

DAVID STEPHEN LAW

Washington University School of Law
Campus Box 1120
One Brookings Drive
Saint Louis, Missouri 63130-4899
davidlaw@post.harvard.edu
<http://dss.ucsd.edu/~dslaw>

EDUCATION

STANFORD UNIVERSITY, M.A., 2000; Ph.D. in Political Science, 2004

Fields: American Politics; Political Theory

Thesis: Essays on Judges and Judging

UNIVERSITY OF OXFORD, MAGDALEN COLLEGE

Bachelor of Civil Law in European and Comparative Law, 2003

HARVARD LAW SCHOOL, J.D., *magna cum laude*, 1996

Activities: Executive Editor, *Harvard Law Review*, 1995-96

Editor, *Harvard Law Review*, 1994-95

Staff Member, *Harvard Civil Rights-Civil Liberties Law Review*, 1993-94

STANFORD UNIVERSITY, B.A. in Public Policy, with Honors and Distinction, 1993

Honors: Phi Beta Kappa; Honorary Boothe Prize for Excellence in Freshman Writing

FELLOWSHIPS

Fulbright Scholar, Taiwan, 2010-11

Council on Foreign Relations, International Affairs Fellowship in Japan, 2007-08

National Science Foundation, Graduate Research Fellowship, 2000-04

Clarendon Scholar, University of Oxford, 2002-03

Benson Fellowship, Stanford University (for study at Oxford), 2002-03

Jacob K. Javits Fellowship, U.S. Department of Education, 2000 (declined)

University Fellowship, Stanford University, 1999

INTERESTS

Public law (including constitutional law, administrative law, federal courts, legislation, and statutory interpretation), law and social science, comparative and transnational law, legal and political theory, constitutionalism, constitutional theory, constitutional politics, judicial politics, comparative judicial politics, judicial selection, judicial behavior, globalization, transnational legal convergence, positive political theory and the law, game theory, empirical legal scholarship.

PUBLICATIONS

"The Evolution and Ideology of Global Constitutionalism" (with Mila Versteeg), *99 California Law Review* ____ (forthcoming 2011).

"How to Rig the Federal Courts," *99 Georgetown Law Journal* ____ (forthcoming 2011).

"Judicial Independence," in *The International Encyclopedia of Political Science* (Bertrand Badie et al. eds., forthcoming 2011).

"Why Has Judicial Review Failed in Japan?," *88 Washington University Law Review* ____ (forthcoming 2011) (essay).

"Constitutions," in *The Oxford Handbook of Empirical Legal Research* (Peter Cane & Herbert M. Kritzer eds., 2010).

Foreword to Hiroshi Itoh, *The Supreme Court and Constitutional Democracy in Japan* (2010).

"Law Versus Ideology: The Supreme Court and the Use of Legislative History" (with David Zaring), *51 William & Mary Law Review* 1653 (2010).

Review of David B. Goldman, *Globalisation and the Western Legal Tradition: Recurring Patterns of Law and Authority*, *52 American Journal of Legal History* ____ (forthcoming 2010).

"The Anatomy of a Conservative Court: Judicial Review in Japan," *87 Texas Law Review* 1545 (2009).

Translated into Japanese and reprinted in *79 Seikei-Ronso*, No. 1(2) [*The Review of Economics and Political Science*] (trans. Shin-ichi Nishikawa, 2010).

"A Theory of Judicial Power and Judicial Review," *97 Georgetown Law Journal* 723 (2009).

"What Is Judicial Ideology, and How Do We Measure It?" (with Joshua B. Fischman), 29 *Washington University Journal of Law & Policy* 133 (2009).

"Globalization and the Future of Constitutional Rights," 102 *Northwestern University Law Review* 1277 (2008).

"There Is Nothing Pragmatic About Originalism" (with David McGowan), 102 *Northwestern University Law Review Colloquy* 86 (2007) (essay).

"Judicial Selection, Appointments Gridlock, and the Nuclear Option" (with Lawrence B. Solum), 15 *Journal of Contemporary Legal Issues* 51 (2006).

"Introduction: Positive Political Theory and the Law," 15 *Journal of Contemporary Legal Issues* 1 (2006) (symposium essay).

"The Paradox of Omnipotence: Courts, Constitutions, and Commitments," 40 *Georgia Law Review* 407 (2006).

"Judicial Ideology and the Decision to Publish: Voting and Publication Patterns in Ninth Circuit Asylum Cases," 89 *Judicature* 212 (2006) (essay).

"Generic Constitutional Law," 89 *Minnesota Law Review* 652 (2005).

"Strategic Judicial Lawmaking: Ideology, Publication, and Asylum Law in the Ninth Circuit," 73 *University of Cincinnati Law Review* 817 (2005), reprinted in 26 *Immigration & Nationality Law Review* 275 (2006).

