International Law, Business Associations, Law and Economics, Tax Policy, International Organizations

2024

**COLUMBIA LAW
SCHOOL ALUMNI
AND AFFILIATES**

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YUSSUF A ALEEM

240 Mercer St., Unit 1401, New York, NY 10012
(470) 819-7534 • yussuf.aleem@nyu.edu

ACADEMIC APPOINTMENTS

New York University School of Law, Acting Assistant Professor of Lawyering, 2023-present
Columbia Law School, Lecturer in Law, 2024-present

EDUCATION

Harvard Law School, J.D., 2012

Harvard Legal Aid Bureau
Earl Warren Scholar, LDF

Columbia Law School, LL.M., 2021

James Kent Scholar
Jeffrey Williams Memorial Prize

Stanford Graduate School of Business, M.S., 2023

Sloan Fellow

University of California, Davis, B.A., 2009

Honors

TEACHING AND RESEARCH INTERESTS

Primary: Business Law (all subfields), Artificial Intelligence, Contracts, Civil Procedure, Torts

Additional: Anti-Discrimination, Professional Responsibility, First Amendment, IP, Evidence

PROFESSIONAL SUMMARY

Yussuf is an Acting Assistant Professor of Lawyering at NYU Law School and a Lecturer in Law at Columbia Law School. He also serves as a teaching member for the Harvard Law School Trial Advocacy Program.

Prior to teaching, Professor Aleem actively practiced law for over a decade, specializing in civil practice and transactional lawyering. He founded Joseph, Aleem & Slowik, LLC, primarily representing healthcare clients, and co-founded the Aleem Law Firm. He previously worked at the law firm of Weil, Gotshal & Manges, LLP. He is admitted to practice law in New York, Massachusetts, and Georgia, and is a mediator with the Georgia Office of Dispute Resolution.

Professor Aleem is a member of Emory Law School's Firm Externship Program and volunteers with the Children's Hospital of Atlanta and Atlanta VA Hospital. In 2020, he was recognized as Georgia's Distinguished Leader by the Daily Report for his philanthropy and commitment to social justice.

EXPERIENCE

NYU School of Law – New York, New York
Acting Assistant Professor

June 2023 - Present

- Teach first-year law students fundamental lawyering skills, including research and writing, case law and statutory interpretation, client counseling, negotiation strategy, and professional responsibility.
- Developed 1L reading group on artificial intelligence and the law.
- Participate in faculty workshops and scholarship peer review.

Columbia Law School – New York, New York
Lecturer in Law

April 2024 - Present

- Teach business law seminar on *The Legal and Ethical Implications of AI*.
- Developed course curriculum and final assessment.
- Actively assist with law school student recruiting efforts.

Joseph, Aleem & Slowik, LLC – Atlanta, GA
Managing Member

December 2013 – April 2022

- Lead counsel on civil practice and regulatory compliance matters for healthcare entities, covering fraud and abuse, employment, intellectual property, and corporate governance.
- Summary judgment granted on behalf of clinical laboratory client and 28 of its employees in the matter of *Castle Medical, LLC v. LabSource, LLC* (U.S. N.D.Ga.).
- Successfully defended publicized white-collar criminal investigation involving alleged violations of federal campaign finance laws.

The Aleem Law Firm (Aleem, LLC) – Atlanta, GA.
Co-Founder and Member

April 2014-May 2023

- Recovered over \$250 million dollars for plaintiffs (cumulatively).
- Lead counsel on over 275 successful mediations and arbitrations.
- Lead counsel on multiple bench and jury trials, including the largest workplace negligence jury verdict in the State of Georgia (*Jaramillo v. Pioneer*, Superior Court of Cobb County, Georgia).

Weil, Gotshal & Manges, LLP – Boston, MA
Associate

October 2012 – October 2013

- Drafted transactional documents including merger, stock and asset purchase agreements, disclosure schedules, LLC agreements, board and shareholder resolutions, organizational documents, and indemnification agreements.
- Conducted in-depth diligence review with a primary focus on change of control, assignment, and key contractual provision.
- Worked on various *pro bono* civil and human rights matters, including transgender refugee immigration cases.

Harvard Legal Aid Bureau– Cambridge, MA
Student Advocate

August 2010 – July 2011

- Lead counsel representing indigent clients in housing and employment matters.
- Participated in trial advocacy workshop, ethics training, client counseling, and team meetings.
- Successfully defended residential eviction litigation against multi-national banking institution.

Robins, Kaplan, Miller & Ciresi, LLP– New York, NY
Summer Associate

Summer 2011

- Conducted legal research and drafted memoranda for intellectual property, business litigation, and corporate matters.
- Drafted answer and counterclaims on behalf of major cable television network in breach of contract action.
- Drafted sur-reply memorandum of law to summary judgment on patent infringement claim.

Hon. Chief Justice Michael L. Bender, Supreme Court of Colorado– Denver, CO
Judicial Extern

Summer 2010

- Conducted legal research for both criminal and civil cases on petition for *certiorari*.
- Drafted legal memoranda with recommendations to the court.
- Observed oral arguments and revised pending opinions.

Heritage Peak Charter School– Vacaville, CA
Tutor

October 2008 – May 2009

- Tutored K-12 students in math, English, and social sciences.
- Assisted high school students in studying for SAT and SAT II exams and preparing college applications.
- Participated in meetings with teachers to identify student aptitude and boost performance.

REPRESENTATIVE PUBLICATIONS

- *Soft Law: The Optimal Legal Framework for Global Financial Regulation*, 9 Emory Corp. Governance & Accountability Rev. 1 (2022).
- *Small Law; Big Success: How to Use Business Niche Specialization to Grow a Multi-Million Dollar Law Practice*. Edward Elgars. 2018 (Book).
- *Should Chief Justice John Roberts be Considered an American Patriot?* Law.com. December 8, 2020.
- *Shocking Testimony about Aetna: Lessons for Healthcare Counsel*. Law.com. March 20, 2018.
- *Watch Out for Opioid Law's Unintended Consequences*. Law.com. January 24, 2019.
- *A Guide to Disqualification Under Georgia Rules of Professional Conduct 1.6, 1.7, and 1.9*. Georgia Bar Association. 2019.
- *3 Law Firm Business Tactics to Support a Niche Practice*. Law360. May 29, 2019.
- *Compliant Client Billing Arrangements: Strategies for Health Care Counsel*. Law.com March 2, 2015.
- *2016 Clinical Laboratory Fee Schedule: Why Quantitative Drug Testing Should Not be Reduced to a Single Code*. The Pathology Blawg. July 6, 2015.
- *A Nondisclosure Agreement Toolkit for Buy-Side M&A Counsel*. Law.com. September 15, 2014.
- *Strategies for Success on Both Sides of TRO Fence*. The Daily Report. August 18, 2014.
- *International M&A and Joint Ventures*. The International Lawyer: ABA Section of International Law. Spring 2013.

VOLUNTEER WORK

- Children's Healthcare of Atlanta – Volunteer in surgical supplies management
- US Department of Veteran Affairs – Volunteer for “My life my story” program
- Emory Law School's Law Firm Externship Program
- Legal Advisory Board member for Council on American Islamic Relations (CAIR)
- Volunteer Mentor for Young Lawyers with the State Bar of Georgia
- Legal aid volunteer with non-partisan Election Protection

BAR ADMISSIONS AND CERTIFICATIONS

- New York, Georgia, Massachusetts
- Admitted to practice in multiple federal courts
- Certified Mediator with the Georgia Commission on Dispute Resolution

REFERENCES

Professor Lynnise Pantin
Columbia Law School
lynnise.pantin@law.columbia.edu

Professor Andrew Williams
New York University School of Law
andrew.williams@nyu.edu

Professor Ronald Sullivan
Harvard Law School
rsullivan@law.harvard.edu

Professor Steven Callander
Stanford Graduate School of Business
sjc@stanford.edu

Spring 2024 Lawyering - A Aleem, Yussuf (22 of 28 responded)

General Questions

The instructor was prepared for classes, in-role work, and critiques.

	Strongly disagree	2	3	4	Strongly agree	Average	Q ₁ / Med / Q ₃
The instructor was prepared for classes, in-role work, and critiques. [22]	0% (0)	0% (0)	0% (0)	9% (2)	91% (20)	4.91	5 / 5 / 5

The instructor communicated information effectively.

	Strongly disagree	2	3	4	Strongly agree	Average	Q ₁ / Med / Q ₃
The instructor communicated information effectively. [22]	0% (0)	0% (0)	5% (1)	9% (2)	86% (19)	4.82	5 / 5 / 5

The instructor was responsive to and respectful of students in class.

	Strongly disagree	2	3	4	Strongly agree	Average	Q ₁ / Med / Q ₃
The instructor was responsive to and respectful of students in class. [22]	0% (0)	0% (0)	0% (0)	9% (2)	91% (20)	4.91	5 / 5 / 5

The instructor was available for out-of-class questions and advice.

	Strongly disagree	2	3	4	Strongly agree	Average	Q ₁ / Med / Q ₃
The instructor was available for out-of-class questions and advice. [22]	0% (0)	0% (0)	0% (0)	5% (1)	95% (21)	4.95	5 / 5 / 5

The course materials were effective and well-organized.

	Strongly disagree	2	3	4	Strongly agree	Average	Q ₁ / Med / Q ₃
The course materials were effective and well-organized. [22]	0% (0)	0% (0)	5% (1)	5% (1)	91% (20)	4.86	5 / 5 / 5

Simulation participation, including in-class simulations, was important to understanding this subject.

	Strongly disagree	2	3	4	Strongly agree	Average	Q ₁ / Med / Q ₃
Simulation participation, including in-class simulations, was important to understanding this subject. [22]	0% (0)	0% (0)	0% (0)	5% (1)	95% (21)	4.95	5 / 5 / 5

The instructor stimulated independent thought.

	Strongly disagree	2	3	4	Strongly agree	Average	Q ₁ / Med / Q ₃
The instructor stimulated independent thought. [22]	0% (0)	0% (0)	9% (2)	5% (1)	86% (19)	4.77	5 / 5 / 5

Given the number of credit hours, the workload was proper.

	Strongly disagree	2	3	4	Strongly agree	Average	Q ₁ / Med / Q ₃
Given the number of credit hours, the workload was proper. [22]	0% (0)	0% (0)	0% (0)	18% (4)	82% (18)	4.82	5 / 5 / 5

The course helped me to think critically and strategically about lawyers' written and oral interactions with clients, witnesses, decision-makers, and other lawyers.

	Strongly disagree	2	3	4	Strongly agree	Average	Q ₁ / Med / Q ₃
The course helped me to think critically and strategically about lawyers' written and oral interactions with clients, witnesses, decision-makers, and other lawyers. [22]	0% (0)	0% (0)	0% (0)	9% (2)	91% (20)	4.91	5 / 5 / 5

The course helped me think critically and strategically about identifying a client's situation and goals and developing a plan to address those goals.

	Strongly disagree	2	3	4	Strongly agree	Average	Q ₁ / Med / Q ₃
The course helped me think critically and strategically about identifying a client's situation and goals and developing a plan to address those goals. [22]	0% (0)	0% (0)	5% (1)	14% (3)	82% (18)	4.77	5 / 5 / 5

The course helped me think critically and strategically about fact development, evaluation, and communication.

	Strongly disagree	2	3	4	Strongly agree	Average	Q ₁ / Med / Q ₃
The course helped me think critically and strategically about fact development, evaluation, and communication. [22]	0% (0)	0% (0)	0% (0)	18% (4)	82% (18)	4.82	5 / 5 / 5

The course helped me think critically and strategically about negotiation skills, concepts, and processes.

	Strongly disagree	2	3	4	Strongly agree	Average	Q ₁ / Med / Q ₃
The course helped me think critically and strategically about negotiation skills, concepts, and processes. [22]	0% (0)	0% (0)	9% (2)	9% (2)	82% (18)	4.73	5 / 5 / 5

The course helped me think critically about the dynamics of collaborative practice.

	Strongly disagree	2	3	4	Strongly agree	Average	Q ₁ / Med / Q ₃
The course helped me think critically about the dynamics of collaborative practice. [22]	0% (0)	0% (0)	5% (1)	18% (4)	77% (17)	4.73	5 / 5 / 5

The course helped me learn to think critically and strategically about legal research.

	Strongly disagree	2	3	4	Strongly agree	Average	Q ₁ / Med / Q ₃
The course helped me learn to think critically and strategically about legal research. [22]	0% (0)	0% (0)	0% (0)	14% (3)	86% (19)	4.86	5 / 5 / 5

The course helped me learn to analyze and interpret legal rules.

	Strongly disagree	2	3	4	Strongly agree	Average	Q ₁ / Med / Q ₃
The course helped me learn to analyze and interpret legal rules. [22]	0% (0)	0% (0)	0% (0)	14% (3)	86% (19)	4.86	5 / 5 / 5

The course helped me learn to write clear and effective legal prose.

	Strongly disagree	2	3	4	Strongly agree	Average	Q ₁ / Med / Q ₃
The course helped me learn to write clear and effective legal prose. [22]	0% (0)	0% (0)	0% (0)	18% (4)	82% (18)	4.82	5 / 5 / 5

The course provided constructive, on-going faculty, TA, and peer critique of my work.

	Strongly disagree	2	3	4	Strongly agree	Average	Q ₁ / Med / Q ₃
The course provided constructive, on-going faculty, TA, and peer critique of my work. [22]	0% (0)	0% (0)	5% (1)	14% (3)	82% (18)	4.77	5 / 5 / 5

The course helped me think critically and self-reflectively about my own work.

	Strongly disagree	2	3	4	Strongly agree	Average	Q ₁ / Med / Q ₃
The course helped me think critically and self-reflectively about my own work. [22]	0% (0)	0% (0)	5% (1)	14% (3)	82% (18)	4.77	5 / 5 / 5

Overall, this course was effective.

	Strongly disagree	2	3	4	Strongly agree	Average	Q ₁ / Med / Q ₃
Overall, this course was effective. [22]	0% (0)	0% (0)	5% (1)	14% (3)	82% (18)	4.77	5 / 5 / 5

Overall, my Lawyering professor was effective.

	Strongly disagree	2	3	4	Strongly agree	Average	Q ₁ / Med / Q ₃
Overall, my Lawyering professor was effective. [22]	0% (0)	0% (0)	0% (0)	5% (1)	95% (21)	4.95	5 / 5 / 5

How would you change or improve the materials?

1. Lawyering has the challenging task of meeting a group of students with varied backgrounds and levels of experience with writing/research and bringing them up to speed on the practice. I think that this class was very helpful for the students who were newer to the work, but perhaps there could be additional opportunities for tailored help for those who came in with more experience. For those of us who have done a lot of writing, basic piece-by-piece instruction on how to put together a persuasive paragraph is less helpful, and it would be nice to have opportunities to talk about higher-level questions about argument structure.
2. n/a
3. Materials were great
4. At the start of the course, providing a legal writing worksheet that breaks down each sentence of the paragraph into the wanted skill. (just as an example).
5. The course as it is right now is perfect. The professor was extremely effective at teaching the materials and very considerate and thoughtful.
6. I think I would appreciate more practice with legal writing.
7. a little more general intro information/guidance at the start -- i know you have to be thrown in to a certain extend no matter what but I felt like some things could have been made clear in general with every class.
8. I would make more time for group interactions, which we did at the beginning of the year. Generally, I feel that lecturing is not the most effective method for this class. I would also potentially suggest a no-laptop policy for parts of it!
9. I thought Professor Aleem did an excellent job with the materials. I would maybe make the negotiation unit a bit longer and more organized generally.
10. Nothing!
11. I would maybe Gove some more time for the Brief and Oral Argument prep.
12. I think the negotiation materials could be set up differently because people were fairly confused
13. Professor Aleem gave us reasonable assignments and deadlines.

14. Not overlapping with other due dates, more examples of writing that are relevant
15. I really appreciated the conversations about the way law plays out in reality and issues of institutional bias, etc. I think more of that information would be really helpful, especially because we did not talk about it in doctrinals.
16. If possible (and I realize it may not be), it would be helpful to coordinate with doctrinal professors/admin so that big assignments for lawyering don't coincide with other big assignments (this year, for example, the first draft of the brief coincided with clinic applications right).
17. I wish there was a little more guidance at the beginning of the first semester on the basics of legal writing. I feel like we were thrown into the deep end and only given basic structures to format our assignments around. It would have been nice to see more examples of successful past student assignments (not on the same topics) to understand the target level of persuasiveness and advocacy that we should channel in our writing.
18. Genuinely, nothing. I found the transactional unit to be a little dull, but I don't plan on being a transactional attorney.
19. I wouldn't!
20. I'm glad that Professor Aleem was a strong advocate for group work -- to that end, I think even more group work could be added.

Not all courses raise issues of bias or stereotype in the law. But some do. If this course did, please comment on the way the professor dealt with those issues.

1. I think this needs work. We touched on the absolute basics of these issues -- mass incarceration, prosecutors' attitudes towards defendants -- but at a level barely above how the general public thinks about these things. We are going to be practitioners, and NYU has the resources and faculty to push us to think far more critically about these issues. At a bare minimum, there needs to be serious and substantive engagement with abolitionism, so that regardless of what students ultimately believe they have at least had to grapple with those principles and arguments. If that's not the professor's area of expertise, they should bring in a guest to talk on the subject.
2. Very sensitive and encouraged us to think critically about how bias affects prosecution, sentencing, treatment, etc.
3. We tackled some of the biggest issues in the law when dealing with our section on criminal statutes. It was an amazing class. Our professor was amazing in giving us all sides of the issue and stirring discussion.
4. NO
5. I love how the professor tried to bring in different perspectives and allow students to share their experience.
6. The professor did a good job discussing issues of gender discrimination in the workplace and discussing institutional racism with regards to plea bargaining and incarceration.
7. it did a little bit, though as someone who is very interested in that subject and finds it very important - i don't think this class or any others cover it enough
8. Generally good discussions of this.
9. N/A
10. Professor Aleem absolutely invited us to consider the broader sociocultural and sociological implications of every case and unit we participated in.
11. Did not.
12. I think Professor Aleem did a great job of incorporating context and social issue into what we were discussing.
13. Professor Aleem handled all conversations with the necessary sensitivity and deftness.
14. Addressed fine, brought up racism in the system, etc.
15. I think in general Professor Aleem does this very well. Sometimes I think he was a little too solicitous of some more conservative views. I know it is a really hard balance to strike and you don't want students to feel excluded, but I think it's okay to call out that sometimes people are just empirically wrong. (re racism in policing, prosecuting, etc.)

16. Professor Aleem did a great job of addressing issues of bias (eg. our discussion on bail reform, terry stops, etc.)
17. We talked specifically about bias and stereotypes in the criminal law system. Our professor did a great job addressing the topics sensitively and effectively. He was open to input and fostered classroom discussion on the topics in a way that was comfortable for students to jump in.
18. Professor Aleem addressed all issues of identity, bias, stereotyping, and discrimination with respect, compassion, and care. Our most impassioned discussions in class related to the prison industrial complex and its disproportionate effects on people of color and poor people. Given law school more generally, there's genuinely nothing more I could ask for.
19. This course did not really do this. One slight way it did though was in discussing the types of legal practice:. Specifically, some of the more public interest-focused students were very critical and made fun of in a way students interested in private practice, which could have been addressed/handled better?
20. N/A

What strengths or problems did you find in the instructor's teaching method and style?

1. Professor Aleem was amazing across the board--and was incredibly kind in providing drafts of briefs over the break.
2. Professor Aleem is an absolute sweetheart. He is compassionate and thoughtful, and makes his classroom a safe and affirming space in which to learn. I am very happy with my experience, and I want to be clear that the critiques that follow do not change that. First, I think that Professor Aleem needs to push us to engage more with the political and moral dimensions of the practice. Those conversations felt stiff, and I think some of us felt reluctant to chime in with our beliefs because the conversations weren't effectively moderated. Second, at times the teaching felt like it was really just reading and repeating the slides. Whether it's the Socratic method or something else, I think it would be better if Professor Aleem found more participatory ways to present the material.
3. Fostered a lot of discussions that made the class more engaging
4. He was very kind and empathetic. The perfect professor for this type of class.
5. Professor was highly flexible and has strong social emotional skillset for adult learners. Lawyering program as a whole may benefit from more visual aids.
6. The professor delivered well organized and clear lectures throughout the school year. Guidance in several assignments were to the point and provided clarity.
7. The instructor held us to a high standard for our work ethic while being very flexible and understanding of how demanding other 1L classes are.
8. he was flexible and understanding which i really appreciated
9. I thought Professor Aleem was a generally effective teacher, he peppered the presentations with useful tidbits from his experience.
10. I thought the slides were clear and useful and the way we discussed and covered content was effective.
11. Aleem's greatest strengths were his ability to cultivate an environment where all students felt safe and encouraged to express themselves. In doing so, he transcended the role of a typical law professor, instead cultivating strong friendships between his students that will last for the entirety of our careers. Professor Aleem was an excellent addition to the Lawyering program and any student would be so lucky to be taught by him.
12. Very communicative and easy to speak to.
13. Strength: good explanation skills, creating positive environment Problems: None!
14. He was very communicative and approachable.
15. Very conversational style, good

16. I really appreciate the Aleem was kind, flexible, and really cared about our wellbeing as human beings. It really meant a lot throughout 1L. That being said, I would have appreciated some more critical feedback on the assignments.
17. Professor Aleem was great about striking a balance between holding our work to a standard fit for lawyers while also demonstrating flexibility and kindness when our workload became overwhelming or other aspects of life got in the way.
18. Professor Aleem is very approachable, which worked very well for a first-year lawyering class. He was always available to discuss topics in depth outside of the classroom. He also imparted valuable advice and guidance on the legal profession and specific ways to be successful in our future careers.
19. Professor Aleem incorporated empathy and understanding for the 1L experience into his instruction. This was beyond refreshing. As a direct product of Professor Aleem's instruction, my legal skills improved, along with my confidence in my position at the University.
20. Professor Aleem is amazing!
21. Professor Aleem was always accessible and helpful. He was more than a teacher - in many ways he was a mentor.

Please comment specifically on any aspects of the course or instructor that you feel warrant elaboration.

1. He is a generally great professor and a kind person! I'm grateful for his thoughtfulness about when to push us and when to give us slack.
2. Great professor!
3. He was the best professor I could have asked for!
4. N/A.
5. Professor Aleem's individual feedback on legal writing was extremely helpful. I see that as the pinnacle of the course.
6. Amazing professor. Please bring him back for lawyering again next year.
7. n/a
8. I think Professor Aleem did a fantastic job balancing informality with the necessary aspects of the class. Many aspects of Law School are difficult, but this class felt like an oasis of support and comfort in an unfriendly environment. Don't change a thing! What a good job!
9. I think Professor Aleem is great. He was understanding and flexible and made lawyering fun. Overall, it was a great addition to 1L.
10. N/A
11. I think the lawyering course is really important and necessary for students to work on their skills outside of just memorizing materials from the doctrinal we take.
12. Professor Aleem was incredibly kind and patient with all of us. I think he did a great job of communicating the material effectively and creating an environment where everyone was comfortable. He also provided really helpful feedback for all of our assignments and was available anytime we needed.
13. N/A
14. Professor Aleem is a wonderful, kind person and I am very grateful to have had him as a professor this year.
15. Professor Aleem was great, really glad we had him as our lawyering professor :)
16. N/A
17. This could be recency bias, but Professor Aleem just gave a short lecture on mental health, positive self-image, effective communication, and approaching one's practice with empathy. It hit me that not only is that sort of instruction critical to a good legal education, but probably lacking at most elite universities. Aleem deeply cares

about our well-being. That is beyond refreshing. I only say this explicitly because everything else was top notch as well in terms of course content. Thank you Professor Aleem!

18. Nothing! Everything was great :)!

19. Overall, I really enjoyed this class, and I think it has a lot to do with Professor Aleem's teaching style.

Jonathan Berman

Partner, Jones Day
301-760-9797
JBerman68@Verizon.net

Professional Experience

Jones Day

Partner
Associate

Washington, DC

2004-present
1994-2003

- Lead case teams on numerous antitrust and other complex disputes including MDL and class-action litigation, arbitrations, and investigations by state and federal regulators.
 - First and second chair experience in antitrust and other trials and arbitrations; first chair in over a dozen evidentiary hearings.
 - Argued appeals and dozens of trial-court motions; chief author and editor of dozens of briefs and motions.
 - Managed, devised, and implemented strategy in high-profile, multi-jurisdictional litigation and pre-litigation matters.
 - Managed case teams, including oversight responsibilities, organizing work assignments, reviewing and revising work product, and providing guidance.
- Litigated claims include: antitrust and related torts, consumer protection statutes, consumer and commercial contracts, RICO, insurance, and immigration matters.
- “Faculty” for in-firm litigation training programs.
- Mentor to junior lawyers.
- Pro bono cases have involved asylum, housing rights, abatement of drug nuisances, and reform of placement procedures for foster children.

United States District Court, District of Delaware

Law Clerk, Chambers of the Honorable Roderick R. McKelvie, 1993-1994

- Advised on and conducted research regarding a wide range of motions.
- Drafted orders and opinions.

Education

Columbia University School of Law

Juris Doctor

Honors: Stone Scholar (1992-1993)

Journal: *Columbia Business Law Review* (Senior Notes Editor)

New York, NY

1993

Harvard College

Bachelor of Arts, *magna cum laude*, in Government

Cambridge, MA

1990

Publications¹

Law Review Articles

- Jonathan Berman, *Professional Plaintiffs And Incentive Awards: An Empirical Analysis Of The Judicial Policy Of Paying Plaintiffs To Serve As Class Representatives*
92 TENN. L. REV. (forthcoming 2025)
- Jonathan Berman, *The Failure of “Quick-Look” Analysis of Antitrust Claims*
12 AMERICAN UNIV. L. REV. (forthcoming 2024)

Selected Other Publications

- Jonathan Berman, Darren K. Cottriel, Robert N. Stander, and Alexander W. Prunka, *Rising Fraudulent Claims Submitted to Class Action Settlement Funds Heighten Settlement Risk*, Jones Day White Paper (June 2024)
- Jonathan Berman and Colleen M. Heisey, *Apter v. HHS: You Are Not A Horse, And FDA Is Not A Physician*, FDLI Top Food & Drug Cases of 2023 (June 2024)
- Jonathan Berman, *Key Antitrust Class Certification Questions Remain Unclear*, Law360 (May 2024)
- Jonathan Berman and Colleen M. Heisey, *FDA’s Recent Litigation Records Are Strong, But Imperfect*, Law360 (Dec. 14, 2023)
- Jonathan Berman, *Ranbaxy: Court Recognizes Fraud-On-The-FDA Antitrust Claim*, Law360 (June 27, 2016)
- Jonathan Berman, *Product Recalls: Anticipating the Product Liability Lawsuits*, American Bar Association, Products Liability Committee Newsletter (Winter 2014)
- Jonathan Berman, June K. Ghezzi, and Harold Gordon, *How To Think Like A Bureaucrat: Extended FDA Comment Period Provides Rare Opportunity For Effective Comments to Guide Implementation of The Food Safety Modernization Act*, The Perishable Pundit (April 29, 2013)
- Jonathan Berman, *A Dispatch From The Front Lines Of E-Discovery*, Law360 (Oct. 10, 2012)
- Jonathan Berman, *Regulatory and Legislative Responses to Drug Shortages*, Jones Day Commentary (Aug. 2012)
- Jonathan Berman, *Pliva v. Mensing: The Supreme Court Resumes Its Trend of Recognizing the Preemption of Claims Involving FDA-Regulated Products*, Practice Perspectives, Jones Day, Product Liability & Tort Litigation (Winter 2011)
- Jonathan Berman and Michael Sennett, *Do Compounding Pharmacies “Live in Sin”? The FDA’s Assertion of Enforcement Authority Over Pharmacy Compounding, and Two Courts’ Efforts to Bless the Practice*, Jones Day Commentary (Nov. 2011)

¹ Most publications are available at <https://www.jonesday.com/en/lawyers/b/jonathan-berman?tab=insights>

Personal

Citizenship: United States
Bar: District of Columbia, Pennsylvania

Significant Cases Litigated

- *In re Suboxone* (MDL and related cases in E.D. Pa., U.S. Court of Appeals for the Third Circuit, and state courts in Virginia and Kentucky)
 - Complex civil litigation alleging monopolization of a pharmaceutical market; civil RICO and fraud also alleged in some cases. Plaintiffs have included classes of direct purchasers and end payors, state attorneys general, insurance companies, and a manufacturer of generic drugs.
 - Lead counsel (team of up to ten, depending on time period) for defendant Indivior Inc.
 - First chair in trial regarding statute-of-limitations issues.
 - Developed case strategy in consultation with client.
 - Wrote, opposed, and argued briefs regarding summary judgment, motions to dismiss, class certification, appeals, discovery, procedural issues, motions in limine, and jury instructions.
 - Took and defended, (and supervised junior lawyers regarding), dozens of fact and expert depositions.
 - Worked with numerous experts, including economists, in connection with their expert reports.
 - Organized and managed affirmative and defensive fact and expert discovery.
 - Negotiated settlement, discovery, and procedural issues with multiple sets of government and private plaintiffs.
- *In re Namenda Indirect Purchaser Antitrust Litigation* (S.D.N.Y.)
 - Antitrust class action alleging “pay-for-delay” and “product hopping” violations in connection with a pharmaceutical product.
 - Lead counsel for defendant Dr. Reddy’s Laboratories.
 - Developed case strategy in consultation with client.
 - Wrote, opposed, and argued motions.
 - Defended depositions of client’s current and former executives.
 - Organized affirmative and defensive fact and expert discovery.
 - Worked with experts, including economists, in connection with their expert reports.
 - Negotiated highly favorable settlement.

- *In re Nexium (Esomeprazole) Antitrust Litigation* (D. Mass. and Philadelphia Court of Common Pleas)
 - Antitrust class action alleging unlawful “pay-for-delay” agreements in connection with a pharmaceutical product.
 - Second chair for defendant Dr. Reddy’s Laboratories, with primary responsibility for briefing, fact and expert discovery, coordination with co-defendants, and trial preparation.
 - Helped negotiate \$0 settlement resolving all claims against the client.

- *Casa de Meadows Inc. et al. v. Faith Zaman, et al.*, (S. Ct. N.Y. Cty.)
 - Litigation between client, Prince Jefri Bolkiah, and former advisors, involving accusations of fraud, breach of fiduciary duty, breach of contract, defamation, and abuse of process.
 - Second chair for client in lengthy jury trial.
 - Led all aspects of fact discovery, including obtaining documents and testimony abroad.
 - Coordinated with clients’ other lawyers and advisors in multiple countries.
 - Coordinated with counsel for co-counterclaim defendant, including during both discovery and trial.

