

MICHAEL T. MORLEY

300 S. Duval St. #1409 • Tallahassee, FL 32301 • (860) 778-3883 • mmorley@law.fsu.edu

EDUCATION

YALE LAW SCHOOL, J.D., New Haven, CT (2003)

- *Yale Law Journal* – Senior Editor
- *Yale Law & Policy Review* – Articles Editor, Submissions Editor, Developments Editor
- Thurman Arnold Prize for Best Oralist, Morris Tyler Moot Court of Appeals (2002)
- National Winner, William W. Greenhalgh Legal Writing Competition, sponsored by the ABA Criminal Justice Section (2003)

PRINCETON UNIVERSITY, A.B., Princeton, NJ (2000)

- graduated *magna cum laude*
- majored in Bioethics and Public Policy in the Woodrow Wilson School of Public & International Affairs
- *Princeton University Law Journal* – Founder, Editor-in-Chief

TEACHING FELLOWSHIP

HARVARD LAW SCHOOL, Cambridge, MA (July 2012 – June 2014)

Climenko Fellow & Lecturer on Law

Courses Taught: Legal Research & Writing
 Election Litigation & Civil Procedure

CLERKSHIP

JUDGE GERALD BARD TJOFLAT

U.S. Court of Appeals for the Eleventh Circuit – Jacksonville, FL (June 2003 – Aug. 2004)

CURRENT POSITION

FLORIDA STATE UNIVERSITY COLLEGE OF LAW, Tallahassee, FL (May 2018 – present)

Assistant Professor of Law—Election Law, Federal Courts, Remedies, Legislation & Regulation, Constitutional Theory & Interpretation

PUBLICATIONS

Book Review, *Republicans and the Voting Rights Act*, 54 TULSA L. REV. 281 (2019) (invited contribution to special issue).

Beyond the Elements: Erie and the Standards for Preliminary and Permanent Injunctions, 52 AKRON L. REV. 457 (2019) (invited symposium piece).

Prophylactic Redistricting? Congress’s Section 5 Power and the New Equal Protection Right to Vote, 59 WM. & MARY L. REV. 2053 (2018).

Spokeo: *The Quasi-Hohfeldian Plaintiff and the Non-Federal Federal Question* 25 GEORGE MASON L. REV. 577 (2018).

Election Emergencies: Voting in the Wake of Natural Disasters and Terrorist Attacks, 67 EMORY L.J. 545 (2018).

The Federal Equity Power, 59 B.C. L. REV. 217 (2018).

The Disparate Impact Canon, 166 U. PENN. L. REV. ONLINE 249 (2018).

Nationwide Injunctions, Rule 23(b)(2), and the Remedial Powers of the Lower Courts, 97 B.U. L. REV. 615 (2016).

Reforming the Contested Convention: Rethinking the Presidential Nomination Process, 85 FORDHAM L. REV. 1073 (2016).

Dismantling the Unitary Electoral System? Uncooperative Federalism in State and Local Elections, 111 NW. U. L. REV. ONLINE 103 (2016).

De Facto Class Actions? Plaintiff- and Defendant-Oriented Injunctions in Election Law, Voting Rights and Other Constitutional Cases, 39 HARV. J.L. & PUB. POL'Y 487 (2016).

Non-Contentious Jurisdiction and Consent Decrees, 19 U. PENN. J. CONST. L. ONLINE 1 (2016).

Contingent Constitutionality, Legislative Facts, and Campaign Finance, 43 FLA. ST. U. L. REV. 679 (2016).

The New Elections Clause, 91 NOTRE DAME L. REV. ONLINE 79 (2016).

The Intratextual Independent "Legislature" and the Elections Clause, 109 NW. U. L. REV. 847 (2015); 109 NW. U. L. REV. ONLINE 131 (2015) – quoted in *Arizona State Legislature v. Arizona Indep. Redistricting Comm'n*, 135 S. Ct. 2652, 2679 (2015) (Roberts, C.J., dissenting).

Remedial Equilibration and the Right to Vote Under Section 2 of the Fourteenth Amendment, 2015 U. CHI. L. FORUM 279.

Reverse Nullification and Executive Discretion, 17 U. PA. J. CONST. L. 1283 (2015).

Rethinking the Right to Vote Under State Constitutions, 67 VAND. L. REV. EN BANC 189 (2014).

Public Law at the Cathedral: Enjoining the Government, 35 CARDOZO L. REV. 2453 (2014).

Enforcing Equality: Statutory Injunctions, Equitable Balancing Under eBay, and the Civil Rights Act of 1964, 2014 U. CHI. L. FORUM 177.

Avoiding Adversarial Adjudication, 41 FLA. ST. U. L. REV. 291 (2014).

Consent of the Governed or Consent of the Government? The Problem of Consent Decrees in Government-Defendant Cases, 16 U. PENN. J. CONST. L. 637 (2014).

The Case Against a Specialized Court for Federal Benefits Appeals, 17 FED. CIR. B.J. 379 (2008) (won Paralyzed Veterans of America nationwide legal writing competition).

To Catch a Killer: Roadblocks and the Fourth Amendment, 18 CRIM. JUST. 26 (Fall 2003) (won ABA Criminal Justice Section nationwide legal writing competition).

Developments in Law & Policy: Emerging Issues in Family Law, 21 YALE L. & POL'Y REV. 169 (2003) (with co-authors).

