

Emory University School of Law Gambrell Hall 1301 Clifton Road Tel 404.727.6006 Fax 404.727.6816

# Curriculum Vitae of Fred O. Smith, Jr.

ACADEMIC APPOINTMENTS	
Emory University, School of Law—Atlanta, GA	
Charles Howard Candler Professor of Law	2023-Present
Professor of Law	2021-2022
Associate Professor of Law (with tenure)	2017-2021
Visiting Professor of Law	2015-2017
Awards: Most Outstanding Professor in 2019, 2022, and 2023	
Yale Law School	
Visiting Professor of Law	Fall 2024
Stanford Law School—Palo Alto, CA	
Edwin A. Heafy, Jr. Visiting Professor of Law	Fall 2023
Columbia University, School of Law—New York, NY	
James S. Carpentier Visiting Professor of Law	Fall 2022
University of Chicago, School of Law—Chicago IL	
Visiting Associate Professor of Law	Fall 2020
Walter V. Schaefer Visiting Associate Professor of Law	Fall 2018
University of California, Berkeley Law School—Berkeley, CA	
Assistant Professor of Law	2010- 2017
	2010 2017
EDUCATION Stanford Law School LD 2007	
Stanford Law School, J.D., 2007 Honors: Kirkwood Moot Court Finalist; ACS National Moot Court Finalist	
Harvard University, B.A. in Sociology and Afro-American Studies, 2004 Honors: <i>Magna Cum Laude</i> Honors Thesis	
JUDICIAL CLERKSHIPS	
The Honorable Sonia Sotomayor	2013-14
United States Supreme Court—Washington, D.C.	
The Honorable Barrington Parker	2009-10
United States Court of Appeals, Second Circuit—New York, NY	
The Honorable Myron H. Thompson	2007-08
Middle District of Alabama— Montgomery, AL	2007-00
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### **BOOKS AND BOOK CHAPTER**

FEDERAL COURTS IN CONTEXT, 1st ed. (2023) (casebook) (with Erwin Chemerinsky, Seth Davis, and Norman Spaulding)

CONSTITUTIONAL TORTS, 5th ed. (2020) (casebook) (with Sheldon H. Nahmod, Tom Eaton, and Michael L. Wells)

Disengagement and Distrust, in TEACHING CONSTITUTIONAL LAW (ED. H.W. PERRY) (forthcoming 2026)

#### LAW REVIEW PUBLICATIONS

The Forgotten Face of "Our Federalism," 135 YALE L.J. \_\_ (2026) (forthcoming) (with Peter O'Neill)

Civil Rights Deserts, 139 HARV. L. REV. \_\_ (2026) (forthcoming) (with Joanna Schwartz)

Institutional Bystanding, 72 UCLA L. REV. \_\_ (2026) (forthcoming)

Younger and Older Abstention, 123 MICH. L. REV. \_\_\_ (2025) (forthcoming)

Invocations of Memory in State Constitutional Law, 33 Wm. & MARY BILL RTS. J. 503 (2025)

Civil Justice and Abolition: An Exercise in Dialectic, 112 CAL. L. REV. 1057 (2024)

Reconstructing Klein, 90 U. CHI. L. REV. 1 (2023) (with Helen Hershkoff)

Communities of Competitors, 24 THEORETICAL INQUIRIES IN LAW 163 (2023)

Policing Mass Incarceration, 134 HARV. L. REV. 1853 (2022)

Abstaining Equitably, 97 NOTRE DAME L. REV. 101 (2022)

On Time, (In)equality, and Death, 120 MICH. L. REV. 195 (2021)

Federalism in the States: What States Can Teach About Commandeering, 2021 WIS. L. REV. 1257 (2021)

The Other Ordinary Persons, 78 WASH. & LEE L. REV. 1071 (2021)

Beyond Qualified Immunity, 119 MICH. L. REV. ONLINE 121 (2021)

The Constitution After Death, 120 COLUM. L. REV 1471 (2020)

Remediating Resistance, 71 ALA. L. REV. 641 (2020)

Restoring Hope, 68 Am. U. L. REV. F. 49 (2019)

Formalism, Ferguson, and the Future of Qualified Immunity, 93 NOTRE DAME L. REV. 2093 (2018)

Abstention in the Time of Ferguson, 131 HARV. L. REV. 2283 (2018)

Can Unions Be Sued for Following the Law?, 132 HARV. L. REV. F. 24 (2018) (with Aaron Tang)

Undemocratic Restraint, 70 VAND. L. REV. 845 (2017)

Local Sovereign Immunity, 116 COLUM. L. REV. 409 (2016)

Due Process, Republicanism, and Direct Democracy, 89 N.Y.U. L. REV. 582 (2014)

Awakening the People's "Giant": Sovereign Immunity and the Constitution's Republican Commitment, 80 FORDHAM L. REV. 1941 (2012)

Crawford's Aftershock: Aligning the Regulation of Non-Testimonial Hearsay with the Purposes and History of the Confrontation Clause, 60 STAN. L. REV. 1497 (2008)

Gendered Justice: Do Male and Female Judges Rule Differently on Questions of Gay Rights?, 57 STAN. L. REV. 2087 (2005)

#### **SHORTER PUBLICATIONS**

Balancing Act: The Federal Judiciary as Both Arbiter and Participant in Constitutional Structure, (Dec. 14, 2023), https://shorturl.at/qQTZ3

Opinion: Hear the voices of Atlanta in public safety center debate, ATLANTA JOURNAL-CONSTITUTION, (September 15, 2023), https://www.ajc.com/opinion/opinion-hear-the-voices-of-atlanta-in-public-safety-center-debate/IHQSWBHYDBGTDGZQO4PA5SYTAE/