- *Prince Jefri Bolkiah v. Tokio Marine and Illinois National*, (S. Ct. N.Y. Cty. and arbitration)
 - Litigation between client and insurance companies to obtain coverage of litigation expenses.
 - First chair for client in four-party mediation, which resulted in favorable settlement agreement.
 - First chair (and witness) for client in arbitration to enforce settlement agreement.

- *Kmart Creditor Trust* (multiple arbitrations)
 - Six related arbitrations against executives who led Kmart immediately before its bankruptcy.
 - Second chair in multi-week arbitration.
 - Led discovery efforts and most pre-trial conferences with arbitrators.

- *In re Carbon Black Antitrust Litigation* (D. Mass. and multiple state courts)
 - Class action alleging price-fixing among the manufacturers of carbon black, a component of tires, other rubber products, and inks.
 - Second chair for defendant Cabot Corporation; took and defended depositions, wrote and argued discovery motions, helped brief dispositive and other motions; responsible for obtaining approval of class action settlements in related litigation.

- *City of Moundridge v. Exxon Mobil Corp. et al.* (D.D.C.)
 - Antitrust case alleging that major suppliers of natural gas fixed prices.
 - Second chair for defendant Chevron Corp.; primary drafter of successful motion to dismiss; helped prepare for preliminary injunction hearing; coordinated defense with numerous co-defendants.

- *Capital Radiology, PLLC v. St. Peter's Hospital* (D. Mont.)
 - Challenge by physician group to a hospital's exclusive contract with a competing group.
 - Second chair for defendant St. Peter's Hospital, with substantive responsibility for depositions and other discovery and briefing, coordination with co-defendants; supporting role in settlement negotiations.

- *Women's Health Assoc., et al. v. Danbury Hospital, et al.* (D. Conn.)
 - Challenge by ob/gyn physician practice group to hospital's policies.
 - Second chair at trial for defendant Danbury Hospital; substantive responsibility for fact discovery, briefing, and trial preparation.

- *Perez, et al. v. Danbury Hospital, et al.* (D. Conn.)
 - Contempt proceeding brought by neonatology physician practice group alleging violation of injunction entered in an antitrust proceeding.
 - For defendant Danbury Hospital questioned witnesses at trial (contempt hearing), argued appeal of injunction; substantive responsibility for trial preparation, briefing at both trial court and Court of Appeals.

In re Automotive Refinishing Paint Antitrust Litigation (E.D. Pa. and multiple state courts)

- Class action alleging price-fixing among manufacturers of automotive refinishing paint.
 - Lead associate for defendant The Sherwin Williams Company, with primary responsibility for fact and expert discovery, briefing, and coordination with co-defendants.
-
- *Federal Trade Commission v. Foster et al.* (D.N.M.)
 - FTC challenge to merger between oil refining companies.
 - Supporting role for defendant Giant Industries, Inc., with responsibility for discovery, briefing, coordination with co-defendants, trial preparation, and trial support.

M. KONRAD BOROWICZ

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REFERENCES

Katharina Pistor

Professor of Comparative Law

Columbia Law School

kpisto@law.columbia.edu

Yair Listokin

Deputy Dean, Professor of Law

Yale Law School

yair.listokin@yale.edu

Dan Awrey

Professor of Law

Cornell Law School

aja288@cornell.edu

PROFESSIONAL EXPERIENCE

Assistant Professor of Financial Regulation (with tenure), Tilburg University, The Netherlands, 2018-

Research Coordinator, Tilburg Law and Economics Center (TILEC), The Netherlands, 2021-

Visiting Professor, Bar Ilan (2019), Hong Kong University (2024), FGV Direito SP (2024)

Associate (Finance Group), Ropes & Gray, United Kingdom 2015-2018

Trainee (Corporate), SKS Legal, Poland 2008-2009

Summer Associate (Privacy), DLA Piper, Belgium 2008

Law Clerk, Poznan Court of Appeals, Poland 2006

RESEARCH AND TEACHING INTERESTS

Monetary and Financial Institutions, Securities Regulation, Corporate & Bankruptcy Law, Payment Systems, Contracts, Privacy, Private Ordering, Law and Economics, Law and Technology

EDUCATION

J.S.D. Columbia University, USA, 2013-2020

Thesis: "Law and Macro Finance: Legal Origins of Credit Booms and Busts"

Committee: Katharina Pistor (advisor), Yair Listokin, Anna Gelper, Jeffrey N. Gordon

Ph.D. in Law European University Institute, Italy, 2010-2016

Thesis: "Contracts as Regulation: Conceptual Framework and Applications"

Committee: Fabrizio Cafaggi (advisor), Katharina Pistor, Hans Wolfgang Micklitz, Paola Iamicelli

LL.M. (cum laude) Duke University, USA, 2009-2010

Mgr. (J.D. equivalent) Adam Mickiewicz University, Poland, 2004-2009

PUBLICATIONS

ARTICLES

Why Should the Fed Issue a Digital Dollar?

JOB MARKET PAPER

Law and Macro-Finance

LAW AND DEVELOPMENT REVIEW (FORTHCOMING)

Solving the Who Owes What to Whom Problem: The Creation of the Global Legal Entity Identifier

REGULATION AND GOVERNANCE (REVISE AND RESUBMIT)

The Data Quality Problem (in the European Financial Data Space)

INTERNATIONAL JOURNAL OF LAW AND TECHNOLOGY (FORTHCOMING)

A Theoretical Framework for Law and Macro-Finance

JOURNAL OF FINANCIAL REGULATION 9(1) 2023, pp. 55-71

Public Choice and Private Contracting

LAW AND FINANCIAL MARKETS REVIEW 16(1) 2023, pp. 116-132

Law and Macro Finance of Corporate Debt

INTERNATIONAL INSOLVENCY REVIEW 31(3), 2022, pp. 343-362

Also translated into Chinese, 公司债务的法律和宏观金融：通过破产管理商业周期

COMPARATIVE STUDIES (比较), 130(1), 2024

Law, Liquidity, and Monetary Policy

UNIVERSITY OF PITTSBURGH LAW REVIEW, 83(4) 2022

The Mechanisms of Loan Market Efficiency

REVIEW OF BANKING AND FINANCIAL LAW 41 (1), 2021-2022

Contracts as Regulation: The ISDA Master Agreement

CAPITAL MARKETS LAW JOURNAL 16(1) 2021, pp. 72-94

Private Power and International Law: The Case of ISDA

EUROPEAN JOURNAL OF LEGAL STUDIES, 8(1) 2015, pp. 46-66 (earlier version published in the Emerging Scholars Working Paper series of the New York University Institute for International Law and Justice (23/2012) under the title *Accountability in Transnational Contractual Governance*)

BOOKS EDITED

The Evolution of Transnational Rule-Makers Through Crises

(with P. Delimatsis & S. Bijlmakers) (CAMBRIDGE UNIVERSITY PRESS, 2023)

CHAPTERS IN BOOKS

Standard-setting and organizational resilience: The Institute of International Finance

The Evolution of Transnational Rule-Makers Through Crises (P. Delimatsis, S. Bijlmakers & M.K. Borowicz) (CAMBRIDGE UNIVERSITY PRESS, 2023)

The internal ratings-based and advanced measurement approaches for regulatory capital under the Basel regime

The Governance and Regulation of International Finance (Eds. Geoffrey P. Miller & Fabrizio Cafaggi) (EDWARD ELGAR) 167-208 (2013)

Financial markets, regulatory failures and transnational regulatory safety nets: the building of a policy-making metaphor

Informal International Law-Making: Concepts and Case Studies (Eds. Joost Pauwelyn, Ramses Wessel, Jan Wouters) (TOAEP) 221-248 (2012)

TEACHING EXPERIENCE

Tilburg University and Eindhoven University of Technology, The Netherlands

Innovation and Regulation (coordinator and instructor), Undergraduate, 2022, 2023

Tilburg University, School of Law, The Netherlands

Governance & Regulation of Fin Tech, (coordinator and instructor), Graduate, 2023, 2024

Law & Economics (coordinator and instructor), Undergraduate, 2019, 2018
EU & Crises (co-teaching), Graduate, 2019

FGV Direito SP, Brazil

Governance & Regulation of Fin Tech, (coordinator and instructor), 2024

Bar-Ilan University, School of Law, Israel

Law & Fin Tech (coordinator and instructor), Graduate, 2019

Columbia University, School of Law, USA

International Financial Transactions (teaching assistant), Graduate, 2014

ACADEMIC HONORS, AWARDS, AND ACTIVITIES

At Tilburg University

- Personal research grant funded by Tilburg University (EUR 240,000) for the project The European Financial Data Space: Normative Foundations and Institutional Design
- Program Committee, Join Bachelor Data Science (Tilburg/Eindhoven University of Technology)
- Contributed to research project Resilience and Economic Activism and the Role of Law funded by the European Research Council (Grant Agreement No 725798)

At Columbia University

- Full J.S.D. scholarship and tuition waiver funded by the Global Law and Finance Network

At European University Institute

- Full Ph.D. scholarship and tuition waiver funded by the Polish Foreign Affairs Ministry
- Contributed to research project Transnational Private Regulation: Constitutional Foundations and Governance Design funded by the Hague Institute for the Internationalization of Law
- Visiting scholar, Fordham Law School, USA
- Managing Editor, European Journal of Legal Studies

At Duke University

- Staff Editor, Duke Journal of International and Comparative Law
- Research assistant to George Christie (project on adjudication of human rights)
- Stewart/Cassese Prize for Emerging Scholars in Global Administrative Law

At Adam Mickiewicz University

- Prize for the best master thesis on IP Law awarded by the Polish Patent Office
- Diploma in English Law, University of Cambridge, Institute for Continuing Education
- Diploma in European Law (Erasmus scholar), University of Antwerp

REVIEWING ACTIVITIES

Ad hoc reviewer: Review of European Contract Law, Journal of Legal Studies, Journal of Financial Regulation, Computer and Security Law Review, Transnational Legal Theory, Technology and Regulation

SELECTED ACADEMIC PRESENTATIONS

2024: University of Hong Kong (Asian Institute for Financial Law Seminar), Nova University of Lisbon (SPEED seminar, invited discussant), FGV Direito Sao Paulo, Kozminski University Warsaw (Modern Finance Conference), Tilburg University (TILT seminar; TILEC seminar; TILEC 20th Anniversary Conference, organizer)

2023: Northwestern University (Third Empirical Conference on Standardization); Tilburg University (TILEC seminar; International Workshop: Data Governance in Banking and Finance, organizer; Workshop on European Data Spaces, organizer)

2022: Nova University of Lisbon (SPEED Seminar); Harvard/Wharton (online, Corporate Restructuring & Insolvency Seminar); Tilburg University (TILEC seminar)

2021: Queen Mary University of London (online, 4th Law & Macroeconomics Conference); Oxford/Bocconi Junior Business Law Seminar; Tilburg University (TILEC seminar; Digital Legal Talks, member of the Program Committee; Regulation of Digital Markets: Enforcement and Remedies, discussant)

2020: Yale University (online, 3rd Law & Macroeconomics Conference); Columbia University (JSD workshop); Tilburg University (TILEC seminar; Conference, The Evolution of Transnational Private Rule-Makers, organizer)

2019: Bar-Ilan University (Law & Economics Workshop); Tel Aviv University (European Law and Economics Association Meeting); Chinese University of Hong Kong (Conference, Regulatory Governance); University of California, Berkeley (National Business Law Scholars Conference); University of Milan (Conference, Minsky at 100, paper accepted)

2015/16: Columbia University (Global Law and Finance Network Workshop on the Hierarchy of Money); Oxford University (Global Law and Finance Network Workshop on Liquidity)

2014: University of Toronto (Canadian Law & Economics Association Meeting); Sapienza University of Rome (Italian Law and Economics Association Meeting, paper accepted), Columbia University (Global Law and Finance Network Workshop)

2012/2013: Columbia University (JSD workshop); University of Trento (Workshop on Contractual Networks); Fordham University (Visiting Scholars' Workshop); European University Institute (PhD Workshop).

2010/11: European University Institute (Conference, Rethinking Financial Institutions, and their Regulation: Public and Private Approaches to Risk and Instability in a Post-Crisis World); Netherlands Institute for Advanced Study in the Humanities and Social Sciences (Informal International Law-making Workshop); Italian Institute for Research in Public Administration (Global Administrative Law Seminar)

PHD SUPERVISION

Shanya Ruhela, *Multi-level banking regulatory landscape: Crisis & opportunities to lobby for trade associations* (defended September 2023)

PROFESSIONAL MEMBERSHIPS

Admitted to the New York Bar (since 2011)

Member, American Law and Economics Association

Member, European Law and Economics Association

LANGUAGES

Polish Native

English Fluent

DEAL SHEET (REPRESENTATIVE LIST OF TRANSACTIONS)

Issuer	Transaction Types/Security	Responsibilities
Issuer Representations		
Numericable-SFR (March-April 2016)	High Yield Notes 144A/Regulation S Notes Offering	<ul style="list-style-type: none"> • Draft offering memorandum in connection with a \$5.190 billion high yield bond offering • Perform due diligence review and coordinate back-up • Coordinate with tax, ERISA and 401 Act teams • Draft board resolutions • Coordinate with French and Lux counsel • Draft opinions • Prepare Lux listing application
Cable & Wireless Communications (July-August 2017)	High Yield Notes 144A/Regulation S Notes Offering	<ul style="list-style-type: none"> • Draft offering memorandum in connection with a \$700 high yield bond offering • Draft and negotiate purchase agreement, backstop commitment letter and fee letter • Oversee due diligence process • Coordinate local counsel (Barbados, Cayman Islands) and SPV trustee
Samsonite (February-April 2018)	High Yield Notes 144A/Regulation S Notes Offering	<ul style="list-style-type: none"> • Draft offering memorandum • Oversee due diligence process and all capital markets work streams • Coordinate local counsel (Luxembourg, Hungary, Canada, Belgium, New Jersey, Hong Kong, Mexico) • Review and comment on road show materials • Review and comment on press releases for HKSE • Advise company with respect to covenant compliance matters
Underwriter Representations		
Goldman Sachs (January-February 2017)	Credit Facilities	<ul style="list-style-type: none"> • Draft credit agreement for Navico Inc • Draft intercreditor agreement • Draft syndication term sheet • Review and comment on lender presentation
Goldman Sachs, JP Morgan, Morgan Stanley, Danske Bank, DNB, Nordea, Nykredit and Swedbank (November 2016-June 2017)	Credit Facilities	<ul style="list-style-type: none"> • Draft commitment papers in connection with contemplated financing of the combination of Intrum Justitia and Lindorff • Draft revolving credit facilities agreement • Draft intercreditor agreement • Coordinate local counsel (Germany, the Netherlands, Switzerland, Hungary, Denmark, Sweden, Norway, Spain) • Negotiate scope of credit support • Review and comment on road show materials
Special situations		
Moelis (assisting Ropes HK team)	Asset transfer and restructuring	<ul style="list-style-type: none"> • Represented Moelis as advisor to holders of high yield bonds issued by the Mongolian Mining Corporation • Review and comment on indenture and intercreditor agreement • Draft risk factors
Houlihan Lokey (assisting Ropes HK team)	Asset transfer and restructuring	<ul style="list-style-type: none"> • Represented Houlihan Lokey as advisor to holders of high yield bonds issued by Rolta India Limited • Review and comment on indenture

Raúl Carrillo

Academic Fellow | Lecturer in Law | Kellis E. Parker Teaching Fellow | Columbia Law School
Jerome Greene Hall 511, 435 W. 116th St., New York, NY 10027
raul.carrillo@law.columbia.edu | (575) 644-2475

ACADEMIC APPOINTMENTS

Columbia Law School

Kellis E. Parker Teaching Fellow, 2024 – Present
Academic Fellow and Lecturer in Law, 2023 – Present

Yale Law School

Associate Research Scholar, 2020 – 2023
Information Society Project, Resident Fellow, 2020 – 2023

EDUCATION

Columbia Law School

J.D., 2015

Resident Scholar, Oxford University, Columbia-Oxford Alliance in Law and Finance, 2015
Parker School Certificate in International & Comparative Law, 2015
Columbia Business Law Review, Editor, 2013 – 2014
Latino/a Law Students Association, Policy Chair, 2013 – 2014
Kirkland & Ellis Fellow, 2013

Harvard College

A.B. in Social Studies (honors concentration in the social sciences), 2010

TEACHING INTERESTS

Primary: Contracts, Financial Institutions, Law & Technology

Secondary: Business Associations, Legislation (and Regulation), Securities Regulation,
Payment Systems, Consumer Law, Financial Technology Seminar, Law and Political Economy Seminar

TEACHING EXPERIENCE

LL.M. Legal Research and Writing, Columbia Law School, 2023 – Present

PUBLICATIONS

Gaming Money (job talk paper)

Cops, Robbers, and Regulators, 58 CONNECTICUT LAW REVIEW (forthcoming December 2025)

Platform Money, 41 YALE JOURNAL ON REGULATION 894 (2024)

Seeing Through Money: Democracy, Data Governance, and the Digital Dollar, 57 GEORGIA LAW REVIEW 1207 (2023)

SHORT-FORM PUBLICATIONS

“Labor: Reassessing The Economic Constraints on a Human Right to Work,” in Jean d’Aspremont and John Haskell (eds.), *Tipping Points in International Law*, Cambridge University Press (2021)

“Reflection: Challenging Monetary Sanctions in the Era of Racial Taxation,” *UCLA CRIMINAL JUSTICE LAW REVIEW* (2020)

“Unemployment Isn't Natural, It's A Creature of Legal Design,” *LAW AND INEQUALITY: A JOURNAL OF THEORY AND PRACTICE* (2018)

ACADEMIC PRESENTATIONS

Conferences and Workshops

Law and Political Economy 101, Law & Society Association Annual Conference, Denver, CO (June 2024)

Yale Journal on Regulation: Financial Regulation in the 21st Century, Yale Law School (April 2024)

Fintech for the Public Good, University of Massachusetts Amherst (April 2024)

New Voices in Administrative Law Workshop, American Association of Law Schools (January 2024)

Roundtable, Anti-Money Laundering: Opportunities for Improvement, Wharton School of Business, University of Pennsylvania (October 2023)

Law and Political Economy of Technology Workshop, Yale Law School (September 2023)

Law and Political Economy 101, Law & Society Association Annual Conference, San Juan, PR (June 2023)

Consumer Law Scholars Conference, Workshop Session, Berkeley Law School (March 2023)

Financial Regulation Workshop, Wharton School of Business, University of Pennsylvania (October 2022)

5th Conference on Law and Macroeconomics, Wharton School of Business, University of Pennsylvania (October 2022)

ClassCrits XIII, Thurgood Marshall School of Law (October 2022)

Advanced Topics of Law & Technology Lecture Series, University of Graz (June 2022)

Law and Political Economy of Technology Workshop, Yale Law School (May 2022)

The Future of Finance, UCLA Luskin Institute on Inequality and Democracy (Closed Workshop) (April 2022)

Open Banking: The Ethical Pitfalls of a Revolution in Consumer Services, Baruch Zicklin School of Business, Baruch College (April 2022)

Yale Information Society Project Resident Fellows Workshop (November 2021)

LatCrit 2021 Biennial Conference, University of Denver Law School (October 2021)

3rd Annual Summer Academy on Law, Money, and Technology, University of Manchester Law School (July 2021)

Privacy Law Scholars Conference, Georgetown Law Center (June 2021)

Consumer Law Scholars Conference, Berkeley Law School (with Luke Herrine) (March 2021)

Regulating Megabanks: A Conference in Honor of Arthur Wilmarth, Colorado Law School (March 2021)

2nd Annual Summer Academy on Law, Money, and Technology, University of Manchester Law School (July 2020)

Law and Political Economy Conference, Emerging Scholars Workshop, Yale Law School (January 2020)

Progressive Reform of Fees and Fines, Harvard Law School (September 2019)

ClassCrits XI, West Virginia University College of Law (November 2018)

Association for Promotion of Political Economy and the Law, University of Massachusetts Amherst (June 2018)

Association of American Law Schools, Socioeconomics Section, San Diego, CA (January 2018)

ClassCrits X, Tulane Law School (November 2017)

Association for Promotion of Political Economy and the Law, University of Maryland Law School (June 2017)

The Cost-Benefit Analysis of Financial Regulation, George Washington Law School (May 2014)

Guest Lectures and Presentations

Anti-Money Laundering Laws, Columbia Law School (Prof. Kathryn Judge) (April 2024)

Law, Money, & Technology, Willamette College of Law (Prof. Rohan Grey) (November 2023)

The Law and Political Economy of Debt, UCLA Law School (Prof. Nikita Aggarwal) (April 2023)

Consumer Law & Economic Justice, Berkeley Law School (Prof. Ted Mermin) (March 2023)

Issues in Financial Regulation, Cornell Law School (Prof. Saule Omarova) (November 2022)

Lawyers & Leadership, Emory Law School (Prof. Kristin Johnson) (April 2022)

Housing Clinic, Foreclosure Track, Yale Law School (Prof. Jeff Gentes) (April 2022)

Business Organizations, Barry Law School (Prof. Nadia Ahmad) (March 2022)

Consumer Law Practicum, Yale Law School (Prof. Daniel Markovits) (December 2021)

Law, Money, & Technology, Willamette College of Law (Prof. Rohan Grey) (November 2021)

International Finance, University of Mississippi School of Law (Prof. Antonia Eliason) (April 2021)

Employment Law, University of Minnesota School of Law (Prof. Sanjukta Paul) (November 2020)

Critical Law and Economics, CUNY Law School (Prof. Alan White) (November 2020)

Issues in Financial Regulation, Cornell Law School (Prof. Saule Omarova) (October 2020)

SELECTED SERVICE & ACADEMIC ACTIVITIES

NYU Center for Critical Race + Digital Studies, 2020 – Present

Affiliate Scholar

Social Science Research Council, 2023

External Evaluator (Just Tech Fellowships)

Journal of Financial Regulation, 2023

Ad hoc reviewer

Journal of Law and Political Economy, 2020-2023

Editorial Board Member

PROFESSIONAL EXPERIENCE

Law and Political Economy Project, New Haven, CT

Deputy Director, 2020 – 2023

Americans for Financial Reform Education Fund, Washington, D.C.

Research Fellow, 2019 – 2020

Demand Progress, Washington, D.C.

Policy Counsel, 2019 – 2020

New Economy Project, New York, NY

Staff Attorney, 2016 – 2019

U.S. Consumer Financial Protection Bureau, Washington, D.C.

Special Counsel to the Enforcement Director, 2015 – 2016

Office of California Attorney General Kamala D. Harris, San Francisco/Sacramento, CA
Executive Assistant, Staff Secretary, 2011-2012

Kamala D. Harris for Attorney General, San Francisco, CA
Finance Associate, Deputy Statewide Field Director, 2010

SELECTED PROFESSIONAL AFFILIATIONS

The Action Lab, 2023 – Present
Advisory Council

Demand Progress Education Fund, 2021 – Present
Board of Directors

Progressive Talent Pipeline, 2020 – Present
Advisory Board

National Jobs for All Network, 2018 – Present
Board of Directors

Biden for President, Policy Committee, Finance, Banking, & Consumer Protection, 2020
Invited Member

GOVERNMENT PRESENTATIONS & TESTIMONY

Closed Roundtable, “Addressing Barriers in Financial Services for Justice-Impacted Communities,” U.S. Treasury (January 2024)

Congressional Testimony, “Digital Dollar Dilemma: The Implications of a Central Bank Digital Currency and Private Sector Alternatives,” U.S. House Financial Services Committee (September 2023)

Congressional Testimony, “What’s in Your Digital Wallet? A Review of Recent Trends in Mobile Banking and Payments,” U.S. House Financial Services Committee (April 2022)

Closed Briefing, Digital Assets Roundtable, White House (March 2022)

Congressional Testimony, “Preserving the Right of Consumers to Access Personal Financial Data,” U.S. House Financial Services Committee (September 2021)

Closed Briefing, Financial Inclusion, U.S. Treasury, President's Working Group on Stablecoins (September 2021)

Congressional Testimony, “Banking Innovation or Regulatory Evasion?: Exploring Trends in Financial Institution Charters,” U.S. House Financial Services Committee (April 2021)

Congressional Testimony, “License to Bank: Examining the Legal Framework Governing Who Can Lend and Process Payments in the Fintech Age,” U.S. House Financial Services Committee (September 2020)

Closed Bipartisan Staff Briefing, U.S. Coin Shortage, U.S. House Financial Services Committee (August 2020)

Fintech Forum, Conference of State Banking Supervisors (April 2018)

Congressional Testimony, Practices of the Online Lending Industry, New York State Legislature (May 2017)

SELECTED PROFESSIONAL PUBLICATIONS

The Libra Black Paper: Banking on Surveillance, AMERICANS FOR FINANCIAL REFORM EDUCATION FUND & DEMAND PROGRESS EDUCATION FUND (June 2020)

Comment re: Notice and Request for Comment Regarding the CFPB's Inquiry into Big Tech Payment Platforms (with Rohan Grey and Luke Herrine), Consumer Financial Protection Bureau (December 21, 2021)

Comment re: Request for Information on Standard Setting and Voluntary Certification for Models and Third-Party Providers of Technology and Other Services, Federal Deposit Insurance Corporation (September 20, 2020)

Comment re: Advance Notice of Proposed Rulemaking – National Bank and Federal Savings Association Digital Activities (with Jeremiah Battle and Odette Williamson), U.S. Treasury, Office of the Comptroller of the Currency (August 3, 2020)

Comment re: Notice of Proposed Rulemaking: “Parent Companies of Industrial Banks and Industrial Loan Companies,” Federal Deposit Insurance Corporation (July 1, 2020)

Joint Letter re: Competition in the Digital Marketplace, House Judiciary Committee (April 7, 2020)

Comment re: Federal Reserve Actions to Support Interbank Settlement of Faster Payments, Federal Reserve Board of Governors (November 7, 2019)

“Don’t buy what Zuckerberg’s selling on Libra,” AMERICAN BANKER (October 2019)

“Trump’s plan to ‘impound’ remittances is bad for business,” AMERICAN BANKER (December 2016)

SELECTED MEDIA ACTIVITIES

Television, Podcast, and Video Appearances:

“Leading Ethically in the Age of Big Data and AI,” Purdue University (June 2022)

“Data Aggregation for Credit Scoring,” University of Montana Global Leadership Initiative (May 2022)

“Advocates Dish on Lawsuit Designed to Force Banks to Change How They Investigate Fraud,” NY1 Inside City Hall (March 2018)

News, Blog, & Magazine Quotes:

“Bank Disintermediation, Fed Controls Fuel Bipartisan Skepticism of CBDC,” AMERICAN BANKER (September 2023)

“Why Don’t We Have a Public Banking Option in the U.S.?,” MARKETPLACE (March 2023)

“The Future of Digital Cash is Not on the Blockchain,” WIRED (May 2022)

E-CASH Act, Press Release, Office of Rep. Stephen Lynch (Co-Drafter) (April 2022)

“The Hidden Costs of Credit Karma, Credit Sesame, and Other Credit Score Apps,” CONSUMER REPORTS (October 2021)

Federal Job Guarantee Resolution, Press Release, Office of Rep. Ayana Pressley (Co-Drafter) (February 2021)

“A Member of the ‘Squad’ Takes on Cryptocurrency,” WIRED (December 2020)

Stablecoin Tethering and Bank Licensing Enforcement (STABLE) Act, Press Release, Offices of Rep. Tlaib, García, and Lynch (Co-Drafter) (December 2020)

Public Banking Act, Press Release, Reps. Tlaib and Ocasio-Cortez (Co-Drafter) (October 2020)

Data Accountability and Transparency Act of 2020, Press Release, Office of Sen. Sherrod Brown (Consultant) (June 2020)

“K&L Gates Discusses Trump’s Plan to Make Mexico Pay for the Wall,” COLUMBIA LAW BLUE SKY BLOG (January 2017)

BAR ADMISSIONS

New York State (Inactive)

Southern District of New York (Inactive)

Eastern District of New York (Inactive)

REFERENCES

Amy Kapczynski

Professor of Law
Yale Law School
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(203) 432-8005

Kathryn Judge

Harvey J. Goldschmid Professor of Law
Columbia Law School
kjudge@law.columbia.edu
(212) 854-5243

Dr. Saule Omarova

Beth and Marc Goldberg Professor of Law
Cornell Law School
sto24@cornell.edu
(607) 255-1476

Yochai Benkler

Jack N. and Lillian R. Berkman Professor for Entrepreneurial Legal Studies
Harvard Law School
ybenkler@law.harvard.edu
(617) 496-3022

Frank Pasquale

Professor of Law
Cornell Law School, Cornell Tech
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The Honorable Kristin N. Johnson

Asa Griggs Candler Professor of Law
Emory University School of Law
Commissioner
Commodity Futures Trading Commission
kristin.johnson@emory.edu

Dr. Dan Awrey

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aja288@cornell.edu
(607) 255-8431

ANTON CHAEVITCH

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EDUCATION

Harvard University, Graduate School of Arts and Sciences, Cambridge, MA

Ph.D., German Literature, May 2019

A.M., German Literature, May 2012

Honors: Certificate of Distinction in Teaching

Winner, *Dudley Review* Prize Competition 2012 (best short story in graduate schools)

Activities: Freshman Proctor; *Dudley Review*; Harvard Argentine Tango Society

Dissertation: “Goethe and Law: Advancement Through Narrative and Arbitration”

Columbia Law School, New York, NY

J.D., May 2016

Law Review: *Columbia Journal of Transnational Law*, Articles Editor

Honors: James Kent Scholar; General S.K. Yee Scholar; Kenneth V. Santagata Scholar

The Parker School Recognition of Achievement in International and Comparative Law

Activities: Research Assistant, Prof. George Bermann (International Commercial Arbitration)

Teaching Assistant, Prof. George Bermann (International Commercial Arbitration)

Research Assistant, Prof. Anu Bradford (Global Antitrust Law)

European Law Moot Court, Regional Finalist

Intern, U.S. District Court for the Southern District of New York, Judge Richard Berman

Harvard University, Harvard College, Cambridge, MA

A.B., German Literature and Philosophy, *magna cum laude*, May 2010

Honors: Language citation in French

Language citation in Spanish

The Bernhard Blume Award (best undergraduate thesis on a German topic)

Davis United World College Scholar

Winner, 2010 Triangulares Debate Tournament (Harvard-Princeton-Yale)

Activities: Harvard Speech and Parliamentary Debate Society; Harvard Review of Philosophy

CLERKSHIP EXPERIENCE

United States Court of Appeals for the First Circuit, San Juan, PR

Law Clerk for the Honorable Juan R. Torruella

Aug. 2016–June 2017

WORK EXPERIENCE

Three Crowns, Washington, D.C.