Note, *Increasing the Supply of Organs for Transplantation Through Paired Organ Exchanges*, 21 YALE L. & POL'Y REV. 221 (2003).

Case Comment, *"Exceedingly Vexed and Difficult": Games and the First Amendment*, 112 YALE L.J. 361 (2002).

Note, *The Law of Nations and the Offenses Clause of the Constitution: A Defense of Federalism*, 112 YALE L.J. 109 (2002).

Note, *Proxy Consent to Organ Donation by Incompetents*, 111 YALE L.J. 1215 (2002).

FORTHCOMING PUBLICATIONS AND WORKS IN PROGRESS

Vertical Stare Decisis and Three-Judge District Courts, 108 GEO. L.J. _ (forthcoming 2020), available at https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3373405.

Disaggregating Nationwide Injunctions, 71 ALA. L. REV. 1 (forthcoming 2020), available at https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3373392.

Floor Fight: Protecting the Presidential Nomination Process from Last-Minute Manipulation of the Rules for National Party Conventions, in THE BEST CANDIDATE: PRESIDENTIAL NOMINATIONS IN POLARIZED TIMES (Eugene Mazo & Michael Dimino, eds., Cambridge Univ. Press 2020), available at https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3417959.

Decentralized Election Administration, Equal Protection, and the Right to Vote, GEO. MASON L. REV. (forthcoming 2020).

Litigating Imperfect Solutions: State Constitutions in Federal Court, Book Review, CONST. COMM. (forthcoming 2020).

State Constitutions, Federal Elections, and the Elections Clause (work in progress).

Interpreting Injunctions (with Prof. Andy Hessick, UNC College of Law)

PROFESSIONAL ASSOCIATIONS AND OTHER APPOINTMENTS

Appointed by Florida Governor Ron DeSantis to the Florida Criminal Punishment Code Task Force

American Association of Law Schools (AALS), Election Law Section: Secretary (2019-20), Executive Board member (2018-19)

American Political Science Association, member – 2019

CONGRESSIONAL AND OTHER GOVERNMENTAL TESTIMONY

Testimony before U.S. House of Representatives, Judiciary Committee, Subcommittee on the Constitution, Civil Rights and Civil Liberties, Field Hearing (Houston, TX), *Enforcement of the Voting Rights Act in the State of Texas*, (May 3, 2019),

<https://www.facebook.com/CongresswomanSheilaJacksonLee/videos/live-house-judiciary-committee-on-enforcement-of-the-voting-rights-act-in-texas-/1088861151305416/>.

Presentation before U.S. Election Assistance Commission, Standards Board, *Elections and Disaster Recovery* (Apr. 19, 2018).

Testimony before U.S. House of Representatives, Judiciary Committee, Subcommittee on Courts, Intellectual Property and the Internet, *The Role and Impact of Nationwide Injunctions by District Courts* (Nov. 30, 2017), <https://judiciary.house.gov/hearing/role-impact-nationwide-injunctions-district-courts/>.

EDITORIALS AND ONLINE WORK

Michael Morley: Rucho, Legal Fictions, and the Judicial Models of Voters, ELECTION LAW BLOG (July 4, 2019) (invited piece for online symposium on the Supreme Court's ruling in *Rucho*), <https://electionlawblog.org/?p=106008>.

Panelist on Central Florida 100, ORLANDO SENTINEL (2015-17).

Guest blogger at PRAWFSBLAWG (Oct.-Nov. 2016, Oct. 2017).

The Twenty-Sixth Amendment, NATIONAL CONSTITUTION CENTER INTERACTIVE CONSTITUTION, <https://constitutioncenter.org/interactive-constitution/amendments/amendment-xxvi> (with Dean Jocelyn Benson).

Felon Rights? Don't Let Lawbreakers Elect Soft-on-Crime Lawmakers, ORLANDO SENTINEL, June 13, 2017, <http://www.orlandosentinel.com/opinion/os-ed-no-rights-for-felons-front-burner-20170613-story.html> (opposing viewpoint piece against former Governor Charlie Crist).

Rick Scott Right to Refuse Extending Voter Registration Deadline, THE HILL, Oct. 7, 2016, <http://thehill.com/blogs/pundits-blog/campaign/299873-fla-gov-rick-scott-was-right-to-refuse-extending-voter>.

Newby and Necessity, JURIST, Oct. 2, 2016, <http://www.jurist.org/forum/2016/10/newby-and-necessity.php>.

The Unanswered Questions in Evenwel: Voters, Undocumented Immigrants and the American Political Community, JURIST, Apr. 23, 2016, <http://www.jurist.org/forum/2016/04/michael-morley-unanswered-evenwel.php>.

The Elections Clause, NATIONAL CONSTITUTION CENTER INTERACTIVE CONSTITUTION, <http://constitutioncenter.org/interactive-constitution/interpretations/elections-clause-morley-tolson> (with Prof. Franita Tolson).

Enforcing the Elections Clause by Preserving the Role of Legislatures, NATIONAL CONSTITUTION CENTER INTERACTIVE CONSTITUTION, <http://constitutioncenter.org/interactive-constitution/interpretations/enforcing-the-elections-clause-by-preserving-the-role-of-legislatures-morle>.

