

Steven D. Schwinn
Associate Professor of Law
The John Marshall Law School
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Education

The American University Washington College of Law

Juris Doctor, May 1995

- The American University Journal of Gender & the Law, Member, 1993 – 1994, Editorial Board Member, 1994 – 1995
- Yale Law School, Jerome N. Frank Legal Services Organization, Student Attorney, Summer 1994
- Legal Methods Dean's Fellow, 1994 – 1995
- Public Interest Law Clinic, Student Attorney, 1993 – 1994
- U.S. Department of Labor, Law Clerk, Summer 1993
- Haitian Refugee Asylum Project, Miami, Refugee Advocate, Winter Break, 1992

Michigan State University

Bachelor of Arts, Humanities, June 1992

- Chairperson, Associated Students of Michigan State University, 1991 – 1992
- Habitat for Humanity; Into the Street community volunteer project

Professional

The John Marshall Law School

August 2007 – Present

*Associate Professor of Law (with tenure 2012) and
Co-Director, International Human Rights Clinic*

Courses Taught: Constitutional Law I (individual rights) and II (structure and governance); Comparative Constitutional Law and Human Rights (South Africa); Advanced Constitutional Law; Legal Skills: Civil Rights; International Human Rights Clinic

University of Maryland School of Law

July 2001 – July 2007

*Law School Assistant Professor (7/01 to 6/06),
Associate Professor (7/06 to 7/07), and
Associate Director of Legal Writing (7/01 to 7/07)*

Courses Taught: International Trade and Global Poverty Seminar and Clinic; Constitutional Law; Introduction to Torts; Post-Conviction and Civil Rights Clinic; Social Welfare Policy and Law; Negotiation; Pre-Trial Advocacy; Appellate Advocacy; Legal Analysis and Writing

Administration: Design curriculum, and hire, train, and supervise over 20 adjuncts each year for required Pre-Trial and Appellate Advocacy courses

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George Washington University Law School

July 1999 – July 2001

Associate Professorial Lecturer in Law and

Associate Director of the Legal Research and Writing Program

Courses Taught: Legal Research and Writing; Appellate Advocacy; Client Interviewing and Counseling

Service: Chair, Faculty-Student Pro Bono Subcommittee (2000 – 2001); AIDS Law Project Pro Bono Initiative (2000 – 2001)

Administration: Assisted director in administering required LRW and Appellate Advocacy courses and in hiring and supervising 40 adjuncts each year

Peace Corps

February 1996 – July 1999

Assistant General Counsel (Inter-America and Pacific Region) and Agency Ethics Officer

Advised agency and director on policy, programmatic, and legal issues, primarily relating to the Inter-America and Pacific Region and government ethics; assisted in inter-agency and inter-governmental relations; represented agency in litigation, including government contract disputes, public employment disputes, and other cases (e.g., *Polsdorfer v. Gearan*, 1996 WL 451051 (D.D.C. 1996), 335 U.S.App.D.C. 319 (D.C. Cir. 1996) (First Amendment case))

Other Professional

Kaplan Bar Review

January 2013 - Present

Lecturer, Constitutional Law

ABA Rule of Law Initiative

January 2010

Teaching Essential Lawyering Skills (with Mark Wojcik)

