

# DAVID SCHRAUB

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## EMPLOYMENT

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### UNIVERSITY OF CALIFORNIA, BERKELEY (BOALT) SCHOOL OF LAW, BERKELEY, CA

*Lecturer in Law & Senior Research Fellow, California Constitution Center, 2016 – present*

*Darling Foundation Fellow in Public Law, 2014 – 2016*

- Courses Taught: Constitutional Law (Spring 2015); Energy Law (Summer 2016)
- Coordinator: Public Law Workshop (Spring & Fall 2015); Law, Political Theory, and Philosophy Workshop (Spring 2017)

### COVINGTON & BURLING LLP, WASHINGTON, DC

*Associate, 2013 – 2014*

- Practice Groups: Energy, Environmental, Litigation
- Administrator and Contributor: *Inside Energy & Environment*

### JUDGE DIANA E. MURPHY, U.S. COURT OF APPEALS FOR THE EIGHTH CIRCUIT, MINNEAPOLIS, MN

*Law Clerk, 2012 – 2013*

### UNIVERSITY OF ILLINOIS COLLEGE OF LAW, URBANA-CHAMPAIGN, IL

*Visiting Assistant Professor, 2011 – 2012*

- Courses Taught: Anti-Discrimination (Fall 2011); Constitutional Law I (Spring 2012)

## PUBLICATIONS

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*White Jews: An Intersectional Approach*, 43 ASSOCIATION FOR JEWISH STUDIES (AJS) REV. \_\_ (forthcoming 2019) (peer-reviewed)

*Epistemic Injustice*, in THE ROUTLEDGE COMPANION TO EVIDENCE (Maria Lasonen-Aarnio & Trent Dougherty, eds. forthcoming 2019) (invited contribution) (with Joel Sati)

*Torgerson's Twilight: The Anti-Discrimination Jurisprudence of Judge Diana E. Murphy*, 103 MINN. L. REV. \_\_ (forthcoming 2018)

*Finding the "Sovereign" in "Sovereign Immunity": Lessons from Bodin, Hobbes, and Rousseau*, 29 CRIT. REV. 388 (2017) (peer-reviewed)

*Post-Racialism and the End of Strict Scrutiny*, 92 IND. L.J. 599 (2017)

*Unsuspecting*, 96 B.U. L. REV. 361 (2016)

*Playing with Cards: Discrimination Claims and the Charge of Bad Faith*, 42 SOC. THEORY & PRAC. 285 (2016) (peer-reviewed)

*Racism as Subjectification*, 17 BERKELEY J. AF.-AM. L. & POL'Y 3 (2016)

*The Siren Song of Strict Scrutiny*, 84 UMKC L. REV. 859 (2016) (invited symposium contribution)

*Renewing Electricity Competition*, 42 FLA. ST. U. L. REV. 937 (2015)

- Excerpted in RENEWABLE ENERGY: LAW, POLICY & PRACTICE (West American Casebook Series 2018).

*Sticky Slopes*, 101 CALIF. L. REV. 1249 (2013)

*Our Divine Constitution*, 44 LOY. U. CHI. L.J. 1201 (2013) (reviewing ROBERT A. BURT, IN THE WHIRLWIND: GOD AND HUMANITY IN CONFLICT (2012))

*The Perils and Promise of the Holder Memo*, 2012 CARDOZO L. REV. DE NOVO 187 (invited symposium contribution)

*The Price of Victory: Political Triumphs and Judicial Protection in the Gay Rights Movement*, 77 U. CHI. L. REV. 1437 (2010)

*When Separation Doesn't Work: The Religion Clause as an Anti-Subordination Principle*, 5 DARTMOUTH L.J. 145 (2007)

## SHORTER WORKS

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*Clean Air Act Developments - 2013*, ALI CLE Course of Study Materials (Feb. 2014) (with E. Donald Elliott & Thomas R. Brugato)