"Why Nuclear Disarmament May Be Easier to Achieve Than an End to Partisan Conflict Over Judicial Appointments" (with Sanford Levinson), 39 *University of Richmond Law Review* 923 (2005) (essay).

"Appointing Federal Judges: The President, the Senate, and the Prisoner's Dilemma," 26 *Cardozo Law Review* 479 (2005).

Note, "Executive Revision of Judicial Decisions," 109 *Harvard Law Review* 2020 (1996), cited in *Hart & Wechsler's The Federal Courts and the Federal System* 98 (5th ed. 2003).

The Supreme Court, 1994 Term – Leading Cases – *Vernonia School District 47J v. Acton*, 109 *Harvard Law Review* 111, 220-29 (1995).

Book Note, "And Now, A Word From Our Sponsor," 108 *Harvard Law Review* 489 (1994) (reviewing C. Edwin Baker, *Advertising and a Democratic Press*).

**SELECTED
PRESENTATIONS**

"The Myth of Imposed Constitutionalism in Japan." National Taiwan University College of Law, Faculty Colloquium, Taipei, November 2010. Workshop on the Social and Political Foundations of Constitutions, University of Oxford, May 2010.

"The Declining Influence of the United States Constitution and the Clash of Constitutional Paradigms," International Symposium on Legal Protection of Human Rights, Yeungnam University Institute of Legal Studies, Daegu, Korea, October 2010.

"The Evolution and Ideology of Global Constitutionalism" (with Mila Versteeg). International Law Center, Chinese Culture University, Taipei, November 2010. Annual Meeting of the American Political Science Association, Washington, D.C., 2010. Annual Meeting of the Law and Society Association, Chicago, May 2010.

"The Impact of Institutional Structure on Judicial Behavior." Annual Meeting of the Midwest Political Science Association, Chicago, April 2010.

"How to Rig the Federal Courts." Annual Meeting of the Western Political Science Association, San Francisco, March 2010. Michigan State University College of Law, Distinguished Speakers Series, December 2009. Northwestern University School of Law, Searle Law and Political Economy Colloquium, Chicago, November 2009.

"The Constitution in 2020: Constitutional Theory" (panel discussion). Yale Law School, New Haven, October 2009.

"When Is Judicial Review a Strategic Mistake?" Annual Meeting of the Law and Society Association, Denver, May 2009.

"The Anatomy of a Conservative Court: Judicial Review in Japan." Annual Meeting of the Law and Society Association, Denver, May 2009.

"U.S.-Japan Relations and Japan's Position in a Changing World" (panel discussion).
Council on Foreign Relations, International Affairs Fellows Conference,
New York, May 2009.

"How to Design a Conservative Judiciary: Constitutional Review in Japan."
Symposium, "What Do We Know About Constitutional Design?"
University of Texas School of Law, Austin, January 2009.
Comparative Constitutional Law Roundtable, George Washington University Law School,
Washington, D.C., February 2009.

"Why Supreme Court Justices Use Legislative History: An Empirical Investigation"
(with David Zaring).
Annual Meeting of the Midwest Political Science Association, Chicago, April 2009.
Third Annual Conference on Empirical Legal Studies, Cornell Law School, September 2008.
Annual Meeting of the American Political Science Association, Boston, August 2008.

"What Is Judicial Ideology, and How Do We Measure It?" (with Joshua Fischman).
Third Annual Conference on Empirical Legal Studies, Cornell Law School, September 2008.
Symposium on Empirical Research on Decision-Making in the Federal Courts,
Washington University in St. Louis School of Law, April 2008.

"A Theory of Judicial Power and Judicial Review."
Georgetown Law Journal Author Lecture Series, Washington, D.C., April 2009.
Annual Meeting of the American Political Science Association, Boston, August 2008.
Harvard Law School and Institute for Quantitative Social Science,
Conference on Public Law and Political Economy, Cambridge, June 2008.
Joint Conference of the Western Law Teachers of Color & Conference of Asian Pacific
American Law Faculty, Denver, April 2008.
Annual Meeting of the Midwest Political Science Association, Chicago, April 2008.

"Globalization and the Future of Constitutional Rights."
Annual Meeting of the American Political Science Association, Chicago, August 2007.
Annual Meeting of the Law and Society Association, Berlin, July 2007.
Yale Junior International Law Scholars Roundtable, New Haven, March 2007.

"Globalization and Constitutional Convergence."
University Seminar on Global Governance and Democracy,
Duke University Center for International Studies, Durham, January 2007.

"Globalization and the Future of Constitutional Law."
Annual Meeting of the Midwest Political Science Association, Chicago, April 2007.
William & Mary Law School Faculty Colloquium, Williamsburg, December 2006.
University of Texas Law School Faculty Colloquium, Austin, Sept. 2006.

"On the Judicial Use of Foreign and International Law," American Constitution Society,
University of Texas School of Law, Austin, Sept. 2006.

