

BERTRALL ROSS
UNIVERSITY OF CALIFORNIA, BERKELEY SCHOOL OF LAW
bross@law.berkeley.edu

ACADEMIC APPOINTMENTS

University of California, Berkeley School of Law

2025-pres.
Professor of Law

University of Virginia School of Law

2021-2025

Professor of Law
Justice Thurgood Marshall Distinguished Professor of Law
Co-Director, Karsh Center for Law and Democracy
Founder, Designing Democracy Project
Faculty Affiliate, Karsh Institute of Democracy
Faculty Lead, Democracy Digital Technology and Democracy Lab

Free University, Berlin

Spring 2022

Visiting Professor

American Academy, Berlin

Fall 2021

Berthold Leibinger Fellow (Berlin Prize awardee)

University of California, Berkeley School of Law

2010-2021

Chancellor's Professor of Law

2017-2021

Professor of Law

2016-2017

Assistant Professor of Law

2010-2016

University of Virginia School of Law

Fall 2020

Visiting Professor

Princeton University

2013-2014

Fellow, Program on Law and Public Affairs (LAPA Fellowship)

Columbia Law School

2008-2010

Kellis Parker Academic Fellow

OTHER APPOINTMENT

Administrative Conference of the United States

2020-pres

Public Member, Chair of the Committee on Rulemaking

President Biden's Commission on Supreme Court Reform

2021

EDUCATION

J.D.	Yale Law School	2006
M.P.A.	Princeton University, School of Public and International Affairs <i>Economics and Public Policy Concentration</i>	2003
M.Sc.	London School of Economics and Political Science <i>Politics of the World Economy</i>	2001
B.A.	University of Colorado, Boulder <i>International Affairs and History</i> Honors: <i>Summa cum laude, Marshall Scholarship</i>	1998

HONORS AND AWARDS

Steven M. Polan Fellowship for Constitutional Law and History 2025-2026
Brennan Center for Justice

- Fellows will respond to this cramped vision of constitutional law and history by bringing forward new thinking that can reclaim our national charter as an enduring plan of government rooted in the aspiration to “secure the blessings of liberty to ourselves and our posterity

Rutter Award for Teaching Excellence 2021
UC Berkeley School of Law

- Award description: Honors Berkeley Law professors who have demonstrated an outstanding commitment to teaching.

Berlin Prize 2020
American Academy in Berlin

- Prize description: Awarded annually to US-based scholars, writers, composers, and artists who represent the highest standards of excellence in their fields.

Law and Public Affairs Fellowship 2013-2014
Princeton University

- Fellowship description: in residence fellowship program for outstanding faculty members, independent scholars, lawyers and judges.

Yale-Harvard-Stanford Junior Faculty Forum Article Selection

- State as Witness, Credibility and the Democratic Process (2014)
- The Representative Equality Principle: Disaggregating the Equal Protection Intent Standard (2012)

PUBLICATIONS

Books

THE NEW VOTER SUPPRESSION: POLITICAL CAMPAIGNS, SOCIAL MEDIA, AND THE DATA-DRIVEN DISENFRANCHISEMENT OF THE POOR (with Douglas Spencer) (under contract, Cambridge University Press)

DEMOCRACY AND THE CONSTITUTION: ADDRESSING THE LEGACY OF EXCLUSION (in progress) (with Joy Milligan)

Articles and Chapters

Students, Power, and Technology, ____ BERKELEY J. L & TECH. ____ (with Mona Sloane and Ella Duus) (forthcoming 2025)

Artificial Intelligence and Democracy's Information Problem, 86 U. PITT. L. REV. ____ (forthcoming 2025)

The Crisis of American Democracy 20 ANN. REV. LAW & SOC. SCI. 293 (2024)

The Supreme Court and the Racial Gerrymandering Thicket, in OXFORD HANDBOOK ON ELECTION LAW (2024)

Fundamental: How the Vote Became a Constitutional Right, 109 IOWA L. REV. 1703 (2024)

When Class Competed with Race and Lost: An Origin Story of the Political Marginalization of the Poor, 58 RICHMOND L. REV. 671 (2024) (transcript of presentation at the University of Richmond Law Review Symposium on Vestiges of the Confederacy: Reckoning with the Legacy of the South)

We (Who are Not) the People: Interpreting the Undemocratic Constitution, 102 TEX. L. REV. 305 (2023) (with Joy Milligan)