*Academic Freedom versus Academic Legitimacy*, 9 FLA. INT'L U. L. REV. 71 (2013)

*Book Review*, 30 L. & HIST. REV. 935 (2012) (reviewing SERENA MAYERI, REASONING FROM RACE: FEMINISM, LAW, AND THE CIVIL RIGHTS REVOLUTION (2011))

## WORKS-IN-PROGRESS

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*Discursive Dismissal* (featured, as "Dismissal," in *Jotwell: Journal of Things We Like (Lots)*)

*Doctrinal Sunsets*

## PRESENTATIONS

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WESTERN POLITICAL SCIENCE ASSOCIATION, SAN FRANCISCO, CA

- Presenter: *White Jews: An Intersectional Approach* (panel on "Truth Telling: Resisting Through Testimony and Lived Experience") (Mar. 29, 2018) (Ainsley LeSure, discussant)

BERKELEY INSTITUTE FOR JEWISH LAW AND ISRAEL STUDIES GRADUATE STUDENT WORKSHOP, BERKELEY, CA

- Presenter: *White Jews: An Intersectional Approach* (Mar. 5, 2018)

BERKELEY GRADUATE STUDENT POLITICAL THEORY WORKSHOP, BERKELEY, CA

- Presenter: *White Jews: An Intersectional Approach* (Jan. 23, 2018)

NORTHWESTERN UNIVERSITY LEGAL SCHOLARSHIP WORKSHOP, CHICAGO, IL

- Presenter: *Dismissal* (Nov. 7, 2017)

UNIVERSITY OF CHICAGO LEGAL SCHOLARSHIP WORKSHOP, CHICAGO, IL

- Presenter: *Dismissal* (Nov. 6, 2017)

LOYOLA UNIVERSITY CONSTITUTIONAL LAW COLLOQUIUM, CHICAGO, IL

- Presenter: *Doctrinal Sunsets* (Nov. 3, 2017)

UNIVERSITY OF CALIFORNIA LAW, PHILOSOPHY, & POLITICAL THEORY WORKSHOP, BERKELEY, CA

- Discussant: Kate Manne, *Women, All Too Human* (Feb. 3, 2017)

LOYOLA UNIVERSITY CONSTITUTIONAL LAW COLLOQUIUM, CHICAGO, IL

- Presenter: *Dismissal* (Nov. 4, 2016)

UNIVERSITY OF CALIFORNIA LAW, PHILOSOPHY, & POLITICAL THEORY WORKSHOP, BERKELEY, CA

- Discussant: Clarissa Hayward, *Motivated Ignorance and Disruptive Politics* (Sept. 16, 2016)

SAN DIEGO STATE UNIVERSITY "ISRAEL IN THE 21ST CENTURY: NEW HOPES, NEW CHALLENGES" LECTURE SERIES, SAN DIEGO, CA

- Presenter: *An Intersectional Failure: Situating Mizrahi and Sephardic Jews in Contemporary Jewish Discourse* (April 25, 2016) (with Analucia Lopezvoredodo)

UNIVERSITY OF CALIFORNIA LAW, PHILOSOPHY, & POLITICAL THEORY WORKSHOP, BERKELEY, CA

- Discussant: Barbara Fried, *Facing Up to Risk* (Jan. 29, 2016)

UNIVERSITY OF CALIFORNIA LAW, PHILOSOPHY, & POLITICAL THEORY WORKSHOP, BERKELEY, CA

- Discussant: Avani Mehta Sood, *Does Criminal Egregiousness Influence Judges in Search- and-Seizure Cases?: An Empirical Triangulation of Motivated Admissibility Decisions* (Nov. 13, 2015)

#### UNIVERSITY OF CALIFORNIA, BERKELEY, CA

- Presenter: *Racism as Subjectification*; Discussant, Nancy Leong, *Identity Entrepreneurs* (Sept. 17, 2015)