Associate (also 2016 Summer Associate)

Oct. 2019–present

- Practice international arbitration and related U.S. litigation
- Pro bono, prepared claims before the European Court of Human Rights on behalf victims of war crimes in a Middle Eastern State, and before the African Commission on Human and Peoples’ Rights in the case of Meriam Ibrahim; worked on several immigration cases

National Law School of India University, Bangalore, Karnataka, India

July 2019–Aug. 2019

Visiting Professor

- Taught seminar on international arbitration to students in their final year

Harvard Faculty of Arts and Sciences, Cambridge, MA

Teaching Fellow

Aug. 2012–May 2013 and Aug. 2017–May 2018

- Taught introductory and intermediate German, introductory Dutch
- Assisted with the teaching of Continental Legal History

Freshfields Bruckhaus Deringer, New York, NY and London, United Kingdom

Summer Associate

May 2015–July 2015

LANGUAGES

- English (native fluency), Dutch (native), Russian (native), German (fluent)
- French (proficient), Spanish (proficient), Latin and Ancient Greek (basic)

PUBLICATIONS & PRESENTATIONS

“Faust: Goethe’s Guide to Legal Progress” (book chapter), in: *The Learned and Lived Law*, (eds. E.P. Kamali, S. Lettmaier, N. Hatzimihail), Brill | Nijhoff, *forthcoming* November 2024

“Pro-Arbitration = Pro-Litigation” (book chapter), in “*Pro-Arbitration*” *Revisited: A Tribute to Professor George Bermann from his Students over the Years* (eds. E. Farias, G. Rivas, G. Favero Vaughn, M. Verdías Mezzera, K. Duggal), Juris Publishing, 2023

“The Three Paradigm Shifts of International Arbitration” (book chapter), in *Reflections on International Arbitration - Essays in Honour of Professor George Bermann* (eds. J. Bedard and P. Pearsall), Juris Publishing, 2022

Faculty presentation at the National Law School of India University Bangalore: “Legal Progress: Goethe, Narrative and Arbitration”, August 2019

“When Charity Meets Racism: The Story of *Cy Pres* in the United States and England”, *Columbia Journal of Transnational Law*, volume 54, 2016, number 2

BAR ADMISSIONS

Admitted in the District of Columbia and New York

REFERENCES

Anu Bradford
Henry L. Moses Professor of Law and International Organization
Columbia Law School
abradf@law.columbia.edu
(212) 854-9242

George A. Bermann
Walter Gellhorn Professor of Law and Jean Monnet Professor of European Union Law
Columbia Law School
gbermann@law.columbia.edu
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Alex Raskolnikov
Wilbur H. Friedman Professor of Tax Law
Columbia Law School
arasko@law.columbia.edu
(212) 854-4666

Katharina Pistor
Edwin B. Parker Professor of Comparative Law
Columbia Law School
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Charles Donahue
Paul A. Freund Professor of Law
Harvard Law School
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(202) 540-9477

YARON COVO

127 Wall St., New Haven, CT 06511 | yaron.covo@yale.edu | (413) 949-7542

ACADEMIC APPOINTMENTS

SOLOMON CENTER FOR HEALTH LAW AND POLICY, YALE LAW SCHOOL

Senior Research Fellow, July 2023 – present

HARVARD LAW SCHOOL PROJECT ON DISABILITY

Fellow, Aug. 2024 – present

EDUCATION

COLUMBIA LAW SCHOOL, JSD, 2023

Dissertation: Disability Integration Outside the Mainstream

Committee: Professors Elizabeth Emens (Chair), David Pozen, Petros Mavroidis

COLUMBIA LAW SCHOOL, LL.M, 2019

Honors: Fulbright Fellow, Kent Scholar (equivalent to “High Honors” under CLS’ [updated system](#) of academic honors), Norman E. Alexander Scholar, Milton B. Conford Award (Best Paper in Jurisprudence), Emil Schlesinger Award (Student Most Proficient in the Subject of Labor Law)

Activities: Research and Teaching Assistant to Professor Elizabeth Emens

TEL AVIV UNIVERSITY LAW SCHOOL, LL.B, *magna cum laude*, 2014

Honors: Award for Academic Excellence (2014), Dean’s List (2010–11, 2012–13)

Activities: TAU Law Review; Research Assistant to Professor Ariel Porat (Torts)

RESEARCH & TEACHING INTERESTS

Primary: Contracts, Disability Law, Torts, Public Health Law, Employment Law

Secondary: Antidiscrimination Law, Education Law, Sports Law, Elder Law, Trusts & Estates

SELECTED PUBLICATIONS

LAW REVIEW ARTICLES

***The Contractualization of Disability Rights Law*, 92 U. CHI. L. REV. ____ (forthcoming 2025) [job market paper]**

This Article shows how, in interpreting disability rights statutes, many courts have turned to a wide array of contract doctrines, including the parol evidence rule, the duty of good faith, impossibility, materiality, mistake, and duress. In doing so, courts tend to use a commercial contract paradigm, designed to promote efficient transactions between corporations. This is problematic given that disability rights statutes seek to promote other goals, most notably

equality and human dignity. To address this problem, this Article proposes changing the contract paradigm upon which courts rely in adjudicating disability rights disputes—from a general, commercial approach to a set of rules that recognize the specific obstacles disabled individuals face, including information asymmetry and bargaining imbalances.

***Inverse Integration and the Relational Deficit of Disability Rights Law*, 124 COLUM. L. REV. 563 (2024) ([link](#))** [selected for the 2023 Michigan Law Junior Scholars Conference]

This Article documents and analyzes a previously overlooked model of disability integration, *inverse integration*, whereby nondisabled persons enter or participate in disability-focused settings or activities. It demonstrates how inverse integration fosters relationships by allowing disabled and nondisabled persons to share experiences, interests, and common language with family members, friends, and significant others. These interactive features of inverse integration, in turn, highlight disability law’s failure to protect and facilitate such interpersonal relationships.

***Reversing Reverse Mainstreaming*, 75 STAN. L. REV. 601 (2023) ([link](#))**

This Article investigates reverse mainstreaming—the practice of including *nondisabled* students in *special education* classrooms—as a form of integration. Drawing on a historical account and a systematic analysis of hundreds of administrative decisions, this Article exposes a conundrum: on the one hand, educators and judges have long justified reverse mainstreaming by pointing to its potential to reduce prejudice through structured interactions between disabled and nondisabled students. On the other hand, reverse mainstreaming often treats disabled students as inferior to their nondisabled peers and imposes mainstream norms at the expense of disability culture.

***Gambling on Disability Rights*, 43 COLUM. J.L. & ARTS 237 (2020) ([link](#))** [discussed in [Sportico: The Business of Sports](#)]

This Article argues that certain rules of leading U.S. sports organizations banning the disclosure of information that might be used for betting (“anti-tipping rules”) have a detrimental effect on athletes with psychosocial impairments because they prohibit athletes from disclosing information about their mental health. Drawing on the rule against insider trading in securities law, this Article proposes several strategies to address this problem.

BOOK CHAPTERS

The 100 Year-Old-American and Our Health System, in *LAW AND THE 100-YEAR-OLD AMERICAN* (Alstott, Gluck & Rusyn eds., forthcoming 2024) (CUP) (with Abbe Gluck & Dr. Linda Fried)

WORKS IN PROGRESS

Accommodative Contracts (with Szymon Osmola & Michael Stein)

This Article identifies a category of contracts that constitute, in and of themselves, “reasonable accommodations.” Specifically, such *accommodative contracts* allow individuals from certain social groups to address physical, structural, and attitudinal barriers that prevent them from participating in important social opportunities. Accommodative contracts can be found in several social domains, including employment (e.g., job-sharing contracts), reproduction (e.g.,

surrogacy contracts), financial and medical decision-making (e.g., supported-decision-making agreements), and housing (e.g., co-housing contracts). This Article argues that the overarching framework for evaluating accommodative contracts should be the law's commitment to advancing self-determination and substantive equality. To achieve these goals, we argue, the state must play an active role—as a lawmaker, employer, and contract enforcer—to promote accommodative contracts and create mandatory and default rules to protect vulnerable parties from abuse under such arrangements.

The Legal Side Effects of Alzheimer's Medication (with Dr. Mihir Gupta, Trevan Klug, Melisa Olgun & Rayyan Darji) [selected for the 8th Stanford Law and Society Conference for Junior Researchers]

As the U.S. population ages, Alzheimer's disease is becoming a major concern for many older adults. To date, however, pharmaceutical companies have yet to develop an effective medication to treat this disease. This Article shows that there is one area in which the use of Alzheimer's medication has been relatively impactful: private law litigation. We draw on an original dataset of “mental capacity” decisions to demonstrate how Alzheimer's drugs are being invoked by litigants who wish to challenge (or defend) the validity of a conveyance or will. Moreover, we empirically show that courts tend to engage with such evidence and, in some cases, attach great weight to the fact that the person whose capacity is challenged was prescribed an Alzheimer's drug. Our findings raise two points of concern. First, we find evidence that family members, who often play a role in the decisions surrounding Alzheimer's treatment, sometimes misuse the prescription of Alzheimer's medication to prove or disprove the legal capacity of the patient. Second, given that courts sometimes consider compliance with a medication regimen in determining one's capacity, there is a concern that some older adults would be “penalized” for failing to take certain drugs.

Tort Law, Disability, and the Privatization of the “Ugly Laws”

This Article analyzes two recent California lawsuits in which the plaintiffs claimed that the behavior of an autistic child in a neighboring house constituted a “nuisance.” Situating these lawsuits in a historical context helps conceptualize them as reflecting two disturbing developments. The first concerns the use of the law to exclude disabled people from certain spaces. In the past, municipalities used nuisance ordinances (known as “ugly laws”) to criminalize people with visible impairments simply for being out in public spaces. This Article argues that, in some respects, the California lawsuits reflect the privatization of such “ugly laws.” The second development has to do with the intersection of disability and torts. In a groundbreaking 1966 article, scholar Jacobus tenBroek proposed a tort reform that would establish disabled people's “right to live in the world.” Conversely, the California cases reflect a use of tort law for a very different purpose: whereas tenBroek promoted disability integration, the plaintiffs in those lawsuits sought to exclude disabled people from their neighborhoods. Taken together, I conclude, these developments paint a very grim picture of how legal norms shape social integration in contemporary society.

Integration-Integration Tradeoffs [draft available upon request]

This Article argues that, fifty years after Congress first introduced the “integration presumption” in the Individuals with Disabilities Education Act, we still do not fully understand what “integration” means. The statute refers to two meanings of integration: (1) placement of disabled students in the general education classroom and (2) intergroup interactions between

disabled and nondisabled children. These two definitions are not identical and can dictate different, even conflicting, remedies. Nevertheless, courts and scholars have so far conflated these meanings. This Article exposes the tensions between the two meanings of integration, traces their distinct justifications, and illustrates the core tradeoffs that arise when these meanings clash. Such conflicts, which I refer to as *integration-integration tradeoffs*, occur when promoting one meaning of disability integration hinders the other. For example, moving from an in-person method of instruction to a fully virtual one may increase the number of disabled children studying in the general education environment, but this can also diminish the quality and frequency of interactions between disabled students and their nondisabled peers. This Article concludes by offering insights into how to manage such integration-integration tradeoffs.

MEDIA

How Will Returning Sports Leagues Disclose COVID-19 to Prevent Insider Bets?, SLATE (2020) ([link](#))

AWARDS/HONORS

Fulbright Fellow (2019)

James Kent Scholar (Columbia Law School, 2019) (equivalent to “High Honors” under CLS’ [updated system](#))

Norman E. Alexander Scholar (Columbia Law School, 2019)

Milton B. Conford Award (Columbia Law School, 2019)

Emil Schlesinger Award (Columbia Law School, 2019)

Tel Aviv University Memorial Award for Academic Excellence (2014)

Dean’s Honor List (Tel Aviv University, 2010-11, 2012-13)

SELECTED PRESENTATIONS

The Contractualization of Disability Rights Law [job market paper]

Health Law Professors Conference, June 2024

Richmond Junior Faculty Forum, May 2024

Northeastern Junior Scholars Conference, Mar. 2024

The Legal Side Effects of Alzheimer’s Medication

8th Stanford Law and Society Conference for Junior Researchers, Apr. 2024

Inverse Integration and the Relational Deficit of Disability Rights Law

9th Michigan Junior Scholars Conference, Apr. 2023

Cornell Law School’s Inter-University Graduate Conference, Apr. 2023

Law and Society Annual Meeting, July 2022

Columbia Law School Sixth Annual Human Rights Student Paper Symposium, Mar. 2022

Annual McGill Law Graduate Conference, Sept. 2020

Reversing Reverse Mainstreaming

Law and Society Annual Meeting, May 2021

Law and Society Association Graduate Student & Early Career Workshop, May 2021

Society for Disability Studies Annual Conference, Apr. 2021

Columbia Law School Fifth Annual Human Rights Student Paper Symposium, Mar. 2021

Integration-Integration Tradeoffs17th Annual Colloquium on Scholarship in Employment and Labor Law (COSELL), Oct. 2022**TEACHING EXPERIENCE**

YALE LAW SCHOOL Fall 2021*Teaching Assistant to Professor Elizabeth Emens (Disability Law & Culture)***COLUMBIA LAW SCHOOL** Spring 2021*Teaching Assistant to Professor Elizabeth Emens (Disability Law & Culture)***COLUMBIA LAW SCHOOL** Fall 2019*Teaching Assistant to Professor Daniel Serviansky (Negotiation Workshop)***COLUMBIA LAW SCHOOL** Spring 2019*Teaching Assistant to Professor Elizabeth Emens (Disability Law)***PROFESSIONAL EXPERIENCE**

EDMOND J. SAFRA CENTER FOR ETHICS, TEL AVIV UNIVERSITY 2022–2023*Post-doctoral Fellow***SUPREME COURT OF ISRAEL** 2014–2018*Senior Law Clerk to the Hon. Justice Daphne Barak-Erez**Law Clerk to the Hon. Justice Daphne Barak-Erez***SERVICE AND PROFESSIONAL MEMBERSHIPS**

*Reviewer, COLUMBIA LAW REVIEW***LAW & SOCIETY ASSOCIATION**

2021–2022, 2024

SOCIETY FOR DISABILITY STUDIES

2021

REFERENCES

Professor Abbe R. Gluck

Alfred M. Rankin Professor of Law
Yale Law School
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Professor David E. Pozen

Charles Keller Beekman Professor of Law
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Professor Michael Ashley Stein

Executive Director of the Harvard Law School Project on Disability
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Professor Elizabeth F. Emens

Thomas M. Macioce Professor of Law
Columbia Law School
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(212) 854-8879

Professor Petros C. Mavroidis

Edwin B. Parker Professor of Law
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Boston, MA 02215

TIFFANI N. DARDEN

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ACADEMIC APPOINTMENTS

Boston University School of Law

Boston, MA

Visiting Professor of Law

July 2023 – June 2025

Courses: Civil Procedure, Juvenile Delinquency, Education Law

- Recipient of BLSA ‘Students’ Choice’ Award (2024)
- Recipient of Women of Color Collaborative ‘Advocacy and Courage’ Award (2024)

University of Michigan Law School

Ann Arbor, MI

Visiting Professor of Law

July 2022 – December 2022

Course: Civil Procedure

Michigan State University, College of Law

East Lansing, MI

Professor of Law

July 2019 – 2023

Associate Professor of Law with tenure

July 2015 – 2019

Associate Professor of Law

July 2012 – 2015

Assistant Professor of Law

July 2009 – 2012

Lilly Teaching Fellow

August 2014 – July 2015

Courses: Civil Procedure, Juvenile Law, Advanced Skills in Civil Procedure, Employment Law, and Fourteenth Amendment Equality Seminar

LSU Paul M. Hebert Law Center

Baton Rouge, LA

Visiting Professor of Law

January 2021 – June 2021

Courses: Constitutional Law II and Federal Courts

Case Western Reserve University, School of Law

Cleveland, OH

Visiting Professor of Law

August 2007 – June 2009

Courses: Civil Procedure, Education Law, and Fourteenth Amendment Equality Seminar

PROFESSIONAL BACKGROUND

U.S. Court of Appeals, Fifth Circuit

Law Clerk for the Honorable Carl E. Stewart

August 2006 – August 2007 Shreveport, LA

Drafted memoranda and opinions in the areas of employment discrimination, civil procedure, administrative law, and death penalty.

Columbia School of Law:**Lawyering in the Digital Age Clinic***LL.M. Assistant to Clinic Instructors*

September 2005 – May 2006 New York, NY

Role played as an indigent client for client interviewing and conflict resolution exercises. Gave immediate feedback on developing these skills to the clinic students and provided instructors with a performance evaluation for each student.

Fulbright & Jaworski L.L.P.*Associate – Litigation Section*

September 2003 – June 2005 Dallas, TX

Matters included personal injury defense involving a student construction project, commercial contract disputes, and ongoing counsel regarding federal and state labor and employment issues.

EDUCATION**Columbia School of Law, LL.M., 2006**

Honor: Harlan Fiske Scholar

Tulane School of Law, J.D., *Cum Laude*, 2003Honor: **Senior Managing Editor** – *Tulane Environmental Law Journal***Texas A & M University, B.S., Political Science, 1999****PUBLICATIONS**

Picking through the Remnants of *Brown v. Board of Education* to Resurrect the Ideal of Quality Public Education for All Children in the Post COVID-19 Era, __ WM. & MARY L. REV. __ (forthcoming 2024).

Jones v. Mississippi: Sweeping Away the Due Process Protections of Juvenile Offenders, 59 GA. L.J. __ (forthcoming 2024).

Constitutionally Different: A Child's Right to Substantive Due Process, 50 LOY. U. CHI. L.J. 211 (2018).

Known Unknowns: Legislating for a Juvenile's Reformatory Uncertainty, 97 NEB. L. REV. 334 (2018).

Exploring the Spectrum: How the Law May Advance a Social Movement, 48 ARIZ. ST. L.J. 261 (2016).

Juvenile Justice's Second Chance: Untangling the Retroactive Application of *Miller v. Alabama* Under the *Teague* Doctrine, 42 AM. J. CRIM. L. 1 (lead article) (2014).

Parental Exclusion from the Education Governance Kaleidoscope: Providing a Political Voice for Marginalized Students in Our Time of Disruption, 22 WM. & MARY BILL RTS. J. 1093 (2014).

Defining Quality Education as a Government Interest: The U.S. Supreme Court's Refusal to "Play Nice" with the Executive Branch, Congress, State Supreme Courts, and the Community Voice, 14 U. PA. J. CONST. L. 661 (2012).

The Law Firm Caste System: Constructing a Bridge Between Workplace Equity Theory and the Institutional Analyses of Bias in Corporate Law Firms, 30 BERKELEY J. EMP. & LAB. L. 86 (2009).

The Sixth Circuit Halts Attempt to Redesignate Ozone None-Attainment Area: *Wall v. United States Environmental Protection Agency*, 15 TUL. ENVTL. L.J. 153 (2001)

PRESENTATIONS

Panelist, Jones v. Mississippi: Sweeping Away the Due Process Protections of Juvenile Offenders, Lutie A. Lytle Black Women Law Faculty Workshop & Writing Retreat, June, 2024

Panelist, Judicial Decision-Making in Recognizing the Rehabilitative Ideal for Juvenile Offenders, Law and Society Association, June 2024

Panelist, What to Publish and How to Build a Body of Work, Lutie A. Lytle Black Women Law Faculty Workshop & Writing Retreat, July, 2019

Exploring the Spectrum: How the Law May Advance a Social Movement

- School-to-Prison Pipeline Symposium, Sandra Day O'Connor College of Law at ASU, March, 2015

Panel Moderator

- Section on New Law Professors, Behind the Veil: Learning Teaching Techniques from the Best, AALS 2015 Annual Meeting
- Section on New Law Professors, Potential and Pitfalls: Harnessing Your Teaching to Inform Your Scholarship, AALS 2015 Annual Meeting

Juvenile Justice's Second Chance: Untangling the Retroactive Application of Miller v. Alabama Under the Teach Doctrine

- Jr. Faculty Exchange, Marquette University Law School, March, 2015
- MSU Jr. Faculty Conference, Michigan State College of Law, September, 2014

Parental Exclusion from The Education Governance Kaleidoscope

- NEPOC Workshop, University of Puerto Rico, December 2013

- MSU Jr. Faculty Conference, Michigan State College of Law, October, 2013
- Jr. Faculty Exchange, University of Kansas School of Law, March 2013
- Jr. Faculty Exchange, Florida International University School of Law, March 2012
- MSU Jr. Faculty Conference, Michigan State College of Law, September, 2011

Defining Education Quality as a Government Interest:

- Lutie Lytle Writing Conference, Thurgood Marshall School of Law, June 2011
- Law & Society Annual Conference, San Francisco, California, June 2011
- Jr. Faculty Exchange, Wake Forest School of Law, March 2011
- MSU Jr. Faculty Conference, Michigan State College of Law, September, 2010
- Central States Law Faculty Conference, University of North Dakota, September, 2010
- Big Ten Untenured Faculty Conference, Indiana University (Bloomington), August, 2010

LAW COLLEGE AND UNIVERSITY SERVICE

Appointments Committee (2012 – 2013, 2019 – 2020) [Chair, 2022—2023]

Teaching, Learning, and Assessment Committee (2017 – 2020) [Chair, 2018 – 2019]

Dean Search Committee (2015 – 2016)

Faculty Advisory Council (2013 – 2017) [Chair, 2015 – 2016]

Curriculum Committee (2009 – 2012)

University Committee for Faculty Tenure (2010 – 2012)

PROFESSIONAL MEMBERSHIPS AND COMMITTEES

State of Texas Bar Association

November 2003 – Present (inactive)

American Association of Law Schools

- Chair, New Law Teachers Section

2014 – 2015

- Chair, Education Law Section

2014 – 2015

Society of American Law Teachers

- Planning Committee

2024 – present

REFERENCES

Joan Howarth
Distinguished Visiting Professor
Dean Emerita, Michigan State University College of Law
William S. Boyd School of Law
4505 S. Maryland Parkway
Las Vegas, NV 89154
(517) 230-8613
joan.howarth@unlv.edu

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Harry Burns Hutchins Collegiate Professor of Law
University of Michigan Law School
625 South State Street
314 Hutchins Hall
Ann Arbor, MI 38109
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nimrod@umich.edu

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Professor of Law
Law College Building
648 N. Shaw Lane Rm 417
East Lansing, MI 48824-1300
517-432-6962
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David B. Thronson
Professor of Law
Law College Building
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East Lansing, MI 48824-1300
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Angela Onwuachi-Willig
Dean, Ryan Roth Gallo Professor of Law
Boston University School of Law
765 Commonwealth Avenue
Boston, MA 02215
(617) 353-3112
aow@bu.edu

Sandeep Singh Dhaliwal

516-603-1643 | sandeep.dhaliwal@nyu.edu | Brooklyn, NY

- Academic Positions:** **New York University School of Law**
Research Scholar & Clinical Teaching Fellow
Director, Business Transactions Clinic (June 2023 – Present)
- New York University School of Law**
Acting Assistant Professor of Lawyering (Sept. 2021 – June 2023)
- Education:** **Columbia Law School**
J.D. 2016
Honors: Harlan Fiske Stone Scholar
- Columbia University**
B.A., Political Science, *cum laude*, 2013
Activities: Men's Varsity Basketball
- Teaching Interests:** *Primary:* Corporations, Criminal Law, Race and the Law, Labor Law, Financial Institutions
- Secondary:* Constitutional Law, Regulated Industries, Consumer Law, Securities Regulation, Legal History
- Publications:** *Investing in Abolition*, 112 Georgetown Law Journal 1 (2023)
Analyzes private equity's incursion into, and the legal and political foundations of, the prison services market.
- Working Papers:** *The Criminal System Under Racial Capitalism*
(forthcoming, UC Davis Law Review)
Uses the concept of racial capitalism to argue that the criminal system plays a constitutive role in the U.S. political-economic order, as a labor governance institution and site of contestation.
- Presentations:** Invited Panel: *Modern Monetary Theory and Socioeconomics*
AALS 2025 Annual Meeting
(upcoming)

Invited Presentation: *The Criminal System Under Racial Capitalism*

Cardozo Law School Colloquium on Abolition with
Prof. Kate Levine
(upcoming)

Roundtable: *Critical Perspectives on Municipal Finance and the Carceral City*

Law & Society Association 2024 Annual Meeting
(June 7, 2024)

Presentation: *Racial Capitalism and Transactional Lawyering*
Transactional Clinical Conference
(May 1, 2024)

Invited Presentation: *Investing in Abolition*
Cardozo Law School Colloquium on Abolition with
Prof. Kate Levine
(November 8, 2023)

Paper Panel: *Criminal Law as Economic Governance*
CrimFest 2023
(July 17, 2023)

Paper Panel: *Investing in Abolition*
Law & Society Association 2023 Annual Meeting
(June 3, 2023)

Invited Presentation: *Private Equity and Prison Services*
For staff of the Community Justice Exchange
(May 18, 2023)

Paper Workshop: *Investing in Abolition*
Clinical Law Review Writers' Workshop
(Oct. 8, 2022)

Paper Panel: *The Private Equity Firm and the Community: Gatekeeping and Capture of Social Provisioning*
Intersections of Finance and Society Conference, London, UK
(Sept. 16, 2022)

Invited Panel: *Second Look Statute Drafting Contest Winner*
Fighting for a Second Look: Efforts in Ohio and Across the Nation
(Sept. 2, 2020)

Other Writing:

Cruel, but not unusual, market foundations, LPE PROJECT
(Oct. 2, 2023)

Regulation for Digital Platforms: Lessons from the Banking Industry (with David Portilla and Will Giles) (Oct. 9, 2020)

How Mandatory Minimums are Weaponized, N.Y. TIMES
(July 1, 2020)

Ohio 'Second Look' Statute Drafting Competition, Winning Submission, Ohio Justice & Policy Center and Drug Enforcement and Policy Center (June 25, 2020)

Work Experience:

Debevoise & Plimpton, New York, NY

Associate (Sept. 2016 – Sept. 2021)

Advised U.S. and international financial institution clients, including the U.S. global systemically important banks (GSIBs), on a range of transactional, regulatory, supervisory, enforcement and governance matters, with particular focus on the Bank Holding Company Act, Bank Secrecy Act / Anti-Money Laundering, U.S. sanctions regimes, and Dodd Frank Act rulemakings, including the Volcker Rule and CFTC/SEC derivatives rules. Represented pro bono clients in immigration and criminal resentencing matters, including successfully advocating for the reduction of a client's life sentence to time served in the Eastern District of New York. Received Legal Aid Society's *Pro Bono Publico* award in 2019 for removal defense work.

New York State Attorney General's Office, New York, NY

Legal Intern, Environmental Protection (May 2014 – Aug. 2014)

Professional:

Admitted to practice in New York, Eastern District of New York, and U.S. Court of Appeals for the Second Circuit

Other Service: Organizer of the LPE NYC monthly junior scholars workshop
(August 2023 – September 2024)

Editorial Board Member for the International Community Land
Trust Center and American Bar Association’s Library of
Community Land Trust Publications (forthcoming)

Languages: Spanish (working proficiency), Punjabi (fluent)

References: *Academic References:*

Deborah Archer

Margaret B. Hoppin Professor of Clinical Law
Associate Dean, Experiential Education & Clinical Programs
New York University School of Law
archerd@mercury.law.nyu.edu
(212) 998-6528

Daniel Harawa

Professor of Clinical Law
New York University School of Law
daniel.harawa@nyu.edu
(212) 998-6420

Kate Levine

Professor of Law
Cardozo School of Law
kate.levine@yu.edu
(646) 592-6436

Kathryn Sabbeth

Professor of Law
Rutgers Law School
kathryn.sabbeth@rutgers.edu
(973) 353-3375

Jocelyn Simonson

Professor of Law
Associate Dean for Research and Scholarship
Brooklyn Law School
jocelyn.simonson@brooklaw.edu
(718) 780-7592

Vincent Southerland

Associate Professor of Clinical Law
Director, Center on Race, Inequality, and the Law
New York University School of Law
vincent.southerland@nyu.edu
(212) 998-6882

Andrew Williams

Director, Lawyering Program
New York University School of Law
andrew.williams@nyu.edu
(212) 998-6044

Employer References:

David Portilla

Partner, Financial Institutions
Davis Polk
david.portilla@davispolk.com
(212) 450-3116

guy.halfteck@post.harvard.edu

Guy Halfteck, SJD

Law, Technology, and Artificial Intelligence

Scholarship

Legislative Threats, 61 **Stanford Law Review** 629-710 ([link](#))

Presidential Governance (job talk paper) ([link](#))

Education

S.J.D., **Harvard Law School**, '03 — oral defense passed with distinction

- Doctoral dissertation: *A General Theory of Law Enforcement* (Advisor: Prof. David Rosenberg)

LL.M., **Columbia Law School**, '00 — with distinction; Harlan Fiske Stone Scholar Award

- Thesis: *The Financing Model of Class Actions* (Advisor: Prof. Samuel Issacharoff)
- Thesis: *Legal Rule Design and the Risk of Error* (Advisor: Prof. Michael Dorf)

LL.B., **Hebrew University Faculty of Law**, '98 — with distinction

Research Interests

- Law, Technology, and AI
- Governance, Institutions, and AI
- AI & Social Change
- The Legal Profession in the AI Age

Teaching Interests

- Law, Technology, and AI
- Contract Law
- Corporate Law

Silicon Valley Technology Entrepreneurship

Founder/CEO, **Knack** | AI-powered game-based talent analytics ([link](#)) | 2013-present

Founder, **Sapiens** | 'NASDAQ for Human Minds' | 2023-present

Founder, **Genius** | 'Google Maps for Human Potential' | 2023-present

White House Technology Policy

Employing AI innovation to help disadvantaged and underserved Americans earn higher-paying jobs in the digital economy.

Collaborating Technology Innovator

Office of Science and Technology Policy | 2014-16

- *UpSkill America* ([link](#))
- *TechHire* ([link](#))

Global Technology Policy

Using AI innovation to help disadvantaged and underserved individuals and communities gain employability skills and secure gainful employment.