Inequality, Anti-Republicanism, and Our Unique Second Amendment, 135 HARV. L. REV. FORUM 491 (2022)

Race and Election Law: Interest-Convergence, Minority Voting Rights, and America's Progress Toward a Multiracial Democracy", in OXFORD HANDBOOK OF RACE AND THE LAW (2022)

Voter Data, Democratic Inequality, and the Risk of Political Violence, 107 CORNELL L. REV. 1011 (2022) (with Douglas Spencer)

Challenging the Crown: Legislative Independence and the Origins of the Free Elections Clause, 73 ALA. L. REV. 223 (2021)

Guns and the Tyranny of American Republicanism, BRENNAN CTR FOR JUSTICE (2021)

Passive Voter Suppression: Campaign Mobilization and the Effective Disfranchisement of the Poor, 114 NW. U. L. REV. 633 (2019) (with Douglas Spencer)

Administrative Constitutionalism as Popular Constitutionalism, 168 U. PA. L. REV. 1783 (2019)

Addressing Inequality in the Age of Citizens United, 93 N.Y.U. L. REV. 1120 (2018)

Partisan Gerrymandering, the First Amendment, and the Political Outsider, 118 COLUM. L. REV. 2187 (2018)

A Constitutional Path to Fair Representation for the Poor, 66 KANSAS L. REV. 92 (2018)

Administering Suspect Classes, 66 DUKE L.J. 1807 (2017)

Measuring Political Power: Suspect Class Determinations and the Poor, 104 CAL. L. REV. 323 (2016) (with Su Li)

Embracing Administrative Constitutionalism, 95 B.U. L. REV. 519 (2015)

Paths of Resistance to Our Imperial First Amendment, 113 MICH. L. REV. 917 (2015) (book review of Robert Post, *Citizens Divided: Campaign Finance Reform and the Constitution*)

The State as Witness: Credibility and the Democratic Process, 89 N.Y.U. L. REV. 2027 (2014) (selected for the Yale-Harvard-Stanford Junior Faculty Forum – 2014)

Denying Deference: Civil Rights and Judicial Resistance to Administrative Constitutionalism, 2014 U. CHI. LEGAL F. 223

Democracy and Renewed Distrust: Equal Protection and the Evolving Judicial Conception of Politics, 101 CAL. L. REV. 1565 (2013)

Reconsidering Statutory Interpretive Divergence Between Elected and Appointed Judges, 80 U. CHI. L. REV. DIALOGUES 53 (2013)

The Representative Equality Principle: Disaggregating the Equal Protection Intent Standard, 81 FORDHAM L. REV. 101 (2012) (selected for the Yale-Harvard-Stanford Junior Faculty Forum – 2012)

The Costs and Elusive Gains of Creating Complementarities Between Party and Popular Democracy, 3 CAL. L. REV. CIRCUIT 146 (2012)

Against Constitutional Mainstreaming, 78 U. CHI. L. REV. 1203 (2011)

Minimum Responsiveness and the Political Exclusion of the Poor, 72 L. & CONTEMP. PROBS. 197 (2009) (with Terry Smith)

Reconciling the Booker Conflict: A Substantive Sixth Amendment in a Real Offense Sentencing System, 4 CARDOZO PUB. L. POL'Y & ETHICS J. 725 (2006)

Works in Progress

Subordinating Cities (with Rich Schragger)

A Constitutional History of the Right to Vote

Reports

Presidential Commission of the Supreme Court: Final Report (with other members of the commission) (2021)

Fair Elections During a Crisis (joint report by an ad hoc committee for 2020 Election Fairness and Integrity) (with various other scholars and policy advocates) (2020)

PRESENTATIONS AND INVITED LECTURES

Democracy and the Constitution: Addressing the Legacy of Exclusion, presented at the University of Virginia Law School, Critical Approaches to Public Law Conference (May 2025) and Berkeley Center for Comparative Equality Annual Conference, Ljubljana, Slovenia (with Joy Milligan) (July 2025)

Does Exclusion from Constitution-Making Matter? A Qualified Yes, presented at the University of Wisconsin Public Law in the States (with Joy Milligan) (May 2025)

Artificial Intelligence and Democracy's Information Problem, presented at the University of Florida Law School faculty workshop (February 2025)

Panelist, Artificial Intelligence and Social Policy, Virginia Journal of Law and Social Policy Symposium (February 2025)