- Georgia Supreme Court allows voters to repeal and amend county ordinances, Brennan Center, (August 2023), https://www.brennancenter.org/our-work/analysis-opinion/expanding-local-voter-power-georgia
- Cracking and packing Black voters: Alabama v. Milligan, Emory Law News Center, (July 2023), https://law.emory.edu/news-and-events/releases/2023/07/smith-scotus-cracking-and-packing-black-voters-alabama-v-milligan.html
- Originalism's Procedural Puzzle, JOTWELL (March 2023) (reviewing Mila Sohoni, *The Puzzle of Procedural Originalism*, 72 DUKE L.J. 941 (2023), https://courtslaw.jotwell.com/originalisms-procedural-puzzle/
- Shielded: Right Place at the Right Time, Balkinization Blog (March 2023) (invited review of Joanna Schwartz, Shielded: How the Police Became Untouchable (Viking, 2023), https://balkin.blogspot.com/2023/02/shielded-right-place-at-right-time.html
- The Most Endangered Branch? Balkinization Blog (February 2022) (invited review for Symposium on Aziz Huq, The Collapse of Constitutional Remedies (Oxford University Press, 2022), https://balkin.blogspot.com/2022/02/the-most-endangered-branch.html
- No Harm, No Foul? Privacy law and Judicial Remedies, JOTWELL (February 2022) (reviewing Danielle Keats Citron & Daniel J. Solove, Privacy Harms, 102 B.U. L. REV. 794 (2022)), https://courtslaw.jotwell.com/no-harm-no-foul-privacy-law-and-judicial-remedies/
- Against Conflating "Cases" and "Controversies," Balkinization Blog (August 2021) (invited review for Symposium on James E. Pfander, Cases Without Controversies: Uncontested Adjudication in Article III Courts (Oxford University Press, 2021), https://balkin.blogspot.com/2021/08/against-conflating-cases-and.html
- Point/Counterpoint: Qualified Immunity, 104 JUDICATURE 66 (2021) (invited)
- Assessing the Rise of the Governmental Plaintiff, JOTWELL (October 2020) (reviewing Seth Davis, The New Public Standing, 71 STAN. L. REV. 1229 (2019)), https://courtslaw.jotwell.com/assessing-the-rise-of-the-governmental-plaintiff/
- Opinion: To fix today, we must confront our past around race, ATLANTA JOURNAL-CONSTITUTION (May 30, 2020)
- How Remedies Disappear, JOTWELL (August 2019) (reviewing Leah Litman, Remedial Convergence and Collapse, 106 CAL. L. REV. 1477 (2018), https://courtslaw.jotwell.com/how-remedies-disappear/).
- The Politically Powerful and Judicial Review, JOTWELL (September 7, 2018) (reviewing Aaron Tang, Rethinking Political Power in Judicial Review, 107 CAL. L. REV. 1755 (2019), https://courtslaw.jotwell.com/the-politically-powerful-and-judicial-review/).
- The Trouble with Qualified Immunity, JOTWELL (September 14, 2017) (reviewing William Baude, Is Qualified Immunity Unlawful?, 106 CAL. L. REV. 45 (2018), https://courtslaw.jotwell.com/the-trouble-with-qualified-immunity/)
- Our republic depends on playing by the rules, THE ATLANTA JOURNAL-CONSTITUTION, Feb 4, 2017, https://www.ajc.com/news/opinion/our-republic-depends-playing-the-rules/aZVZXctomAT8AYUzbXjGLP/
- What Now: Lessons and Questions from Ferguson, Missouri, EMORY LAWYER (Summer 2015)
- Supreme Court Broadens Power to Invalidate Laws Deemed "Improper," S.F. CHRONICLE (June 20, 2012)
- The Impact of Judicial Activism on the Moral Character of Its Citizens, ENGAGE (September 2012)

RESEARCH PRESENTATIONS	
Columbia Law— New York, NY	Apr. 2025
Presented The Forgotten Face of Our Federalism at Advanced Federal Courts Sen	ninar
University of Chicago Law—Chicago, IL	Apr. 2025
Presented Younger and Older Abstention at Federalism Workshop	-
Touro Law—Central Ilsip, NY	March 2025
Presented research on posthumous legal interests	
UCLA Law School—Los Angeles, CA	Jan. 2025
Presented Jurisdictional Laundering at UCLA Law Review symposium	Jan. 2023
Duke Law School— Raleigh, NC	Dec. 2024
Presented The Lost Story of Younger v. Harris at Bolch Institute Roundtable	
Yale Law School—New Haven, CT	October 2024
Presented The Lost Story of Younger v. Harris at faculty workshop	
NYU Law— New York, New York	October 2024
Presented Younger and Older Abstention at Public Law Workshop	0 000001 2021
William and Mary Law School—Williamsburg, VA	April 2024
Presented on judicial uses of history at legal journal symposium	71pm 2024
	A = ::1 2024
University of Pittsburgh—Pittsburgh, PA Presented on federal jurisdiction at legal journal symposium	April 2024
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Northwestern University—Chicago, IL	March 2024
Presented Younger and Older Abstention at Public Law Workshop	
University of North Carolina—Chapel Hill, NC	January 2024
Presented Spiritual Reparations at works-in-progress roundtable	
Duke Law School—Durham, NC	December 2023
Presented Older Abstention and Younger Abstention at Bolch Institute roundtable	2
Stanford Law School—Palo Alto, CA	October 2023
Presented Reconstructing Klein at Faculty Workshop	
Law and Society Conference—San Juan, PR	June 2023
Participated on a panel about solutions to racial inequities in the United State	
Culp Colloquium—Durham, NC	May 2023
Commentated on a federal courts paper by a junior scholar at annual worksh	•
Northwestern Law School—Chicago, IL	April 2023
Presented Spiritual Reparations at Faculty Workshop	11pm 2023
University of California, Berkeley—Berkeley, CA	April 2023
Served as Keynote Speaker for California Law Review Symposium on Section	1
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Georgetown University Law Center—Washington, DC Presented Reconstructing Klein at Faculty Workshop	March 2023
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Junior Federal Courts Workshop—Gainesville, FL Commentating on a paper by a junior scholar at annual workshop	December 2022
	NI 1 2022
Florida State University—Tallahassee, FL	November 2022
Presented at Florida State University Law School's Faculty Colloquium	1 (0 (0111001 2022