"Globalization and Constitutional Law."
Hawaii International Conference on Social Sciences, Honolulu, June 2006.

"The Paradox of Omnipotence: Courts, Constitutions, and Commitments."
Annual Meeting of the Midwest Political Science Association, Chicago, April 2005.
Symposium on Sovereignty, University of Texas School of Law, Austin, April 2005.
NYU Law School Colloquium on Law, Economics, and Politics, New York, Sept. 2005.
University of Southern California Law School Faculty Workshop, L.A., Sept. 2005.
Center for the Study of Law and Society, University of California, Berkeley, Oct. 2005.

"Pivotal Politics, Appointments Gridlock, and the Nuclear Option" (with Lawrence Solum).
Annual Meeting of the American Political Science Association, Washington, D.C., Sept. 2005.

**MEDIA
APPEARANCES**

CNN, "American Morning," July 31, 2009 (interviewed about states' rights movements)
KSPC 88.7 FM (Claremont), "Uproot," July 3, 2010 (interviewed about judicial nominations)
Wisconsin Public Radio, "The Kathleen Dunn Show," Sept. 22, 2010 (interviewed about
legal and political challenges to federal health care reform)

EDITORSHIPS

Editor, *Journal of Contemporary Legal Issues*, 2006 (peer-reviewed volume on the subject of
"Positive Political Theory and the Law").

SCHOLARLY ACTIVITIES Law and Social Science Advisory Panel, National Science Foundation, 2010-12.
 Executive Committee, Law and Courts Section, American Political Science Association.
 Fulbright National Selection Committee for Taiwan, 2010-11.
 Grant proposal review for the National Science Foundation and the Social Sciences and Humanities Research Council of Canada.
 Referee for the Stanford University Press; *American Journal of Political Science*; *World Politics*; *Journal of Legal Studies*; *Journal of Empirical Legal Studies*; *Law & Society Review*; *Law & Social Inquiry*; *American Politics Research*; *Polity*; *Politics & Gender*; *Journal of Current Chinese Affairs*.
 Contributor to the *Comparative Constitutions Blog* (www.comparativeconstitutions.org).

EXPERIENCE

WASHINGTON UNIVERSITY IN ST. LOUIS 2008-
Professor of Law & Professor of Political Science
 Courses taught: Constitutional Law I; Comparative Judicial Politics.

NEW YORK UNIVERSITY SCHOOL OF LAW 2010-11
Visiting Scholar

NATIONAL TAIWAN UNIVERSITY, COLLEGE OF LAW, Taipei 2010-11
Visiting Professor and Fulbright Scholar
 Conducting interview-based research on the Constitutional Court of the Republic of China.
 Courses taught (with Wen-Chen Chang): Comparative Constitutional Law and Politics in East Asia.

KEIO UNIVERSITY, FACULTY OF LAW, Tokyo 2008
Visiting Associate Professor and Hitachi Fellow

UNIVERSITY OF CALIFORNIA, SAN DIEGO 2008-
Associate Adjunct Professor of Political Science 2004-08
Assistant Adjunct Professor of Political Science
 Courses taught: Judicial Politics; Comparative Judicial Politics (both cross-listed in law).

UNIVERSITY OF SAN DIEGO SCHOOL OF LAW
Associate Professor of Law 2006-08
Assistant Professor of Law 2004-06
 Courses taught: Federal Courts; Administrative Law; Law & Political Science (cross-listed at UCSD in political science).

STANFORD UNIVERSITY 1993, 2000-04
 Served as teaching assistant for Lawrence Friedman's *Introduction to American Law*, Fall 2000; David Brady's *Politics and Public Policy*, Spring 2001; and a student-led course, *Current Issues in Policymaking*, Spring 1993. Edited cases and revised course materials on constitutionalism and immigration law for Gerhard Casper, 2001-03.

MUNGER, TOLLES & OLSON LLP, Los Angeles 1998-99
Associate. Corporate practice including mergers and acquisitions, securities and franchise law issues, and counseling of start-up businesses.

U.S. COURT OF APPEALS FOR THE NINTH CIRCUIT, Los Angeles 1996-97
 Law clerk to the Honorable Stephen Reinhardt.

U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES, Washington, D.C. 1992
 Held policy internships in the Office of the Assistant Secretary for Management and Budget and the Health Care Financing Administration.

HOOVER INSTITUTION, Stanford, California 1991-92
 Researched domestic budgetary issues for John Cogan.

LANGUAGES Mandarin spoken fluently. Proficient in French.

PROFESSIONAL QUALIFICATIONS Admitted to practice before the Supreme Court of California, U.S. Court of Appeals for the Ninth Circuit, and U.S. District Court for the Central District of California, 1996.
 Admitted to practice before the District of Columbia Court of Appeals, 2010.
 Licensed real estate broker, California Department of Real Estate, 2004.