State High Court Picks Procedure Over Justice, ORLANDO SENTINEL, May 3, 2016, <http://www.orlandosentinel.com/opinion/os-ed-blaxton-supreme-court-ruling-050516-20160503-story.html>.

The Unanswered Questions in Evenwel: Voters, Undocumented Immigrants, and the American Political Community, JURIST, Apr. 23, 2016, www.jurist.org/forum/2016/04/michael-morley-unanswered-evenwel.php.

Justice Scalia Fearlessly Enforced Constitution, ORLANDO SENTINEL, Feb. 16, 2016, <http://www.orlandosentinel.com/opinion/os-ed-justice-antonin-scalia-death-021616-20160215-story.html>.

A Fourth Path in Evenwel: What Campaign Finance Jurisprudence Tells Us About Legislative Redistricting, BALKINIZATION (Dec. 2, 2015), <http://balkin.blogspot.com/2015/12/a-fourth-path-in-evenwel-what-campaign.html>.

Michael Morley on the SCOTUS AZ Redistricting Decision, ELECTION LAW BLOG (June 30, 2015), <https://electionlawblog.org/?p=73927>.

TELEVISION AND RADIO APPEARANCES

Alan Nathan Show, Main Street Radio Network, *Trump Seeks to Limit Judges Powers on Injunctions* (May 13, 2019, 1:51 EST), <http://www.mainstretradionetwork.com/audio/shows/BATTLELINE-HR2-190513.mp3> (starts at 48:28).

Leon County Continues Manual Recounts Friday, ABC 27 WTXL (Nov. 16, 2018), http://www.wtxl.com/news/leon-county-continues-manual-recounts-friday/article_4e11673c-e997-11e8-b7e8-ab32c3fd35be.html.

Analyzing Manual Ballot Recount in Florida Races, ABC 27 WTXL (Nov. 15, 2018), http://www.wtxl.com/news/analyzing-manual-ballot-recount-in-florida-races/article_574a0260-e91e-11e8-8d60-479717c9a333.html.

C-SPAN, *Michael Morley on Recounts in the Florida Governor and Senate Races*, WASH. J. (Nov. 14, 2018), <https://www.c-span.org/video/?454484-4/washington-journal-michael-morley-discusses-florida-recounts-governor-senate-races>.

Steve Mistler, *Ranked-Choice Vote Tally Resumes in Maine's Second District Race as Poliquin Seeks to Stop It*, ME. PUB. RADIO (Nov. 14, 2018),

<http://www.mainepublic.org/post/ranked-choice-tally-resumes-maines-2nd-district-race-poliquin-seeks-stop-it>.

Steve Mistler, *In Tight Race, Maine Republican Sues to Block State's Ranked-Choice Voting Law*, ME. PUB. RADIO (Nov. 13, 2018), <http://www.mainepublic.org/post/facing-defeat-maine-republican-sues-block-states-ranked-choice-voting-law/>; accord <https://www.npr.org/2018/11/13/667435326/facing-defeat-maine-republican-sues-to-block-states-ranked-choice-voting-law>.

Miami-Dade Starts Recount Process, Broward on Sunday, NBC 6 MIAMI (Nov. 10, 2018), https://www.nbcmiami.com/on-air/as-seen-on/Miami-Dade-Starts-Recount-Process-Broward-Sunday_Miami-500219551.html.

Ryan Gorman, *FSU Law Professor Michael Morley*, PM TAMPA BAY, IHEARTRADIO (Nov. 9, 2018), <https://www.iheart.com/podcast/960-pm-tampa-bay-29061869/episode/fsu-law-professor-michael-morley-11918-30132159/>

Matthew Peddie, *Intersection: Recount; Nursing Education; Maker Faire*, 90.7 WFME (Nov. 9, 2018), <https://www.wmfe.org/intersection-recount-nursing-education-maker-faire/93402>; accord <https://www.npr.org/podcasts/493812715/90-7-w-m-f-e-s-intersection>

Good Day Orlando, *Florida Senate Race Continues Towards a Recount, as Lead Remains Small*, FOX 35 (Nov. 8, 2018), <http://www.fox35orlando.com/news/politics/florida-senate-race-continues-towards-a-recount-as-lead-remains-small>

Election Workers to Meet Amid Likely Recount in Senate Race, WKMG NEWS 6 CLICKORLANDO (Nov. 8, 2018), <http://mms.tveyes.com/MediaCenterPlayer.aspx?u=aHR0cDovL211ZGhhY2VudGVyLnR2ZXllcy5jb20vZG93bmxvYWRnYXRld2F5LmFzcHg%2FVFXNlckIEPTUwMjkzMCZNREIEPTewNzAxNjg3Jk1EU2VIZD01MTMmVHlwZT1NZWRpYQ%3D%3D>.