Columbia University—New York, New York November 2022 Presented at Columbia University Law School's Faculty Colloquium University of Wisconsin— Madison, WI October 2022 Presented at Wisconsin Law Review symposium on the United States Supreme Court University of Illinois—Champaign, IL October 2022 Presented at University of Illinois Law School's Faculty Colloquium University of Pennsylvania—Philadelphia, PA October 2022 Presented at University of Pennsylvania Law School's Faculty Colloquium University of Texas—Austin, TX September 2022 Commentated on John Golden's Congressional Power, Public Rights, and Non-Article III Adjudication at Colloquy for Constitutional Studies Program Emory University—Atlanta, GA Presented Decentralizing Immunity at Conference on State Constitutional Law hosted by the Emory Center on Federalism and Intersystemic Governance **Tel Aviv University**— Tel Aviv, Israel June 2022 Presented Communities of Competitors George Mason University—Washington, D.C. May 2022 Presented Reconstructing Klein (with co-author Helen Hershkoff) at Gray Center Roundtable Federal Bar Association—Jacksonville, FL April 2022 Presented on qualified immunity at annual conference Campbell Law School—Raleigh, NC March 2022 Presented on governmental immunities at law review symposium (online) Duke Law School—Durham, NC January 2022 Presented on abstention at Civil Rights Colloquium University of Virginia Law School—Charlottesville, VA November 2021 Presented Rights after Death University of Oklahoma Law School—Norman, OK November 2021 Presented Rights after Death at Faculty Lecture Series (Online) Arizona State University Law School—Tempe, AZ October 2021 Presented Decentralizing Qualified Immunity at Works-in-Progress Roundtable (Online) Fordham Law School—New York, NY February 2021 Presented Beyond Qualified Immunity at Criminal Law Colloquium (Online) University of California, Berkeley—Berkeley, CA July 2021 Commentated on State Courts and Federal Pleading Standards by Marcus Gadson at Langston Workshop (Online) Columbia Law School—New York, NY October 2020 Presented Time, Equality, and Death at Faculty Workshop (Online)

Presented Time, Equality, and Death at Work-in-Progress Colloquium (Online) Connecticut Law School—Hartford, CT October 2020

University of Chicago Law School— Chicago, IL

Participated in Connecticut Law Review symposium on the political question doctrine (Online).

October 2020

<b>Duke Law School</b> —Durham, NC Presented <i>Time, Equality, and Death</i> at Faculty Colloquium (Online)	September 2020
University of Texas Law School—Austin, TX Presented <i>Time, Equality, and Death</i> at Faculty Colloquium (Online)	September 2020
University of California, Irvine—Irvine, CA Presented <i>Time, Equality, and Death</i> at Faculty Colloquium	March 2020
Emory Law School— Atlanta, GA Presenting The Constitution After Death at Faculty Colloquium	February 2020
University of Warsaw— Warsaw, Poland Presented Remediating Resistance at an invited lecture	December 2020
University of Tennessee Law School Presented The Constitution After Death at Distinguished Visiting Scholar Series	October 2019
University of Arkansas-Fayetteville Law School Presented The Constitution After Death at Faculty Colloquium	September 2019
Chicago-Kent Law School—Chicago, IL Presented The Constitution After Death at Faculty Colloquium	September 2019
Howard University Law School— Washington, DC Commentated on Saving Justice by Brandon Hasbrouck	July 2019
University of Illinois Law School—Champaign, IL Presented Dignifying the Dead at Constitutional Law Colloquium	March 2019
Stanford Law School— Palo Alto, CA Presented Spiritual Reparations at Race and the Law Colloquium	January 2019
University of Alabama Law School—Tuscaloosa, AL Presented Remediating Resistance at Symposium on Legacy of Hon. Frank John	January 2019 ason
University of Chicago Law School— Chicago, IL Presented <i>Death, Rights, and the Constitution</i> at Works in Progress Colloquium	October 2018
Loyola Law School—Los Angeles, CA Presented Spiritual Reparations at Faculty Colloquium	August 2018
Fordham Law School—New York, NY Presented Formalist Fragmentation: The Future of Qualified Immunity at Faculty Co	March 2018 olloquium
University of Nevada, Las Vegas—Las Vegas, NV Commentated at Conference on the Thirteenth Amendment	March 2018
Seattle Law School— Seattle, WA Presented Formalist Fragmentation: The Future of Qualified Immunity at Faculty Co	February 2018 olloquium
Northwestern Law School— Chicago, IL Presented Abstention in the Time of Ferguson at Public Law Colloquium	February 2018
Shanghai Academy of Social Sciences— Shanghai, China Presented on Federalism at International Conference of Regional Cooperation	December 2017 on Law
University of Chicago Law School— Chicago, IL Presented Abstention in the Time of Ferguson at Constitutional Law Colloquium	November 2017