3-Day Workshop for Professors and Judges

Amman, Jordan

United States Court of International Trade

November 2005 - Present

Pro Bono Counsel in Trade Adjustment Assistance Appeals

Bar-Bri Bar Review

January 2004 – 2007

Lecturer, Maryland Essays, Constitutional Law

District of Columbia Superior Court, Multi-Door Program

December 1996 – 2003

Family Mediator and Mentor

Washington Legal Clinic for the Homeless

1996 – 2003

Volunteer Attorney

American University Washington College of Law

August 1996 – May 1999

Adjunct Instructor, Legal Methods Program

Scholarship and Other Writing

Law Reviews

1. *The Strange Politics of Medicaid Expansion*, forthcoming, *The John Marshall L. Rev.* (2014)
2. *The Founders' Federalism and the Affordable Care Act*, 44 *Conn. L. Rev.* 1071 (Spring 2012)
3. *State Secrets, Open Justice, and the Criss-Crossing Evolution of Privilege in the United States and United Kingdom*, 29 *L'Observateur des Nations Unies* 171 (Spring 2011)
4. *The State Secrets Privilege in the Post-9/11 Era*, 30 *Pace L. Rev.* 778 (Winter 2010)
5. *Developmental Learning Theory and the American Law School Curriculum*, 3 *John Marshall (Atlanta) L. J.* 33 (Fall 2009)
6. *Trade Adjustment Assistance at the U.S. Court of International Trade: The Year in Review*, 41 *Georgetown J. Int'l L.* 137 (Fall 2009)
7. *Welfare Reform in a Global Economy*, 11 *U. Iowa J. Gender, Race & Justice* 209 (Winter 2008)
8. *Faces of Open Courts and the Civil Right to Counsel*, 37 *U. Baltimore L. Rev.* 21 (Fall 2007)
9. *The Right to Counsel on Appeal: Civil Douglas*, *Temple Pol. & Civil Rights L. Rev.* (2006)
10. *Teaching Legal Research and Writing with Actual Legal Work: Extending Clinical Education into the First Year*, *Clinical L. Rev.* (2006) (with Michael A. Millemann)
11. *Toward a More Expansive Welfare Devolution Debate*, *Lewis & Clark L. Rev.* (2005)

Other Law Journal Articles

1. *A Road Map for Challenging Voter Restrictions Laws After Crawford*, 43 *Clearinghouse Rev. J. Poverty L. & Pol'y* 49 (May-June 2009)
2. *Displaced Workers and Their Search for Support in a Broken Bureaucracy*, 42 *Clearinghouse Rev. J. Poverty L. & Pol'y* 107 (July-August 2008)
3. *Reconstructing the Constitutional Case Against Mandatory Welfare Home Visits*, 42 *Clearinghouse Rev. J. L. & Pol'y* 42 (May-June 2008)
4. *Sidestepping Lassiter on the Path to Civil Gideon: Civil Douglas*, 40 *Clearinghouse Rev. J. Poverty L. & Pol'y* 217 (July-August 2006)

ABA Preview Articles

I am a regular contributor to the ABA Preview of United States Supreme Court Cases, and I have published scores of articles on individual cases since 2009. I also published the following articles in the year-in-review volumes:

1. *The Roberts Court's Rule on Racial Equality*, 40 ABA Preview of U.S. Sup. Ct. Cases 342 (Aug. 10, 2013)
2. *The Federalism Cases*, 39 ABA Preview of U.S. Sup. Ct. Cases 286 (Aug. 4, 2012)
3. *The Preemption Docket*, 38 ABA Preview of U.S. Sup. Ct. Cases 337 (Aug. 6, 2011)

Other Journal Articles

1. *Civil Rights Act of 1964: Enduring and Revolutionary*, 14.2 Insights on Law & Society 4 (Winter 2014)
2. *Shelby County v. Holder: What it Means for the Voting Rights Act*, Social Education (the Journal of the National Council for the Social Sciences), October 2013
3. *Looking at the Law*, *Brown v. Entertainment Merchants Association*, Social Education (the Journal of the National Council for the Social Studies), Summer 2011
4. *Standing in American Electric Power v. Connecticut*, ABA Section on Environmental, Energy, and Resources Constitutional Law Committee Newsletter, Summer 2011

Regular Blogging

1. Founder and Co-Editor of the Constitutional Law Prof Blog (established October 2008), <http://lawprofessors.typepad.com/conlaw/>, with scores of substantive posts (search the blog for posts signed “SDS”). The Con Law Prof Blog is a leading blog on constitutional law and public policy issues. The New York Times includes it in its “A-List of Supreme Court and the Law” blogs.

Selected Guest Blog Commentary and Reviews

1. Steven D. Schwinn, *Moving Forward to the Past*, Blog of the American Constitution Society, March 30, 2012, at <http://www.acslaw.org/acsblog/moving-forward-to-the-past>
2. Steven D. Schwinn, *Opinion Analysis: An Exercise in Statutory Construction*, SCOTUSblog, January 25, 2012, at <http://www.scotusblog.com/2012/01/opinion-analysis-an-exercise-in-statutory-construction/>