Experts: Senate Recount Won't Have Huge Impact, FOX 35 NEWS (Nov. 7, 2018), <http://www.fox35orlando.com/news/politics/experts-senate-recount-won-t-have-huge-impact>

John Legend Pushes Voting Rights Amendment, FOX 35 NEWS (Oct. 3, 2018), <http://www.fox35orlando.com/news/local-news/john-legend-pushes-voting-restoration-amendment>

Good Day Orlando, *Amendment 4: Voting Rights for Felons*, FOX NEWS 35 (Oct. 3, 2018), <http://www.fox35orlando.com/good-day/363659813-video>

Local Professors React to Kavanaugh Hearings, WCTV.TV (Sept. 6, 2018), <http://www.wctv.tv/content/news/Local-professors-react-to-Kavanaugh-hearings-492567261.html>

Staffing Shakeups, NEWS 13 (Aug. 1, 2017), <https://www.youtube.com/watch?v=QtqoFr6W1qE&feature=youtu.be>

Cuba Policy Rollback, NEWS 13 (June 22, 2017),
<https://www.youtube.com/watch?v=I3IEBvx3rNc&feature=youtu.be>

Director Comey Fired, NEWS 13 (May 10, 2017),
<https://www.youtube.com/watch?v=1nXj2TpZqCk&feature=youtu.be>.

Common Ground: Substitution of State Attorney for Refusing to Consider Seeking the Death Penalty, NEWS 13 (Mar. 27, 2017), <https://www.youtube.com/watch?v=RSbrT4AaoHo&feature=youtu.be>.

Action 9 Investigates Well-Known Firm, WFTV (Sept. 28, 2016),
<http://www.wftv.com/news/action-9/action-9-investigates-well-known-law-firm/450692396>.

Good Day Orlando, FOX NEWS 35 (June 4, 2016).

In-Depth: Replacing Justice Antonin Scalia, NEWS 13 (Mar. 7, 2016),
<https://www.youtube.com/watch?v=vXwJNOoHmcc>.

In-Depth: Churches and Same-Sex Marriage Laws, NEWS 13 (Sept. 11, 2015),
<https://www.youtube.com/watch?v=8N0tTsE-Zgk&feature=youtu.be>.

In-Depth: Re-Drawing Florida's Districts, NEWS 13 (Aug. 14, 2015),
https://www.youtube.com/watch?v=_1HOq9T1Vyo&feature=youtu.be.

PODCASTS

Nutraceutical Corp. v. Lambert, POST-DECISION SCOTUSCAST (May 13, 2019),
<https://fedsoc.org/commentary/podcasts/nutraceutical-corp-v-lambert-post-decision-scotuscast>.

How to Interpret Statutes, LAW TO FACT (Apr. 11, 2019),
<https://www.listennotes.com/da/podcasts/law-to-fact/how-to-interpret-statutes-uR0k7BP3FOD/>

Michael Morley on "Nationwide Injunctions", IPSE DIXIT PODCAST (Feb. 12, 2019),
<https://shows.pippa.io/ipse-dixit/episodes/michael-morley-on-nationwide-injunctions>

Nutraceutical Corp. v. Lamber, POST-ARGUMENT SCOTUSCAST (Jan. 17, 2019),
<https://fedsoc.org/commentary/podcasts/nutraceutical-corp-v-lambert-post-argument-scotuscast>

Voting Rights, Election Law, and the Midterms, NATIONAL CONSTITUTION CENTER PODCAST (Oct. 29, 2018), <https://constitutioncenter.org/debate/podcasts/voting-rights-election-law-and-the-midterms>.

Husted v. A. Philip Randolph Inst., SCOTUSCAST (Feb. 28, 2018),
<https://fedsoc.org/commentary/podcasts/husted-v-a-philip-randolph-institute-post-argument-scotuscast>

Is This the End of Partisan Gerrymandering?, NATIONAL CONSTITUTION CENTER PODCAST (Dec. 8, 2016), <http://constitutioncenter.org/experience/programs-initiatives/podcasts/>.

Shapiro v. McManus—*Post-Decision Podcast*, SCOTUSCAST (Dec. 14, 2015), <http://www.fed-soc.org/multimedia/detail/shapiro-v-mcmanus-post-decision-scotuscast>.

Shapiro v. McManus—*Post-Argument Podcast*, SCOTUSCAST (Nov. 24, 2015), <http://www.fed-soc.org/multimedia/detail/shapiro-v-mcmanus-post-argument-scotuscast>.

Who Holds the Redistricting Power?, NATIONAL CONSTITUTION CENTER PODCAST (Feb. 25, 2015), <http://constitutioncenter.org/experience/programs-initiatives/podcasts/>.

Conversation with Professor Michael T. Morley on the Intratextual Independent Legislature, NORTHWESTERN LAW REVIEW ONLINE PODCAST (Feb. 25, 2015), <http://www.northwesternlawreview.org/online/conversation-professor-michael-t-morley-intratextual-independent-legislature>.

PRESENTATIONS AND CONFERENCES

NOTRE DAME LAW SCHOOL REMEDIES ROUNDTABLE, Chicago, IL (June 20, 2019) – presented *Disaggregating Nationwide Injunctions*

FEDERALIST SOCIETY JUNIOR SCHOLARS COLLOQUIUM, Annapolis, MD (June 14, 2019) – selected in competition to present *Vertical Stare Decisis and Three-Judge District Courts*

THIRD ANNUAL JUNIOR FACULTY FORUM, University of Richmond School of Law (May 22, 2019) – moderated panel on Courts and Accountability

THIRD ANNUAL JUNIOR FACULTY FORUM, University of Richmond School of Law (May 21, 2019) – panel on Analyzing Judges – presented *Vertical Stare Decisis and Three-Judge District Courts*

LAW AND ETHICS OF BIG DATA COLLOQUIUM, Washington and Lee University School of Law (Apr. 24, 2019) – presented *The Channels of Foreign Interference in Federal Elections*

