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Chicago-Kent College of Law
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PROFESSIONAL EXPERIENCE

CHICAGO-KENT COLLEGE OF LAW, ILLINOIS INSTITUTE OF TECHNOLOGY

Professor of Law, *August 2020 – present.*

Associate Professor of Law, *August 2010 – August 2020.*

Assistant Professor of Law *June 2004 – August 2010.*

Visiting Associate Professor of Law, *August 2003 – May 2004.*

Associate Dean for Academic Administration and Strategic Initiatives, *May 2020 – present.*

Faculty Director, Constitutional Democracy Project, *February 2020 – present.*

Co-Director, Institute on the Supreme Court of the United States, *August 2016 – present.*

Director, Institute on the Supreme Court of the United States, *August 2011 – December 2013.*

Director, Public Interest Certificate Program, *January 2017 – present.*

Research interests include constitutional law, federal courts, and democracy.

Courses taught include Constitutional Law, Supreme Court Review, Legislation, Public Interest Law and Policy, Employment Relationships, and Work & Family.

On leave January 2014 – August 2016.

SCHNAPPER-CASTERAS, PLLC

Of Counsel, *May 2019 – present.*

OFFICE OF ILLINOIS ATTORNEY GENERAL LISA MADIGAN

Solicitor General of Illinois, *January 2014 – August 2016.*

Oversaw criminal and civil appellate divisions more than 20 lawyers each.

Reviewed and edited all briefs filed by the office in federal appellate courts, Supreme Court of the United States, and Illinois Supreme Court; prepared lawyers for oral argument.

Orally argued and drafted briefs for filing in the Illinois Appellate Court, Seventh Circuit, Illinois Supreme Court, and Supreme Court of the United States.

Served as senior legal advisor to Attorney General.

AMERICAN BAR FOUNDATION

Faculty Visitor, *August 2007 – August 2008.*

Affiliated Scholar, *August 2008 – August 2009.*

MINER, BARNHILL & GALLAND
Associate, August 1999 – July 2003.

Primarily plaintiffs' civil rights practice, including class actions, voting rights and employment discrimination.

SARGENT SHRIVER NATIONAL CENTER ON POVERTY LAW
Skadden Fellow, October 1997 – July 1999.

Represented welfare recipients; lobbied government officials.
Wrote "Stand Up For Your Rights" (1999), a manual about the welfare appeals process for welfare recipients.

JUDICIAL CLERKSHIPS

Associate Justice Stephen G. Breyer, Supreme Court of the United States, 1996 – 1997.

Chief Judge Richard A. Posner, U.S. Court of Appeals for the Seventh Circuit, 1995 – 1996.

EDUCATION

J.D. with High Honors, University of Chicago Law School, June 1995.

Order of the Coif

Law Review Articles Editor, 1994-95; Law Review Staff, 1993-94

Women's Bar Association of Illinois Scholarship, 1994-95;

Beale Prize for Legal Research and Writing, 1993.

M.A., University of Chicago Harris Graduate School of Public Policy Studies, June 1993.

B.A. (English) with General and Special Honors, University of Chicago, June 1986.

Phi Beta Kappa.

SELECTED ACADEMIC PUBLICATIONS

Democratic Federalism and the Supreme Court: Keynote Address at the 2023 Ira C. Rothgerber Conference, 95 U. COL. L. REV. ___ (2024) (forthcoming)

After the Oral Argument in Moore v. Harper, 54 U. TOL. L. REV 387 (2023) (with Michael Weingartner)

The Independent State Legislature Theory, Federal Courts, and State Law, 90 U. CHI. L. REV. 137 (2023).

Change is the Only Constant: Unwritten Amendments and the Courts, in AMENDING AMERICA'S UNWRITTEN CONSTITUTION (Richard Albert, Yaniv Roznai, and Ryan Williams, eds., Cambridge U. Press, 2022).

The Limits of Procedure: Litigating Voting Rights in the Face of a Hostile Supreme Court, 83 OHIO ST. L. J. ONLINE 111 (2022).

Docket Control, Mandatory Jurisdiction, and the Supreme Court's Failure in Rucho v. Common Cause, invited contribution to Wisconsin Law Review Symposium on ANDREW COAN, RATIONING THE CONSTITUTION: HOW JUDICIAL CAPACITY SHAPES SUPREME COURT DECISION-MAKING (Harvard University Press 2019), 2020 WISC. L. REV. 301 (2020).