3. Steven D. Schwinn, Standing for Sex Offenders: Oral Argument Review in *Reynolds v. United States*, SCOTUSblog, November 5, 2011, at <http://www.scotusblog.com/2011/10/standing-for-sex-offenders-oral-argument-review-in-reynolds-v-united-states/>
4. Steven D. Schwinn, Murder, Secrecy, and the American Presidency, *The Mark* (Canadian on-line magazine), Oct. 26, 2011, at <http://www.themarknews.com/articles/7199-murder-secrecy-and-the-american-presidency>
5. Steven D. Schwinn, Argument Preview: Standing to Challenge Sex Offender Rule, SCOTUSblog, September 30, 2011, at <http://www.scotusblog.com/2011/09/reynolds-v-united-states-argument-preview-standing-to-challenge-sex-offender-rule/>
6. Steven D. Schwinn, Torture and the Abuse of Executive Power, *The Mark* (Canadian on-line magazine), Sept. 9, 2011, at <http://www.themarknews.com/articles/6672-torture-and-the-abuse-of-executive-power>
7. Steven D. Schwinn, Putting the States Back in Their Place, Blog of the American Constitution Society, September 9, 2011, at <http://www.acslaw.org/acsblog/putting-the-states-back-in-their-place>
8. Steven D. Schwinn, The ACA and the Tenth Amendment, SCOTUSblog on-line symposium on the constitutionality of the Affordable Health Care Act, August 5, 2011, at <http://www.scotusblog.com/2011/08/the-aca-and-the-tenth-amendment/>
9. Steven D. Schwinn, Health Care and the Attempted Redefinition of Federalism, Jurist.org commentary, July 15, 2011, at <http://www.jurist.org/forum/2011/07/steven-schwinn-health-care-federalism.php>
10. Steven D. Schwinn, Commentary: Court charts new course in preemption analysis, SCOTUSblog, June 24, 2011, at <http://www.scotusblog.com/2011/06/commentary-court-charts-new-course-in-preemption-analysis/>
11. Steven D. Schwinn, Opinion analysis: Court allows suits by state agencies against state officials, SCOTUSblog, April 25, 2011, at <http://www.scotusblog.com/2011/04/opinion-analysis-court-allows-suits-by-state-agencies-against-state-officials/>
12. Steven D. Schwinn, Argument analysis: *PLIVA, Inc. v. Mensing*, SCOTUSblog, April 1, 2011, at <http://www.scotusblog.com/2011/04/oral-argument-analysis-pliva-inc-v-mensing/>

Selected Presentations

1. *Policy and Political Implications of States Declining to Expand Medicaid Under the ACA*, 12th Annual Employee Benefits Symposium: The Implementation of the Affordable Care Act, Center for Tax Law and Employee Benefits, John Marshall Law School, Chicago, April 2014
2. *Integrating Actual Legal Work into Traditional Classes (with Attention to First-Year and Large Classes)*, Global Alliance for Justice Education Bi-Annual Conference, Delhi, India, December 2013

3. *Open Courts and Access to Justice*, Fourth Annual Constitutional Law Colloquium, Loyola University Chicago School of Law, Chicago, November 2013
4. *United States Supreme Court Preview: October Term 2013*, Constitutional Rights Foundation of Chicago, Chicago, October 2013
5. *United States Supreme Court Review: October Term 2013*, Constitutional Rights Foundation of Chicago, Chicago, October 2013
6. *Review of the Supreme Court's October Term 2012* (panelist), Chicago Lawyers Chapter of the American Constitution Society, Chicago, July 2013
7. *First-Year Live-Client Curricula: Collaborations Among Clinics, Skills Faculty, and Public Interest Organizations* (panel presentation), Association of American Law Schools Conference on Clinical Legal Education, San Juan, Puerto Rico, May 2013
8. *The New Separation of Powers and the Vanishing Value of Access to Justice*, Third Annual Constitutional Law Colloquium, Loyola University Chicago School of Law, Chicago, November 2012
9. *Supreme Court's 2012-2013 Term* (Plenary Session Speaker), American Judges Association Annual Conference, New Orleans, Louisiana, October 2012
10. *Review of the Supreme Court's October Term 2011* (panelist), Chicago Lawyers Chapter of the American Constitution Society, Chicago, July 2012
11. *The Separation of Powers and Human Rights*, JMLS Center for International Law CLE, Nov. 2, 2011
12. *The Founders' Federalism and the ACA*, University of Connecticut Law Review Symposium, Nov. 12, 2011
13. *The 2011 Supreme Court Term*, Constitutional Rights Foundation of Chicago Illinois Law-Related Education Conference, Fall 2011
14. *Brown v. Entertainment Merchants*, Constitutional Rights Foundation of Chicago Program for High School Teachers and Students, Fall 2011
15. Author, book review, and Moderator, open discussion with the author and audience on Christopher Phillips *Constitution Café*, Firedoglake.com, at <http://firedoglake.com/tag/christopher-phillips/>, Fall 2011
16. *Review of the Supreme Court's October Term 2010* (panelist), Chicago Lawyers Chapter of the American Constitution Society, Chicago, July 2011
17. *Review of Brown v. Entertainment Merchants Association* (the OT10 First Amendment case dealing with violent video games), Constitutional Rights Foundation of Chicago Annual Institute on the Supreme Court, Chicago, July 2011