University of California, Berkeley Law School— Berkeley, CA Presented on Current Themes in Federalism at "Federalism Now" Conference	November 2017 ce
University of Florida, Levin College of Law— Gainesville, FL Presented Abstention in the Time of Ferguson in Distinguished Lecture Series	October 2017
University of California, Davis Law School—Davis, CA Presented Abstention in the Time of Ferguson at Law Faculty Colloquium	August 2017
Southeastern Association of Law Schools— Boca Raton, FL Presented Abstention in the Time of Ferguson	August 2017
Louisiana State University School of Law—Baton Rouge, LA Presented Abstention in the Time of Ferguson at LSU Law Faculty Colloquium	April 2017
Ninth Annual Junior Federal Courts Workshop—Atlanta, GA Presented Abstention in the Time of Ferguson	April 2017
Emory University Law School—Atlanta, GA Presented <i>Undemocratic Restraint</i> at Emory Faculty Colloquium	March 2017
Loyola Chicago Law School—Chicago, IL Presented Abstention in an Age of Accountability at the Constitutional Law Collo	November 2016 quium
Thurgood Marshall School of Law—Houston, TX Presented on Executive Orders and Separation of Powers	October 2016
University of North Carolina, School of Law—Raleigh, NC Presented <i>Undemocratic Restraint</i> at Southeastern Association of Law Schools J Workshop	October 2016 unior Scholars
Midwest Law and Economic Association—Atlanta, GA Presented Abstention in an Age of Accountability at MLEA Annual Meeting	September 2016
Southeastern Association of Law Schools—Amelia Island, FL Presented <i>Undemocratic Restraint</i> at Annual Meeting	August 2016
University of Washington Law School—Seattle, WA Presented <i>Undemocratic Restraint</i> at Civil Procedure Workshop	July 2016
University of Miami—Miami, FL Presented <i>Undemocratic Restraint</i> at the John Mercer Langston Workshop	July 2016
<b>Duke Law School</b> —Durham, N.C. Presented <i>Undemocratic Restraint</i> at the Culp Colloquium	May 2016
Emory Law School—Atlanta, GA Participated on panel on "When States Can Be Sued" at National Association Southern Region Meeting	April 2016 n of Attorney Generals
University of California, Los Angeles—Los Angeles, CA Presented <i>Undemocratic Restraint</i> at the UCLA Law Faculty Workshop.	April 2016
Loyola Chicago Law School—Chicago, IL Presented On Judicial Prudence at the Constitutional Law Colloquium	November 2015
University of California, Berkeley—Berkeley, CA Presented Is Judicial Prudence Ever Prudent? at the Berkeley Law School Faculty	October 2015 Workshop

University of San Francisco—San Francisco, CA October 2015 Presented Is Judicial Prudence Ever Prudent? at the University of San Francisco Law School Faculty Workshop William and Mary Law School—Williamsburg, VA September 2015 Presented On Judicial Prudence and Republican Restraint at the William and Mary Law School Faculty Workshop University of California, Irvine—Irvine, CA September 2015 Presented On Judicial Prudence at the Federal Courts Junior Faculty Workshop University of California, Irvine—Irvine, CA July 2015 Presented Local Sovereign Immunity at the John Mercer Langston Writing Workshop Duke Law School—Durham, NC May 2015 Presented Local Sovereign Immunity at the Culp Colloquium University of California, Berkeley—Berkeley, CA February 2015 Presented Local Sovereign Immunity at the Berkeley Law Faculty Workshop Stanford Law School—Palo Alto, CA February 2015 Presented Local Sovereign Immunity at the Stanford Law Faculty Workshop Emory Law School—Atlanta, GA October 2014 Presented Local Sovereign Immunity at the Emory Law Faculty Workshop Loyola Chicago Law School—Chicago, IL November 2014 Presented Equal Sovereignty at the Constitutional Law Colloquium Emory Law School—Atlanta, GA April 2013 Presented The Thirteenth Amendment, Labor Rights, and Sovereign Immunity at Vulnerability and the Human Condition Initiative Workshop Loyola Chicago Law School—Chicago, IL November 2012 Presented Due Process, Republicanism and Direct Democracy at the Constitutional Law Colloquium William and Mary Law School—Williamsburg, VA October 2012 Presented Local Sovereign Immunity at the Federal Courts Junior Faculty Workshop Law and Society International Conference—Honolulu, HI June 2012 Presented The Thirteenth Amendment and Labor Rights Bahcesehir University—Istanbul, Turkey May 2012 Presented about separation of powers as a part of a Constitutional Law Workshop series. Duke Law School— Durham, NC May 2012 Presented The Other Ex parte Young Fixtion at the Culp Colloquium University of California, Berkeley Law School—Berkeley, CA January 2012

Presented Ighal, Arar, and the Future of Government Accountability at the Thelton Henderson Center for Social Justice's Workshop

University of California, Berkeley Law School—Berkeley, CA January 2012 Presented Til Voters Do Us Part at Center for the Study of Law and Society Workshop

New York University—New York, NY February 2011 Presented Baldwin, Republicanism and a Forgotten Guarantee at James Baldwin's Global Imagination Conference

University of Georgia—Athens, GA

January 2011

Presented *The Guarantee Clause and Sovereign Immunity* at the University of Georgia School of Law's Faculty Workshop

**COMMUNITY PRESENTATIONS** 

Emory University School of Medicine—Atlanta, GA

December 2024

Presentation on the rule of law (online)

Eleventh Circuit Judicial Conference— Point Clear, AL

May 2024

United States Supreme Court Roundup

Emory University School of Medicine—Atlanta, GA

Discussion of diversity on college campuses (online)

February 2024

American Association of Law Schools

Discussion of freedom of speech on college campuses (online)

January 2024 January 2024

State Democracy Research Initiative Roundtable—Phoenix, AZ

Discussing contemporary litigation in field of state constitutional law **The Legal Defense Fund**— Chantilly, VA

September 2023

Presenting a review of the Supreme Court's October 2022 Term

American Bar Association—Denver, CO

August 2023

Participated in panel about intersection of anti-discrimination law and the First Amendment at ABA annual meeting

University of Texas—Austin, TX

July 2023

Participated in a panel about the future of race-conscious admissions

Emory University, Laney Graduate School—Atlanta, GA

April 2023

Led conversation about the future of race after expected Supreme Court opinion banning raceconscious admissions

Emory Law School—Atlanta, GA

February 2023

Moderated discussion with Judge Carlton Reeves sponsored by American Constitution Society

Association of American Law Schools—Washington, D.C.