Democracy, Federalism, and the Guarantee Clause, 62 ARIZ. L. REV. 183 (2020).

Introduction to Symposium on American Politics and the Supreme Court, 93 CHI.-KENT L. REV. 315 (2018) (with Christopher W. Schmidt).

What Members of Congress Say about the Supreme Court and Why It Matters, 93 CHI.-KENT L. REV. 453 (2018).

The Language of Neutrality in Supreme Court Confirmation Hearings, 122 DICKINSON L. REV. 585 (2018).

Numbers, Motivated Reasoning, and Empirical Legal Studies, 63 BUFFALO L. REV. 385 (2015).

A 'Progressive Contraction of Jurisdiction:' The Making of the Modern Supreme Court, in THEN & NOW: STORIES OF LAW AND PROGRESS (2013).

Introduction to Symposium on the Supreme Court and the Public, 88 CHI.-KENT L. REV. 287 (2013) (with Christopher W. Schmidt).

Claiming Neutrality and Confessing Subjectivity in Supreme Court Confirmation Hearings, 88 CHI.-KENT L. REV. 455 (2013).

Compassion and Coalitions: A Review of RESHAPING THE WORK-FAMILY DEBATE: WHY MEN AND CLASS MATTER *by Joan Williams*, 15 EMPLOYEE RTS. & EMPLOYMENT POL'Y J. 567 (2011).

Oral Dissenting on the Supreme Court, 19 WILLIAM & MARY BILL OF RIGHTS J. 75 (2010) (with Christopher W. Schmidt).

The Context of Ideology: Law, Politics, and Empirical Legal Scholarship, 75 MO. L. REV. 79 (2010).

The Law Clerk Proxy War: Secrecy, Accountability, and Ideology on the Supreme Court, Review Essay of Artemus Ward and David Weiden, SORCERERS' APPRENTICES: 100 YEARS OF LAW CLERKS AT THE UNITED STATES SUPREME COURT (2006) and Todd C. Peppers,

COURTIERS OF THE MARBLE PALACE: THE RISE AND INFLUENCE OF THE SUPREME COURT LAW CLERK, 37 FLA. ST. L. REV. 101 (2009).

Coding Complexity: Bringing Law to the Empirical Analysis of the Supreme Court, 60 HASTINGS L.J. 477 (2009).

The Limits of the Olympian Court: Common Law Judging versus Error Correction in the Supreme Court, 63 WASHINGTON & LEE L. REV. 271 (2006).

WORKS IN PROGRESS

The Rhetoric of Democracy (working title).

The Rule of Law Is Not a Law of Rules (working title).

Teaching Public Interest Before, During, and After the Pandemic (working title).

SELECTED MATERIALS FOR PRACTITIONERS

Recent Developments Affecting the Ethical Obligations of Attorneys in Class Actions, in CRIMINAL LAW AND URBAN PROBLEMS (Practising Law Institute 2008).

McDonnell-Douglas After 30 in the Supreme Court and Appellate Courts, in 2007 EMPLOYMENT LAW UPDATE (Henry H. Perritt, Jr. ed., 2007).

Recent Developments Affecting the Ethical Obligations of Attorneys in Class Actions, in CLASS ACTION LITIGATION 2006: PROSECUTION AND DEFENSE STRATEGIES (Practising Law Institute 2006).

SELECTED APPELLATE REPRESENTATION

Oral Arguments

Duncan v. Owens, United States Supreme Court Docket No. 14-1516, dismissed as improvidently granted, 136 S. Ct. 651 (2016) (counsel for petitioner)

First Midwest Bank v. City of Chicago, No. 18-3049 (7th Cir.), argued December 10, 2019 (counsel for plaintiff)

Reeder v. Madigan, 780 F.3d 799 (7th Cir. 2015) (counsel for defendants)

Allen v. Chicago Transit Authority, 317 F.3d 696 (7th Cir. 2003) (counsel for plaintiffs Newberry and Leonard)

In re Pension Reform Litigation, 32 N.E.3d 1 (Ill. 2015) (counsel for defendants)