- Technology Innovator, **USAID** (youth skill development) | Global
- Technology Innovator, **Government of India** (youth digital career guidance) | India
- Technology Innovator, **Government of Rwanda** (human potential discovery) | Kigali
- Technology Innovator, **The World Bank** (digital skill development) | Peru, Chile
- Technology Innovator, **World Economic Forum** (digital job matching) | Germany
- Technology Innovator, **The Rockefeller Foundation** (digital job matching) | USA
- Technology Innovator, **The Dell Foundation** (digital job matching) | South Africa
- Technology Innovator, **Generation Hope** (human potential discovery) | The Philippines

Legal Practice

General Counsel, **9W57** | 2009-10 | New York, NY

Litigation Associate, **Davis Polk** | 2007-09 | New York, NY | Federal securities practice

Litigation Associate, **Milberg** | 2003-05 | New York, NY | Federal securities practice

Public Interest Law

Pro Bono Attorney, **9/11 Victim Compensation Fund** | 2003-05 | New York, NY

- Represented a fallen firefighter's family in federal compensation proceedings ([link](#))
- Assisted VCF Special Master Kenneth Feinberg with economic analyses of damages awards

Research and Teaching Fellowships

Harvard Law School

- Research Fellow, John M. Olin Program on Law, Economics, and Business
- Research Fellow, Program on Corporate Governance
- Graduate Teaching Fellow, Clark Byse Fellowship Program

Columbia Law School

- Research Fellow, John M. Olin Center for Law, Economics, and Business

Supreme Court Clerkship

Law Clerk, The Supreme Court, Jerusalem, Israel | 1998-99

Law Review

- President, *Hebrew University Law Review* | 1997-99
- Editor, *Columbia Journal of Transnational Law* | 1999-2000

Academic References

Professor David M. Rosenberg

Lee S. Kreindler Professor of Law Emeritus ([link](#))

Harvard Law School

mdr@law.harvard.edu

Professor Samuel Issacharoff

Bonnie and Richard Reiss Professor of Constitutional Law ([link](#))

New York University Law School

issacharoff@mercury.law.nyu.edu

Professor Carol B. Liebman

Clinical Professor of Law Emerita ([link](#))

Columbia Law School

cliebman@law.columbia.edu

Professor Michael C. Dorf

Robert S. Stevens Professor of Law ([link](#))

Cornell Law School

md494@cornell.edu

Presentations: Technology and AI Innovation

- Office of Science & Technology Policy, The White House
- U.S. Army Central Command
- U.S. Department of Education
- U.S. Agency for International Development (USAID)
- MIT Media Lab
- Harvard Business School
- Kennedy School of Government, Harvard University
- School of Education, Stanford University
- Wharton School of Business, University of Pennsylvania
- The World Economic Forum
- The Institute For The Future (Palo Alto, CA)
- The Peter Drucker Global Management Forum
- The Economist
- General Electric Leadership Institute

Book Features

- *Driving Digital Strategy* (Harvard Business School Press)
- *The Second Machine Age* (MIT Press)
- *Down and Out in the New Economy* (University of Chicago Press)
- *How Algorithms Solve All Our Problems and Create More* (Random House)
- *The Future of Work* (Wiley)
- *Preparing for the Jobs of Tomorrow* (Harper Collins)
- *Humans & Intelligent Machines* (Bertelsmann)
- *The Job: Work and Its Future in a Time of Radical Change* (Crown)
- *The Equality Machine* (Public Affairs)
- *Work and its Future In a Time of Radical Change* (Currency Press)

Media Features

Topics: web technologies, AI, innovation, technological change, business, society, the future.

- | | |
|---|--|
| • The Wall Street Journal (link) | • NPR (link) |
| • The New York Times (link , link) | • CNBC |
| • The Financial Times (link , link) | • BBC News |
| • The Economist (link , link) | • Il Sole 24 Ore (link) |
| • The Washington Post (link) | • The Guardian (link) |
| • Harvard Business Review (link) | • New Scientist (link) |
| • Yahoo Finance (link) | • Scientific American |
| • Fast Company (link) | • The Atlantic (link , link) |
| • Wired (link) | • EdSurge (link) |
| • Fortune | • Frankfurter Allgemeine Zeitung |
| • Forbes (link) | • Der Spiegel (link) |
| | • Al Jazeera (link) |

Technology Innovation Awards and Recognition

- Harvard University (*“Breakthrough technology innovation fostering inclusive growth”*)
- U.S. Department of Education (*“Technology reshaping the future of education”*)
- U.S. Agency for International Development
- UK Royal Society of Arts (*Future Work Award*)
- The World Economic Forum (*Technology Pioneers*)
- MIT Solve

Navy Service

Vice Commander | 1991-1994

Super Mark-III Class Ship

- *Received the Naval Award of Distinction*

OMOLARA BEWAJI JOSENEY

Georgetown University Law Center | 600 New Jersey Avenue NW, Washington DC 20001
(917) 514-8293 | omolara.joseney@georgetown.edu

ACADEMIC APPOINTMENT

GEORGETOWN UNIVERSITY LAW CENTER, WASHINGTON, DC

Clinical Teaching Fellow & Supervising Attorney, Civil Justice Clinic | August 2023-present

- Inaugural teaching fellow in economic justice-oriented clinic, responsible for assisting in clinic design, administrative operations, and intake decisions.
 - Designed, taught, and co-facilitated multiple classes for twice-weekly seminar, including classes relating to access to justice, client interviewing and fact development, professional identity formation, and negotiations.
 - Supervised student teams in matters proceeding in DC Superior Court and administrative forums involving wage theft claims and unemployment benefit appeals.
 - Completed year-long Elements of Clinical Pedagogy course taught by Georgetown University Law Center Clinical Faculty, including coursework on supervision methods, assessment and grading, and clinical teaching methods.
-

EDUCATION

COLUMBIA LAW SCHOOL | New York, NY

J.D., May 2010

Honors and Activities: Senior Editor, *Columbia Law Review*

Harlan Fiske Stone Scholar

Semi-finalist, Harlan Fiske Stone Moot Court Competition

Co-Chair of Professional Development, Black Law Students Association

Student Attorney, Environmental Law Clinic

BOSTON COLLEGE | Newton, MA

B.A., Political Science (Minor: International Studies), May 2007

TEACHING AND RESEARCH INTERESTS

PRIMARY: CLINICAL TEACHING, CIVIL PROCEDURE, TORTS, CONTRACTS, CONSUMER LAW

OTHER: MARKETING AND ADVERTISING LAW, PRIVACY LAW, ADMINISTRATIVE LAW, EVIDENCE

PRACTICE EXPERIENCE

FEDERAL TRADE COMMISSION, WASHINGTON, DC

Attorney, Enforcement Division, Bureau of Consumer Protection | August 2016-August 2023

- First-chair attorney representing the Federal Trade Commission in federal district court litigation challenging deceptive and unfair business practices implicating different marketing

and advertising practices, such as data privacy, negative option marketing, and health and safety claims.

- Significant experience arguing and briefing discovery and dispositive motions on constitutional, regulatory, and procedural issues in federal court, including topics related to the contours of First Amendment protection for commercial speech, the scope of joint and several liability, and the propriety of particular injunctive relief against corporate and individual parties, including “scofflaw” provisions and industry bans.
- Lead attorney for reviewing and monitoring high volume docket of matters for compliance with dozens of administrative and federal court orders.
- Conducted multiple offensive depositions, including depositions of C-suite executives to establish individual and common enterprise liability.
- Led case teams of lawyers and investigators in all aspects of litigation including monitoring and analyzing consumer complaints, investigating matters for potential enforcement action, developing legal theories for prosecution, and recommending and implementing case strategy.
- Supervise and mentor junior attorneys in all aspects of case development and strategy through final disposition.
- Notable successes include \$14.7 million summary judgment ruling supported by voluminous record, preliminary injunction ruling against multimillion dollar company involving First Amendment defense for deceptive financial and health scams, and summary judgment ruling banning loan modification company and its perpetrators from future debt relief services.
- Received 2019 Bureau Director’s Award in recognition of contributions in furthering consumer protection mission of the agency.

DAVIS POLK & WARDWELL LLP, NEW YORK, NY

Litigation Associate | October 2010-February 2014, May 2015-July 2016

Summer Associate | May 2009-August 2009

- Represented clients in complex commercial litigation proceeding in state and federal courts and in government investigations, with specific experience involving antitrust, securities, fraud, business tort and mass tort actions, FCPA and SEC investigations, and consumer protection claims.
- Served as first and second-chair in offensive depositions. Coordinated client responses to government subpoenas for information.
- Conducted research and drafted related memoranda for internal and client use. Drafted motions to dismiss and responsive pleadings.
- Led pro bono case team in conjunction with the Lawyers’ Committee for Civil Rights Under Law in mass actions against mortgage modification companies resulting in full plaintiff recovery.

U.S. DISTRICT COURT FOR THE EASTERN DISTRICT OF NEW YORK, BROOKLYN, NY

Law Clerk to the Honorable Margo K. Brodie, February 2014-February 2015

- Drafted opinions, orders, and legal memoranda for civil and criminal matters pending before the Court, including cases brought pursuant to Section 1983, Title VII, *Bivens*, and the Administrative Procedure Act.

SCHOLARSHIP, PRESENTATIONS, AND SERVICE

TARGETING UNFAIRNESS: THE CONSUMER HARMS OF RACIALLY TARGETED ADVERTISING
(job talk paper)

- MidAtlantic Clinical Writer's Workshop, Works-In-Progress, George Washington Law School, July 2024
- Lutie A. Lytle Conference, Works-In-Progress, Duke Law School, June 2024
- SJD/Fellows Workshop, Georgetown University Law Center, March 2024

AN INTRODUCTION TO THE FEDERAL TRADE COMMISSION (invited presentation)

- Georgetown University Law Center, Communications and Technology Law Clinic, March 2024 and October 2023.

NAVIGATING BAR ADMISSION REFORM AS CLINICIANS: THE NEXTGEN BAR EXAM AND ALTERNATIVE PATHS TO LICENSURE (co-presenter and facilitator), Association of American Law Schools, 2024 Conference on Clinical Legal Education, May 2024

FELLOWS ADVANCING AS SCHOLARS AND TEACHERS ("FAST") WORKSHOP, Georgetown University Law Center (co-founder and facilitator)

BAR ADMISSIONS

New York, Washington D.C.

REFERENCES

LLEZLIE L. GREEN

Professor of Law
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Georgetown University Law Center
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DAVID C. VLADECK

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Faculty Director, Center on Privacy & Technology
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DEBORAH EPSTEIN

Agnes Williams Sesquicentennial Professor of
Gender, Violence, and the Law
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HONORABLE MARGO K. BRODIE

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District of New York
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JAMES A. KOHM

Associate Director
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Division of Enforcement
Federal Trade Commission
jkohm@ftc.gov
202-326-2640

MARTIN LOCKMAN

(314) 440-3314 | m.lockman@columbia.edu | 343 E. 78th St., Apt. 6, New York, NY 10075

ACADEMIC APPOINTMENTS

Sabin Ctr. Climate Change Law, Columbia Law School | New York, NY Sept. 2022 – *Present*

Climate Law Fellow & Associate Research Scholar

Conducted independent research, collaborative publications, and benchmarking studies on a wide variety of issues related to Climate Change Law. Supported the launch of Columbia's Climate Law and Finance Initiative. Coordinated the Center's summer internship program.

Pepperdine Caruso School of Law | Malibu, CA

Aug. 2024 – Dec. 2024

Adjunct Professor of Law

Courses: Environmental Law

TEACHING & RESEARCH INTERESTS

Primary Interests: Property Law, Environmental Law, Torts, Climate Law, Natural Resources Law

Additional Interests: Business Associations, Public Lands Law, Law & Development

EDUCATION

Columbia Law School, New York, NY

Aug. 2016 – May 2019

J.D., received May 2019

Activities: *Columbia Human Rights Law Review*, Articles Editor

Honors: James Kent Scholar (2017 – 2018; 2018 – 2019)

Harlan Fiske Stone Scholar (2016 – 2017)

Parker School Certificate in International Law

Research: Research Assistant for the Columbia Center on Sustainable Investment (2018-2019)

Research Assistant for the Center for the Advancement of Public Integrity (2017)

Teaching: Columbia Law School Academic Coach, Torts & Property (2018)

Teaching Assistant to Prof. Katharina Pistor, Law & Development (2018)

Oxford University, Oxford, England

Jan. 2019 – Mar. 2019

Columbia-Oxford Global Alliance Program, Spring 2019

Program: Recognized Student in the Law & Finance Program through an exchange with Columbia Law School.

Washington University in St. Louis, St. Louis, MO

Aug. 2010 – May 2014

B.A., received May 2014

Majors: Architecture, Political Science

CLERKSHIPS

Hon. Cynthia M. Rufe, E.D. Pa. | Philadelphia, PA

Sept. 2021 – Sept. 2022

Term Law Clerk

BAR ADMISSIONS

New York State, 1st Department

May 2020 – *Present*

OTHER LEGAL EXPERIENCE

Milbank LLP | New York, NY

Associate, Summer Associate

Sept. 2019 – Aug. 2021

May 2018 – July 2018

Represented lenders and sponsors in renewable energy and infrastructure financings. Negotiated and drafted loan agreements and ancillary documents. Counseled ad hoc debtors' committees in support of high-profile bankruptcy filings. Worked with private investors, public-private partnerships, and development finance institutions to fund sustainable infrastructure development. *Pro bono*: Successfully represented plaintiff in a §1983 *Monell* suit arising from a month-long pre-arraignment detention. Assisted domestic violence victims seeking Orders of Protection in New York Family Court.

AWARDS, AFFILIATIONS, AND PROFESSIONAL SERVICE

Program Committee Member, Association of Law, Property and Society

2024 – Present

Members of the ALPS Program Committee are responsible for planning and implementing the annual meeting and conference of the Association of Law, Property and Society.

Participant, New York City Environmental Law Leadership Institute

2023 – 2024

NYCELLI is an annual seminar for a select group of new environmental attorneys committed to leadership in the field and making a positive contribution to the City's environment.

Negotiation Support at COP27 with LRI

Nov. 2022

Volunteer Liaison Officer with [Legal Response International](#) at COP27 in Sharm El-Sheikh, Egypt, providing legal support during climate negotiations to developing country delegations.

Second Place *Ex Aequo*, Ethics & Trust in Finance, 8th Global Edition

2021

Awarded by the Observatoire de la Finance for my 2021 paper, *Lenders as Monitors of Risk Devolution*.

2021 Pro Bono Award, Milbank LLP

2021

Awarded in recognition of the successful representation of an exonerated prisoner in civil rights litigation arising from his month-long pre-arraignment detention.

SELECTED POLICY ENGAGEMENTS

Comment Letter in BOEM Financial Assurance Rulemaking

Aug. 28, 2023

Submitted a comment on climate transition risk embedded in decommissioning security mechanisms, in response to the Bureau of Ocean Energy Management's rulemaking around "Risk Management and Financial Assurance for OCS Lease and Grant Obligations," 88 Fed. Reg. 42136 (June 29, 2023). Available here: <https://tinyurl.com/2dduwma2>

Comment Letter in BLM Public Lands Leasing Rulemaking

June 26, 2023

With Michael Burger, submitted a comment on the climate impacts of a proposed public leasing regime, in response to the Bureau of Land Management's "Conservation and Landscape Health" rulemaking, 88 Fed. Reg. 19582 (Apr. 3, 2023). Available here: <https://tinyurl.com/3hbr235k>

Amicus Brief in *Texas v. EPA*, No. 22-1032 (D.C. Cir. filed Feb. 28, 2022)

Mar. 29, 2023

With Michael Burger, Andrea Nishi, & Amy Turner, drafted an amicus brief on behalf of the National League of Cities and U.S. Conference of Mayors supporting EPA's regulation of tailpipe emissions under the Clean Air Act. Available here: <https://tinyurl.com/5afcrn8k>

LAW REVIEW ARTICLES & BOOK CHAPTERS

Environmental Repair in the Energy Transition

(Job talk paper)

Unpublished job talk paper

For nearly a century, American law has required hazardous industries to restore land affected by their activities to a safe condition when they are done with it. This Article builds on recent pathbreaking scholarship in property law, environmental finance, and fossil fuel bankruptcies to develop the first comprehensive account of this doctrine: the law of environmental repair. In doing so, it identifies the novel threat that climate change and the transition to renewable energy pose to environmental repair law. In response, this Article proposes a new model of environmental law, the “environmental earnout,” as a tool to manage the energy transition.

Phasing Out Fossil Fuel Infrastructure

(forthcoming 2025)

in EDWARD ELGAR RES. HANDBOOK ON CLIMATE CHANGE AND INFRASTRUCTURE LAW (Romany Webb ed., forthcoming 2025).

This Chapter examines climate transition risk in the legal frameworks governing end-of-life environmental liabilities of offshore oil and gas facilities.

Mapping a Vanishing Land: The Role of Property Systems in Climate Loss & Damage

(forthcoming 2025)

in EDWARD ELGAR RES. HANDBOOK ON CLIMATE JUSTICE (Maria Antonia Tigre ed., forthcoming 2025).

This Chapter examines the role of formal property systems in international finance for climate-related loss and damage (L&D), highlights key property considerations for any L&D regime, and argues that the international L&D debate must directly grapple with property law.

The Private Litigation Impact of New York’s Green Amendment

May 2024

with Evan Bianchi, Sean Di Luccio, & Vince Nolette, 49 COLUM. J. ENVTL. L. 357 (2024).

This Article explores the impact of New York’s “Green Amendment” on private environmental litigation, and the influence that constitutional environmental rights can have on non-constitutional litigation.

Available here: https://scholarship.law.columbia.edu/sabin_climate_change/225/

Climate Entrenchment in Unstable Legal Regimes [Essay]

Aug. 2023

118 NW. U. L. REV. ONLINE (2023).

This Essay identifies sources of legal instability in America’s climate law, and proposes a toolkit of doctrinal, contractual, and political techniques to entrench climate policy and protect climate infrastructure from political interference.

Available here: https://scholarlycommons.law.northwestern.edu/nulr_online/334/

Fencing the Wind: Property Rights in Renewable Energy

Nov. 2022

50 W.V. L. REV. 27 (2022).

This Article assesses property conflicts surrounding wind development and proposes a novel property mechanism, classified-share wind unitization, as a unifying solution to the three distinct property conflicts facing wind development: traditional private nuisance claims, rivalrous economic use of the windstream commons, and environmental justice disputes.

Available here: https://papers.ssrn.com/sol3/papers.cfm?abstract_id=4170306

The Emerging Doctrine of State/Municipal Liability [Note]

Nov. 2018

Martin Lockman, 50 COLUM. HUM. RTS. L. REV. 395 (2018).

If states delegate authority to municipalities, when should they be required to remedy municipal violations of federal rights? Although this question appears straightforward, it is one that has resisted analysis, and no coherent doctrine has been articulated. This Note proposes an answer, drawing from the standards for “supervisory liability” under 42 U.S.C. § 1983.

Available here: https://papers.ssrn.com/sol3/papers.cfm?abstract_id=4236877

OTHER LEGAL PUBLICATIONS**Removing Methane via Atmospheric Oxidation Enhancement:
The Legal Framework**

July 2024

with Romany Webb & Korey Silverman-Roati, SABIN CTR. CLIMATE CHANGE L. (2024).

Available here: https://scholarship.law.columbia.edu/sabin_climate_change/229/

Permitting CO₂ Pipelines

Sept. 2023

SABIN CTR. CLIMATE CHANGE L. (2023).

This report was cited by the U.S. Environmental Protection Agency in support of their [2024 GHG emissions regulations](#) for fossil fuel-fired power plants.

Available here: https://scholarship.law.columbia.edu/sabin_climate_change/207/

Decommissioning Liability at the End of Offshore Oil and Gas

Aug. 2023

with Martin Dietrich Brauch, Esteban F. Fresno Rodríguez, and José Luis Gallardo Torres, SABIN CTR. CLIMATE CHANGE L. & COLUMBIA CTR. SUSTAINABLE INV. (2023).

Available here: https://scholarship.law.columbia.edu/sabin_climate_change/205/

Modelling Climate Litigation Risk for (Re)Insurers

July 2023

SABIN CTR. CLIMATE CHANGE L. (2023).

Available here: https://scholarship.law.columbia.edu/sabin_climate_change/201/

**Transferred Emissions are Still Emissions: Why Fossil Fuel Asset Sales
Need Enhanced Transparency and Carbon Accounting**

May 2023

with Jack Arnold, Perrine Toledano, Martin Dietrich Brauch, Shraman Sen & Michael Burger, SABIN CTR. CLIMATE CHANGE L. & COLUMBIA CTR. SUSTAINABLE INV. (2023).

This report was cited in UNCTAD’s [2023 World Investment Report](#), and formed the basis of an [official session](#) at UNCTAD’s World Investment Forum in October 2023.

Available here: https://scholarship.law.columbia.edu/sustainable_investment/14/

The Map, the Territory, and the Law

Mar. 2023

THE RURAL REVIEW (Mar. 16, 2023) (reviewing Steven Stoll, *Ramp Hollow: The Ordeal of Appalachia* (Hill & Wang ed. 2017)).

Available here: <https://www.ruralreconcile.org/ruralreview/map-territory-law>

Lenders as Monitors of Risk Devolution

Nov. 2021

48–49 FINANCE & THE COMMON GOOD/BIEN COMMUN 102 (2021).

Available here: https://papers.ssrn.com/sol3/papers.cfm?abstract_id=4557116

SELECTED SCHOLARLY PRESENTATIONS AND INVITED LECTURES

Mapping a Vanishing Land: The Role of Property Systems in Climate Finance June 15, 2024

Draft book chapter presented to the Association of Law, Property and Society, Pepperdine Caruso School of Law.

The “Environmental Earn-Out” May 24, 2024

Working paper presented to the 12th Sabin Colloquium on Innovative Environmental Law Scholarship.

Climate Litigation Risk: Is there Shelter from the Storm? Jan. 25, 2024

Invited presentation to the University of Connecticut Law School’s “New Ideas in Insurance” Speaker Series, with Susan Doering & Michelle Radcliffe.

Environmental Liability at the End of Offshore Oil Dec. 8, 2023

Invited presentation at the Junior Scholars “Law and Industrial Policy” workshop, hosted by the Center for Private Law at Yale Law School.

Transactional Governance and the Enclosure of Everything May 12, 2023

Working paper presented to the Association of Law, Property and Society, University of Southampton.

Externalities & Property Rights in Renewable Energy Development Mar. 29, 2023

Symposium lecture based on *Fencing the Wind*, presented at the West Virginia University Law Review’s 2023 Symposium Lecture Series. Recording here: <https://tinyurl.com/yc7zmj77>.

Ethical Issues in the Renewable Energy Transition Mar. 3, 2023

Panel discussion at the South Texas Law Review’s 29th Annual Ethics Symposium.

Fencing the Wind Oct. 29, 2021

Working paper presented at the Law and Rurality Workshop, co-hosted by the University of South Dakota Knudson School of Law and the Rural Reconciliation Project at the University of Nebraska College of Law.

SELECTED LEGAL COMMENTARY

To Protect New Fossil Fuel Waste Rule, BLM Cuts 95% of its Climate Benefits Apr. 25, 2024

CLIMATE LAW BLOG (Apr. 25, 2024)
Available here: <https://tinyurl.com/26nf6j66>.

State Climate Superfund Bills: What You Need to Know Mar. 14, 2024

with Emma Shumway, CLIMATE LAW BLOG (Mar. 14, 2024)
Available here: <https://tinyurl.com/yeukuvmh>.

At COP 27, Developing Countries Fight to Define a Global Goal on Adaptation Nov. 18, 2022

CLIMATE LAW BLOG (Nov. 18, 2022)
Available here: <https://tinyurl.com/bdzj3kut>.

MARTIN LOCKMAN

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REFERENCES

Professor Katharina Pistor

Edwin B. Parker Professor of Comparative Law
Columbia Law School
(212) 854-0068
kpisto@law.columbia.edu

Professor Michael B. Gerrard

Andrew Sabin Professor of Professional Practice
Columbia Law School
(212) 854-3287
m.gerra@law.columbia.edu

Michael Burger

Executive Director of the Sabin Center for Climate Change Law
Columbia Law School
(212) 854-2372
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Professor Lisa Sachs

Director of the Columbia Center on Sustainable Investment
Columbia Law School & Columbia Climate School
(212) 854-0691
lsachs1@law.columbia.edu

The Hon. Cynthia M. Rufe

Senior Judge
U.S. District Court for the Eastern District of Pennsylvania
(212) 299-7490
c/o Kristen Pepin, Kristen_Pepin@paed.uscourts.gov

John J. Martin

580 Massie Road, Room WB173f
 Charlottesville, VA 22903
 (610) 297-2392

ACADEMIC APPOINTMENTS

UNIVERSITY OF VIRGINIA SCHOOL OF LAW, Charlottesville, VA

Research Assistant Professor of Law and *Fellow*, Karsh Center for Law and Democracy, August 2023 – Present

- Coordinate events and assist with programming for the Center
- Help direct student election-law research group titled Designing Democracy (with Bertrall Ross)
- Courses: Regulation of the Political Process (Spring 2025)

EDUCATION

COLUMBIA LAW SCHOOL, New York, NY

Juris Doctor received April 2021

- Harlan Fiske Stone Scholar
- Hamilton Fellow
- *Columbia Law Review*, Articles Editor (2019–2021)

NEW YORK UNIVERSITY, New York, NY

Bachelor of Arts in International Relations, *magna cum laude*, received May 2016

Minor in Economic Policy

- Presidential Honors Scholar
- Thesis: *Transparency Rewarded: The Relationship Between Autocratic Disclosure and Official Development Assistance Inflows*

PUBLICATIONS

Articles & Essays

The Unilateral Chief Election Official (in progress)

Regulating Foreign Political Advocacy (in draft)

The Democratic Value of Transnational Campaign Finance, 15 UC IRVINE L. REV. (forthcoming May 2025)

The Unique Appearance of Corruption in Personal Loan Repayments, 108 CORNELL L. REV. 1443 (2023)

A Congressional Incapacity Amendment to the United States Constitution, 76 STAN. L. REV. ONLINE 45 (2023)

Danger Signs in State and Local Campaign Finance, 74 ALA. L. REV. 415 (2022)

- Cited in *Republican Party of N.M. v. Torres*, 687 F. Supp. 3d 1095, 1114–15 (D.N.M. 2023)

Mail-In Ballots and Constraints on Federal Power Under the Electors Clause, 107 VA. L. REV. ONLINE 84 (2021)

- Cited in the January 6th Committee Report. *See* SELECT COMM. TO INVESTIGATE THE JANUARY 6TH ATTACK ON THE U.S. CAPITOL, INTRODUCTORY MATERIAL TO THE FINAL REPORT OF THE SELECT COMMITTEE 7, 107 n.30 (2022), <https://january6th.house.gov/report-executive-summary>

Note, *Hacks Dangerous to Human Life: Using JASTA to Overcome Foreign Sovereign Immunity in State-Sponsored Cyberattack Cases*, 121 COLUM. L. REV. 119 (2021)

- Cited in Petition for Writ of Certiorari at 17–18, *Broidy Capital Mgmt., LLC v. State of Qatar*, 141 S. Ct. 2704 (2021)

Self-Funded Campaigns and the Current (Lack of?) Limits on Candidate Contributions to Political Parties, 120 COLUM. L. REV. F. 178 (2020)

Online Pieces (Selected)

What Does a State's Secretary of State Do? Most Run Elections, a Once-Routine Job Facing Increasing Scrutiny, THE CONVERSATION (Feb. 29, 2024), <https://theconversation.com/what-does-a-states-secretary-of-state-do-most-run-elections-a-once-routine-job-facing-increasing-scrutiny-222705>

- Featured on CBS News and multiple local outlets

Feinstein and McConnell Show We Need a 25th Amendment for Congress, THE HILL (Sept. 13, 2023), <https://thehill.com/opinion/4199591-feinstein-and-mcconnell-show-we-need-a-25th-amendment-for-congress>

Cyber Ninjas and Its CEO Should Be Banned from Government Contracts, BRENNAN CTR. FOR JUST. (July 18, 2022), <https://www.brennancenter.org/our-work/analysis-opinion/cyber-ninjas-and-its-ceo-should-be-banned-government-contracts> (coauthored with Elizabeth Howard)

- Interviewed by iHeart Radio and local Arizona radio stations following publication

Campaign Finance Returns to Supreme Court in Ted Cruz Case, BRENNAN CTR. FOR JUST. (Jan. 13, 2022), <https://www.brennancenter.org/our-work/analysis-opinion/campaign-finance-returns-supreme-court-ted-cruz-case> (coauthored with Daniel I. Weiner)

- Featured on CNN, Law and Crime, and Election Law Blog

Amicus Briefs

Brief of Brennan Center for Justice at N.Y.U. School of Law as *Amicus Curiae* in Support of Appellant, *Fed. Election Comm'n v. Ted Cruz for Senate*, 596 U.S. 289 (2022) (coauthored)

PROFESSIONAL LEGAL EXPERIENCE

THEMIS BAR REVIEW

Substantive Law Attorney (part-time), May 2023 – Present

- Field questions about Constitutional Law and Civil Procedure from graduates preparing for bar exam

HON. EDWARD G. SMITH, U.S. DISTRICT COURT, EASTERN DISTRICT OF PENNSYLVANIA, Easton, PA
Judicial Law Clerk, 2022–2023 Term

BRENNAN CENTER FOR JUSTICE AT NYU SCHOOL OF LAW, New York, NY

Legal Fellow (Elections & Government Program), August 2021 – September 2022

- Evaluated changes to regulations under consideration by N.Y. Public Campaign Finance Board
- Drafted federal and New York state legislative/regulatory proposals on topics such as public financing and election security
- Conducted research on standing for potential election security-related litigation
- Monitored dark money in 2022 election official races

CAMPAIGN LEGAL CENTER, Washington, DC

Legal Intern, Spring 2021

NEW YORK CIVIL LIBERTIES UNION, New York, NY

Policy Intern, Fall 2020

WINSTON & STRAWN LLP, New York, NY

Summer Associate, Summer 2020

HON. ROBERT D. SACK, U.S. COURT OF APPEALS FOR THE SECOND CIRCUIT, New York, NY

Judicial Extern, Spring 2020

KNIGHT FIRST AMENDMENT INSTITUTE AT COLUMBIA UNIVERSITY, New York, NY

Legal Intern, Summer 2019

U.S. DEPARTMENT OF JUSTICE, ANTITRUST DIVISION, Washington, DC

Paralegal Specialist, August 2016 – June 2018

PRESENTATIONS, LECTURES, AND WORKSHOPS

“Threats to Liberal Democracy: Affective Polarization, Populism, and Inequality in the United States,” University of Virginia School of Law (Apr. 2024) (moderator for affective polarization panel)

“The Democratic Value of Transnational Campaign Finance,” Election Law Conference, Washington University School of Law (Mar. 2024)

“The Democratic Value of Transnational Campaign Finance,” Junior Scholars Conference, Northeastern University School of Law (Feb. 2024)

“The Constitutional Sources of State Election Administration,” University of Virginia School of Engineering & Applied Sciences (Feb. 2024) (lecture for Cybersecurity & Elections course)

“The Democratic Value of Transnational in Campaign Finance,” Indiana University Maurer School of Law (Nov. 2023) (remote lecture for Law & Democracy course)

“Dark Money: From *Citizens United* to Today,” League of Women Voters of Palm Beach County (Aug. 2022) (remote)

MEDIA APPEARANCES

Arizona Mirror, Denver Post, Indianapolis Star, Kansas City Star, Virginia Mercury

TEACHING AND RESEARCH INTERESTS

Teaching Interests: Constitutional Law, Election Law, Legislation and Regulation, Civil Procedure, First Amendment Law, State and Local Government

Research Interests: Election Law, Campaign Finance Law, Election Administration, Democratization of Money in Politics, Voter Perception, Democratic Theory, Sovereign Immunity

BAR MEMBERSHIP

New York

REFERENCES

Bertrall Ross
Professor of Law
University of Virginia School of Law
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(646) 734-8170

Richard Briffault
Professor of Legislation
Columbia Law School
rb34@columbia.edu
(212) 854-2638

Nicholas Stephanopoulos
Professor of Law
Harvard Law School
nstephanopoulos@law.harvard.edu
(781) 248-8145

Deborah Hellman
Professor of Law
University of Virginia School of Law
dhellman@law.virginia.edu
(857) 998-1746

Micah Schwartzman
Professor of Law
University of Virginia School of Law
schwartzman@virginia.edu
(434) 825-3640

Michael Gilbert
Vice Dean & Professor of Law
University of Virginia School of Law
mgilbert@law.virginia.edu
(434) 243-8551

Sarah Haan
Professor of Law
Washington & Lee School of Law
haans@wlu.edu
(540) 458-8016

Larry Norden
Senior Director, Elections & Government Program
Brennan Center for Justice
nordenl@brennan.law.nyu.edu
(646) 463-1579

JANE MITCHELL

1158 Briar Ave. • Provo, UT 84604
janemitchell513@gmail.com • 650.776.9291

ACADEMIC APPOINTMENTS

Brigham Young University Law School

Postdoctoral Research Fellow, 2022-present

Courses taught: Transformational Leadership in Law, Criminal Law (Winter 2025)

Course evaluations (Transformational Leadership in Law): 4.96 / 5.0 (2022, 2023)

EDUCATION

New York University

Steinhardt School of Culture, Education, and Human Development

Ph.D. Candidate, Administration, Leadership & Technology (Learning Sciences), expected 2024

Columbia Law School

J.D., 2011. Stone Scholar (academic achievement); Charles H. Revson Public Interest Fellow

Columbia Teachers College

Ed.M. in Educational Leadership, 2011

Stanford University

B.A. in Political Science, with University Honors, 2008

PUBLICATIONS

Stress and Prosecutorial Discretion (job talk) (under submission August 2024)

Incarceration Reimagined: A Diversionary Option for Serious Felony Offenders, KENTUCKY LAW REVIEW (2025), https://papers.ssrn.com/sol3/papers.cfm?abstract_id=4897899

Legal Education and the Threat Response, THE JOURNAL OF LAW TEACHING & LEARNING (2024), <https://lawrepository.ualr.edu/lawteachingjournal/vol1/iss1/4/> (peer reviewed)

“That Class Changed My Life”: Using Transformative Learning Theory to Teach Leadership (working paper)

Unlocking Potential, 59 CLARK MEMORANDUM (2017)

Reducing Juvenile Recidivism, 3 ROOSEVELT REVIEW (2007)

TEACHING EXPERIENCE (SELECTED)**Brigham Young University Law School**

Provo, UT

Criminal Law (Winter 2025)

Transformational Leadership in Law (2021-present)

Rikers Island, Prison Education Initiative Teacher, 2008-2010

Rikers Island, NY

Utah County Jail, Life Skills Instructor, 2006-2007

Spanish Fork, UT

San Francisco County Jail, GED Instructor, 2005-2006

San Francisco, CA

PROFESSIONAL EXPERIENCE**The Reset Foundation**

San Francisco, CA

Founder & CEO, 2013-2017

Founded a residential alternative to incarceration for young men facing prison sentences of 2-15 years. Led visioning, strategy development, organizational ramp-up, and execution. Secured key partnerships with courts, probation, and government agencies. Raised \$5M to launch program.