October 2022

Participated in a Supreme Court Preview moderated by Erwin Chemerinsky (Online)

Columbia Law School—New York, NY

September 2022

Served on panel about the United States Supreme Court's October 2022 Term

LDF Civil Rights Training Institute—Bethesda, MD

September 2022

Participated on panel entitled "A Crisis of Credibility: A Clear-Eyed Look at the Composition of the Courts and Court Reform"

American Association of Law Schools—Washington, D.C.

July 2022

Participated in a moderated discussion about effective teaching techniques. (Online)

Federalist Society, Atlanta Lawyer Chapter— Atlanta, GA

July 2022

Served on panel about the United States Supreme Court's October 2022 Term with Georgia Solicitor General Stephen Petraney

ACLU Georgia—Atlanta, GA

July 2022

Participated in a moderated discussion about the United States Supreme Court's October 2022 Term

Emory Law School—Atlanta, GA May 2022 Law School Commencement "Most Outstanding Professor" Remarks Buckhead/Cascade City Links Chapter—Atlanta, GA March 2022 "Conversations to Connect: The Federal Judiciary" Panel (Online) University of Arizona Law—Tucson, AZ February 2022 Distinguished Commentator at National Conference of Constitutional Law Scholars (Online) University of West Georgia—Carrolton, GA February 2022 Thomas Murphy Distinguished Lecture Series South Carolina Bar Association Annual Convention—Greenville, SC January 2022 Speech on qualified immunity to South Carolina Bar Athens Human Relations Council Annual MLK Banquet—Athens, GA January 2022 Keynote speaker at annual MLK Banquet (online) Indiana University-Purdue University Indianapolis—Indianapolis, IN December 2021 Panelist for "Religion & The Supreme Court" webinar, sponsored by The Center for the Study of Religion and American Culture (online) Bar Association of San Francisco—San Francisco, CA December 2021 Panelist for "Supreme Court Discussion" sponsored by the Appellate Section of Bar Association of San Francisco (Online) Illinois Legislative Task Force—Springfield, IL October 2021 Testimony before Illinois Task Force on Constitutional Rights and Remedies (Online) Eighth Circuit Judicial Conference—Colorado Springs, CO October 2021 Presenting at the Eighth Circuit Judicial Conference, "Law in a Time of Crisis" Cooper Inn of Court—Atlanta GA September 2021 Supreme Court Term Review and Preview Emory University School of Medicine—Atlanta, GA August 2021 Presented on Race and Memory (online) John Mercer Langston Conference—Berkeley, CA July 2021 Commentator at John Mercer Langston Conference (online) Fair Districts Georgia—Atlanta, GA May 2021 Presented on panel about laws governing race in redistricting (online) University of Arizona Law—Tucson, AZ April 2021 Presented lecture on qualified immunity (Online) Loyola Chicago Law School— Chicago, IL April 2021 Presented on qualified immunity during symposium on criminal justice (online) Institute for Justice—Chicago, IL April 2021 Panelist at conference, "Outrage Legislation: Section 1983 at 150 Years" (online) Washington and Lee University—Lexington, VA March 2021 Served on panel at symposium, "A Celebration of Judge Roger Gregory" (online) Keker and Van Nest—San Francisco, CA March 2021

Presented What We Owe Our Ancestors (online)

Stonewall Bar Association—Atlanta, GA March 2021 Served on panel about legal professional paths (online) Emory Law School—Atlanta, GA February 2021 Panelist for OUTLAW Conference discussing LGBTQ+ legal rights (Online) Black History Community Run—Atlanta, GA February 2021 Keynote Speaker for run sponsored by Front Runners ATL and Social Fitness ATL Stanford Law School—Palo Alto, CA October 2020 Speaker for Supreme Court Litigation Clinic (online) Stanford Law School—Palo Alto, CA October 2020 Speaker in "Race Talks" series (Online) Seventh Circuit Bar Association—Chicago, IL October 2020 Presented on panel about qualified immunity (Online) Lambda Legal -New York, NY October 2020 Interview of Daniel Mize and Jonathan Gregg for Liberty Circle National Dinner (Online) Los Angeles ACS Chapter—Los Angeles, CA September 2020 Panelist on discussion about structural racism (Online) University of Virginia—Charlottesville, VA September 2020 Speaker in Advanced Federal Courts Seminar (Online) Lambda Legal -Atlanta, GA September 2020 Master of Ceremony for Southern Regional Office Fundraiser (Online) Georgia College, Constitution Day Lecture—Milledgeville, GA September 2020 Keynote Address for Georgia College's Constitution Day (Online) Emory Law, "Conversations about 21st Century Racism" September 2020 Inaugural Lecture for "Conversations about 21st Century Racism" series (Online) LGBT Bar Association Annual Conference August 2020 Participated on panel about balancing religious liberty and anti-discrimination norms (Online) NAACP Legal Defense Fund Qualified Immunity Roundtable July 2020 Participated in roundtable on qualified immunity (Online) Faith and Politics Institute, Interview of Judge Myron Thompson June 2020 Interviewed Hon. Myron Thompson about his work and the legacy of Hon. Frank Johnson (Online) American Bar Association, Panel on LGBTQ+ Rights—Austin, TX February 2020 Presented about transgender rights. Center for Civil Innovation, Panel on Tax Incentives—Atlanta, GA February 2020 Presented about economic development incentives and equity Georgia Bar, Supreme Court Review—Atlanta, GA October 2019 Gave presentation on federalism jurisprudence in the United States Supreme Court's previous term October 2019 Georgia Law Review Symposium—Athens, GA Participated on panel about money bail reform and abolition. Georgia College, Constitution Day—Milledgeville, GA September 2019 Served on a panel about the Constitution of United States.