18. Separation of Powers and Human Rights, University of Pretoria Law Faculty, presentation to LL.M. students (University of Pretoria) and J.D. students (JMLS), Pretoria, South Africa, March 2011
19. *Review of the Supreme Court's October Term 2009* (panelist), Northwestern University American Constitution Society, Chicago, September 2010
20. *The Civil Right to Counsel on Appeal*, Wisconsin Legal Services, Madison, Spring 2010
21. *Developmental Learning Theory and the American Law School Curriculum*, APPEAL Conference, University of Pretoria, South Africa, June 2009
22. *Distributive Justice in a Free Trade Environment*, Global Alliance for Justice Education Bi-Annual Conference, Manila, Philippines, December 2008
23. *Developmental Learning Theory and the First Year Curriculum*, Future of Legal Education Conference, Atlanta, February 2008
24. *Connecting Global and Domestic Poverty in Theory and Practice*, AALS Workshop on Clinical Legal Education, New Orleans, June 2007
25. *Strategies to Achieve a Civil Right to Counsel*, U. Balt. L. Rev. Symposium, Civil Gideon in Maryland and Beyond, Baltimore, April 2007
26. *Welfare Reform in a Global Economy*, U. Iowa J. Gender, Race & Justice Symposium, One Act, Ten Years, and Thousands of Families: Welfare Reform in Contemporary America, Iowa City, Iowa, October 2006
27. *Theory and Models of Actual Legal Work in the First Year*, AALS Teaching Intentionally Conference, Vancouver, British Columbia, June 2006
28. *Civil Douglas*, Edward V. Sparer Symposium on Civil *Gideon*, Philadelphia, March 2006
29. *Extending Clinic into the First Year*, Expanding the Clinical Experience Panel, Sixth International Clinical Conference, Los Angeles, October 2005
30. *Theory and Practice of Live Client Problems*, Legal Writing Institute Biennial Conference, Seattle, July 2004
31. *Bridging the Gap Between Clinic and Legal Writing*, AALS Section on Clinical Education Annual Conference, San Diego, May 2004
32. *Teaching Advocacy with the Court of Appeals: Incorporating Real Arguments into the Curriculum*, Rocky Mountain Legal Writing Conference, March 2003
33. *Incorporating Social Justice Issues into Research and Writing Classes*, Rocky Mountain Legal Writing Conference, March 2002 (with Susan Hankin)

34. *Using Live-Client Problems in Legal Writing Classes*, Midwestern Regional Legal Writing Conference, Chicago, December 2001
35. *Enhancing Law Classes with Pro Bono*, Association of American Law Schools Annual Conference, San Francisco, January 2001

Published Teaching Materials

1. Amy E. Sloan and Steven D. Schwinn, *Basic Legal Research Workbook* (Aspen), 1st Edition, 2d Edition, 3d Edition 2007, Revised 3d Edition 2010, and 4th Edition 2011 (all with Teacher's Manuals)
2. Steven D. Schwinn, *Contemporary Commerce Clause*, CALI Electronic Study Aid (2009)
3. Steven D. Schwinn, *Historical Commerce Clause*, CALI Electronic Study Aid (2009)