Kaye Scholer LLP

New York, NY

Corporate Associate, 2012-2013**NYC Department of Education, District 79 (Alternative Schools)**

New York, NY

Strategy & Accountability Associate, 2009-2011

Led policy development and legal analysis for schools in detention centers, jail, suspension sites. Steered the opening of schools serving court-involved youth.

AWARDS & GRANTS (SELECTED)

Forbes 30 Under 30, 2015 (for social entrepreneurship)

Echoing Green Fellow, 2013 (\$90K, Black Male Achievement category)

Close It Summit Winner, 2014 (\$35K for new business pitch)

Westly Prize Winner, 2013 (\$25K for top social innovator in California)

Strauss Scholar, 2007 (\$10K awarded to one Stanford undergraduate for service leadership)

Utah County Sheriff's Life Saving Teaching Award, 2006

Brigham Award, 2006 (awarded to five BYU students/faculty for service leadership; given while a visiting student at BYU from 2005-2006 for founding BYU Jail Outreach)

Over \$5M in grants awarded to Reset (2013-2017), including:

Google Impact Challenge Winner (\$500K)

Tipping Point Community (\$1.2M)

Tides Foundation (\$500K)

Draper Richards Kaplan Foundation (\$300K)

Charles and Helen Schwab Foundation (\$300K)

California Wellness Foundation (\$180K)

Andrus Family Fund (\$180K)

PRESENTATIONS (SELECTED)

“Facilitating Challenge States in the Law School Classroom,” AALS Balance and Well-Being Speed Share, virtual, July 2024

“The Impact of Stress on Prosecutorial Discretion,” Richmond Junior Faculty Forum, Richmond, VA, May 2024

“The Power of Perception: Seeing Challenges Instead of Threats,” Compliance Coordinator Training, Brigham Young University, Provo, UT, Mar. 2024

“Incarceration Reimagined,” BYU Law Works-in-Progress Series, Brigham Young University School of Law, Provo, UT, Nov. 2023

“Incarceration Reimagined,” Rocky Mountain Junior Scholars Forum, Brigham Young University School of Law, Provo, UT, Nov. 2023

“How Law Schools Fuel Students’ Threat Response,” BYU Law School Annual Law & Leadership Conference, Well-being in the Legal Profession, Provo, UT, Jan. 2023

“Legal Education and the Threat Response,” Rocky Mountain Junior Scholars Forum, University of Utah College of Law, Salt Lake City, UT, Dec. 2022

“Transformative Listening and Leadership,” JRCLS Annual Leadership Conference, Aspen Grove, UT, Oct. 2021

“Transformative Listening,” Annual All-Employee Retreat for the J. Reuben Clark Law School, virtual, Nov. 2020

Keynote, “Unlocking Potential: How a Law Degree Can Amplify Your Ability to Bless the

World,” J. Reuben Clark Law Society, Women in Law Annual Conference, Provo, UT, Sept. 2016

“The School-to-Prison Pipeline,” MECHA, Stanford, CA, Mar. 2016

Panelist with Joan Petersilla, “Disrupting the School-to-Prison Pipeline: Innovative Approaches to Reducing Recidivism Among Justice-Involved Young People,” Shaking the Foundations Conference, Stanford Law School, Stanford, CA, Oct. 2015

Keynote, “Unlocking Potential: Rethinking Incarceration,” The Center for the Study of Criminology and Criminal Justice Conference, Sacramento State, Sacramento, CA, Sept. 2015

“Reimagining Incarceration,” Open Society Foundations roundtable with the nation’s leading formerly incarcerated justice leaders, New York, NY, Oct. 2014

“Rethinking Incarceration,” Social Justice Initiatives, Columbia Law School, New York, NY, Jan. 2014

“Rethinking Incarceration,” University of California Berkeley, Goldman School of Public Policy, Berkeley, CA, Sept. 2013

“Residential Schools for Sentenced Adults,” The Economist’s Marketplace of Ideas Human Capital Conference, New York, NY, Oct. 2010

“Reducing Juvenile Recidivism,” Roosevelt Policy Expo, Washington, D.C., July 2007

POLICY PRESENTATIONS (SELECTED)

California Division of Juvenile Justice, July 2020 (remote)

The Offices of U.S. Representatives Chu, Labrador, Lowey, Miller, Pelosi, Schiff, Scott, Washington, D.C., May-Oct. 2014

The San Francisco Sentencing Commission, San Francisco, CA, Aug. 2014

The Offices of U.S. Senators Cornyn, Durbin, Feinstein, Greenleaf, Hatch, Lee, Portman, Schumer, Stewart, Whitehouse, Washington, D.C., Apr-June 2014

The White House, Sr. Advisors to the President, Justice & Regulatory Policy, Domestic Policy Council, Washington, D.C., Apr-June 2014

U.S. Congressional Black Caucus, Washington, D.C., June 2014

U.S. Department of Justice, Washington, D.C., June 2014

U.S. Department of Education, Office of Career, Technical, and Adult Education, Washington,

D.C., May 2014

U.S. Department of Labor, Reintegration of Ex-Offenders, Washington, D.C., May 2014

U.S. Bureau of Prisons, Washington, D.C., Apr. 2014

The Offices of Nancy Pelosi, Arnold Schwarzenegger, Gavin Newsom, Sacramento and San Francisco, CA, May 2007

MEDIA & OTHER ACTIVITIES (SELECTED)

“The Chance to Reset,” Social Capital Markets (SOCAP) Annual Conference, Live and SOCAPtv series, San Francisco, CA, Sept. 2015

“Concept, Reality, Growth,” VerityCast | The Professional’s Podcast, San Francisco, CA, Aug. 2015

“Jane Mitchell: Meant For It,” I Want Her Job Podcast, virtual interview, 2015

“Creating an Alternative to America’s Prisons,” Innovate Podcast, San Francisco, CA, June 2015

“Inside Silicon Valley,” Joint Ventures podcast, San Jose, CA, May 2015

“Social Impact Careers,” Coro Fellows Gathering, Feb. 2015

“Reset,” Echoing Green’s 25th Year Anniversary Big Bold Benefit, New York, NY, May 2013

BOARD SERVICE

Journal of Nonprofit Innovation, Editorial Board, 2022-present

Village Life Foundation, Advisory Board, 2021-present

WikiCharities, Advisory Board, 2021-present

John Jay College of Criminal Justice, Social Entrepreneurship Advisory Board, 2016-2018

BYU Law School, Board of Advisors, 2016-2019

The Reset Foundation, Board of Directors, 2013-2018

ROADS Charter High Schools, Board of Trustees, 2012-2017

BAR ADMISSIONS

New York State

Dagmar Rita Myslinska, J.D, Ph.D.

DagmarMyslinska@creighton.edu

909 S 159th Ave, Omaha, NE 68118

917 294-2419

EDUCATION	<p>LONDON SCHOOL OF ECONOMICS AND POLITICAL SCIENCE, Ph.D., Law, 2019 (no corrections)</p> <p>Awards: Law Department Ph.D. Scholarship LSE Ph.D. Scholarship (declined) LSE Conference Grant</p> <p>Advisors: Prof. Nicola Lacey (Law); Prof. Coretta Phillips (Social Policy) Examiners: Prof. Peter Fitzpatrick; Dr. Samantha Currie Dissertation: <i>Not Quite White: The Gap Between EU Rhetoric and the Experience of Poles' Mobility to the UK</i></p> <p>COLUMBIA UNIVERSITY SCHOOL OF LAW, J.D., 2004</p> <p>Award: Harlan Fiske Stone Scholar <i>Journal of Transnational Law</i>, Head Notes Editor Writing credit: <i>Reconceptualizing Torts: Post-Accession Insurance Law Reforms in Poland</i></p> <p>UNIVERSITY OF PENNSYLVANIA (CAREY) LAW SCHOOL, J.D. program, 2001 – 2002</p> <p>1L GPA: 3.8 <i>University of Pennsylvania Law Review</i> (invited after write-on competition; declined) Research Assistant to Prof. Nathaniel Persily (Constitutional Law)</p> <p>YALE UNIVERSITY, B.A. (<i>cum laude</i>); double major: Psychology, and Film Studies, 1999</p> <p>Awards: Distinction in both majors Undergraduate Merit Scholarship Research Assistant to Prof. Robert Sternberg (Psychology)</p>
ACADEMIC POSITIONS	<p>CREIGHTON UNIVERSITY LAW SCHOOL, Omaha, NE</p> <p><i>Associate Professor (tenure-track)</i>, 2023 – ongoing. <i>Associate Dean of Pedagogy</i>, 2024 (forthcoming) – ongoing. Teach: Torts; Comprehensive Review; additional courses tbd Service within the Law School: Assessment Committee; Curriculum Committee; Strategic Planning Committee (elected); Moot Court judge Service within the University: Creighton University Assessment Committee (and Peer-Review Subcommittee)</p> <p>GOLDSMITHS, UNIVERSITY OF LONDON, London, UK</p> <p><i>Lecturer in Law</i>, 2019 – 2023. (offered Deputy Head of Department position in December 2022; declined) Taught: Contract Law; Immigration Law Supervised: MPhil/PhD dissertations Guest Lectured: English Legal System; International Human Rights Law; IP Law; EU Law; Evidence; Public Law [constitutional and administrative law]</p> <p>Service within the Law Department:</p> <ul style="list-style-type: none"> • Director, Learning & Teaching (2022 – 2023) [Assistant Dean for Academic Affairs] • Senior Tutor (2019 – 2022) [Assistant Dean for Student Affairs] • Immigration Law & Policy Clinic, Founder and Director (2019 – 2023) • Harvard Law School Zero-L Program, Coordinator (2020 – 2023) • University of London Refugee Law Clinic, Coordinator (2021 – 2023) • 'Britain in Europe' Think Tank, Expert (2019 – 2023) • Moot Court competition, Coach and Judge (2019 – 2023) <p>Service within the University:</p> <ul style="list-style-type: none"> • Goldsmiths University Academic Board, Member (2019 – 2022)

- Disabled Staff Network, Member (2019 – 2023)
- LGBTQ Staff and Allies Network, Member (2019 – 2023)
- Migration, Mobilities and Displacements Research Stream, Member (2019 – 2023)
- Mental Health First Aider (2020 – 2023)

LONDON SCHOOL OF ECONOMICS AND POLITICAL SCIENCE, London, UK
Teaching Assistant, Law Department, 2015 – 2017.

Taught: Commercial Law; Comparative Civil Procedure; Land Law [Property]

STATE UNIVERSITY OF NEW YORK, School of Criminal Justice, Albany, NY
Lecturer & Online Course Developer, Criminal Justice M.A. Program, 2014 – 2017.
 Taught: Crime, Immigration & Race

CHARLOTTE SCHOOL OF LAW, Charlotte, NC
Assistant Professor, 2012 – 2014.

Taught: Refugee & Asylum Law; Lawyering Process; Business Transactions; Criminal Law
 Service: Faculty Hiring Committee; Foreign Student Recruitment Committee; Curriculum Review Committee

TEMPLE UNIVERSITY BEASLEY SCHOOL OF LAW, Japan Campus, Tokyo, Japan
Visiting Professor, Summer 2013.
 Taught: LL.M. Legal Research and Writing

COLUMBIA UNIVERSITY SCHOOL OF LAW, New York, NY
Lecturer-in-Law, 2010 – 2011.
 Taught: Legal Practice Workshop (J.D.)

FORDHAM UNIVERSITY SCHOOL OF LAW, New York, NY
Adjunct Professor, International LL.M. Program, 2009 – 2011.
 Taught: LL.M. Legal Writing

SETON HALL UNIVERSITY SCHOOL OF LAW, Newark, NJ
Adjunct Professor, 2008 – 2009.
 Taught: Introduction to Lawyering (J.D.)

UNIVERSITY OF MEMPHIS SCHOOL OF LAW, Memphis, TN
Supervising Attorney, Immigration Clinic, in collaboration with the Community Legal Center 2006 – 2007.

BOOK

LAW, MIGRATION, AND THE CONSTRUCTION OF WHITENESS: MOBILITY WITHIN THE EUROPEAN UNION (Routledge, 2024), with a foreword by Prof. France Winddance Twine, <https://www.routledge.com/Law-Migration-and-the-Construction-of-Whiteness-Mobility-Within-the-European-Union/Myslinska/p/book/9781032007373>

- to be reviewed in *Law & Society Review* (forthcoming 2024-25)
- to be reviewed in *European Law Open* (forthcoming 2024-25)
- to be reviewed in *Australian and New Zealand Journal of European Studies* (forthcoming 2024)
- to be reviewed in *Nordic Journal of European Law* (forthcoming 2024)
- to be reviewed in *European Journal of Legal Studies* (forthcoming 2025)
- to be reviewed in *International Migration Review* (forthcoming 2024-25)
- to be reviewed in *University of Pennsylvania Journal of International Law* (forthcoming 2024-25)
- to be reviewed in *Journal of Critical Race and Ethnic Studies* (St. John's University) (forthcoming 2024-25)¹
- featured on [Immigration Prof Blog](#)

¹ The following journals have also expressed interest in having my monograph reviewed (dates tbc): *American Journal of Comparative Law*; *Social & Legal Studies*; *Postcolonial Studies*; *Journal of Contemporary European Studies*; *European Law Review*; *London Review of International Law*; *International Journal of Law in Context*; *Law & Social Inquiry*.

ACADEMIC
PUBLICATIONS

Not Quite Right: Representations of Eastern Europeans in ECJ Discourse (2021) INTERNATIONAL JOURNAL OF POLITICS, CULTURE AND SOCIETY 34(3): 271-307, <https://link.springer.com/article/10.1007/s10767-020-09368-2> (peer reviewed)

Retracing the Right to Free Movement: Mapping a Path Forward (2019) MICHIGAN STATE INTERNATIONAL LAW REVIEW 27(3): 383-439, <https://ssrn.com/abstract=3228025>

Contemporary First-Generation European-Americans: The Unbearable 'Whiteness' of Being, (2014) TULANE LAW REVIEW 88: 559-625, <http://ssrn.com/abstract=2222267>

Intra-Group Diversity in Education: What If Abigail Fisher Were An Immigrant. . ., (2014) PACE LAW REVIEW 34: 736-816, <http://ssrn.com/abstract=2309741>

Racist Racism: Complicating Whiteness Through the Privilege & Discrimination of Westerners in Japan, (2014) UMKC LAW REVIEW 83: 1-55, http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2399984

SOLICITED
WORKS IN PROGRESS

Critical Whiteness Theory and ECHR Law, in RACE, RACISM AND THE EUROPEAN CONVENTION ON HUMAN RIGHTS (Hughes, K. and V. Khanna, eds.) (Hart, 2025) (solicited chapter) (peer reviewed)

Book Essay, _____ LAW & SOCIAL INQUIRY (solicited book review) (peer reviewed)

The Fragility of European Citizenship – A Critical Perspective, CITIZENSHIP STUDIES (solicited article) (peer reviewed)

EUROPEAN COURT OF HUMAN RIGHTS JURISPRUDENCE AND WHITE ETHNICITIES (solicited book proposal, to be submitted to Cambridge University Press, Elements in International Law & Society Series) (peer reviewed)

LAW REVIEW
WORKS IN PROGRESS

The Vegan in Modern Human Rights Laws

Exploitation and Forced Labor Issues in Employment Sponsorship of Skilled Migrants in UK and USA

Liberating Student-Centered Legal Pedagogy – A Comparative Critical Perspective

JUDICIAL
CLERKSHIPS

U.S. DISTRICT COURT FOR THE WESTERN DISTRICT OF TENNESSEE, Memphis, TN
Law Clerk, Chambers of Honorable Samuel H. Mays, Jr., 2006 – 2007.

U.S. DISTRICT COURT FOR THE SOUTHERN DISTRICT OF NEW YORK, New York, NY
Judicial Intern, Chambers of Honorable Barbara Jones, Summer 2002.

OTHER SELECT
PUBLICATIONS

EU Politics and Postcolonialism, POSTCOLONIAL POLITICS BLOG (Goldsmiths, University of London), <https://postcolonialpolitics.org/> (forthcoming, solicited)

How immigration rules intended to tackle criminality have been unfairly used against highly skilled migrants from the Commonwealth, LSE BRITISH POLITICS AND POLICY BLOG, March 2021, <https://blogs.lse.ac.uk/politicsandpolicy/highly-skilled-commonwealth-migrants/>

Dawn of a New Immigration System: Broken Promises and Lack of Foresight, PUBLIC SECTOR FOCUS MAGAZINE, Nov/Dec 2020, pp 54-55, <https://flickread.com/edition/html/index.php?pdf=5fda193b33f53#56>

Short-sighted, undemocratic, and not evidence-based: the new points-based system's hostile approach towards Europeans, LSE BREXIT BLOG, October 2020, <https://blogs.lse.ac.uk/brexit/2020/10/28/short-sighted-undemocratic-and-not-evidence-based-the-new-points-based-systems-hostile-approach-towards-europeans/>

EU Immigrants in the UK: Their Future under the Points-Based System, GOLDSMITHS LAW POLICY BRIEFING PAPERS, September 2020, https://feal426-09ef-4298-ba79-014853cccfc3.filesusr.com/ugd/e6ec6f_43f119df070447f0986456cfa63ddb26.pdf

- cited in Winchester, Nicole, *Could the UK's new immigration system increase human trafficking and human smuggling* (UK Parliament, House of Lords Library, Jan 19, 2021), <https://lordslibrary.parliament.uk/could-the-uks-new-immigration-system-increase-human-trafficking-and-human-smuggling/>

Post-Brexit hate crimes against Poles are an expression of long-standing prejudices and contestation over white identity in the UK, LSE BREXITVOTE BLOG, September 2016, <http://blogs.lse.ac.uk/brexit/2016/09/29/post-brexit-hate-crimes-against-poles-are-an-expression-of-long-standing-prejudices-and-contestation-over-white-identity-in-the-uk/>

Migration Arguments Supporting Brexit Appear to be Backed by Animus, LSE BREXITVOTE BLOG, June 2016, <http://blogs.lse.ac.uk/brexitvote/2016/06/23/migration-arguments-supporting-brexit-appear-to-be-backed-by-animus/>

Incomplete Europeans: Polish Migrants' Experience of Discrimination in the UK is Complicated by Their Whiteness, LSE BREXITVOTE BLOG, March 2016, <http://blogs.lse.ac.uk/brexitvote/2016/03/09/incomplete-europeans-polish-migrants-experience-of-prejudice-and-discrimination-in-the-uk-is-complicated-by-their-whiteness/>

- cited in EUROPEAN NETWORK AGAINST RACISM, *Racism and Discrimination in the Context of Migration in Europe*, ENAR Shadow Report 2015-16, http://www.antirasistiskaakademien.se/wp-content/uploads/2015/01/ENAR_shadowreport_2015_2016.pdf

NOLO PRESS, Berkeley, CA

Select practice publications, available at www.nolo.com, 2012

- *Chances of Winning a Grant of Asylum*
- *Timing of the Affirmative Asylum Application Process*
- *Which U.S. Agency Will Handle Your Asylum Case*
- *Living Conditions in Immigration Detention Centers*
- *Timing of Applying for Asylum in Removal Proceedings*
- *How to Prepare an Affirmative Asylum Application*
- *How to Prepare an Asylum Application in Removal Proceedings*
- *How to Apply for a Work Permit Based on Asylum*
- *Issues Faced by Detained Applicants Applying for Asylum*
- *What Will Happen at Your Master Calendar Hearing?*
- *What a 'Particular Social Group' Means for Asylum Purposes*
- *Can I Still Apply for Asylum After the One-Year Filing Deadline?*
- *Preparing Persuasive Documents for Your Asylum Application*
- *Can I Apply for Asylum With a Criminal Record?*

GRANTS AND APPLICATIONS

Creighton University Law School, Summer Research Grant (\$10,000) (2024)

Creighton University Law School, Summer Research Grant (\$10,000) (2023)

AHRC/Modern Slavery PEC Call on "Modern slavery in the UK and wider laws and policies" (PI) (application scored *5, i.e., 'excellent' in terms of scholarship, originality, quality, and significance) (2022)

Goldsmiths University, Research Internships Program (research assistant support) (£3,000) (2021)

London School of Economics, UK: Ph.D. Scholarship (£72,000, declined); Postgraduate Conference Grant (£2,000); Law Department Scholarship (£72,000) (2014 – 2019)

University of Oxford, Centre for Socio-Legal Studies, D.Phil. Scholarship, UK (£72,000) (2014 – 2019, declined)

UK Economic and Social Research Council Doctoral Studentship, University of Leeds, School of Law, UK (£72,000) (2014 – 2019, declined)

Yale College, Undergraduate Merit Scholarship, New Haven, CT (1995 – 1999)

Rotary Club Scholarship, Niskayuna, NY (1994)

Rensselaer Polytechnic Institute, Summer High School Research Grant, Troy, NY (1993)

EDITORIAL EXPERIENCE

HART PUBLISHING, Oxford, UK
Research Monograph Referee, 2024 – ongoing.

STANFORD UNIVERSITY PRESS, Stanford, CA
Research Monograph Referee, Stanford Studies in Human Rights Series, 2024 – ongoing.

BLOOMSBURY ACADEMIC, London, UK
Law Textbook Referee, 2024 – ongoing.

CENTRAL AND EASTERN EUROPEAN MIGRATION REVIEW, Warsaw, Poland
Manuscript Referee, 2020 – ongoing.

FRONTIERS SOCIOLOGY, Lausanne, Switzerland
Review Editor, Race and Ethnicity Section, 2019 – ongoing.

UNIVERSITY OF BOLOGNA LAW REVIEW, Bologna, Italy
Manuscript Referee, 2018 – ongoing.

LSE LAW, SOCIETY AND ECONOMY WORKING PAPER SERIES, London, UK
Assistant Editor, 2015 – 2019.

MCGILL LAW JOURNAL, Montreal, Canada
Manuscript Referee, 2013.

PRESENTATIONS

AMERICAN SOCIETY OF INTERNATIONAL LAW, Annual Meeting, Washington, DC
Invited Presenter, European Law Scholars Workshop, April 2025

LUND UNIVERSITY, EU Law Discussion Group Seminar Series, Lund, Sweden
Invited Presenter, “Limits of EU Citizenship and Mobility,” March 2025

UNIVERSITY OF SUSSEX, EUROPEAN INSTITUTE, Brighton, UK
Invited Presenter, “Book Launch: *Law, Migration, and the Construction of Whiteness*,” March 2025

UNIVERSITY OF BRISTOL, CENTRE FOR THE STUDY OF ETHNICITY AND CITIZENSHIP, Bristol, UK
Invited Presenter, “Whiteness and European Mobility,” March 2025

GOLDSMITHS, UNIVERSITY OF LONDON, London, UK
Invited Presenter, “Contemporary Europe as a Postcolonial Space,” March 2025

AALS ANNUAL MEETING, San Francisco
Invited Speaker, European Law Section, “Comparative Migration and Asylum Policies - Border Externalization and Migration Management,” January 2025

AMERICAN UNIVERSITY WASHINGTON COLLEGE OF LAW, Washington, DC
Invited Speaker, EU Migration Law, November 2024

UNIVERSITY COLLEGE DUBLIN, SCHOOL OF LAW, Dublin, Ireland

Invited Presenter, “Non-discrimination, Free Movement and Migration in Ireland,” date tbc

LAW & SOCIETY ASSOCIATION, ANNUAL MEETING, Denver, June 6-9, 2024

Book Presenter, Author-Meets-Reader Session, “Citizenship and Migration: New Books in the Field”

Book Presenter, “International Law and Politics Book Launch”

Invited Chair, “Art and Representations of Colonialism as Legacy and Resistance”

HAMAD BIN KHALIFA UNIVERSITY COLLEGE OF LAW, Doha, Qatar

Invited Presenter, Comparative Civil Procedure Course, “Discovery Process in Civil Litigation”, February 2024

UNIVERSITY OF BIRMINGHAM, INSTITUTE FOR RESEARCH INTO SUPERDIVERSITY, 10th Anniversary International Conference, Birmingham, UK

Presenter, September 14-16, 2022

LAW & SOCIETY ASSOCIATION, ANNUAL MEETING, Lisbon, Portugal

Participant, Early Career Workshop, July 12-16, 2022

MIGRANTS’ RIGHTS NETWORK, London, UK

Invited Presenter, Migrants’ Aspiration Program, “Introduction to Immigration Law & Hostile Environment Policies,” April 21, 2022

PUBLIC POLICY EXCHANGE, London, UK

Invited Speaker, “The Future of Immigration: Creating an Efficient Immigration Policy & Effective Border Control,” September 21, 2021

GOLDSMITHS UNIVERSITY, MIGRATION, MOBILITIES AND DISPLACEMENTS RESEARCH STREAM, London, UK

Invited Presenter, “COVID-19 and the Re-bordering of the World,” April 20, 2021

LATINA/O CRITICAL LEGAL THEORY CONFERENCE, Orlando, FL

Panelist, “Civil Rights and Anti-Discrimination in the Workplace,” September 2017

LAW & SOCIETY ASSOCIATION, ANNUAL MEETING, Mexico City, Mexico

Presenter, “Walls and Bridges: Exclusion and Inclusion,” June 2017

EUROPEAN CONSORTIUM FOR POLITICAL RESEARCH GENERAL CONFERENCE, Prague, Czech Republic

Panelist, “European Citizenship, Changes & Challenges,” September 2016

UNIVERSITY OF KENT CRITICAL LAW SOCIETY CONFERENCE, Canterbury, UK

Presenter, “Limiting Liberties?,” February 2016

LSE PUBLIC LAW COLLOQUIUM, London, UK

Co-organizer and Moderator

Presenter, “Relations Between National Institutions and Supra-National/International Institutions,” October 2015

CRITICAL LEGAL CONFERENCE, Wrocław, Poland

Panelist, “Movement: Animating Law, Space and the Political,” September 2015

SCIENCES-PO LAW SCHOOL INTENSIVE DOCTORAL WEEK, Paris, France

Invited Panelist, “Migration Writing Workshop,” June 2015

PENNSYLVANIA STATE UNIVERSITY CONFERENCE ON CIVIL RIGHTS & EDUCATION, State College, PA

Presenter, “Higher Education Access,” June 2014

LAW & SOCIETY ASSOCIATION, ANNUAL MEETING, Minneapolis, MN

Presenter, “Law and Inequalities: Global and Local,” May 2014

FULBRIGHT KOREA, EDUCATION USA LAW CONFERENCE, Seoul, Korea

Speaker, “What to Expect in a US Law School Classroom,” April 2014

LATINA/O CRITICAL LEGAL THEORY CONFERENCE, Chicago, IL

Panelist, “Diversity Crisis: Danger and Opportunity for Legal Education,” October 2013

OSGOODE HALL LAW SCHOOL FORUM - LAW, CULTURE, CRITIQUE, Toronto, Canada

Panelist, “Race, Faith, and Nation,” May 2013

ALBANY LAW SCHOOL SHARING SCHOLARSHIP/BUILDING TEACHERS CONFERENCE, Albany, NY

Panelist, “Class, Race, and Education,” February 2013

MEDIA

THE GUILTY FEMINIST, London, UK

Guest, Media Storm (investigative podcast), “White (Other): Anti-Eastern European prejudice,” November 3, 2022

THE GUILTY FEMINIST, London, UK

Expert, Media Storm (investigative podcast), “‘Low-Skilled’: The exploitation of Eastern European workers,” October 27, 2022

LBC News, London, UK

Expert, 24/7 Radio News, “Some Are Worried that the Government Isn’t Doing Enough to help Ukrainians Seeking Refuge,” March 10, 2022

Open Letter to The Rt. Hon. Priti Patel MP (UK Home Secretary), regarding UK’s response to the humanitarian crisis in Ukraine, March 8, 2022

IQ (monthly magazine), Vilnius, Lithuania

Expert, Ūkanotasis Albionas: Rytų europiečiai masiškai palieka Jungtinę Karalystę (“Misty Albion: Eastern Europeans are leaving the United Kingdom en masse”), May 3, 2021

TA NEA (daily newspaper), Athens, Greece

Expert, Πήγε για επίσκεψη και βρέθηκε κλειδωμένος σε κελί! (“He went to visit and was locked in a cell!”), January 30, 2021

LEXISNEXIS LIBRARY and PSL PRODUCTS, London, UK

Expert, “The Housing Crisis – Asylum Seekers and Immigration,” August 2018

POLISH ONLINE NEWS ‘SHEFFIELD24’, Sheffield, UK

Expert, Polskie dzieci na Wyspach: Prymusi czy nieuki? (“Polish Children on the Islands: Top Students Or Slackers?”), June 2017

RATIO: THE MAGAZINE OF LSE LAW, London, UK

Interviewee, “The Brexit Effect: How the Referendum Result Impacts Our PhD Research,” 2017/18

RADIO FRANCE ONLINE, London, UK

Expert, “Hate Crimes, Immigration, and Brexit,” September 2016

THE TIMES, London, UK

Expert, “City has just the recipe for integration: Peterborough has embraced 10,000 Poles (and their cuisine) to its benefit,” August 2016

LSE, London, UK

Interviewee, “LSE Current Research Highlights: Poles and Prejudice,” February 2016

WBTV, Charlotte, NC

Expert, “Plyler v. Doe, and Counting Undocumented Immigrants in Schools,” August 2012

NEW YORK STATE BAR ASSOCIATION CLE WEBCAST, New York, NY

Panelist, “Growing Your Practice or Corporate Legal Department: Virtual Law Firms and Of-Counsel Arrangements,” May 2012

LAW PRACTICE

EXPERIENCE

BOIES, SCHILLER & FLEXNER, LLP, New York, NY & Short Hills, NJ
Associate, Complex Commercial Litigation Department, 2007 – 2010.
Pro Bono Asylum Program Coordinator, 2007 – 2010.