NATIONWIDE INJUNCTIONS SYMPOSIUM, University of Colorado School of Law (April 5, 2019) – presented *Constitutional Violation as Mass Tort: Hints About Nationwide Injunctions*

FLORIDA STATE UNIVERSITY COLLEGE OF LAW BOARD OF TRUSTEES (Feb. 25, 2019) – presentation on current research

HERITAGE FOUNDATION, Washington, D.C. (Feb. 4, 2019) – participated on panel, “The Legality of Nationwide Injunctions,”

<https://www.heritage.org/courts/event/the-legality-nationwide-injunctions>

UCLA HAMMER MUSEUM, HAMMER FORUM, Los Angeles, CA (Jan. 31, 2019) – participated on panel, “Voting Rights and Wrongs,”

<https://hammer.ucla.edu/programs-events/2019/01/voting-rights-and-wrongs/>

FEDERALIST SOCIETY, WESTERN STATES CONFERENCE, Simi Valley, CA (Jan. 26, 2019) – panel on nationwide injunctions – participant,

<https://fedsoc.org/conferences/2019-annual-western-chapters-conference#agenda-item-panel-one-debate-on-nationwide-injunctions>

AALS ANNUAL CONFERENCE, New Orleans, LA (Jan. 3, 2019) – convened and moderated panel on Equity in the Modern World – presented *Disaggregating Nationwide Injunctions*

A TOTALLY DIFFERENT CAMPAIGN: THE WAY WE SELECT PRESIDENTS, The Ohio State University College of Law (Nov. 30, 2018) – participated on panel about reforming the electoral college and adopting a national popular vote

FOURTH ANNUAL CIVIL PROCEDURE WORKSHOP, Stanford Law School (Nov. 10, 2018) – panel on nationwide injunctions – presented *Disaggregating Nationwide Injunctions*

SOUTHEASTERN JUNIOR-SENIOR WORKSHOP, University of Georgia School of Law (Oct. 26, 2018) – presented *Disaggregating Nationwide Injunctions*

FEDERALIST SOCIETY, NEW YORK CITY CHAPTER, Manhattan (Oct. 23, 2018) – panel on Nationwide Injunctions – participated on panel with former Acting Solicitor General Neal Katyal

FLORIDA GOVERNMENT BAR ASSOCIATION, *Perspectives on the Right to Bear Arms*, Tallahassee, FL (Sept. 26, 2018) – participated on panel

AMERICAN SOCIETY FOR PUBLIC ADMINISTRATION, SOUTHEASTERN CONFERENCE FOR PUBLIC ADMINISTRATION (SECOPA), Birmingham, AL (Sept. 22, 2018) – Panel on Election Administration – presented *Election Emergencies: Voting in the Wake of Natural Disasters and Terrorist Attacks*

CONSTITUTION DAY LECTURE, Strozier Library, Florida State University (Sept. 17, 2018) – “The U.S. Constitution and the Evolution of the Right to Vote”

TENTH ANNUAL JUNIOR FEDERAL COURTS WORKSHOP, University of Oklahoma School of Law (Sept 15, 2018) – presented *Disaggregating Nationwide Injunctions*

ERIE AT EIGHTY: CHOICE OF LAW ACROSS THE DISCIPLINES, University of Akron School of Law, Center for Constitutional Law (Sept. 14, 2018) – presented *Beyond the Elements: Erie and the Standards for Preliminary and Permanent Injunctions in Diversity Cases*

SEALS ANNUAL CONFERENCE, Fort Lauderdale (Aug. 11, 2018) – Discussion Group in the Revised Discovery Rules in Practice – participant

SEALS ANNUAL CONFERENCE, Fort Lauderdale (Aug. 10, 2018) – Federal Courts / Civil Procedure Works-in-Progress Workshop – presented *Disaggregating Nationwide Injunctions*

SEALS ANNUAL CONFERENCE, Fort Lauderdale (Aug. 8, 2018) – Panel on Russian Interference on the U.S. Election – presented *The Channels of Foreign Interference in American Elections*

SEALS ANNUAL CONFERENCE, Fort Lauderdale (Aug. 7, 2018) – Voices in Constitutional Law Discussion Group – presented *The Channels of Foreign Interference in American Elections*

SEALS ANNUAL CONFERENCE, Fort Lauderdale (Aug. 5, 2018) – Controversial Remedies Discussion Group – presented *Reforming Modern Equity*

REPUBLICAN NATIONAL LAWYERS ASSOCIATION (Aug. 3, 2018, upcoming) – Panel on Public Officials and the First Amendment – presented on *Knight First Amendment Institute v. Trump*

AMERICAN ASSOCIATION OF LAW LIBRARIANS, Annual Conference (July 15, 2018) – Panel entitled Should One Judge Have All This Power? – presented *Disaggregating Nationwide Injunctions*

UNIVERSITY OF NOTRE DAME LAW SCHOOL (June 14, 2018) – Remedies Roundtable – presented *The Modern Equity Power*

GEORGE MASON UNIVERSITY, ANTONIN SCALIA LAW SCHOOL, *George Mason Civil Rights Law Journal* Symposium (Mar. 28, 2018) – panel on Political Gerrymandering