#### UNIVERSITY OF CALIFORNIA FACULTY WORKSHOP, BERKELEY, CA

- Presenter: *Dismissal* (June 9, 2015)

#### UNIVERSITY OF CALIFORNIA PUBLIC LAW WORKSHOP, BERKELEY, CA

- Presenter: *Unsuspecting* (Jan. 26, 2015)

#### UNIVERSITY OF CONNECTICUT WORKSHOP ON DOMINATING SPEECH, HARTFORD, CT

- Presenter: *Playing with Cards: Discrimination Claims and the Charge of Bad Faith* (Nov. 23, 2014)

#### UNIVERSITY OF CHICAGO LEGAL SCHOLARSHIP WORKSHOP, CHICAGO, IL

- Presenter: *Unsuspecting* (Sept. 30, 2013)

#### UNIVERSITY OF ILLINOIS FACULTY WORKSHOP, CHAMPAIGN, IL

- Presenter: *Sticky Slopes* (Oct. 6, 2011)

#### UNIVERSITY OF CHICAGO LAW, CULTURE, AND SOCIETY WORKSHOP, CHICAGO, IL

- Presenter: *Sticky Slopes* (Nov. 17, 2010) (John Acevedo, discussant)

#### UNIVERSITY OF CHICAGO LAW, CULTURE, AND SOCIETY WORKSHOP, CHICAGO, IL

- Discussant: Sheldon Lyke, *Lost in Translation or Found in Conversation? Foreign Courts' Use of Brown v. Board of Education and Cosmopolitan Innovation* (Oct. 20, 2010)

#### LAW AND SOCIETY CONFERENCE, CHICAGO, IL

- Organizer and Panelist: "Social Change in Unexpected Ways"; presented *Sticky Slopes* (May 28, 2010) (Gerald Rosenberg, discussant)

#### UNIVERSITY OF VIRGINIA JEFFERSON SCHOLARS FOUNDATION, CHARLOTTESVILLE, VA

- Presenter: *Racism as Subjectification* (Feb. 23, 2008)

#### CARLETON COLLEGE CLASS OF '63 FELLOWSHIP, NORTHFIELD, MN

- Presenter: *Racism as Subjectification* (Nov. 8, 2007)

## EDUCATION

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#### UNIVERSITY OF CALIFORNIA, BERKELEY, BERKELEY, CA

*M.A., with distinction; Ph.D. candidate, Political Science*

- Subfields: Contemporary Political Theory, History of Political Thought, Public Law
- Dissertation: "Hard Thoughts and Safe Spaces: Dilemmas of Deliberation, Dismissal, and Democracy"
  - Committee: Sarah Song (Chair), Joshua Cohen, Mark Bevir, Christopher Kutz
- Graduate Student Instructor:
  - Introduction to American Politics (Fall 2016)
  - Just Political Participation (Spring 2017, Fall 2017)
  - Introduction to Political Theory (Spring 2018)
- Kadish Center Graduate Fellow (Spring 2017)

#### UNIVERSITY OF CHICAGO LAW SCHOOL, CHICAGO, IL

*J.D., with high honors*

- Articles Editor, *The University of Chicago Law Review*
- Kirkland & Ellis Scholar (Top 5% of Class)
- Casper Platt Award for Most Outstanding Paper

- Morrison & Foerster Award for Outstanding Appellate Brief-Writing
- Order of the Coif
- Research Assistant, Profs. David Strauss and Emily Buss
- Teaching Assistant, Prof. Lisa Bernstein, Legal Scholarship Workshop

CARLETON COLLEGE, NORTHFIELD, MN

*B.A., magna cum laude, with distinction in Political Science*

- Class of '63 Fellowship for Independent Research
- Research Assistant, Prof. Anna Moltchanova, Dept. of Philosophy

## MEMBERSHIPS

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American Political Science Association

Association for Political Theory

District of Columbia Bar

Maryland Bar (inactive)