Selected Editorials

1. *Civil Unions: Separate and Unequal*, Maryland Daily Record, July 6, 2007
2. *Assisted Suicide for Maryland Death Penalty*, Maryland Daily Record, Dec. 29, 2006
3. *Fine-Slicing Racial Classification*, Maryland Daily Record, Dec. 8, 2006
4. *The Right Answer to the Wrong Question*, Maryland Daily Record, Nov. 24, 2006
5. *City's Bail Hearings and Reviews Violate Indigents' Fundamental Rights*, Maryland Daily Record, Nov. 17, 2006
6. *The Political Manipulation of Fundamental Rights*, Maryland Daily Record, Nov. 10, 2006
7. *Repairing our Electoral Process*, Maryland Daily Record, Nov. 3, 2006
8. *The Best Justice Money Can Buy*, Maryland Daily Record, Oct. 13, 2006
9. *Just Grant the Petitions*, Maryland Daily Record, Oct. 6, 2006
10. *The Corrosive Void of the Civil Right to Counsel*, Maryland Daily Record, Sep. 22, 2006
11. *The Primaries' Other Culpable Party*, Maryland Daily Record, Sep. 15, 2006
12. *The Price of Open Government*, Maryland Daily Record, Sep. 7, 2006
13. *Maryland's Democracy-Enhancing Constitution*, Maryland Daily Record, Aug. 18, 2006
14. *Wal-Mart Exploits Loose Law*, Maryland Daily Record, Aug. 11, 2006

15. *Maryland Courts Should Ignore New York's Same-Sex Decision*, Maryland Daily Record, July 28, 2006
16. *Clarify Maryland Law on Police Misconduct*, Maryland Daily Record, April 28, 2006

Media

Frequent and regular contributor to local, national, and international print, radio, television, and internet media on issues related to constitutional law and the Supreme Court.

Awards and Honors

1. JMLS Legal Scholarship Award, January 15, 2012
2. JMLS Latino Law Association Special Recognition Award, Spring 2011
3. Clinical Legal Education Association Award for Excellence, 2005 (faculty co-supervisor (with Michael Millemann) on post-conviction case involving a petitioner's claim of actual innocence after 31 years in prison; sentence ultimately commuted by governor; story archived at npr.org, All Things Considered, December 15, 2004)
4. Dr. Martin Luther King, Jr., Diversity Recognition Award, University of Maryland at Baltimore, 2005 (faculty co-supervisor (with Michael Millemann and Renee Hutchins) on post-conviction case, described above)
5. Service Award for Pro Bono Work (5 years) with the Washington Legal Clinic for the Homeless
6. University-Wide Bender Teaching Award, George Washington University, Fall 2001

Professional Affiliations and Activities

1. ABA Silver Gavel Awards Committee, 2011, 2012, 2013, 2014
2. Commissioner, Naperville Sister Cities Commission, and Member, Naperville Sister Cities Foundation, September 2010 to present
3. Member, Board of Advisors, Chicago Lawyers Chapter of the American Constitution Society, Spring 2009 to present
4. Legal Observer, Obama Campaign, Gary, Indiana, November 2008
5. Board of Advisors, Maryland Public Interest Law Project (student-managed non-profit designed to support law student public interest work), Fall 2005 – Spring 2007
6. Board Member (2003 – present) and Treasurer (2003 – 2007), Community Law in Action (youth empowerment and advocacy non-profit), 2003 – Fall 2007

7. Chair, Newsletter Committee, Association of American Law Schools Section on Pro Bono and Public Service, 2001 – 2005

Bar Memberships

1. Michigan State Bar, 1995 – present
2. United States Supreme Court, 2005 – present
3. United States Court of International Trade, 2005 – present
4. United States Court of Appeals for the Fourth Circuit, 2006 – present
5. United States Court of Appeals for the Federal Circuit, 2007 – present

Cases

1. *Verser v. Barfield*, 741 F.3d 734 (7th Cir. 2013)
2. *Dorsey v. U.S. Sec’y of Agriculture*, 32 C.I.T. 785 and 32 C.I.T. 270 (2008)
3. *T.W.R., Inc. v. U.S. Sec’y of Agriculture*, 32 C.I.T. 567 (2008)
4. *Conlin Greenhouses v. U.S. Sec’y of Agriculture*, 32 C.I.T. 467 (2008)
5. *Dus & Derrick, Inc. v. U.S. Sec’y of Agriculture*, 32 C.I.T. 151 and 469 F. Supp. 2d 1326 (2008)
6. *Whitney Brothers, Inc. v. U.S. Sec’y of Agriculture*, 521 F. Supp. 2d 1399 (C.I.T. 2007)
7. *Former Employees of Fisher & Co., Inc. v. U.S. Dept. of Labor*, 507 F. Supp. 2d 1321 (C.I.T. 2007)