PEPPERDINE LAW REVIEW SYMPOSIUM 2018—FEDERALISM: PAST, PRESENT, AND FUTURE, Malibu, CA (Mar. 23, 2018) – panel on Election Law and Federalism – presented *Congressional Power Over Voter Qualifications*

AMERICAN CONSTITUTIONAL SOCIETY, National Constitutional Law Colloquium (Mar. 2, 2018) – panel on Constitutional Changes in Civil Procedure and Remedies – presented *A Unified Theory of Nationwide Injunctions*

MYRA CRAFT OPEN CLASSROOM, Northeastern University School of Public Policy and Urban Affairs (Feb. 28, 2018) – panel on Voting Rights and the Rule of Law, <https://www.youtube.com/watch?v=CsP1sg6QjsQ>

13TH ANNUAL INTERNATIONAL CONFERENCE ON CONTRACTS, Barry University School of Law (Feb. 23, 2018) – panel on Reconsidering Remedies – presented *Equitable Remedies in Contract and Quasi-Contract*

13TH ANNUAL INTERNATIONAL CONFERENCE ON CONTRACTS, Barry University School of Law (Feb. 23, 2018) – moderated panel on The Future of Contracts, Contract Law, and Contracts Scholarship

FEDERALIST SOCIETY, 2018 ANNUAL FLORIDA CHAPTERS CONFERENCE, Orlando, Florida (Feb. 3, 2018) – panel on The First Amendment, Title IX, and Due Process at the Universities – presented on security costs for disruptions and protests at public forums

AALS ANNUAL CONFERENCE, San Diego, CA (Jan. 6, 2018) – Discussion group on Foreign Interference in Elections – presented *The Channels of Foreign Interference in Federal Elections*

SEALS ANNUAL CONFERENCE, Amelia Island, FL (Aug. 8, 2017) – Workshop on Civil Procedure: The Inherent Characteristics of Jurisdiction – presented *Reforming Modern Equity*

SEALS ANNUAL CONFERENCE, Amelia Island, FL (Aug. 4, 2017) – New Scholars Workshop: Civil Procedure, Litigation, and Professional Responsibility – presented *Reforming Modern Equity*

SEALS ANNUAL CONFERENCE, Amelia Island, FL (Aug. 3, 2017) – Workshop on Constitutional Law: Reforming the Presidential Nomination Process – presented *The Rules Governing National Political Conventions*

SEALS ANNUAL CONFERENCE, Amelia Island, FL (Aug. 1, 2017) – Remedies Discussion Group: The Law of Equity – presented *A Taxonomy of Nationwide Injunctions*

JUNIOR FACULTY FEDERAL COURTS WORKSHOP, Emory Law School (Apr. 1, 2017) – presented *The Federal Equity Power*

WILLIAM & MARY LAW REVIEW AND ELECTION LAW PROGRAM, William & Mary Law School (Feb. 17, 2017) – Panel on Legacy of *Baker v. Carr* – presented *Prophylactic Redistricting*

FEDERALIST SOCIETY, 2017 ANNUAL FLORIDA CHAPTERS CONFERENCE, Orlando, Florida (Feb. 3, 2017) – panel on the Legacy of Justice Antonin Scalia – presented on Justice Scalia's originalist conception of election law

EMORY LAW JOURNAL, RANDOLPH W. THROWER SYMPOSIUM, MINDING THE GAP: LAW AND PRACTICE IN PUBLIC HEALTH EMERGENCIES, Emory Law School (Feb. 2, 2017) – Panel on Bridging the Gap with Legal and Technological Innovation – presented *Election Emergencies*

2017 AALS ANNUAL MEETING, San Francisco, CA (Jan. 4, 2017) – Panel on Indemnification and Insurance: How the Deterrent Voice of Remedies is Muffled and Amplified – presented *Nationwide Injunctions, Rule 23(b)(2), and the Remedial Powers of the Lower Courts*

SEVENTH ANNUAL CONSTITUTIONAL LAW COLLOQUIUM, Loyola University Chicago School of Law (Nov. 12, 2016) – Voting Rights and Corruption Panel – presented *Dispensing and Suspending: The Bulwarks of Executive Discretion*

FORDHAM LAW REVIEW, ELECTION LAW AND THE PRESIDENCY SYMPOSIUM, New York City, N.Y. (Sept. 30, 2016)—presented *Reforming the Contested Convention: Rethinking the Presidential Nomination Process*

MARQUETTE JUNIOR FACULTY WORKS-IN-PROGRESS PROGRAM (Sept. 10, 2016) (invited participant) – presented *Erie and the Federal Equity Power*

JEWISH WAR VETERANS OF THE UNITED STATES 121ST ANNUAL NATIONAL CONVENTION (Aug. 17, 2016) – keynote speaker – presented on military and veterans group litigation

RNLA NATIONAL ELECTION LAW SEMINAR, Denver, CO (Aug. 12, 2016) – participated in panel on the Supreme Court and Election Law – presented on recent developments concerning the Voting Rights Act

SEALS ANNUAL CONFERENCE, Amelia Island, FL (Aug. 8, 2016) – Works-in-Progress Series – presented *Erie and the Federal Equity Power*

SEALS ANNUAL CONFERENCE, Amelia Island, FL (Aug. 7, 2016) – New Scholars Workshop: Civil Procedure, Federal Courts, and the Constitution – presented *Dispensing and Suspending: The Bulwarks of Executive Under-Enforcement of the Law*