DEBEVOISE & PLIMPTON LLP, New York, NY
Associate, International Corporate, and Real Estate Teams, 2004 – 2006.
Pro Bono Asylum Program Coordinator, 2005 – 2006.

DAVIS POLK & WARDWELL, New York, NY
Paralegal, Investment Management Department, 1999 – 2001.
Pro Bono Asylum Program, Volunteer.

OTHER

EXPERIENCE

ASSOCIATION OF AMERICAN LAW SCHOOLS, Washington, DC
Secretary, European Law Section, 2024 – ongoing.

MIGRANTS' RIGHTS NETWORK, London, UK
Trustee, 2021 – 2023.

LSE STUDENT UNION, London, UK
Elected Trustee, 2016 – 2017.

“BEYOND THE LAW” READING LAB WITH PROF. PETER FITZPATRICK, London, UK
Member, 2015 – 2016.

LSE SIDNEY WEBB STUDENT RESIDENCE HALL, London, UK
Senior Subwarden (Senior Resident Assistant), 2015 – 2017.

AMERIBAR BAR REVIEW, Tallahassee, FL
Writer & Tutor, Bar Exam Preparation Course, 2012 – 2014.

HUMAN RIGHTS FIRST, Refugee Protection Program, New York, NY
Volunteer Staff Attorney, 2010 – 2011.
Volunteer External Attorney Partner, 1999 – 2009.

CENTER FOR DISABILITY SERVICES, Albany, NY
Residential Life Skills Counselor, 1994 – 1996.

COMMUNITY

SERVICE

Food Cycle (soup kitchen), London, UK, *Volunteer, 2015 – 2017.*
 Latin American Coalition, Charlotte, NC, *Volunteer Attorney, 2012 – 2014.*
 Liberty Humane Society, Jersey City, NJ, *Volunteer, 2008 – 2011.*
 Humane Society of Memphis & Shelby County, Memphis, TN, *Volunteer, 2006 – 2007.*
 The Community Legal Center, Memphis, TN, *Volunteer, Immigrant Justice Program, 2006 – 2007.*
 Big Brothers Big Sisters, New York, NY, *Volunteer, 2004 – 2006.*
 New York Bar Association, Committee on Law, Youth & Citizenship, Albany, NY, *Member, 2004 – 2006.*
 Yale Alumni Association, *Admissions Interviewer, USA and UK, 2000 – present.*
 Adopt-a-Grandparent, New Haven, CT, *Volunteer, 1995 – 1999.*
 Big Brothers Big Sisters, New Haven, CT, *Volunteer, 1994 – 1998.*

PROFESSIONAL

MEMBERSHIPS

UK Higher Education Academy (tertiary teaching qualification) - Associate Fellow (2020 - ongoing)

Yoga Alliance – Registered Yoga Teacher (2013)

Bar Admissions (inactive): New York (2005), New Jersey (2004); S.D.N.Y., E.D.N.Y., D.N.J.

LANGUAGES

Fluent in Polish; proficient in French; beginner Spanish, Japanese, and Russian

REFERENCES

(available upon request)

Prof. Nicola Lacey
Professor of Law, Gender, and Social Policy
London School of Economics and Political Science
Houghton Street
London WC2A 2AE, UK
44 20 3486 2966
N.M.Lacey@lse.ac.uk

Mary Claire Halvorson
Director of Professional Development
Teaching and Learning Innovation Centre
Goldsmiths, University of London
London SE14 6NW, UK
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Prof. Bruce H. Mann
Carl F. Schipper, Jr. Professor of Law
Harvard Law School
1563 Massachusetts Avenue
Cambridge, MA 02138
(617) 495-3193
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Prof. Victoria J. Haneman
Associate Dean for Research & Innovation
Frank J. Kellegher Professor of Trusts & Estates
Creighton University School of Law
2500 California Plaza
Omaha, Nebraska 68178
(402) 280-3865
victoriahaneman@creighton.edu

Prof. Philip Jimenez
Professor of Law
Santa Clara University School of Law
500 El Camino Real
Santa Clara, CA 95053
(408) 554-4084
pjimenez@scu.edu

Prof. Finbarr McCarthy
Associate Professor of Law
Temple University Beasley School of Law
1719 North Broad Street
Philadelphia, PA 19122
(215) 204-7867
finbarr.mccarthy@temple.edu

Elena Pribytkova

ep2665@columbia.edu • <http://elenapribytkova.com>

EDUCATION

Columbia Law School, New York, NY

2019

J.S.D., thesis: *Global Human Rights Obligations Relating to a Decent Standard of Living*

Major: International Law, Human Rights, Global Governance, Sustainable Development, Legal and Political Philosophy

Honors: Joseph V. Heffernan Fellowship

Activities: U.N. Internship; Human Rights Clinic; Rightslink; Columbia Society of International Law

University of Basel, Basel, Switzerland

2024 - 2025 (expected)

Dr. Habil. Candidate, thesis: *A Decent Social Minimum in the Language of Human Rights*

Honors: Swiss National Science Foundation Ambizione Fellowship, University of Basel Research Grant, Antelope Professorship Program Grant, BIZ-Stiftung Fellowship, Paul Speiser-Scholarship

Major: International Law, Human Rights, Law & Technology, Environmental Law, Sustainable Development, Comparative Law, Legal and Political Philosophy

St. Petersburg State University, St. Petersburg, Russia

2003

Specialist in Law (J.D. & LL.M.), (Hons) First Class

RESEARCH AND TEACHING INTERESTS

Primary: International Law, Human Rights, Law & Technology, Environmental Law, Constitutional Law, Torts, Comparative Law, Jurisprudence

Secondary: International Organizations, Law & Sustainable Development, Civil Rights, Administrative Law, Welfare Law, Legal History, Clinical Teaching

ACADEMIC AND PROFESSIONAL EXPERIENCE

Centre for International Law, National University of Singapore, Singapore

Since October 2024

Senior Research Fellow in Human Rights Law

New York University School of Law, New York, NY

2023 - 2024

Visiting Scholar (remote), Center for Human Rights and Global Justice

Faculty of Law, University of Basel, Switzerland

2011 - 2012 & since 2013

Research Fellow

- Establishing, directing & teaching in a *Human Rights Clinic* with a focus on the human rights guarantees of poverty reduction; supervising collaborative human rights projects with local and international NGOs
- Teaching: *A Decent Social Minimum: Linking Social Justice and Human Rights*
- Supervisor to LL.M. and LL.B. students

Max Planck Institute for Comparative Public Law and International Law, Heidelberg, Germany 2015, 2016, 2023-24

Visiting Fellow

Southampton Law School, United Kingdom

2022 - 2024

Lecturer in Law (Assistant Professor)

- Teaching: *Advanced Public International Law*, *International Human Rights Law*, *Human Rights and Global Justice*, *Public Law 2: Administrative Justice*, *Philosophical Foundations of the Common Law*
- Supervisor to Ph.D., LL.M., and LL.B. students
- Service: Scholars-at-risk & students-at-risk coordinator; early career researchers' representative; personal tutor

University of Michigan Law School , Ann Arbor, MI	2022
Michigan International and Comparative Law Research Scholar	
The National University of Singapore Faculty of Law , Singapore	2020 - 2022 & 2023
Postdoctoral Fellow & Visiting Senior Fellow	
• Teaching: <i>International Human Rights Law, Digital Technologies and Human Rights</i>	
Department of Law, European University Institute , Florence, Italy	2019 - 2020
Fernand Braudel Senior Fellow	
Faculty of Law, Hebrew University of Jerusalem , Israel	2019 - 2020
Postdoctoral Fellow, Minerva Center for Human Rights	
New York University School of Law , New York, NY	2018 - 2019
Post-Doctoral Global Fellow & Scholar in Residence, Center for Human Rights and Global Justice	
Swiss Institute of Comparative Law , Lausanne, Switzerland	2018
Visiting Fellow	
Human Rights Institute, Columbia Law School , New York, NY	2017
Research Assistant	
• Collaborative project: <i>Advancing a Critical Turn in Human Rights Scholarship and Advocacy</i>	
Faculty of Law, University of Oxford , United Kingdom	2017
Academic Visitor	
Rule of Law Unit in the Executive Office of the Secretary-General of the United Nations , New York, NY	2013
Intern	
• Worked on a draft of the <i>2030 Agenda for Sustainable Development</i>	
Department of Social and Political Philosophy, Radboud University Nijmegen , the Netherlands	2011
Visiting Teaching Fellow	
• Teaching: <i>Global Justice: A Translation into the Language of Human Rights</i>	
Institute for Constitutional Law, Constitutional Theory and Philosophy of Law, Heidelberg University	2010
Research Fellow	
Institute of Philosophy, Ruhr-University Bochum , Germany	2007 - 2011
Research Fellow	
• Teaching: <i>The Normative Core of Justice in a Multicultural World; Three Theories of Justice: Kant, V.I. Solov'ev, Rawls</i> (with Professor Alexander Haardt)	
City-College , Tel Aviv, Israel	2004
Visiting Teaching Fellow	
• Teaching: <i>An Introduction to Comparative Constitutional Law, Civil Law (including Torts), Criminal Law, Labor Law and Finance Law, Legal Theory</i>	

SELECTED PUBLICATIONS (OUT OF 55) AND WORKS IN PROGRESS

Books

A DECENT SOCIAL MINIMUM IN THE LANGUAGE OF HUMAN RIGHTS (in progress)

IN SEARCH FOR A SOCIAL MINIMUM: HUMAN DIGNITY, POVERTY AND HUMAN RIGHTS (Ed., Springer, planned for 2024)

Selected Journal Articles

- Are There Global Obligations to Assist in the Realization of Socio-Economic Rights?*, 54 N.Y.U. J. INT'L L. & POL. 379 (2022)
- What Global Human Rights Obligations Do We Have?* 20 CHI. J. INT'L L. 384 (2020)
- Global Obligations for Sustainable Development: Harmonizing the 2030 Agenda for Sustainable Development and International Human Rights Law*, 41 U. PA. J. INT'L L. 1031 (2020)
- Unconditional Basic Income or a Decent Social Minimum?* 4 RPHZ 377 (2015)
- The Human Right to a Dignified Existence: The Ethical Foundations of the Contemporary Legal Order*, 137 ARSP-BEIHEFT 117 (2013)
- 'The Minimum Content of Natural Law' – H.L.A. Hart's Project to Reconcile Natural Law and Legal Positivism?* 1 ZEITSCHRIFT FÜR RECHTSPHILOSOPHIE 3 (2013)
- Securing a Digital Minimum in International Human Rights Law* (in progress)
- For Whom the Bell Tolls? (Re)conceptualizing the Human Right to Peace and Corresponding Obligations of Global Actors* (in progress)
- Do Non-State Actors Bear Obligations in the Area of Socio-Economic Rights? (Towards a Theory of Extraterritorial Obligations)* (in progress)
- Global Obligations for Environmental Justice: Harmonizing Human-Centrism and Eco-Centrism in Contemporary Global Order* (in progress)

Selected Book Chapters

- Human Dignity and a Decent Social Minimum: Human Rights Guarantees Beyond the Absolute Core?* in ELENA PRIBYTKOVA (ED.) IN SEARCH FOR A SOCIAL MINIMUM: HUMAN DIGNITY, POVERTY AND HUMAN RIGHTS (Springer, planned for 2024)
- Extraterritorial Obligations in the United Nations System: U.N. Treaty Bodies*, in MARK GIBNEY ET AL. (EDS.) RESEARCH HANDBOOK ON EXTRATERRITORIAL HUMAN RIGHTS OBLIGATIONS 95 (2022)
- Territorial and Extraterritorial Obligations to Ensure a Decent Social Minimum*, in THOMAS KOTKAS ET AL. (EDS.) SPECIFYING AND SECURING A SOCIAL MINIMUM IN THE BATTLE AGAINST POVERTY 129 (2019)
- Protection from Extreme Poverty in the European Court of Human Rights*, in HELMUT GAISBAUER ET AL. (EDS.) ABSOLUTE POVERTY IN EUROPE: INTERDISCIPLINARY PERSPECTIVES ON A HIDDEN PHENOMENON 335 (2019)
- A Decent Social Minimum as a Matter of Justice*, in HELMUT GAISBAUER ET AL. (EDS.) ETHICAL ISSUES IN POVERTY ALLEVIATION 43 (2016)
- The Human Right to Peace and Obligations of Global Actors*, for CECILIA M. BAILLIET (ED.) THE RESEARCH HANDBOOK ON THE INTERNATIONAL LAW OF PEACE (EDWARD ELGAR, 2ND ED., 2026) (in progress)

SELECTED CONFERENCE PAPERS AND GUEST LECTURES

- Securing a Digital Minimum in International Human Rights Law* – Panel Co-Organizer & Speaker, ICON·S Conference (Madrid, July 8-10, 2024)
- For Whom the Bell Tolls? (Re)conceptualizing the Human Right to Peace and Corresponding Obligations of Global Actors* – Panel Co-Organizer & Speaker, ICON·S Conference (Madrid, July 8-10, 2024)
- Global Obligations for Sustainable Development* – Guest Lecture at the Center for Transnational Legal Studies (November 2, 2023)
- Global Obligations in War* – Invited Speaker, Workshop *Armed Conflicts and the Environment: International Law and Humanitarian Response* at Hamburg Institute for Advanced Studies (May 11, 2023)
- Should Corporations Assist in the Realisation of Human Rights?* – Workshop of the ESIL IG on International Business and Human Rights (September 9, 2020) & ICON·S Annual Conference (Wrocław, July 4-6, 2022) & Invited Speaker, Workshop *Health and Social Rights: Legal and Philosophical Perspectives* at Southampton Law School (February 27, 2023)
- Do Non-State Actors Bear Obligations in the Area of Socio-Economic Rights? (Towards a Theory of Extraterritorial Obligations)*. – Invited Speaker, Workshop at Global Human Rights Hub at Arizona State University (April 29-30, 2021) & Panel Co-Organizer & Speaker, ICON·S Mundo Conference (July 6-9, 2021)
- Are There Global Obligations to Assist in the Realization of Socio-Economic Rights?* – Guest Lectures at European University Institute (Feb 24, 2020) & London School of Economics and Political Science (Mar 11, 2020) & Edinburgh Law School (May 6, 2021)
- Global Obligations for Environmental Justice: Balancing Eco-Centrism and Human-Centrism in Contemporary Global Order*. – Workshop at University of Essex (April 22-23, 2021)
- Global Obligations for Environmental Justice: Reconciling the Human Right to a Healthy Environment, the Human Right to Development, and Sustainable Development Goals*. – Webinar at University of Geneva (November 26-27, 2020)
- SDGs, Human Rights and Global Obligations to Combat Poverty and Extreme Inequality*. – Guest Lecture at London School of Economics and Political Science (March 11, 2020)
- Extraterritorial Obligations in the Area of Socio-Economic Rights. The Right to Food in a Transnational Context*. – Guest Lecture at the Institute for the Study of Human Rights at Columbia University (New York, April 17, 2018)

SELECTED FELLOWSHIPS AND HONORS

Research Fellowship (Max Planck Institute for Comparative Public Law and International Law)	2015, 2016, 2023 - 2024
Michigan International and Comparative Law Research Fellowship (University of Michigan Law School)	2022 - 2023
Postdoctoral Fellowship (National University of Singapore)	2020 - 2022
Fernand Braudel Senior Fellowship (European University Institute)	2019 - 2020
Joint Berlin-Jerusalem Postdoctoral Fellowship (Hebrew University of Jerusalem)	2019 - 2020
Post-Doctoral Global Fellowship (New York University School of Law)	2018 - 2019
Petar Sarcevic Scholarship (Swiss Institute of Comparative Law)	2018
Research Grant (Research Fund of the University of Basel)	2016 - 2017
Paul Speiser-Scholarship (Speiser-Bär Stiftung)	2017
Ambizione Fellowship (Swiss National Science Foundation)	2013 - 2016
Joseph V. Heffernan Fellowship (Columbia Law School)	2012 - 2013
Research Scholarship (The Swiss Government)	2011 - 2012
ERASMUS Teaching Staff Mobility Grant (The European Commission)	2011
Research Fellowship & Travel Grant (The Fritz Thyssen Stiftung)	2008 - 2009 & 2010
Short-Term Research Grant (American Council of Learned Societies)	2008 - 2009
Research Fellowship (German Academic Exchange Service)	2007 - 2008

MEMBERSHIPS

American Society of International Law (ASIL); European Society of International Law (ESIL); International Society of Public Law (ICON·S); ETO Consortium; Global Alliance for Justice Education (GAJE); European Network for Clinical Legal Education (ENCLE); International Association for Philosophy of Law and Social Philosophy (IVR)

REFERENCES

Professor Dr. Philip G. Alston

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 New York, NY 10012
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philip.alston@nyu.edu

Professor Gráinne de Búrca

New York University School of Law
 New York, NY 10012
 (212) 998-6634
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Professor Margaret L. Satterthwaite

New York University School of Law
 New York, NY 10012
 (212) 998-6657
margaret.satterthwaite@nyu.edu

Professor Dr. Anne Peters

University of Michigan Law School & MPIL
 Ann Arbor, MI 48109
 (734) 647-3729
apeters-office@mpil.de

Professor Dr. Markus Schefer

Faculty of Law, University of Basel
 Basel, Switzerland 4002
 +41 (612) 672-513
ltschefer-ius@unibas.ch

Professor Sarah H. Cleveland

Columbia Law School
 New York, NY 10027
 (212) 854-2651
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Professor Dr. Joseph H.H. Weiler

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 New York, NY 10012
 (212) 992-8912
joseph.weiler@nyu.edu

Professor Mark Barenberg

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barenberg@law.columbia.edu

Professor Dr. Mortimer Sellers

University of Baltimore School of Law
 Baltimore, MD 21201
 (410) 837-4650
msellers@ubalt.edu

Professor Dr. David Bilchitz

University of Reading School of Law
 Reading, the UK RG6 6EP
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SUSAN YORKE

2100 Pacific Ave, Alameda, CA 94501 · syorke@law.stanford.edu · (503) 799-2287

ACADEMIC APPOINTMENTS

STANFORD LAW SCHOOL

Thomas C. Grey Fellow and Lecturer in Law

Stanford, CA

2022 – Present

EDUCATION

COLUMBIA LAW SCHOOL

Juris Doctor (J.D.) – May 2011

Honors: Parker Certificate in International and Comparative Law; Harlan Fiske Stone Scholar; Davis Polk & Wardwell Fellow; Human Rights Internship Program
Activities: Articles Editor for the *Human Rights Law Review*; President of Amnesty International; Pro Bono Projects Chair for Criminal Justice Action Network

PRINCETON UNIVERSITY

Master in Public Affairs (M.P.A.) – May 2011

Honors: Arthur Liman Fellow in Public Interest Law

WILLIAMS COLLEGE

Bachelor of Arts (B.A.), Mathematics and English – June 2006

Honors: Honors in English; Williams-Exeter Programme at Oxford; Dean's List
Activities: Equestrian Team, Elementary School Tutor
Thesis: *Morality, Art, and the Development of the Individual in The Picture of Dorian Gray: Placing Oscar Wilde's Only Novel in the Context of His Fairy Tales and Criticism*

TEACHING AND RESEARCH INTERESTS

Primary: Civil Procedure, Criminal Procedure, Federal Courts, Evidence
Secondary: Torts, Professional Responsibility, Constitutional Law, Appellate Advocacy

JUDICIAL CLERKSHIPS

UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT

Judicial Law Clerk to Judge Edward Leavy

Judicial Law Clerk to Judge Susan P. Graber

Portland, OR

2012 – 2013

2011 – 2012

PROFESSIONAL EXPERIENCE

COMPLEX APPELLATE LITIGATION GROUP

Counsel

San Francisco, CA

2018 – 2024

- Handled high-stakes appellate matters for a diverse array of clients in federal and state courts.
- Consulted with outside counsel on appellate briefing and argument strategy.
- Participated in robust amicus practice before the United States Supreme Court.

OREGON DEPARTMENT OF JUSTICE – APPELLATE DIVISION

Portland, OR

Assistant Attorney General

2014 – 2018

- Represented the state in civil, criminal, and post-conviction appellate matters.
- Briefed and argued numerous cases before the Ninth Circuit, Oregon Supreme Court, and Oregon Court of Appeals.
- Provided strategic advice to trial teams in complex cases.
- Served on the state's civil appeal committee, which determined whether to seek appellate review of major adverse decisions.
- Supervised law clerks and edited junior attorneys' written work.

SUPREME COURT OF THE REPUBLIC OF PALAU

Koror, Palau

Court Counsel

2013 – 2014

- Served as general counsel to the judiciary and provided legal and policy advice on domestic and international matters.
- Prepared trial orders and appellate opinions, which often involved resolving novel legal issues.
- Revised the national rules of criminal procedure to address the provision of jury trials.

TEACHING EXPERIENCE

STANFORD LAW SCHOOL

Stanford, CA

Thomas C. Grey Fellow and Lecturer in Law

2022 – Present

- Teach Legal Writing and Federal Litigation as part of the core 1L curriculum.
- Evaluation scores – teacher effectiveness: Fall 2022 (5/5), Spring 2023 (4.9/5), Fall 2023 (4.9/5), Spring 2024 (5/5)

U.C. BERKELEY SCHOOL OF LAW

Berkeley, CA

Ninth Circuit Practicum Teaching Fellow and Lecturer

2020 – 2022

- Supervised teams of students as they briefed and argued *pro bono* cases before the Ninth Circuit.
- Co-taught a companion seminar on appellate practice.
- Evaluation scores – teacher effectiveness: Fall 2020 (7/7), Spring 2021 (7/7), Fall 2021 (7/7), Spring 2022 (7/7)

Practitioner-Advisor

2018 – 2020

- Helped students in appellate advocacy course craft compelling briefs and prepare for argument.

WILLIAMS COLLEGE

Williamstown, MA

Instructor

Winter 2020

- Co-taught a seminar with Oregon Court of Appeal Judge Erin Lagesen on the role of state courts and state constitutions in protecting individual rights.
- Guest speakers included Sixth Circuit Judge Jeffrey Sutton and retired Oregon Supreme Court Justice Rives Kistler.

Instructor

Winter 2016

- Created and taught a seminar on the United States Supreme Court and social change.
- Facilitated discussion, lectured on substantive issues, and helped students develop paper topics.

LEWIS AND CLARK LAW SCHOOL

Portland, OR

Lecturer

2015 – 2017

- Co-taught a seminar on legal writing for judicial clerkships.

SCHOLARSHIP

The Curious Case of the Missing Canons, 77 STAN. L. REV. ____ (2025) (forthcoming) (job talk)
Jury Nullification Instructions as Structural Error, 95 WASH. L. REV. 1441 (2020)
Sex, Drugs, and American Jurisprudence: The Medicalization of Pleasure, 37 VT. L. REV. 47 (2012)

SELECTED OTHER WRITING

Chamber of Commerce v. Bonta: A Temporary Reprieve for California AB 51, NEW YORK LAW JOURNAL (Oct. 28, 2021) (with Samuel Estreicher and Rex Heinke)
Shadow Precedent?, DAILY JOURNAL (Nov. 23, 2020)
The Surprising Humanity of Remote Work, DAILY JOURNAL (Jul. 24, 2020)
Lessons Learned from the Languishing Lace Cases, RECORDER (May 15, 2019)
When Success is Incomplete but Extraordinary: Attorneys' Fees in Ibrahim v. DHS, DAILY JOURNAL (Jan. 28, 2019)
The Unspoken Power of Jury Nullification in the Context of Conflicting State and Federal Law, RECORDER (Nov. 8, 2018)
The Record on Appeal Versus the Internet Age, DAILY JOURNAL (Apr. 23, 2018)
Re-Sentencing for Federal Drug Crimes, in A JAILHOUSE LAWYER'S MANUAL (9th ed. 2011)

PRESENTATIONS AND APPEARANCES

Presenter, West/Thompson Reuters, "US Discovery in International Arbitration and the Supreme Court's Views on Statutory Interpretation" (Nov. 15, 2021)
Presenter, Pincus Ninth Circuit Bootcamp, "Oral Argument" (with Ninth Circuit Judges Callahan and Wardlaw) and "Amicus Briefs" (Nov. 4, 2021)
Moderator, ABA Roundtable, "Arguing Your First Case at the U.S. Supreme Court" (Feb. 23, 2021) (panelists: Brian Goldman, Sarah Harris, Ramzi Kassem, Sanjay Narayan, and David Shapiro)
Presenter, Federal Bar Association and Bar Association of San Francisco, "Mistakes Federal Litigators Make that Ruin Their Chances on Appeal" (May 21, 2019)
Guest, Bloomberg Tax: Talking Tax, "Intel Unit's Tax Appeal: Only One Judge Really Matters" (Oct. 26, 2018)
Guest, Bloomberg Tax: Talking Tax, "Altera's Tax Saga – Is it all Just Foofaraw?" (Oct. 12, 2018)
Judge, Jessup International Moot Court Competition, Pacific Region (Feb. 26, 2016)

COMMUNITY AND PROFESSIONAL SERVICE

Co-editor for the American Bar Association's Appellate Practice Journal (2020 – Present)
 Ninth Circuit Appellate Mentor (2018 – Present)
 Appellate Lawyer Representative to the Ninth Circuit Judicial Conference (2018 – 2022)
 Editorial Board for the Federal Bar Association's magazine, *The Federal Lawyer* (2018 – 2022)
 We The People High School Constitutional Debate Team Coach (2017 – 2021)
 Oregon State Bar Mentor (2017 – 2018)

BAR AND COURT ADMISSIONS

California, Oregon, United States Supreme Court, United States Court of Appeals for the Ninth Circuit

REFERENCES

Norman Spaulding

*Nelson Bowman Sweitzer and
Marie B. Sweitzer Professor of Law*
Stanford Law School
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Shirin Sinnar

*William W. and Gertrude H.
Saunders Professor of Law*
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George Fisher

Judge John Crown Professor of Law
Stanford Law School
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Mila Sohoni

*Professor of Law and John A. Wilson
Distinguished Faculty Scholar*
Stanford Law School
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Richard Re

*Elizabeth D. and Richard A. Merrill
Professor of Law*
University of Virginia School of Law
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Andrzej Rapaczynski

Daniel G. Ross Professor of Law
Columbia Law School
(212) 854-3421
ar5@columbia.edu

PROFESSIONAL REFERENCES

Anna-Rose Mathieson

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Complex Appellate Litigation Group
(415) 649-6700
annarose.mathieson@calg.com

The Honorable Susan P. Graber

Judge
U.S. Court of Appeals for the Ninth Circuit
(503) 833-5360
Judge.Graber@ca9.uscourts.gov

The Honorable Erin Lagesen

Judge
Oregon Court of Appeals
(503) 986-5430
Erin.C.Lagesen@ojd.state.or.us

Benjamin Gutman

Solicitor General of Oregon
Oregon Department of Justice
(503) 378-4402
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EZRA ISHMAEL YOUNG

210 North Sunset Drive, Ithaca, New York 14850
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ACADEMIC APPOINTMENTS

Cornell Law School, Ithaca, New York
Visiting Assistant Professor of Law, July 2021 to June 2023

Columbia Law School, New York, New York
Postdoctoral Scholar, 2012 to 2014
Research Director, Center for Intersectionality and Social Policy Studies, 2012 to 2014

COURSES TAUGHT

Constitutional Law
Constitutional Law for LLMs
Transgender People and the Law
Critical Race Theory

COURSES OF INTEREST

Federal Courts
Civil Procedure
Remedies
Equal Protection

EDUCATION

Columbia Law School, New York, New York
J.D., May 2012

Honors: Research Assistant to Kimberlé Crenshaw; Research Assistant to Carol Sanger;
Research Assistant to Philip K. Howard
Journals: Executive Managing Editor, COLUM. J. GENDER & L.; Online & Consulting Editor,
COLUM. J. RACE & L.
Activities: Harlan Fiske Stone Moot Court; Latino/a Law Student Association; Law Students for
Reproductive Justice; National Native American Law Student Association Moot
Court

Cornell University, Ithaca, New York
B.A., Philosophy, January 2009

Honors: Tallman Prize; Dean's List
Activities: MENTALITY; LGBT Resource Center; Gannett Health Services transgender liaison;
Teatrotaller

OTHER PROFESSIONAL EXPERIENCE

Law Office of Ezra Young, Ithaca, New York
Principal, 2017 to present

Transgender Legal Defense and Education Fund, New York, New York
Director of Impact Litigation, 2017
Staff Attorney, 2016

Law Office of Jillian T. Weiss, P.C., New York, New York
Associate, 2014 to 2016

African American Policy Forum, New York, New York
Legal Director, 2013 to 2014
Associate Director, 2011 to 2013

