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EDUCATIONAL BACKGROUND:

J.D. *magna cum laude* from the University of Michigan Law School, Ann Arbor, Michigan, 1985.

B.A. from Wesleyan University, Middletown, Connecticut, 1982. Double major in College of Letters (an interdisciplinary humanities and language program) and in Government.

CLERKSHIPS:

1986-87: Law Clerk to the Honorable Lewis F. Powell, Jr., Associate Justice, United States Supreme Court.

1985-86: Law Clerk to the Honorable Louis F. Oberdorfer, United States District Court for the District of Columbia.

ACADEMIC/PROFESSIONAL WORK EXPERIENCE:

2020-present: Anthony Kennedy Endowed Chairholder; 1993-present: Professor of Law, McGeorge School of Law, specializing in U.S. and comparative constitutional law, government structure and processes, and bioterrorism and public health law; Director, Capital Center for Public Law & Policy (2008-present); Director, Institute for Development of Legal Infrastructure, Center for Global Business and Development (2006-07).

1991-92: Lecturer, University of California, Davis School of Law.

1988-90: Litigation Associate, Folger & Levin, San Francisco.

1987-88: Associate, Altshuler & Berzon, San Francisco.

SELECTED PUBLICATIONS

First Amendment/Government Speech

The Anti-Classification Topic and Equal-Liberty Template, chapter in Justice Anthony Kennedy: *The Rhetoric of Liberty* (David A. Frank and Francis J. Mootz, eds.) (forthcoming 2022).

Protecting Women’s Rights by Keeping Religious Liberty in its Lane, 59 *Duquesne L. Rev.* 54 (Winter 2021).

“Incitement Lite” for the Nonpublic Forum, 85 *Brooklyn L. Rev.* 149 (2020).

Regulating Marijuana Advertising and Marketing to Promote Public Health: Navigating the Constitutional Minefield, 21 *Lewis & Clark L. Rev.* 1081 (2018)

Making Sense of Secondary Effects Analysis After Reed v. Town of Gilbert, 57 *Santa Clara L. Rev.* 385 (2017)

Memo to Cannabis Regulators: The Expressions Hair Design Decision Does Not Limit Your Broad Authority to Restrict All Forms of Discounting, 49 *U. Pac. L. Rev.* 67 (2017).

Government Identity Speech Programs – Understanding and Applying the New Walker Test, 44 *Pepp. L. Rev.* 305 (2017).

Compelled Commercial Speech as Compelled Consent Speech, 29 *Journal of Law & Politics* 517 (2014).

Bush, Obama and Beyond: Observations on the Prospect For Fact Checking Executive Department Threat Claims, 26 *Const. Comment.* 433 (2010).

What the Abortion Disclosure Cases Have to Say About the Constitutionality of Persuasive Government Speech on Product Labels, 87 *Denv. U. L. Rev.* 855 (2010).

Clarifying the Content-Based/Content Neutral and Content/Viewpoint Determinations, 34 *McGeorge L. Rev.* 595 (2003).

Who’s Talking? Disentangling Government and Private Speech, 36 *Univ. of Mich. J.L. Reform* 1 (2002).

The Public Sensibilities Forum, 95 *Northwestern L. Rev.* 1357 (2001).

Free Speech and the Limits of Legislative Discretion: The Example of Specialty License Plates, 53 *Fla. L. Rev.* 419 (2001).

The Link Between Student Activity Fees and Campaign Finance Regulations, 33 Ind. L. Rev. 435 (2000).

Pledges, Parades and Mandatory Payments: Creating Coherency in Compelled Expression, 52 Rutgers L. Rev. 123 (1999).

Is There An Obligation To Listen?, 32 Univ. of Mich. J.L. Reform 489 (1999).

Applying Penalty Enhancements to Civil Disobedience: Clarifying the Free Speech Clause Model to Bring the Social Value of Political Protest into the Balance, 59 Ohio St. L.J. 185 (1998).

Supplementing the Assumed Definitions: A Commentary on Professor Brownstein's Analysis of Abortion Protest Restrictions, 29 U.C. Davis L. Rev. 639 (1996).

Nonviolent Abortion Clinic Protests: Reevaluating Some Current Assumptions About the Proper Scope of Government Regulations, 70 Tul. L. Rev. 1359 (1996).

Even More Honest Than Ever Before: Abandoning Pretense and Recreating Legitimacy in Constitutional Interpretation, 1995 Ill. L. Rev. 363 (1995).

Comparative Constitutional Law

Report as Special Rapporteur for the United States to the 2022 International Academy of Comparative Law on *Freedom of Speech and Regulation of Fake News*, Amer. J. Comp. Law (forthcoming 2022).

Global Issues in Freedom of Speech and Religion (Thomson West 2009), with Alan Brownstein.

Global Issues in Constitutional Law (Thomson West 2007), with Brian K. Landsberg.

Corruption

Retooling Law Enforcement to Investigate and Prosecute Entrenched Corruption: Key Criminal Procedure Reforms for Indonesia and Other Nations, 30 Univ. of Penn. J. Int'l. Law 183 (Fall 2008), with Benjamin B. Wagner.

Limits to the Independent Anti-Corruption Commission Model of Corruption Reform: Lessons from Indonesia, 20 Global Business & Development Law Journal 327 (2007), with Benjamin B. Wagner.

Bioterrorism and National Security

United States Legislation and Presidential Directives, Encyclopedia of Bioterrorism Defense (J. Wiley, 2d ed. 2010), with Elizabeth Rindskopf Parker.

Bioterrorism Defense: Current Components and Continuing Challenges, William Nicholson (ed.), *Homeland Security: Law and Policy* (Charles C. Thomas, 2005).

Sensitive But Unclassified: The Constitutionality of Secrecy Clauses as a Condition to Government-Funded Scientific Research, 1 J. Nat'l Sec. L. & Pol. 113 (2005).

Governmental Controls and Information and Scientific Inquiry, 1 *Biosecurity & Bioterrorism: Biodefense Strategy, Practice & Science* 83 (2003), with Elizabeth Rindskopf Parker.

Book Reviews

Noticing the Government's Voice and Pondering Its Implications, Reviewing Helen Norton, *The Government's Speech and the Constitution*, 36 *Const. Comm.* 149 (2021).

Growing a Constitution, Reviewing *A Republic of Statutes* by William Eskridge and John Ferejohn, 27 *Const. Comment.* 647 (Winter 2011).

Miscellaneous

Snow White, one of ten winners of the first *Journal of Legal Education* short story legal fiction contest (Feb. 2013).