SEALS ANNUAL CONFERENCE, Amelia Island, FL (Aug. 6, 2016) – Workshop on Constitutional Law: Campaign Finance Regulation

SEALS ANNUAL CONFERENCE, Amelia Island, FL (Aug. 4, 2016) – Advancement of Remedies Discussion Group

MISSISSIPPI LAW JOURNAL VOTING RIGHTS ACT SYMPOSIUM, University of Mississippi School of Law (Apr. 7, 2016) – panel on The Voting Rights Act, “We the People . . .,” presented *De Facto Class Actions? Injunctive Relief in Voting Rights, Election Law, and Other Constitutional Cases*

AMERICAN CONSTITUTION SOCIETY, SECOND ANNUAL CONSTITUTIONAL LAW SCHOLARS FORUM, Barry University School of Law (Apr. 1, 2016) – presented *De Facto Class Actions? Injunctive Relief in Voting Rights, Election Law, and Other Constitutional Cases*

ELECTIVE PERSPECTIVE: JUDICIAL REGULATION OF POLITICS IN AN ELECTION YEAR, University of Kentucky College of Law (Mar. 25, 2016) – panel on The Constitutional Right to Vote and Voter Identification – presented *De Facto Class Actions? Injunctive Relief in Voting Rights, Election Law, and Other Constitutional Cases*

ELECTION LAW: TODAY AND BEYOND, Washburn University School of Law (Feb. 25, 2016) – Panel on Campaign Finance – presented *De Facto Class Actions? Injunctive Relief in Voting Rights, Election Law, and Other Constitutional Cases*

SIXTH ANNUAL CONSTITUTIONAL LAW COLLOQUIUM, Loyola University Chicago School of Law (Nov. 7, 2015) – Voting Rights and Corruption Panel – presented *Remedial Equilibration and the Right to Vote Under Section 2 of the Fourteenth Amendment*

ORANGE COUNTY LEAGUE OF WOMEN VOTERS, Orlando, FL (Oct. 22, 2015) – panelist on Campaign Finance Forum

AMERICAN CONSTITUTION SOCIETY, Barry University School of Law (Oct. 20, 2015) – Faculty Forum – presented *Remedial Equilibration and the Right to Vote Under Section 2 of the Fourteenth Amendment*

FEDERALIST SOCIETY, Barry University School of Law (Sept. 30, 2015) – panelist on Redistricting Reviewed: Who Should Draw the Lines? Legislators or a Commission?

JUNIOR FACULTY FEDERAL COURTS WORKSHOP, University of California, Irvine School of Law (Sept. 12, 2015) – presented *De Facto Class Actions? Injunctive Relief in Voting Rights, Election Law, and Other Constitutional Cases*

SEALS ANNUAL CONFERENCE, Boca Raton, FL (July 31, 2015) – New Scholars Colloquia: Federal Courts and Jurisdiction – presented *Erie, Injunctions, and the Federal Equity Power*

SEALS ANNUAL CONFERENCE, Boca Raton, FL (July 30, 2015) – The Supreme Court and Election Law Discussion Group – participant

SEALS ANNUAL CONFERENCE, Boca Raton, FL (July 28, 2015) – Staying Powers of Equitable Remedies Discussion Group – participant

DEVELOPING IDEAS CONFERENCE, University of Kentucky College of Law (May 20, 2015), presented *Erie, Injunctions, and the Federal Equity Power*

LAW OF DEMOCRACY AT THE CROSSROADS: REFLECTING ON FIFTY YEARS OF VOTING RIGHTS AND THE JUDICIAL REGULATION OF THE POLITICAL THICKET, Florida State University School of Law (Mar. 27, 2015) – panel on Campaign Finance – presented *Facts, Law, and Campaign Finance Litigation*

AALS CONFERENCE, Washington, D.C. (Jan. 4, 2015) – panel on Structural Reform Litigation at 60 – presented *Statutory Injunctions, Judicial Conceptions of Rights, and the Civil Rights Act of 1964*

FEDERALIST SOCIETY FACULTY CONFERENCE, Washington, D.C. (Jan. 3, 2015) – Works-in-Progress panel – presented *Remedial Equilibration and the Right to Vote Under the Fourteenth Amendment*

UNIVERSITY OF CHICAGO LEGAL FORUM SYMPOSIUM (Nov. 7, 2014) – panel on Voters and Redistricting – presented *Remedial Equilibration and the Right to Vote Under Section 2 of the Fourteenth Amendment*

FACULTY WORKSHOP, Barry Law School (Nov. 4, 2014) – presented *Erie, Injunctions, and the Federal Equity Power*

JUNIOR FACULTY FEDERAL COURTS WORKSHOP, University of Georgia School of Law (Oct. 11, 2014) – presented *Erie, Injunctions, and the Federal Equity Power*

LAW AND SOCIETY ANNUAL MEETING, Minneapolis, MN (June 1, 2014) – panel Chair – Money Matters: Problems with the Law and Dispute Resolution in Financial Cases

UNIVERSITY OF CHICAGO LEGAL FORUM SYMPOSIUM (Nov. 8, 2013) – panel on Judicial Frameworks and the Scope of the Civil Rights Act – presented *Statutory Injunctions, Judicial Conceptions of Rights, and the Civil Rights Act of 1964*