Federalist Society, Atlanta Lawyer Chapter— Atlanta, GA September 2019

Served on panel hosted by the Atlanta lawyer chapter of the Federalist Society with Georgia Solicitor General Andrew Pinson

Baker Botts Diversity Panel—Atlanta, GA

June 2019

Moderated a panel on LGBTQ rights

NAACP LDF Conference on Fourteenth Amendment—Atlanta, GA February 2019

Served on panel about the future of the Fourteenth Amendment

November 2018

OutLaw Discussion, University of Chicago—Chicago, IL Discussed clerkships and academic careers with LGBT law students

Georgia Bar, Section 1983 Panel—Atlanta, GA

November 2018

Served on panel about the Supreme Court's Section 1983 jurisprudence

JusticeFest—Athens, GA
November 2018

Served as keynote speaker for annual festival sponsored by the Economic Justice Coalition

Georgia Bar, Supreme Court Review—Atlanta, GA October 2018

Gave presentation on federalism jurisprudence in the United States Supreme Court's previous term

BLSA Careers in Law Panel, University of Chicago—Chicago, IL October 2018

Served on panel about legal careers

Empowerment Summit—Atlanta, GA October 2018

Served on panel about "Hot Topics in the Law"

Federalist Society, Atlanta Lawyer Chapter— Atlanta, GA September 2018

Served on panel hosted by the Atlanta lawyer chapter of the Federalist Society with Georgia Solicitor

General Andrew Pinson

American Constitution Society, University of Georgia—Athens, GA April 2018

Presented lecture on Access to Courts

**Conversation with Chief Justice Leah Ward Sears**—Atlanta, GA February 2018 Delivered remarks at panel featuring biography of former Chief Justice Leah Ward Sears of the

Georgia Supreme Court

Conversation with Justice Sonia Sotomayor—Atlanta, GA February 2018

Moderated a discussion with Justice Sonia Sotomayor of the United States Supreme Court

Emory Law School Alumni Weekend— Atlanta, GA October 2017

Served on Panel about Constitutionalism in the American Presidency

Emory Public Interest Committee Conference— Atlanta, GA October 2017

Keynote Speaker

Federalist Society, Atlanta Lawyer Chapter— Atlanta, GA September 2017

Served on panel hosted by the Atlanta lawyer chapter of the Federalist Society with Georgia Solicitor General Sarah Warren

**Ebenezer Baptist Church**— Athens, GA May 2017

Keynote Speaker at Ceremony for Recent Graduates

New Grove Baptist Church— Winterville, GA March 2017

Keynote Speaker at Deacon Fellowship Program

**Conversation with Congressman John Lewis**—Washington, D.C. March 2017

Moderated a discussion with Congressman John Lewis for a Centennial Celebration of Emory Law

American Constitution Society—Atlanta, GA

January 2017

Served on a panel at Emory Law School about hate crimes

Emory Public Interest Committee Conference- Atlanta, GA

October 2016

Served on a panel about civil-rights oriented litigation

The Association of Corporate Counsel—San Francisco, CA

October 2016

Served on panel about the United States Supreme Court with Hon. Alex Kozinski, Hon. James Robart, and Supreme Court advocate Aaron Street

Black Law Students Association—Atlanta, GA

September 2016

Moderated panel about diversity and inclusion hosted by the Emory chapter of BLSA

Federalist Society— Atlanta, GA

September 2016

Served on panel hosted by the Atlanta lawyer chapter of the Federalist Society with Georgia Solicitor General Britt Grant

American Constitution Society—Atlanta, GA

September 2016

Served on panel hosted by Georgia Lawyer ACS Chapter about the Supreme Court with Georgia Supreme Court Justice David Nahmias and Supreme Court advocate Merritt McAllister

The Decatur Book Festival—Atlanta, GA

September 2016

Moderated a discussion with Jim Obergefell, the lead plaintiff in *Obergefell v. Hodges*, in which the Supreme Court ruled in favor of marriage equality.

The Reichstag—Berlin, Germany

July 2016

Presented on the Rise of Populism at conference sponsored by the American Council on Germany

University of Miami—Miami, FL

July 2016

Commentator at John Mercer Langston Conference, University of Miami

John Marshall Law School—Atlanta, GA

April 2016

Presented remarks about the Supreme Court to the new student chapter of the American Constitution Society

Emory Law School—Atlanta, GA

April 2016

Panel about Justice Scalia's jurisprudence sponsored by student chapter of American Constitution Society

University of California, Berkeley—Berkeley, CA

October 2015

Respondent to Randy Barnett at the Berkeley Political Science Department's Baxter Liberty Initiative Lecture

Bar Association of San Francisco—San Francisco, CA

October 2015

Panelist for "Supreme Court Preview" sponsored by the Appellate Section of Bar Association of San Francisco

Bryan Cave LLP—Atlanta, GA

September 2015

Panelist on Supreme Court Preview panel sponsored by Atlanta Lawyer Chapter of the Federalist Society

Morrison Foerster LLP—San Francisco, CA

July 2015

Moderator of "Obergefell v. Hodges: Marriage Equality at the Supreme Court" at panel sponsored by the American Constitution Society's Bay Area Lawyer Chapter and the Bay Area Lawyers for Individual Freedom

# University of California, Berkeley—Berkeley, CA

February 2015

Respondent to Amanda Hollis-Brusky on *Ideas with Consequences: The Federalist Society and the Conservative Counterrevolution* 

# University of California, Davis—Davis, CA

November 2014

Moderator of panel at conference entitled "Poverty, Precarity, & Work: Struggle and Solidarity in an Era of Permanent (?) Crisis"