Jenner v. Illinois Dept. of Commerce and Economic Opportunity, 59 N.E.3d 204 (Ill. App. 2016)
(counsel for defendant)

Walker v. McGuire, 39 N.E.3d 982 (Ill. 2015) (counsel for defendant)

Grainger v. Harrah's Casino, 18 N.E.3d 265 (Ill. App. 2014) (counsel for defendant Lynch)

Additional Representation

Allen v. Milligan, Supreme Court Docket Nos. 21-1086 & 21-1087 (counsel for amici curiae Representatives Terri Sewell, Joyce Beatty, Gregory Meeks, and G.K. Butterfield)

Markham Concepts, Inc. v. Hasbro, Inc., Supreme Court Docket No. 21-711 (counsel for amicus curiae William Morris Enterprises) (certiorari stage)

Goldman Sachs Group, Inc. v. Arkansas Teacher Retirement System, Supreme Court Docket No. 20-222 (counsel for amici curiae Former SEC Officials)

Google LLC v. Oracle America, Inc., Supreme Court Docket No. 18-956 (counsel for amici curiae The Robert Rauschenberg Foundation et al.)

Linder v. United States, Supreme Court Docket No. 19-1082, petition for certiorari from 937 F.3d 1087 (7th Cir. 2019), cert. denied, ___ S. Ct. ___ (2020) (counsel for petitioner)

Bloom v. United States, Supreme Court Docket No. 17-359, petition for certiorari from 846 F.3d 243 (7th Cir. 2017), cert. denied, 138 S. Ct. 366 (2017) (counsel for petitioner)

Manuel v. City of Joliet, 137 S. Ct. 911 (2017) (counsel for amici curiae States of Illinois et al.)

Czyzewski v. Jevic Holding Corp., 137 S. Ct. 973 (2017) ((counsel for amici curiae States of Illinois et al., at petition for certiorari stage)

Tyson Foods, Inc. v. Bouaphakeo, 136 S. Ct. 1036 (2016) (counsel for amici curiae States of Illinois et al.)

Universal Health Systems, Inc. v. United States, 136 S. Ct. 1989 (2016) (counsel for amici curiae States of Illinois et al.)

Direct Marketing Association v. Brohl, 135 S. Ct. 1124 (2015) (counsel for amici curiae States of Illinois et al.)

Rodriguez v. United States, 135 S. Ct. 1609 (2015) (counsel for amici curiae States of Illinois et al.)

Illinois v. Cummings, United States Supreme Court Docket No. 14-209, petition from 6 N.E.3d 725 (Ill. 2014), granted, vacated and remanded, 135 S. Ct. 1892 (2015) (counsel for petitioner)

Camreta v. Greene, 131 S. Ct. 2020 (2011) (counsel for respondent)

DuPuy v. McEwan, Supreme Court Docket No. 07-1075, petition from 495 F.3d 807 (7th Cir. 2007), and 465 F.3d 757 (7th Cir. 2006), cert. denied, 128 S. Ct. 2932 (2008) (counsel for petitioners)

Engquist v. Oregon Dept. of Agriculture, 128 S. Ct. 1764 (2008) (counsel for amicus curiae National Employment Lawyers Association)

CBOCS West, Inc. v. Humphries, 128 S. Ct. 1951 (2008) (counsel for respondent)

Cook County v. U.S. ex rel. Chandler, 538 U.S. 119 (2003) (counsel for respondent)

CIVIC AND LEGAL ASSOCIATION MEMBERSHIPS

American Civil Liberties Union

American Constitution Society

Member, Board of Advisors of the Chicago Lawyers' Chapter

Member, Board of Advisors of State Attorneys General Project

Chicago Council of Lawyers

Illinois Appellate Lawyers Association

Society of America Law Teachers

Jewish Reconstructionist Congregation, Evanston, Illinois.

Member at Large, Board of Directors, *July 2020 – June 2022.*

Co-chair, Early Childhood Committee, *July 2004 – June 2006.*

Recipient, Abner Mikva Award, Chicago Lawyers' Chapter, American Constitution Society, June 2017.

Member of the Bars of Illinois, Northern District of Illinois, Central District of Illinois, Second Circuit Court of Appeals, Seventh Circuit Court of Appeals, and Supreme Court of the United States.