JUNIOR FACULTY FEDERAL COURTS WORKSHOP, Brooklyn Law School (Oct. 4-5, 2013) – presented *Public Law at the Cathedral: A Defense of Strong Injunction Essentialism*

FACULTY WORKSHOP, Harvard Law School (Sept. 19, 2013) – presented *Public Law at the Cathedral: A Defense of Strong Injunction Essentialism*

LAW AND SOCIETY ANNUAL MEETING, Boston, MA (June 2, 2013) – panel on Constitutional Theory: Forms and Functions of Constitutional Adjudication – presented *Consent of the Governed or Consent of the Government? The Article III Problems with Consent Decrees in Government-Defendant Cases*

SHARING SCHOLARSHIP, BUILDING TEACHERS WORKSHOP, Albany Law School (Feb. 2, 2013) – panel on Constitutional Law / Jurisprudence – presented *Consent of the Governed or Consent of the Government? The Article III Problems with Consent Decrees in Government-Defendant Cases*

COMMITTEE WORK

FLORIDA STATE UNIVERSITY COLLEGE OF LAW
Faculty Enrichment Committee – 2018-20 (member)
Clerkship Committee – 2018-20 (member)

ADDITIONAL PROFESSIONAL EXPERIENCE

BARRY UNIVERSITY SCHOOL OF LAW, Orlando, FL
Associate Professor of Law (Sept. 2017 – May 2018)
Assistant Professor of Law (July 2014 – Aug. 2017)

WINSTON & STRAWN, LLP – Washington, D.C.
Associate, Appeals & Critical Motions Group (2011 – April 2012)

JOE MILLER FOR U.S. SENATE – Anchorage, AK
Lead Litigation Counsel (Nov. – Dec. 2010)

OFFICE OF THE GENERAL COUNSEL, DEPARTMENT OF THE ARMY – The Pentagon
Attorney-Advisor, Litigation, Constitutional Law & Special Projects (Dec. 2008 – Nov. 2010)
Special Assistant to the General Counsel of the Army (Jan. – Dec. 2008)

WILLIAMS & CONNOLLY LLP – Washington, D.C.
Litigation Associate (Nov. 2004 – Dec. 2007)

DEAN ANTHONY KRONMAN, YALE LAW SCHOOL – New Haven, CT
Research Assistant (Jan. 2002 – Jan. 2003)

BAR ADMISSIONS

Florida, Virginia (associate status), New Jersey, District of Columbia

SIGNIFICANT CASES

Helman v. Dep't of Veterans Affairs (Fed. Cir.)—obtained intervention for 12 military and veterans groups, including the VFW, AMVETS, Iraq & Afghanistan Veterans of America, and Marine Corps League to defend the constitutionality of the Veterans Access, Choice, and Accountability Act after the U.S. Department of Justice refused to do so

Goodwin v. United States (8th Cir.)—litigated appeal from denial of Motion to Vacate Conviction under 28 U.S.C. § 2254 in First Amendment case

McCutcheon v. FEC, 134 S. Ct. 1434 (2014)—counsel of record in successful First Amendment challenge to aggregate contribution limits

Townley v. Miller, 722 F.3d 1128 (9th Cir. 2013)—challenged Nevada law requiring Secretary of State to ignore votes cast for “None of These Candidates”

McMillan v. State, 51 A.3d 623 (Md. 2012)—overturned first-degree felony murder conviction

United States v. Alvarez, 132 S. Ct. 2537 (2012)—counsel of record for amicus brief for 25 military and veterans groups quoted by U.S. Supreme Court

State v. Matthews, 999 A.2d 1050 (Md. 2010)—obtained order from state supreme court requiring hearing on whether petitioner was entitled to a Writ of Actual Innocence

Miller v. Campbell, No. 3:10-CV-0252-RRB, 2010 U.S. Dist. LEXIS 133443 (D. Alaska Nov. 19, 2010) – obtained preliminary injunction blocking certification of results of U.S. Senate race pending resolution of challenge to write-in votes

United States v. Law, 528 F.3d 888 (D.C. Cir. 2008)—obtained reversal of conviction on Double Jeopardy grounds

MedImmune, Inc. v. Genentech, Inc., 549 U.S. 118 (2007) – counsel for successful Petitioners

REFERENCES

Prof. E. Donald Elliott, Yale Law School
e.donald.elliott@yale.edu
(203) 432-4833

Prof. Jack Goldsmith, Harvard Law School
jgoldsmith@law.harvard.edu
(617) 384-8159

Prof. Jim Pfander, Northwestern Law School
j-pfander@northwestern.edu
(312) 503-1325

Prof. Terri Day, Barry University Law School
tday@barry.edu
(321) 206-5630

Judge Gerald Bard Tjoflat
U.S. Court of Appeals
for the Eleventh Circuit
(904) 301-6570

Prof. Rick Hasen, University of California,
Irvine School of Law
rhasen@law.uci.edu
(949) 824-3072

Prof. Jamelle Sharpe, Univ. of Illinois
at Urbana-Champaign
jcsharp@illinois.edu
(217) 244-1650

Stephanie Barna
Acting Principal Deputy Under Secretary
of Defense (Personnel & Readiness)
Stephanie.barna@us.army.mil
(703) 695-5254