# University of California, Berkeley.—Berkeley, CA

September 2014

Panelist at "Marriage Equality and the Supreme Court," sponsored by the Federalist Society's UC Berkeley Student Chapter

# Stanford Law School—Palo Alto, CA

March 2013

Moderator of "A Conversation with Federal Judges" sponsored by the American Constitution Society

#### Bar Association of San Francisco—San Francisco, CA

October 2012

Panelist for "Supreme Court Preview" sponsored by the Appellate Section of Bar Association of San Francisco

# Orrick, Herrington & Sutcliffe LLP—San Francisco, CA

October 2011

Moderator of "Supreme Court Preview: Upcoming Cases and Potential Controversies," sponsored by the American Constitution Society's Bay Area Lawyer Chapter and Bay Area Lawyers for Individual Freedom

## University of California, Berkeley.—Berkeley, CA

September 2011

Panelist for discussion on judicial restraint sponsored by the Federalist Society's UC Berkeley Student Chapter

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  President Trump is using the popular conservative ideology known as the "unitary executive theory" to give

  more power to the executive branch, https://www.wsj.com/video/series/wsj-explains/the-legaltheory-behind-trumps-plan-to-consolidate-power/58539273-8A82-4977-AF7C99DD713D181F
- CNN, This Morning Weekend with Victor Blackwell, Mar. 2, 2025, https://archive.org/details/CNNW\_20250302\_120000 \_ CNN\_This\_Morning\_Weekend
- BBC News, Anthony Zurcher & Kayla Epstein, Legal showdown looms as Trump tests limits of presidential power, Feb. 11, 2025, https://www.bbc.com/news/articles/c70kd686k2do
- La Libre Belgique, Alexis Buisson, Sous Donald Trump, les juges fédéraux ne vont pas chômer: "Nous avons du pouvoir," Jan. 25, 2025, https://www.lalibre.be/international/amerique/2025/01/25/sous-donald-trump-les-juges-federaux-ne-vont-pas-chomer-nous-avons-du-pouvoir-6NCP6QB3QRAUPEJ36CT2T4OJ3A/ (newspaper interview)
- Atlanta Journal-Constitution, Riley Bunch, *A year later, call for referendum on Atlanta police training center in legal limb*, Sept. 13, 2024, https://www.ajc.com/news/atlanta-news/legal-limbo-looms-over-training-center-referendum/MWHAB4UJJBD4ZH2WROU2EUV6MQ/ (newspaper interview)

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- KPCC, AirTalk with Larry Mantle, March 14, 2024, https://laist.com/shows/airtalk (radio interview)
- WABE, Politically Georgia, February 28, 2024, https://podcasts.apple.com/us/podcast/politically-georgia/id1356662668 (radio interview)
- WABE, Politically Georgia, January 10, 2024, https://podcasts.apple.com/us/podcast/politically-georgia/id1356662668 (radio interview)
- MSNBC, Velshi on MSNBC, Oct. 21, 2023, available at https://archive.org/details/ MSNBCW\_20231021\_140000\_Velshi/start/3480/end/3540 (television interview)
- WXIA, Dalia Perez, Space port in South Georgia could impact Atlanta public safety training center, Sep. 19, 2023 https://www.youtube.com/watch?v=ioCV557KiYQ (television interview)
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- USA Today, N'dea Yancey-Bragg, Can Atlanta voters stop 'Cop City'? Why a vote could be 'transformative' for democracy, Sept. 14, 2023, https://www.usatoday.com/story/news/nation/2023/09/14/thousands-in-atlanta-want-to-vote-on-cop-city-can-they-stop-it/70833049007/(newspaper quotation)
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### **UNIVERSITY AND LAW SCHOOL SERVICE ACTIVITIES**

Emory Law Tenure and Promotions Committee (2024-)

Chair (2024)

**Emory Teaching Award Committee** 

Chair (2024-25)

Emory Law Dean Search Committee (2023-2024)

Emory Law Faculty Appointments (2017-2023)

Chair (2020-21; 2021-22)

Artificial Intelligence and Business Law Subcommittee Member (2022)

Business Law Subcommittee Chair (2019-2020)

Criminal Law Subcommittee Chair (2018-19)

Chair, Naming Honors Committee for Emory University (2020-21)

Member, Dean's Faculty Advisory Committee, Emory Law School (2017-2018; 2021-22)

Faculty Advisor, Emory Law Journal (2017-2019; 2021-)

Chair, Search Committee for Emory Law's inaugural John Lewis Chair of Social Justice (2020-21)

Co-Founder, Berl Boykin Fierce Leadership Award, Emory University Campus Life (2020)

Selection Committee for Award (2020, 2021)

Faculty Advisor, American Constitution Society, Emory Law Chapter (2020-)

Member, Committee on Interdisciplinary Research Proposals, Emory Law School (2018-2019)

Member, Vice Provost of Faculty Affairs Search Committee, Emory University (2017-18)

Academic Excellence Advisor, Black Law Students Association, Emory Law School (2015-)

Multistate Bar Exam Review Session Lecturer, Emory Law School (2017, 2018)

Advisor, Queer Caucus, Berkeley Law School (2010-2015)

Advisor, American Constitution Society, Berkeley Law School

Facilitator, Professionalism Program, Emory Law School (2018)

Selection Committee, Berkeley Law School Thelen Marrin Writing Prize (2015)

Berkeley Law School, Faculty Workshop Committee (2014-15)

American Constitution Student Chapter Advisor, Berkeley Law School (2010-13)

Civil Procedure and Litigation Appointments Reading Group, Berkeley Law School (2012)

Clerkships Committee, Berkeley Law School (2010-2013)

# **OTHER PROFESSIONAL SERVICE ACTIVITIES**

Board Member, Lambda Legal National Board (2020-)