Oxford University Press, New York, New York
Law Intern, International Law Division, Summer 2011

Immigrant Legal Resource Center, San Francisco, California
Law Clerk, Summer 2010

PUBLICATIONS AND WORKS IN PROGRESS

Law Reviews

Trans Healthcare Myths (In Progress)

Equity Beyond the English Chancellor (In Progress)

Transgender Originalism (In Progress)

*The Chancellors Are Alright:
Nationwide Injunctions and an Abstention Doctrine to Salve What Ails Us*,
69 CLEV. ST. L. REV. 859 (2021)

*What the Supreme Court Could Have Heard in
R.G. & G.R. Harris Funeral Homes v. EEOC and Aimee Stephens*,
11 CAL. L. REV. ONLINE 9 (2020)

Books and Book Chapters

THE RACE TRACK: UNDERSTANDING & CHALLENGING STRUCTURAL RACISM
(with Kimberlé Crenshaw, Luke Charles Harris, and George Lipsitz) (forthcoming New Press 2025)

Demarginalizing Trans Rights, in
DEPLOYING INTERSECTIONALITY: LEGAL, INTELLECTUAL, AND ACTIVIST INTERVENTIONS
(Kimberlé Crenshaw et al. eds., New Press forthcoming 2025)

Legal Issues, in TRANS BODIES, TRANS SELVES VOL. 2
(Oxford Univ. Press 2022)
(with Sasha Buchert)

Transgender Politics—The Civil Rights of Transgender Persons, in
HELPING TRANSGENDER AND GENDER-NONCONFORMING PERSONS:
A HANDBOOK FOR SERVICE PROVIDERS, EDUCATORS, AND FAMILIES
(Alfred F. Carlozzi & Kurt T. Choate eds., Routledge 2018)
(with Alyssa Bryant)

Peer Reviewed

When the Political is Professional:
Civil Disobedience for Public Psychology
AMERICAN PSYCHOLOGIST (2021)
(with Anthony W.P. Flynn, Sergio Domínguez, Jr., Rachel L. Dreyer, and Ree Ae S. Jordan)

The Affordable Care Act and Its Impact on Plastic and Gender-affirmation Surgery,
147 PLASTIC & RECONSTRUCTIVE SURGERY 135e (2021)
(with Aaron L. Wiegmann, Kellan E. Baker, Syed I. Khalid, Deana S. Shenaq, Amir H. Dorafshar, and
Loren S. Schechter)

Limited Coverage of Gender Affirming Breast and Chest Reconstruction in
Insurance CPT® Coding Criteria,
146 PLASTIC & RECONSTRUCTIVE SURGERY 238e (2020)
(with Gaines Blasdel, Ian T. Nolan, Alexander B. Harris, and Alexes Hazen)

Other Academic

CRT Tells it on the Mountain
JOTWELL, Mar. 29, 2023

Trumpism and Critical Contract Theory
JOTWELL, Dec. 6, 2021

Bostock is a Textualist Triumph
JURIST, June 25, 2020

Reports and Comments

Comments of the Jim Collins Foundation
Re: Request for Comment “Nondiscrimination in Health and Health Education Programs or Activities”
(RIN 0945-AA11), August 13, 2019

What Can We Expect from this Administration in Regard to LGBTQ+ Rights?, in
SOCIAL JUSTICE SOS: 16 SOCIAL JUSTICE LEADERS RESPOND TO THE 2016 ELECTION
(African American Policy Forum & Center for Intersectionality and Social Policy Studies 2017)

Popular Media

They're Trans, They're Hispanic, and They've Changed this World
THE ADVOCATE, September 22, 2014

What's Missing From Recent Trans Marriage Victory Celebrations
THE ADVOCATE, August 22, 2014

What the Recent Transsexual Marriage Victory Celebrations Miss
ORIGINAL PLUMBING, August 19, 2014

AWARDS

National Bar Association, LGBTQ Division's Luminary Award—Leadership (2024)
Columbia Law School Outlaws Rising Star Award (2024)
Fordham Law School Outlaws Trailblazer Award (2022)

SERVICE

Referee

YALE LAW JOURNAL
HARVARD LAW REVIEW
COLUMBIA LAW REVIEW

Supervision of Master's Thesis

Hoy Ching Kong, *Cybertipping and the Fourth Amendment Right; Who Should Bear the Burden of Combating Online Child Pornography*, Cornell Law School, May 2022

African American Policy Forum

Board Secretary, 2023 to present
Board Member, 2021 to present

Jim Collins Foundation

Vice President of the Board, 2020 to present
Board Member, 2018 to present

National Trans Bar Association

Co-Chair of the Board, 2018
Founding Board Member, 2016 to 2018

New York State Trans Health Advocacy Working Group

Member, 2020 to present

Philadelphia Trans Wellness Conference

Trans-Masculine Working Group, 2016 to 2018
Activism and Advocacy Working Group, 2015
Trans-Masculine Working Group, 2015
Ad Hoc Working Group, 2014

New York City Bar Association

Member, Lesbian, Gay, Bisexual, and Transgender Rights Committee, 2017 to 2018

Health Care For All New York

Member, LGBT Task Force, 2015 to 2017

Member, Transgender Health Insurance Compliance Working Group, 2015 to 2017

Fight Racism Now!

Member, U.S. Working Group, 2014

Special Issue on Intersectionality, DU BOIS REVIEW (Fall 2013)

Editorial Assistant serving under Professors Kimberlé Crenshaw, Devon Carbado, Vickie Mays, and Barbara Tomlinson

PODCASTS

Indivisible: Why Race, Gender, and LGBTQIA+ Justice Cannot Be Separated (with Prof. Kimberlé Crenshaw)

UNDER THE BLACKLIGHT

June 1, 2022

Because of Sex (with Prof. Jessica Clarke)

HOSTILE WITNESS

June 24, 2020

Ezra Young on Supreme Court LGBT Ruling

COUNTERSPIN

June 19, 2020

Ezra Young on Litigating Trans Rights

IPSE DIXIT

March 11, 2020

SELECT PRESENTATIONS

Talking About Race in Courses on Gender, Sexuality, & Law

(with Profs. Michael Boucai, Mary Anne Case, Russell Robinson, and Darren Rosenblum)

Panel, National LGBT Bar Association Lavender Law Conference

Chicago, Illinois, July 26, 2023

Protections for LGBT People Following *Bostock v. Clayton County* (with Prof. Tobias Wolff)

Guest Lecture, University of Pennsylvania Carey Law School

Philadelphia, Pennsylvania, April 3, 2023

Perceptions and Misperceptions About Donald Trump (with Prof. Mohamed Arafa)

Commentator, Global Constitutionalism Summit, University of Texas at Austin

Austin, Texas, March 18, 2023

Teaching Constitutional Law from a Critical Race Theory Perspective

Lecture, Faculty Colloquium, Cornell Law School

Ithaca, New York, February 20, 2023

Transgender Originalism

Lecture, Faculty Colloquium, Texas Tech Law School
Lubbock, Texas, November 30, 2022

Transgender Originalism

Lecture, Faculty Colloquium, UCLA School of Law
Los Angeles, California, November 28, 2022

Transgender Originalism

Lecture, Faculty Colloquium, Rutgers Law School
Newark, New Jersey, November 10, 2022

Nationwide Injunctions

(with Prof. Michael Morely)
Discussant, Cornell Law Federalist Society
Ithaca, New York, November 8, 2022 [remote]

Connecting Attacks on CRT and Anti-LGBT Laws

(with Prof. Chantal Thomas)
Guest Lecture, Cornell Law School
Ithaca, New York, November 4, 2022

Transgender Originalism

Lecture, Faculty Colloquium, Cardozo Law School
New York, New York, November 2, 2022

Transgender Originalism

Lecture, Faculty Colloquium, Rutgers Law School
Camden, New Jersey, October 10, 2022

What a Latinx Attorney Looks Like

Panel, National LGBT Bar Association Lavender Law Conference
Los Angeles, California, July 28, 2022

The Intersection of Sex and Disability Discrimination (CLE)

(with Prof. Kevin Barry)
Panel, Philadelphia Trans Wellness Conference
Philadelphia, Pennsylvania, July 22, 2022 [remote]

Intersectionality Travels Across Borders

(with Prof. Kimberlé Crenshaw)
Panel, African American Policy Forum's Critical Race Theory Summer School
New York, New York, July 21, 2022 [remote]

Transgender Originalism

(with Prof. Craig Konnoth)
Guest Lecture, University of Virginia School of Law
Charlottesville, Virginia, April 22, 2022 [remote]

The Evolution and Resistance to LGBTQ Rights

Guest Lecture, University of Kentucky Law School
Lexington, Kentucky, April 12, 2022 [remote]

Transgender Originalism

(with Prof. Mary Anne Case as commentator)
Lecture, LGBT Rights Roundtable, Vanderbilt University School of Law
Nashville, Tennessee, April 8, 2022

Symposium: Fiftieth Anniversary of Title IX

Discussant, University of Virginia School of Law
Charlottesville, Virginia, April 1, 2022 [remote]

Transgender Originalism

Lecture, Rutgers Law School Faculty Colloquium
Newark, New Jersey, March 28, 2022 [remote]

Reconsidering the RBG & HHK Sex-Based Discrimination Casebook

Discussant, Birnbaum Women's Leadership Network, NYU Law School
New York, New York, February 4, 2022 [remote]

Legal Protections for Transgender and Nonbinary Workers Under Title VII and the Pregnancy Discrimination Act

(with Prof. Nancy Marcus)
Lecture, California Western School of Law
San Diego, California, January 28, 2022 [remote]

Fragility of LGBTQ+ Rights in the Post-Kennedy Era

(with Profs. Larry Levine, Catherine Smith, and Kyle Velte)
Panel, Association of American Law Schools Annual Meeting
January 6, 2022 [remote]

Tudor v. Southeastern Oklahoma State University:

Trial, Verdict, Appeal and Reversal:

Analysis of the Tenth Circuit's Holding on

Reinstatement and Front Pay from Plaintiff's Counsel (CLE)

Lecture, Oklahoma Bar Association and Oklahoma Employment Lawyer's Association
Oklahoma City, Oklahoma, December 3, 2021 [remote]

Transgender Rights at the Intersection of Sex and Disability Discrimination

(with Prof. Deborah Dinner)
Guest Lecture, Cornell Law School
Ithaca, New York, November 17, 2021

Trans Remembrance Vigil & Celebration of Life

Remarks, Texas Tech University
Lubbock, Texas, November 11, 2021

Genitals that Matter

Lecture, Texas Tech Law School
Lubbock, Texas, November 11, 2021

Genitals that Matter

Lecture, UNIV. OF CHICAGO LEGAL FORUM Symposium
Chicago, Illinois, November 5, 2021 [remote]

Nationwide Injunctions

(with Prof. Riley Keenan)
Guest Lecture, Cornell Law School
Ithaca, New York, November 1, 2021

Trans Justice

(with Profs. Alison Gash and Libby Sharrow)
Panelist, American Political Science Association Annual Meeting
Seattle Washington, October 1, 2021 [remote]

Trans* Forming the Future:

50 Years of Feminist and LGBT Studies at Cornell University

Discussant, Cornell University
Ithaca, New York, September 16, 2021

Originalism and the “Bloody Shirt of *Brown*” (CLE)

Lecture, African American Policy Forum’s Critical Race Theory Summer School
New York, New York, August 14, 2021 [remote]

Attacks on CRT in 2021 (CLE)

Lecture, African American Policy Forum’s Critical Race Theory Summer School
New York, New York, August 13, 2021 [remote]

Radical Solutions to Racial Harms Past and Present (CLE)

Lecture, African American Policy Forum’s Critical Race Theory Summer School
New York, New York, August 11, 2021 [remote]

Talking Back (CLE)

Lecture, African American Policy Forum’s Critical Race Theory Summer School
New York, New York, August 10, 2021 [remote]

LGBTQ+ Rights in the Post-Kennedy Era (CLE)

(with Profs. Larry Levine, Catherine Smith, and Kyle Velte)
Panel, National LGBT Bar Association Lavender Law Conference
July 2021 [remote]

Bridging the Gap in LGBTQ+ Rights Litigation:

A Community Discussion on Bisexual Visibility in the Law (CLE)

Panel, National LGBT Bar Association Lavender Law Conference
July 2021 [remote]

Stopping the Backslide: States’ Attacks on Trans Rights

Discussant, Bloomberg
New York, New York. June 25, 2021 [remote]

Trans Legal Theory

(with Profs. Paisley Currah and Ido Katri)
Panel, Law and Society Annual Meeting
May 2021 [remote]

Navigating Conservative Courts and Rhetoric

Panel, Fordham University School of Law
Road to Rebuilding: The Equality Act and LGBTQI Rights
Under the Biden-Harris Administration Symposium
New York, New York, March 26, 2021 [remote]

The Power and Limits of Transgender Inclusive Textualism After *Bostock*

Keynote, New Jersey Bar Association's LGBT Rights Section Annual Update
Trenton, New Jersey, March 20, 2021 [remote]

Transgender Originalism (with Prof. Brenda Cossman)

Paper Workshop, University of Toronto Faculty of Law
Toronto, Ontario, Canada, March 11, 2021 [remote]

Sex Discrimination in the Workplace

Panel, University of Virginia School of Law, Shaping Justice Conference
Charlottesville, Virginia, February 20, 2021 [remote]

The Chancellors Are Alright

Lecture, Cornell Law School Faculty Colloquium
Ithaca, New York, January 29, 2021 [remote]

Implications of the Supreme Court Decisions in the 2020 Title VII Trilogy:

Harris Funeral Homes v. EEOC, *Altitude Express, Inc. v. Zarda*, *Bostock v. Clayton County, Georgia*

(with Profs. Jessica Clarke, Craig Konnoth, and Katie Eyer)
Panel, Association of American Law Schools Annual Meeting
January 9, 2021 [remote]

The Power and Limits of Transgender Inclusive Textualism

Lecture, Temple School of Law Faculty Colloquium
December 1, 2020 [remote]

SCOTUS and LGBTQ Rights in 2020

(with Profs. David Lopez, Katie Eyer, and Carlos Ball)
Panel, Rutgers Law School
Newark, New Jersey, November 20, 2020 [remote]

Emerging Issues in Transgender Rights (with Prof. Russell Robinson)

Guest Lecture, UC Berkeley School of Law
Berkeley, California, November 9, 2020 [remote]

Bolstering Trans Youth Resilience and Wellbeing:

Identifying Successful Strategies and Future Directions

Panel, World Professional Association for Transgender Health 26th Annual Scientific Symposium
November 8, 2020 [remote]

Navigating the Legal Profession with Queer Identities

Panel, Idaho Law School
Moscow, Idaho, October 21, 2020 [remote]

Transgender Employment Discrimination

Panel, Atlanta's John Marshall Law School
Atlanta, Georgia, October 21, 2020 [remote]

What's Left for Transgender Rights after *Harris Funeral Homes v. EEOC* (CLE)

(with Prof. Jennifer Levi)
Panel, National LGBT Bar Association Lavender Law Conference
Washington, D.C., August 2020 [remote]

Visibilizing Bisexuals in LGBTQIA+ Discourse and Communities (CLE)

Panel, National LGBT Bar Association Lavender Law Conference
Washington, D.C., August 2020 [remote]

What the Supreme Court Could Have Said in *McGirt v. Oklahoma* (CLE)

Lecture, African American Policy Forum Summer School: Critical Race Theory & Intersectionality
New York, New York, July 30, 2020 [remote]

Centering the Margins: Advocacy in the Age of Trump (CLE)

Lecture, African American Policy Forum Summer School: Critical Race Theory & Intersectionality
New York, New York, July 29, 2020 [remote]

Intersectional and Black Feminist Contestations of Power (CLE)

(with Profs. Kimberlé Crenshaw, Devon Carbado, Russell Robinson, and Priscilla Ocen)
Plenary Panel, African American Policy Forum Summer School: Critical Race Theory & Intersectionality
New York, New York, July 29, 2020 [remote]

Remedying Discriminatory Tenure Denials as a Means to Decolonize Legal Education (CLE)

Lecture, African American Policy Forum Summer School: Critical Race Theory & Intersectionality
New York, New York, July 28, 2020 [remote]

Talking Back (CLE)

Lecture, African American Policy Forum Summer School: Critical Race Theory & Intersectionality
New York, New York, July 27, 2020 [remote]

Title VII

(with Prof. Kyle Velte)
Guest Lecture, University of Kansas School of Law
Lawrence, Kansas, July 13, 2020 [remote]

The Supreme Court *Bostock* Trilogy: The LGBTQ Textualist Revolution

(with Profs. David Lopez, Katie Eyer, and Carlos Ball)
Panel, Rutgers Law School
Newark, New Jersey, July 8, 2020 [remote]

Progress or Regress? Confronting Barriers to Transgender Equality

Panel, Columbia Law School
New York, New York, February 25, 2020

Demarginalizing Trans Rights

(with Prof. Kimberlé Crenshaw)

Guest Lecture, UCLA School of Law

Los Angeles, California, April 17, 2019 [remote]

LGBT v. Religious Freedom (CLE)

(with Profs. Kyle Velte, Jeffrey Jackson, and L. Ali Kahn)

Panel, Kansas and Western Missouri Chapter of the Federal Bar Association

Kansas City, Kansas, February 15, 2019

Gender and LGBT Rights

Workshop, CUNY Law School

New York, New York, January 25, 2019

Mythbusting Intersectionality

(with Profs. Kimberlé Crenshaw, Daniel HoSang, and Barbara Tomlinson)

Panel, Columbia Law School

New York, New York, January 24, 2019

“Because of Sex”: Evolutions of Gender-Based Legal Protections in U.S. Law

Lecture, Vassar College

Poughkeepsie, New York, November 12, 2018

Intersectionality at 30

(with Profs. Kimberlé Crenshaw, Devon Carbado, Daniel HoSang, and Tricia Rose)

Plenary Panel, American Studies Association Annual Conference

Atlanta, Georgia, November 10, 2018

Problematizing Trans Exceptionalism

Guest Lecture, Columbia Law School

New York, New York, October 25, 2018

Using the Courts to Achieve Equality for Trans Folks: A Year in Review (CLE)

Panel, National LGBT Bar Association Lavender Law Conference

New York, New York, August 10, 2018

Demarginalizing Trans Rights

(with Prof. Kimberlé Crenshaw)

Guest Lecture, Intersectionalities Workshop, Columbia Law School

New York, New York, October 10, 2017

Race, Gender and the Law Seminar

(with Prof. Priscilla Ocen)

Guest Lecture, Loyola Law School, Los Angeles

Los Angeles, California, April 3, 2017 [remote]

**Laws that Disproportionately Affect Members of the LGBTQ+ Community
and Compound Discrimination at the Intersection**

Panel, Cardozo Law School

New York, New York, April 3, 2017

Healthcare Access, Disability Rights, and Olmstead Advocacy

(with Prof. Elizabeth Weeks Leonard)

Panel, 12th Annual Working in the Public Interest Law Conference,
University of Georgia School of Law
Athens, Georgia, February 25, 2017

The Law in Transition: Transgender Rights (CLE)

Panel, Minnesota Chapter of the Federal Bar Association
Minneapolis, Minnesota, February 8, 2017

**#SocialJusticeSOS What We Need to Know About What Happened,
What's Coming and Why We Must Join Together Against Hate**

(with Profs. Kimberlé Crenshaw, Mary Frances Berry, Devon Carbado,
Sumi Cho, Zillah Eisenstein, Robin Kelly, and Hiroshi Motomura)
Panel, African American Policy Forum
New York, New York, November 11, 2016

Demarginalizing Trans Rights

(with Prof. Mary Anne Case)

Guest Lecture, University of Chicago Law School
Chicago, Illinois, November 9, 2016

Transgender Healthcare

(with Prof. Craig Konnoth)

Guest Lecture, NYU School of Medicine
New York, New York, September 14, 2016

Opening Access to Transition Related Healthcare (CLE)

Panel, National LGBT Bar Association Lavender Law Conference
Washington, D.C., August 4, 2016

Demarginalizing Trans Rights

Presentation, African American Policy Forum's Social Justice Writers' Retreat
Negril, Jamaica, July 1, 2016

**The Affordable Care Act, Section 1557, and Transgender People's Right to
Non-Discrimination in Health Care (CLE)**

Panel, Philadelphia Trans Health Conference
Philadelphia, Pennsylvania, June 10, 2016

Salon on Transgender Rights (with Prof. Arthur Leonard)

Presentation, New York Law School
New York, New York, September 29, 2015

Representing the Transgender Client (CLE) (with Prof. Jennifer Levi)

Panel, Representing LGBT Clients After *Obergefell*, New York State Bar Association
New York, New York, September 11, 2015

Transgender Health Care Exclusions, Present and Future (CLE)

Panel, National LGBT Bar Association Lavender Law Conference
Chicago, Illinois, August 5, 2015

Beyond the Affordable Care Act: Using Litigation and Legal Advocacy as Strategies to Advance Transgender Health Access (CLE)

Panel, 2015 National Transgender Health Summit,
Center of Excellence for Transgender Health at University of California at San Francisco
San Francisco, California, April 18, 2015

Trans* Health Care Advocacy

Panel, Columbia Law School
New York, New York, April 2, 2015

Hobby Lobby's Impact on Trans Health Care Accessibility

Panel, Brooklyn Law School
Brooklyn, New York, October 30, 2014

Hobby Lobby's Impact on Trans Health Care Accessibility

Panel, Cardozo Law School
New York, New York, September 15, 2014

BAR ADMISSIONS

Admitted to Practice in the Chickasaw Nation, New York State, the U.S. District Court for the Southern District of New York, the U.S. Court of Appeals for the Fifth Circuit, and the U.S. Court of Appeals for the Tenth Circuit.

SELECT LITIGATION

Equal Protection

Griffith v. El Paso County, Colorado et al., 23-1135 (10th Cir.). Co-author and signatory of amici brief filed on behalf of legal scholars of sex and gender in transgender woman pretrial detainee's case challenging sexual harassment and abuse in county prison. The core issue on appeal is what degree of judicial scrutiny should be applied to transgender persons' equal protection challenges to gender classifications along with harassment and abuse. Amici contend intermediate scrutiny applies. This case is pending at the Tenth Circuit.

Kadel v. Folwell, 100 F.4th 122 (4th Cir. 2024). Joined brief amici curiae of Constitutional law professors in support of state employees and Medicaid recipients arguing that trans healthcare bans constitute facial sex discrimination and that *Geduldig v. Aiello* (1974) does not preclude such holding. Our position was ultimately adopted by the Fourth Circuit sitting en banc.

Election Law

Yang et al. v. New York State Bd. of Elections et al., 960 F.3d 119 (2d Cir. 2020). Author of amici brief filed in May 2020 on behalf of 266 registered New York State democratic voters submitted in emergency action challenging New York State Board of Election's decision to cancel the 2020 Democratic Primary. Brief elevated voters' diverse reasons for desiring that the Primary be held. The Second Circuit ultimately sided with the voters.

Full Faith and Credit

Marnie Gracey v. Marwan Albawardi et al., 2024-0394-LWW (Del. Ch.). Lead counsel for private individual objecting to premature enforcement of foreign trial court judgment in Delaware pending appeal of merits case in the Kansas Court of Appeals on the grounds that Full Faith and Credit is not due. Litigation is ongoing.

Nationwide Injunctions

Texas et al. v. United States et al., 7:16-cv-00054-O (N.D. Tex.), 16-11534 (5th Cir.). Lead counsel for Dr. Rachel Tudor, in novel attack on nationwide transgender bathroom injunction brought by fifteen state and local entities against the federal government. Tudor's Oklahoma Title VII case was stayed by injunction, so Tudor went to Fifth Circuit requesting intervention on appeal so that she could defend her right to redress sex discrimination and retaliation as a transgender person under Title VII. In March 2017, the State Plaintiffs agreed to drop their lawsuit, dissolving the bathroom injunction, and allowing Tudor to return to prosecute her case in Oklahoma.

Tenure Denial

Cheryl Butler v. Southern Methodist University et al., 24-0616 (SCOTX), 23-10072 (5th Cir.), 3:18-cv-37 (N.D. Tex.). Discrimination case challenging tenure denial and defamation. Brought on to handle opposition to summary judgment and other equitable motion practice at trial court. Continued on as sole counsel for appeal to the Fifth Circuit which held oral argument in February 2024. In August 2024, the Fifth Circuit granted my suggestion and certified a question of Texas law to the Supreme Court of Texas, which was accepted. Oral argument in the Supreme Court of Texas to be held on October 31, 2024.

United States and Rachel Tudor v. Se. Okla. State Univ. and Reg'l Univ. of Okla., 13 F.4th 1019 (10th Cir. 2021), 5:15-cv-324 (W.D. Okla.). Title VII sex discrimination and retaliation case seeking to remedy wrongful denial of tenure and termination of transgender female professor. Lead author of response briefs that successfully survived motion to dismiss (2015 WL 4606079), summary judgment (2017 WL 4849118), and JNOV/New Trial. Served as lead counsel at trial, securing first of its kind jury in November 2017. Lead author of appellate briefs and motions, securing reinstatement with tenure on appeal (13 F.4th 1019).

Attorneys' Fees

Tudor v. Galindo et al., 5:22-cv-480 (W.D. Okla.). Dispute seeking legal and equitable relief for pay of attorneys' due to counsel in original Title VII enforcement suit. We oppose former client's bid to bring interpleader action purporting to force all counsel to split artificially small "fund" established by settling around attorney interests contrary to Oklahoma law. Separately, former counsel bring suit against former client, her new personal attorney, and the State of Oklahoma for settling around our interests. Motions seeking a finding that former client brought interpleader with unclean hands requiring its dismissal are pending.

Family Law

Marwan Albawardi v. Marnie Gracey, 127,422 (Kan. Ct. App.). Lead counsel on appeal challenging finding that client who twice divorced his spouse entered into a common law marriage upon stepping on Kansas nearly soil a decade after the fact.

Education Discrimination

Dep't of Ed. V. State of Louisiana, Nos. 24A78 and 24A79 (U.S.). Joined Brief of Statutory Interpretation and Equality Law Scholars as amici curiae in support of applications for partial stays of injunctions. We argue that Title IX's proscription of sex discrimination protects gay and trans students.

Gloucester Cnty. Sch. Bd. v. G.G., By His Next Friend and Mother, Deidre Grimm, No. 16-273 (U.S.). Author of *amici* brief filed on behalf of 101 Transgender Americans in support of Gavin Grimm's right to use boy's restroom at his public high school in Virginia. Brief, a collaborative project between Transgender Legal Defense and Education Fund and Cleary Gottlieb Steen & Hamilton LLP, presented legal analysis explaining how Title IX secures identity-based access to segregated restrooms in public schools as well as presented anecdotes from transgender Americans that highlight the import of those protections.

Healthcare Discrimination

Darin B. v. OPM, 2017 WL 1103712 (EEOC). Title VII and Rehabilitation Act discrimination case seeking to remedy wrongful denial of chest reconstruction surgery sought by transgender man as treatment for gender dysphoria. Published March 2017 Commission decision found for first time that transition related health care discrimination violates Title VII's sex discrimination proscription and *may* constitute disability discrimination in violation of Rehabilitation Act.

Lauderdale v. United Healthcare, 2016 WL 1470038 (HHS). Medicare appeal seeking coverage of vaginal reconstruction surgery for intersex, transgender veteran with multiple disabilities. Secured first of its kind published decision from Medicare Appeals Council ordering Medicare Advantage plan to cover vaginal reconstruction surgery in January 2016.

Tovar v. Essentia Health et al., 857 F.3d 771 (8th Cir. 2017). Lead author of *amici* brief filed in October 2016 on behalf of Transgender Legal Defense and Education Fund, World Professional Association for Transgender Health, and Whitman Walker Health. Brief supported mother of transgender child challenging denial of transition health care under her employer provided health plan. Brief elevated issues of liability under Title VII, the Minnesota Human Rights Act, and the Affordable Care Act. The Eighth Circuit ultimately adopted positions proposed by the brief in a published opinion. Case settled out of court.

Rumble v. Fairview Health Servs. et al., 14-cv-2037 (D. Minn.). Lead author of *amicus* brief filed in December 2016 on behalf of Transgender Legal Defense and Education Fund. Brief supported transgender man seeking to redress heinous discrimination endured in private hospital setting. Brief provided comprehensive analysis of liability under the Affordable Care Act and the Minnesota Human Rights Act as well as presented analysis of prevalence of transgender health setting discrimination. The Eighth Circuit adopted *amici*'s position on the liability of third-party beneficiaries (857 F.3d 771). Case settled out of court.

Employment Discrimination

Allegra Schawe-Lane and Dane Lane v. Amazon.com.KYDC LLC, 2:17-cv-134 (E.D. Ky.). Title VII, ADA, and state analogue claims brought by transgender woman and nontransgender husband seeking to remedy harassment, discrimination, retaliation, and constructive discharge in Amazon fulfillment facilities in Kentucky. Served as lead counsel at EEOC charge stage and secured cause findings against Amazon. In January 2019, case was amicably settled.

EEOC and Brittany Austin v. Deluxe Fin. Servs, 0:15-cv-02646 (D. Minn.). Title VII and ADA case seeking to remedy hostile work environment, sex discrimination, and retaliation endured by transgender woman in Arizona call center. Co-litigated case with EEOC, ultimately securing consent decree and \$115,000 settlement in January 2016.

Chavez v. Credit Nation Auto Sales, LLC, 641 Fed.Appx. 883 (11th Cir. 2016). Title VII sex discrimination case seeking to remedy wrongful termination of transgender woman. Served as second chair on case on appeal and co-authored merits and reply briefs, ultimately securing reversal of summary judgment. Case later settled out of court.

EEOC v. Lakeland Eye Center, 8:14-cv-2421 (M.D. Fla.). Title VII case seeking to remedy wrongful termination of transgender woman. Co-litigated case with EEOC, ultimately securing consent decree and \$150,000 settlement in April 2015.

Jamal v. Saks & Company, 4:14-cv-02782 (S.D. Tex.). Title VII case seeking to remedy harassment and wrongful termination of transgender woman. Lead drafter of opposition to motion to dismiss for failure to state a claim that resulted in defendant withdrawing its motion. In March 2015, case was amicably settled.