Vice Chair of Organizational Strategy and Diversity (2022-)

Chair, Strategic Planning Committee (2022-)

Co-Chair, Racial Equity, Access, Accountability, Diversity, and Inclusion Cmte. (2021-22)

Elected Member, American Law Institute (2022-)

Associate Reporter, Restatement of the Law, Constitutional Torts

Co-Organizer, John Mercer Langston Conference (2020-22)

Emerging Scholar Advisor and Mentor (2015-)

American Association of Law Schools, Federal Courts Section Executive Committee (2019-2020)

AALS Selection Committee, Best Untenured Article on Federal Jurisdiction (2019-2020)

Board, Invest Atlanta (2018-2022)

Chair, Economic Development Committee (2018-2019)

Atlanta Mayoral LGBTQ+ Advisory Board (2018-2020)

Advisor, United States Supreme Court Fellows Program (2018-2019) (invited by Chief Justice John Roberts)

Advisory Board, Harvard Debate Council Diversity Project (2017-2019)

Co-Organizer, Ninth Annual Junior Federal Courts Conference, Atlanta (2017)

Contributor to JOTWELL, Court Section, (2017-)

Lambda Legal Atlanta Leadership Circle (2016-)

National Board, Civil Rights Corps (2016-2023)

Interim Chair (2021-2023)

National Moot Court Problem Writer, National Black Law Students Association (2016, 2017)

American-German Young Leader, American Council on Germany, Berlin (2016)

Host Committee, Atlanta Black Jewish Coalition Seder (2016)

Board, Northern California Chapter of the American Constitution Society (2012-13)

Host Committee, Transgender Law Center Annual Gala (2012)

#### **AMICUS BRIEFS**

Little v. Doguet, No. 23-291 (U.S. 2023) (Brief of Federal Courts Professors) (Co-author)

Daves v. Dallas County, No. 23-97 (U.S. 2023) (Brief of Federal Courts Professors) (Co-author)

Reed v. Goertz, No. 21-442 (U.S. 2022) (Brief of Professor Fred Smith, Jr.) (Co-author)

United States v. Texas, 21-A85 (U.S. 2021) (Brief of Legal Scholars) (Signatory)

United States v. Texas, No. 21-50949 (5th Cir. 2021) (Brief of Legal Scholars) (Signatory)

Graff v. Aberdeen, 21-5031 (10th Cir. 2021) (Brief of Federal Courts Professors) (Co-author)

Governors Ridge Property Owners Ass'n v. McBrayer?, No. A21a0262 (Ga. Ct. App. 2020) (Brief of Law Professors and Firearms Policy Coalition) (Signatory)

Daves v. Dallas County, No. 18-11368 (5th Cir. 2021) (Brief of Criminal, Procedural, and Constitutional Law Professors) (Signatory)

Stewart v. City of Euclid, No. 20-951 (U.S. 2021) (Brief of Legal Scholars) (Signatory)

West v. Winfield, No. 19-899 (U.S. 2020) (Brief of Legal Scholars) (Signatory)

Walker v. City of Calhoun, No. 18-814 (U.S. 2019) (Brief of Criminal, Procedural, and Constitutional Law Professor) (Signatory)

Doe v. Woodard, No. 18-1173 (U.S. 2019) (Brief of Legal Scholars) (Signatory)

Smart v. City of Wichita, No. 18-3242 (10th Cir. 2019) (Brief for Scholars of the Law of Qualified Immunity) (Signatory)

Hester v. Gentry, No. 18-13894 (11th Cir. 2019) (Brief of Professor Fred Smith, Jr.) (Co-author)

- Baxter v. Bracey, No. 18-1287 (U.S. 2019) (Brief for Scholars of the Law of Qualified Immunity) (Signatory)
- Allah v. Milling, No. 17-8654 (U.S. 2018) (Brief for Scholars of the Law of Qualified Immunity) (Signatory)
- Perry v. Schwartzenegger, No. 10-16696 (9th Cir. 2010) (Brief of Constitutional Law and Civil Procedure Professors) (Signatory)

#### OTHER LEGAL EXPERIENCE

# Bondurant, Mixson and Elmore, LLP— Atlanta, GA

2008-09

Drafted appellate briefs; complaints; trial court briefs; discovery requests; legal correspondence; and memoranda on issues varying from voting rights to business disputes.

Western Judicial Circuit of Georgia, District Attorney's Office—Athens, GA 2007 Co-authored briefs; crafted suppression motions; examined witnesses and argued at arraignments and

suppression hearings; represented the State in adjudications involving juvenile offenders.

Stanford Supreme Court Litigation Clinic—Palo Alto, CA

2005-06

Co-drafted petitions for certiorari and briefs that were submitted to the United States Supreme Court; authored memoranda evaluating potential cases; participated in appellate moot argument sessions.

Committee to Re-Elect Chief Justice Leah Ward Sears—Atlanta, GA

2004

Assisted in debate preparation; oversaw volunteers throughout the state of Georgia.

Justice George Carley, Supreme Court of Georgia— Atlanta, GA

2004

Drafted bench briefs and memoranda on cases and legal issues before the court.

Harvard Law School Professor Lani Guinier—Cambridge, MA

2003-04

Provided research assistance.

University of Georgia Legal Aid Clinic—Athens, GA

2003

Researched for appellate briefs and suppression motions; interviewed clients and witnesses in preparation for trials; advised in jury selection.

Rainbow Push Coalition, General Counsel's Office—Atlanta, GA

2002

Co-authored a report on corporate diversity; conducted; wrote press releases on sociopolitical issues.

Civil Rights Project of Harvard Law School—Cambridge, MA

2001-03

Conducted research; edited research papers and legal briefs.

#### **BAR ADMISSIONS**

State of Georgia