REFERENCES

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ACADEMIC APPOINTMENTS

Columbia Law School, Academic Fellow and Lecturer in Law, 2023 – Present

Pomona College, Visiting Assistant Professor of Philosophy, 2019 – 2020

Claremont McKenna College, Visiting Assistant Professor of Philosophy, 2016 – 2019

EDUCATION

Yale Law School, J.D., 2023

Activities: Editor, Yale Law Journal

Editor-In-Chief, Yale Journal of Law and the Humanities

Awards: Felix S. Cohen Prize (*for best paper in legal philosophy*) (awarded in 2021, 2022, and 2023)

UCLA, Ph.D. in Philosophy, 2016

Awards: Carnap Prize (*for best graduate paper in philosophy*)

Honors: Collegium of University Teaching Fellows (*for excellence in teaching & research*)

Fellowships: Mellon Fellowship in Humanistic Studies; UCLA Graduate Research Fellowship

Brandeis University, B.A. in History and Philosophy, *summa cum laude*, 2009

Awards: Faculty Prize for Best Undergraduate Philosophy Major

Honors: Phi Beta Kappa; Departmental Highest Honors

TEACHING & RESEARCH INTERESTS

Criminal Law; Torts; Evidence; Professional Responsibility & Legal Ethics; Private Law Theory;
Jurisprudence (Analytic and Normative); Bioethics; Law & Cognitive Science

PUBLICATIONS

Fitting the Model Penal Code Into a Reasons-Responsiveness Picture of Subjective Culpability, 131 YALE LAW JOURNAL 1346 (2022)

Designing an Americans With Abilities Act: Consciousness, Capabilities, and Civil Rights, 63 BOSTON COLLEGE LAW REVIEW 1729 (2022) (co-authored)

Epistemic Freedom Revisited, 197 SYNTHESIS 793 (2020)

Agency, Akrasia, and the Normative Environment, 5 JOURNAL OF THE AMERICAN PHILOSOPHICAL ASSOCIATION 321 (2019)

Evidence and Self-Fulfilling Belief, 56 AMERICAN PHILOSOPHICAL QUARTERLY 319 (2019)

FORTHCOMING ARTICLES AND SELECTED WORKS IN PROGRESS

Rethinking the Role of Intentional Wrongdoing in Criminal Law

113 CALIFORNIA LAW REVIEW ____ (forthcoming 2025) (Job Market Paper) ([SSRN Link](#))

It is a foundational assumption of the traditional mens rea hierarchy that a defendant who causes some harm intentionally ought to be subject to more liability than a defendant who causes the same harm unintentionally through recklessness or negligence. This Article questions the soundness of that assumption. It identifies and articulates an especially important set of ‘avoidance-commitments’ which are manifested in the case of reluctant purposeful agents but absent in the case of callous agents, and which speak in favor of diminished liability for many purposeful agents relative to their reckless or negligent counterparts. In so arguing, the Article highlights how the criminal law’s current mens rea hierarchy, while seemingly ideologically neutral, in fact evinces a commitment on the part of the state toward punishing more severely those who commit purposeful crimes of desperation, while excusing those in positions of wealth or power who commit non-intentional crimes of convenience, while unwilling or unmotivated to seek out or take easily available options to avoid wronging their victims.

Rights, Reasons, and Culpability in Tort Law and Criminal Law, RIGHTS IN CRIMINAL LAW (Philipp-Alexander Hirsch & Elias Moser eds.) (forthcoming 2025) ([SSRN Link](#))

This Article considers how a mens rea regime growing out of principles of corrective or restorative justice, taken by many theorists to underly tort law, differs from the kind of mens rea regimes which arise in a system of criminal law grounded in more traditional retributivist, expressivist, or deterrence-based principles. Recent scholarly proposals to import restorative and corrective justice approaches to criminal law are often motivated by the view that, by eschewing punitive punishments, such approaches are less harmful toward defendants. This Article argues, in contrast, that a more traditional “offender-centric” criminal law focused on the degree of blameworthiness of the defendant actually affords less culpable defendants more protection than would a victim-centric criminal law, modeled after tort law and grounded in principles of corrective or restorative justice.

Attempt Liability, invited submission for CORE CONCEPTS IN CRIMINAL LAW AND CRIMINAL JUSTICE (Antony Duff and Kai Ambos eds.) (co-authored)

This Article explores the foundational principles and concepts that underly the different approaches to attempt doctrine in Anglo-American and German criminal law. The Article’s central thesis is that the scope of attempt liability is most fruitfully understood as a society’s effort to balance competing commitments to two normative principles: the rejection of moral luck on the one hand, and the right to mental autonomy underlying thought crime prohibitions on the other. Differences between Anglo-American and German law with respect to the degree of punishment, the line between act and preparation, and the mens rea requirements for attempt liability are a function of the different weights each society respectively places on these two competing normative principles.

Judicial Disagreement and The Role of Higher-Order Evidence in Legal Reasoning, invited submission for forthcoming symposium issue of YALE JOURNAL OF LAW AND THE HUMANITIES

This Article harnesses an important distinction in social epistemology between “lower-order” evidence and “higher-order” evidence to push back against recent arguments by Eric Posner, Adrian Vermeule, William Baude, and Ryan Doerfler for the thesis that judges on multi-member tribunals have an

obligation to defer to the opinions of their colleagues when deciding a case. The Article argues (a) that a strong epistemic case can be made that, in contexts like that of a judicial tribunal, where justices have access to the underlying reasoning behind the judgments of those who disagree with them, it is rationally appropriate to ignore higher-order evidence consisting in the fact of disagreement and (b) that even if higher order evidence *did* provide epistemic reasons to defer, judges would still have distinctively legal obligations to ignore such higher-order evidence when deciding a case, grounded in the difference between the nature of legal reasons and epistemic reasons. One upshot of my position is that insofar as it is ever appropriate for a judge to take judicial disagreement into account, it is in their choice of initial interpretive methodology, rather than in the methodology's application to a particular case. This provides some rational pressure for judges to reason as methodological pluralists, regardless of what they personally think about the first-order merits of any interpretive schema.

Grounding Tort Law's 'Intervening Actor' Doctrine

Tort law's 'intervening actor' doctrine traditionally functions to relieve plaintiffs of liability as a matter of law in cases of negligence involving the intervening actions of third party actors. Against recent criticism, I identify a novel justification for the doctrine, grounded in the 'right to trust'. If the State treats a plaintiff as negligent for failing to foresee a risk of the theft and subsequent misuse of their property (e.g., by leaving their car unlocked), tort law would endorse a legal obligation for citizens to believe of their neighbors that they are criminals. Though the statistical likelihood of such crimes may make them foreseeable, a legal requirement to suspect the worst of one's fellow community members would violate our right to mental autonomy and undermine an important public policy interest in making space for trusting interpersonal relationships in the private sphere. It would also run counter to much of criminal and civil procedure, where such statistical inferences of future criminality are legally prohibited. One interesting and important upshot of this account of the intervening actor doctrine in terms of mental autonomy is that it justifies the doctrine only for natural persons. The theory can thus help explain why corporate persons, unlike individuals, should still be found negligent for failing to protect plaintiffs from the foreseeable tortious or criminal actions of third parties.

SELECTED PRESENTATIONS

"Judicial Disagreement and The Role of Higher-Order Evidence in Legal Reasoning," Theorizing the Judicial Process Symposium, Yale Law School, October 2024 (scheduled)

"Rethinking the Role of Intentional Wrongs in Criminal Law"

- Criminal Law Theory Colloquium (Markelloquium), September 2024 (scheduled)
- Crimfest, Cardozo Law School, July 2024
- 2024 Legal Philosophy Workshop, Michigan Law School, June 2024
- Richmond Junior Faculty Forum, May 2024
- Michigan Law School Junior Scholars Conference, April 2024

"Rights, Reasons, and Culpability in Tort Law and Criminal Law," University of Gratz Workshop on Rights in Criminal Law, July 2022

"Fitting the Model Penal Code Into a Reasons-Responsiveness Account of Subjective Culpability,"

- Yale Law Journal Scholarship Symposium, April 2022
- Yale Society for Law and Philosophy Workshop, April 2021

“Agency, Akrasia, and the Normative Environment”

- Northwestern Society for the Theory of Ethics and Politics (NUSTEP), Northwestern University, March 2019
- American Philosophical Association, Denver, February 2019
- Rocky Mountain Ethics Congress (ROME), University of Colorado Boulder, August 2018
- St. Louis Conference on Reasons and Rationality (SLACRR), May 2018

“Epistemic Freedom Revisited”

- Northwestern Society for the Theory of Ethics and Politics (NUSTEP), Northwestern University, March 2017
- American Philosophical Association, San Francisco, April 2016
- Tennessee Value and Agency Conference (TVA), University of Tennessee, September 2015
- IIF-UNAM Graduate Philosophy Conference, February 2015
- Oxford Graduate Philosophy Conference, November 2014

“Evidence and Self-Fulfilling Belief,”

- SoCal Epistemology Workshop, August 2013
- Northwestern/Notre Dame Graduate Epistemology Conference, April 2013
- Berkeley-Stanford-Davis Graduate Philosophy Conference, March 2013

SELECTED FELLOWSHIPS AND AWARDS

Visiting Fellow, Yale Law School Information Society Project	2023 – Present
Yale Residential College Teaching Fellowship (Pierson College)	Spring 2023
Felix S. Cohen Prize for Best Paper in Legal Philosophy	2021; 2022; 2023
Oscar M. Ruebhausen Academic Research Grant	2022
Solomon Center Student Fellow in Health Law and Policy	2021 – 2023
Carnap Prize for Best Graduate Paper in Philosophy	2016
UCLA Collegium of University Teaching Fellows	2015 – 2016
Edwin W. Pauley Fellowship	2013 – 2014
UCLA Graduate Research Fellowship	2012 – 2013
UCLA Graduate Summer Research Grant	2011
UCLA Graduate Summer Research Grant	2010
Andrew W. Mellon Fellowship in Humanistic Studies	2009 – 2010
Phi Beta Kappa	2009
Brandeis Philosophy Faculty Award	2009
Undergraduate Philosophy Thesis, Highest Honors	2009

TEACHING EXPERIENCE

Columbia Law School

Legal Research and Writing (Fall 2024)

Yale University

Moral Psychology and the Law (undergraduate seminar, Spring 2023)

Foundations of Tort Law (reading group, Spring 2023)

Mens Rea (reading group, Fall 2022)

Pomona College

Advanced Senior Seminar in Epistemology (Spring 2020)
 Philosophy of Mind (Fall 2019; Spring 2020)

Claremont McKenna College

Topics in Moral Psychology (Spring 2017; Spring 2019)
 Environmental Ethics (Spring 2018)
 First-Year Humanities Seminar: Faith and Reason (Fall 2018)
 Introduction to Philosophy (Fall 2016; Spring 2017; Spring 2018)
 Introduction to the Philosophy of Religion (Fall 2017)

UCLA

Historical Introduction to Philosophy (Online, Summer 2016)
 CUTF Seminar: Rationality and Religious Belief (Spring 2016)
 Introduction to Philosophy of Mind (Summer 2014)
 Introduction to Ethics (Summer 2013)

Undergraduate Philosophy/PPE Thesis Advising

Molly Lockwood, “Prosecutorial Discretion and the Rights of Juvenile Defendants” (Spring 2020)
 Marianna Zapata, “Social Self-Deception” (Spring 2020)
 Wesley Edwards, “Responsibility for Implicit Beliefs” (Fall 2017)
 Austin Beltrand, “On Biological Purpose” (Spring 2016)

BAR ADMISSION

Admitted to the Connecticut State Bar, 2024

ADDITIONAL LEGAL EXPERIENCE

<i>Summer Associate</i> , Wiggin and Dana LLP	2022
<i>Summer Legal Intern</i> , CT Commission on Human Rights and Opportunities	2021

PROFESSIONAL SERVICE

<i>Co-Director</i> , Law and Society Association: Philosophy and Legal Theory Chapter	2024 – Present
<i>Editor</i> , Yale Law Journal	2021 – 2023
<i>Editor-In-Chief</i> , Yale Journal of Law and The Humanities	2021 – 2022
<i>Affiliate-Member</i> , National Institute of Science and Technology, Organization of Scientific Area Committees for Forensic Science (OSAC)	2022
<i>Graduate Student Mentor</i> , Minorities and Philosophy (MAP), UCLA	2015 – 2016

REFERENCES

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ACADEMIC POSITIONS	Columbia Law School	2023 - <i>present</i>
	Visiting Scholar in Law, International and Comparative Law International Tax, Trade, and Investment Regulation Sponsor: Professor Petros C. Mavroidis	
	Institute for Humane Studies, George Mason University	2023 - <i>present</i>
	Institute for Humane Studies Fellow	
EDUCATION	Stanford Law School	2021 - 2022
	Teaching Fellow and Lecturer in Law, International Economic Law, Business, and Policy & Corporate Governance and Practice	
	University of Toronto, Trinity College	2020 - 2021
	Instructor, Global Governance and International Law International Relations Program	
	University of Toronto	2017 - 2023
	Ph.D., Political Science, International & Comparative Politics Dissertation: FROM EVOLUTION TO POTENTIAL REVOLUTION: EXPLAINING THE REFORM OF THE GLOBAL CORPORATE TAX REGIME, 2008-2021 Supervisor: Professor John J. Kirton	
SELECT CERTIFICATES	Osgoode Hall Law School, York University	2014 - 2017
	J.D., Law; Cross-registered at Columbia Law School, Cornell Law School, and École de droit de la Sorbonne from 2016-2017 (3L)	
	Columbia University in the City of New York	2016 - 2017
	M.A., Business and Economics Journalism; Cross-Registered Student, Columbia Law School; Research Assistant to Prof. Merritt B. Fox, Program in the Law and Economics of Capital Markets	
	London School of Economics & Political Science	2011 - 2012
	M.Sc., Global Politics (with merit)	
	University of Toronto, Trinity College	2007 - 2011
	H.Ba., International Relations Specialist (with distinction) Margaret MacMillan Trinity One Program - International Relations President, International Relations Society (2009 - 2011)	
	Cornell Law School & École de droit de la Sorbonne	2016
	Certificate in International and Comparative Law (CGPA: 4.0)	
	Harvard University, Division of Continuing Education	2015
	Certificate in Negotiation I	

SCHOLARLY
WRITING

1. Michael F. Motala, *Review of Martin Hearson, Imposing Standards: The North-South Dimension to Global Tax Politics*, H-NET REVIEWS IN HUMANITIES AND SOCIAL SCIENCES (2022).
2. Michael F. Motala, *Tax Sovereignty and Investor Protection: Why the Proposed Global Minimum Tax is not the Final Frontier for Corporate Tax Arbitrage*, 16 INT'L ORG. RES. J. 99, 131 (2021).
3. Michael F. Motala, *The G20-OECD Contribution to a New Global Tax Governance*, 14 INT'L ORG. RES. J. 52, 79 (2019).
4. Michael F. Motala, *The New Global Politics of Sovereign International Tax: Space, Time, and why BEPS is not the Final Frontier*, 33 BANKING & FIN. L. REV. 365, 413 (2018).
 - **Recognition:** Canadian Tax Foundation Fasken Martineau DuMoulin Award, Best Student Paper in Taxation (2016); J.S.D. Tory Legal Research and Writing Award, Osgoode Hall Law School, (2017).
5. Michael F. Motala, *Global Tax Governance: What is Wrong and How to Fix It* 64 CAN. TAX. J. 694, 698 (2016).
6. Michael F. Motala, *The 'Taxicab Problem' Revisited: Law and Ubernomics in the Sharing Economy*, 33 BANKING & FIN. L. REV. 467, 511 (2016).
 - **Recognition:** J.S.D. Tory Legal Research and Writing Award, Osgoode Hall Law School (2016)
7. Michael F. Motala, *Successful Global Governance and Financial Regulation*, RATIONALE 17, 21 (2012).

WORKS IN
PROGRESS

1. MICHAEL F. MOTALA, GLOBAL TAX GOVERNANCE (Routledge: on contract, expected 2024)
2. Michael F. Motala, *The New Global Minimum Tax Agreement: Implications and Consequences for International Trade and Investment Regulation*
3. Michael F. Motala, *The Tax Challenges of Asset Digitalization: Lessons from the Collapse of FTX Trading Ltd. and Alameda Research*.
4. MICHAEL F. MOTALA, THE NEW BUSINESS ETHICS: PLATFORMS, ARTIFICIAL INTELLIGENCE, AND CORPORATE SOCIAL RESPONSIBILITY IN THE BIG DATA ERA (on contract: Expected 2025).
 - **Recognition:** Finalist (top 3/109), *Financial Times*-McKinsey Bracken Bower Prize, 2017.

LAW REFORM

1. MICHAEL F. MOTALA ET AL., THE JUST SOCIETY REPORT - GROSSLY INDECENT: CONFRONTING THE LEGACY OF STATE-SPONSORED DISCRIMINATION AGAINST CANADA'S LGBTIQ2S COMMUNITIES (Egale Human Rights Trust, 2016).
 - **Implementation:** Department of Justice Canada, *Government Moves to Strengthen Equality Rights* (November 15, 2016); Prime Minister's Office, *Prime Minister Appoints Special Envoy on LGBT Rights* (November 15, 2016); Canadian House of Commons, *Bill C-66: An Act to establish a procedure for expunging certain historically unjust convictions and to make related amendments to other Acts*, Publication No. 42-1-C66-E (September 28, 2018).
 - **Select Citations:** Our Collective Shame: Trudeau Delivers Historic Apology to LGBT Canadians" CANADIAN BROADCASTING CORPORATION, November 28, 2017.

SELECTED OTHER
WRITINGS

1. Michael F. Motala, "By tying trade to LGBT rights, Canada can be an unlikely architect of our new global order," GLOBE & MAIL, March 20, 2017.
2. Michael F. Motala & Robert Keller, "Regulators should level the crowdfunding playing field," GLOBE & MAIL, January 21, 2017.
3. Michael F. Motala, "Progressives need a new vision to combat the boom-bust-doom-bloom economy," GLOBE & MAIL, October 18, 2016.
4. Michael F. Motala, "In Egale's fight for LGBTIQ2S equality, when it rains, it pours," CANADIAN BAR ASSOCIATION NATIONAL MAGAZINE, August 17, 2016.
5. Michael F. Motala, "Big law's emphasis on 'fit' tips the balance against LGBT," GLOBE & MAIL, February 14, 2016.
6. Michael F. Motala & Robert Keller, "Regulators need to heed the rise of crowd-funded 'techquity' markets," GLOBE & MAIL, October 2, 2015.
7. Michael F. Motala, "How Ubernomics can fix Canada's legal diseconomy," GLOBE & MAIL, July 10, 2015.

LECTURES &
PANELS

Invited Participant, "The Role of Intellectual Property Remedies in the Global Innovation Economy," New York University Law School, April 2024; Participant, "Barriers to Trade," Institute for Humane Studies, December 2023; Invited Lecturer, "The Global Minimum Tax and Incentives: Implications of International Trade and Investment Regulation," Columbia Law School, December 2023; Invited Panel, "How to Get into Law School," University of Toronto International Relations Alumni Association, December 2023; Invited Participant, International Taxation Symposium, University of Michigan Law School, October 2023; Participant, Global Council for Political Renewal, January 2023; Lecturer, "The New Global Tax Agreement: Implications for Canadian Business," Fasken Martineau DuMoulin & Queen's Law School Conflict Analytics Lab, 2021; Discussant, "Globalization and Digitalization: Interconnections between Taxation, Trade, and Investment," GlobalTaxGov, University of Leiden, 2021; Panelist, "The New Global Tax Governance," International Studies Association Annual Convention, 2020 (cancelled due to COVID-19); Guest Lecturer, "Business-as-Trust: Corporate Social Responsibility in the Era of AI," University of Toronto Centre for Ethics, 2019; Panelist, "Fairness and Equity in the Digital Age," University of Toronto, 2019.

ACADEMIC
FELLOWSHIPS

Institute for Humane Studies	2023 - <i>present</i>
Institute for Humane Studies Fellow (2024)	
Institute for Humane Studies Fellow (2023)	
Royal Society of Arts	2023 - <i>present</i>
Fellow of the Royal Society of Arts (F.R.S.A.)	
Institute for Humane Studies	2020
Institute for Humane Studies Fellow	
University of Toronto, Centre for Ethics	2018 - 2019
Ethics of Artificial Intelligence Fellow	
Mercatus Center, George Mason University	2017 - 2018
Frédéric Bastiat Fellow in Political Economy	
Mercatus Center, George Mason University	2015 - 2016
Frédéric Bastiat Fellow in Political Economy	

SELECT AWARDS & FELLOWSHIPS

LIFETIME TOTAL = \$224,214.16

University of Toronto Faculty of Arts & Science Travel Grant (\$3,643), 2022; Department of Political Science Graduate Program (\$300), 2021; University of Toronto Tuition Fellowship (\$3,929.50), 2021; University of Toronto Arts & Science Fellowship (\$1673.33), 2021; University of Toronto Arts & Science Program Level Fellowship (\$2269.33), 2020; University of Toronto Arts & Science Fellowship (\$3,929.50), 2020; COVID-19 Student Engagement Award (\$200), 2020; Institute for Humane Studies Fellowship (\$4,000), 2020; University of Toronto Arts & Science Fellowship (\$3,929.50), 2020; University of Toronto Faculty of Arts & Science Travel Grant (\$2,748), 2019 (declined due to COVID-19); School of Graduate Studies Conference Grant (\$580), 2019; Edward Nuffield Graduate Travel Fellowship (\$6,095), 2019; Ethics of Artificial Intelligence Research Fellow, Centre for Ethics, University of Toronto, 2018-19; Frédéric Bastiat Fellow in Political Economy, Mercatus Center (\$5,000), 2018; Finalist (Top 3/109), *Financial Times*-McKinsey Co. Bracken Bower Prize, 2017; Joseph-Armand Bombardier Doctoral Fellow, SSHRC (\$116,667), 2017 - 2020; J.S.D. Tory Research and Writing Award, Osgoode Hall Law School (\$1,000), 2017; 2017; Canadian Tax Foundation Fasken Martineau DuMoulin Award, Best Paper in Tax (\$2,000), 2016; Columbia University Hearst Scholarship for Minorities (\$24,500), 2016; L.G.B.T. Community Contribution Award, Osgoode Hall Law School (\$1,750), 2016; J.S.D. Tory Research and Writing Award, Osgoode Hall Law School (\$1,000), 2016; Dean for the Day, Osgoode Hall Law School, 2016; Frédéric Bastiat Fellowship in Political Economy, Mercatus Center (\$5,000), 2015 - 2016; Borden Ladner Gervais Academic and Professional Excellence Award (\$1,500), 2015; McCarthy Tétrault LLP and Hennick Centre Business Law Award (\$10,000), 2015; Queen Elizabeth II Aiming for the Top Award (\$14,000), 2007 - 2011; Canadian Millennium Scholarship (\$5,000), 2007.

PROFESSIONAL EXPERIENCE	<p>The Law Office of Michael F. Motala 2020 - Present Principal & Lawyer</p> <p>Franklin Templeton Investments 2019 - 2020 Articling Student</p> <p>Columbia Law School 2017 Research Assistant, Law and Economics of Capital Markets</p> <p>Ontario Securities Commission 2016 Summer Law Student</p> <p>Investment Industry Regulatory Organization of Canada 2015 McCarthy Tétrault-Hennick Centre Business Law Intern</p> <p>BMO Financial Group 2013 - 2014 Risk and Strategy Analyst</p> <p>Langley Intelligence Group Network (L.I.G.N.E.T.) 2013 - 2014 Analyst</p> <p>High Commission of Canada in the United Kingdom 2012 - 2013 Political Affairs Intern</p> <p>Mowat Centre for Policy Innovation 2009 - 2011 Research Assistant and Policy Intern</p>
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Barreau du Québec (per temporary Special Authorization)2023 - *present*

REFERENCES

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Belisa Pang

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Education

Yale School of Management

PhD (Finance)

Committee: James Choi (Chair), Paul Goldsmith-Pinkham, Kelly Shue, Roberta Romano

New Haven, CT

2020 - 2025

Yale Law School

JD, Advisor: Roberta Romano

Editor, Yale Law Journal

New Haven, CT

2019 - 2023

University of Virginia, McIntire School of Commerce

BS in Commerce (Finance & Statistics) with honors

Charlottesville, VA

2015 - 2017

Peking University, Guanghua School of Management

BS in Finance (transferred before graduation)

Beijing, China

2013 - 2015

Research and Teaching Interests

Primary: Bankruptcy, Corporate Finance, Secured Transactions, Law and Economics

Secondary: Business Organizations, Contracts, Consumer Law

Publications

Edward R. Morrison, Belisa Pang & Antoine Uettwiller, Race and Bankruptcy: Explaining Racial Disparities in Consumer Bankruptcy, 63 J.L. & ECON. 269 (2020).

Abstract African American bankruptcy filers select Chapter 13 far more often than other debtors, who opt instead for Chapter 7 with higher success rates and lower attorneys' fees. Prior scholarship blames racial discrimination by attorneys. We propose an alternative explanation: Chapter 13 offers benefits, including retention of cars and driver's licenses, that are more valuable to African American debtors because of relatively long commutes. We study a 2011 policy change in Chicago, which seized cars and suspended licenses of consumers with large traffic-related debts. The policy produced a large increase in Chapter 13 filings, especially by African Americans. Two mechanisms explain the disparate racial impact: African Americans were more likely to have traffic debts and incurred greater costs from car seizures and license suspension due to relatively long commutes. When we match African Americans to other debtors with similar commutes, we find no racial difference in Chapter 13 filing propensities.

Edward R. Morrison, Belisa Pang & Jonathon Zytnick, Manipulating Random Assignment: Evidence from Consumer Bankruptcies in the Nation's Largest Cities, AM. L. & ECON. REV. (forthcoming).

Abstract Random case assignment is common in courts because it helps guard against favoritism (actual or perceived) and, in bankruptcy cases, affects ex ante incentives. Despite its importance, random assignment is failing in several major bankruptcy courts today. We show this using data on the assignment of trustees to Chapter 7 cases in Chicago, Los Angeles, and New York. These trustees audit the debtor's finances, find and liquidate assets, and police compliance with rules. We find evidence that the random-assignment process is failing in two courts (Chicago and New York). We dig deeper into the Chicago data and find that attorneys strategically time case filings to avoid or attract particular trustees ("trustee shopping"), who differ substantially in the aggressiveness with which they audit the debtor's finances. By contrast, among cases filed by debtors who have not hired attorneys ("pro se filers"), there is no case imbalance across trustees. Because they do not engage in manipulation, pro se filers—who account for the bottom decile of income and asset values among Chapter 7 debtors—are most burdened by trustee-shopping. We conclude by presenting evidence that trustee-shopping is less prevalent in Los Angeles due to critical differences in its random-assignment protocol.

Katherine Fang & Belisa Pang, Parental Obligations in Bankruptcy, *AM. BANKR. L.J.* (forthcoming).

Abstract Being a parent is difficult. This is particularly true for women undergoing Chapter 13 bankruptcy. Using a novel dataset comprising 102,952 bankruptcy cases across 64 districts, we find that debtors with dependents are not only more likely to choose Chapter 13 over the quicker and simpler Chapter 7, but also 8 percentage points more likely to fail at that bankruptcy—defined as having their cases dismissed within three years—compared to other individuals in Chapter 13 bankruptcy. This effect is persistent even after we control for gender, marital status, financial information (asset, liability, income, expenses, etc.), and district and year fixed effects. The effect of raising children is particularly acute for women, whose failure rate within three years is 10.2 percentage points higher if they have dependents. Although joint filers are about 6.7 percentage points less likely to have their cases dismissed, the overall effect of being married is not statistically significant and does not reduce the negative effect of parental obligations.

Belisa Pang & Emile Shehada, *Note*, One Size Fits None: An Overdue Reform for Chapter 7 Trustees, 133 *YALE L.J.* 782 (2022).

Works in Progress

Belisa Pang, Invisible Mortgages in Bankruptcy (Job Market Paper).

Abstract This paper identifies a previously unexplored channel through which bankruptcy can impact consumer welfare: the presence of retained mortgages and their invisibility in credit reports following bankruptcy. Using credit bureau data, my study unveils that approximately 70% of mortgages included in Chapter 7 bankruptcy and 56% of those in Chapter 13 bankruptcy remained current until filing. Similarly, court records indicate that 74% of mortgagors in Chapter 7 intended to retain their mortgages, even though only 7% formalized a reaffirmation agreement. Public records confirmed that only 7% of the properties intended to be retained were foreclosed over the next three years, compared to 69% of the properties intended to be surrendered. This implies that a substantial proportion of bankrupt homeowners did not default on their mortgages, allowing them to retain their homes and associated mortgages. However, this paper shows that nearly 79% of these mortgages disappeared from their credit reports or stopped being updated when bankruptcy happened. In other words, the homeowners stopped getting credit for keeping their mortgages current; their mortgages became invisible. Using event studies, this paper shows that this mortgage invisibility harms these homeowners, leading to a 15 to 30-point reduction in their credit scores, a \$1,500 decrease in their credit card limits, and a 1 percentage point increase in their auto loan interest rates. Therefore, this paper advocates for reporting practice changes to better reflect the financial realities of retained mortgages in bankruptcy.

Belisa Pang, The Bankruptcy Revolving Door.

Abstract Using credit report data dating back to 1997, this study unveils that nearly 46% of consumer bankruptcy filings in 2023 came from people with a prior bankruptcy record. This percentage has increased at an average rate of 61 basis points per year since 2016. The majority of repeat filings occur after a discharged case rather than a dismissed one, and nearly half of refilers have previously filed under Chapter 7, challenging conventional beliefs about repeated filings. Moreover, the temporal gap between successive filings is substantial, with most refilings occurring over 7 years after the initial filing. This paper then reveals that a person's past filings are strongly correlated with increased future filings after 7 years, even after controlling for a wide range of variables including debt levels and demographic characteristics. Therefore, this paper contends that the prevalence of refiling can be attributed to two main reasons: first, individuals with a prior bankruptcy frequently face new financial distress, and second, they are more predisposed to file for bankruptcy compared to those with no bankruptcy record.

Conference Presentations

ALEA: 2019, 2020 (cancelled due to COVID), 2021, 2022 (lightning session), 2024.

CELS: 2019, 2022.

AALS: 2024

Consumer Law Scholars Conference: 2023, 2024

Teaching Experience

Spring 2023, Spring 2024, Spring 2025: Personal Finance (MBA), TA for James Choi, Yale School of Management
 Spring 2019: Corporate Finance (JD), TA for Albert Choi, Columbia Law School

Research Grants/Fellowships

2021-present: Student Loan Law Initiative Emerging Scholar, Student Borrower Protection Center
 2021-2023: The Oscar M. Ruebhausen Fund, Yale Law School
 2022: Fellowship, Institution for Social and Policy Studies, Yale University

Professional Experience

2023: Summer Associate, Sullivan and Cromwell LLP, New York and Beijing
 2022: Summer Intern for Judge Martin Glenn, U.S. Bankruptcy Court, Southern District of N.Y.
 2021: Summer Associate, Sullivan and Cromwell LLP, New York
 2017-2019: Research Assistant for Edward Morrison, Columbia Law School

Bar Admission

New York (2023)

References

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 Email: james.choi@yale.edu

Professor Edward R. Morrison

Charles Evans Gerber Professor of Law
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 New York, NY 10027
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Professor Dalié Jiménez

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 UC Irvine School of Law
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