The Future of Voting Rights without the Voting Rights Act, presented at the University of Virginia Colonnade Club (January 2025)

Panelist, Race, Gender, and the 2024 Electorate, Miller Center Forum (January 2025)

Panelist, Guinier Project Research Roundtable, San Juan, Puerto Rico (January 2025)

Artificial Intelligence and Democracy's Information Problem, presented at the University of Southern California Law School faculty workshop (October 2025)

Constitution Day Speaker, Artificial Intelligence and Democracy's Information Problem, presented at the University of Pittsburgh School of Law (September 2024)

Supreme Court Preview panelist: Emerging Technologies, Fraud, and the First Amendment; and Docket Deep Dives: Election Law, William & Mary School of Law (September 2024)

Host and Discussant, Threats to Liberal Democracy: Affective Polarization, Populism, and Inequality in the United States, Karsh Center for Law and Democracy, University of Virginia Law School (April 2024)

Panelist, Prospects and Possibilities for Electoral Reform, 29th Annual Travers Conference on Ethics & Accountability in Government, University of California, Berkeley (April 2024)

Gossett-Lodge and the Future of the Electoral College System, presented at the Harvard University Ash Center for Democratic Governance and Innovation (April 2024)

Artificial Intelligence and Democracy's Information Problem, presented at the Karsh Institute of Democracy Advisory Board Meeting (March 2024)

We (Who are Not) the People: Interpreting the Undemocratic Constitution, SideBar (with Joy Milligan) (March 2024)

When Class Competed with Race and Lost, presented at the University of Richmond Law School (March 2024)

Campaigning, presented on the Co-Opting Artificial Intelligence podcast (February 2024)

Inequality and American Democracy, The Presidential Precinct (presentation to global non-profit democracy advocates), UVA Law School (February 2024)

Artificial Intelligence and the Future of Democracy, presented at Washington and Lee University Law School (February 2024)

"Fundamental: How the Vote Became a Right," presented at University of Pennsylvania, Carey Law School (February 2024), Louisiana State University Law Center Faculty

Workshop (March 2023), the University of Texas Law School Faculty Workshop (October 2022)

Presenter, Black Law Student Association Roadmap Series, UVA Law School (January 2024)

Presenter and facilitator, Bridging the Gap Convening (January 2024)

Presentation to leaders from Kazakhstan, Campaign Finance and Election Law, The Presidential Precinct, UVA Law School (November 2023)

Panelist, Supreme Court Preview: Administrative Law and Election Law Panels, William & Mary Law School (October 2023)

Panelist, The Trump Indictments, Karsh Center for Law and Democracy (October 2023)

Presenter, Annenberg Right to Vote Project (October 2023)

Conversation Facilitator, Symposium on Judicial Decision-Making, Washington University School of Law (September 2023)

Panelist, Charles Hamilton Houston Institute for Race and Justice, Harvard Law School Convening: Race, Reform, and Multiracial Democracy (September 2023)

Panelist, Gilder Lehrman Institute, Voting Rights National Forum, Stuyvesant High School (September 2023)

Panelist, New York City Bar Association Rule of Law Federalism Program (May 2023)

Panelist, UCLA Law School Safeguarding Democracy Conference (March 2023)

“We (Who are Not) the People: Interpreting the Undemocratic Constitution,” presented at the Georgetown Law Center Faculty Workshop (February 2023) and the UC Berkeley Law School Public Law Workshop (March 2023)

Presenter, Black Law Student Association Roadmap Series, UVA Law School (February 2023)

Panelist, Conference on Constitutional Political Economy, Georgetown Law Center (November 2022)

Panelist, Election Gamesmanship, University of Toledo Law Review Symposium (October 2022)

Panelist, *Merrill v. Milligan* (Section 2 Voting Rights Act Case), American Constitution Society and Southern Poverty Law Center (September 2022)

Panelist, Constitution Day Conversation, American Constitution Society (September 2022)

Panelist/Judge, Supreme Court Preview at William & Mary School of Law (September 2022)

“This is [Not] a White Man’s Government: The Fifteenth Amendment and the Constitutionalization of Democratic Self-Governance, Law and Society Association Annual Meeting, ISCTE University Institute of Lisbon (July 2022)

Panelist, AALS Faculty Focus: Creating an Inclusive Classroom (April 2022)

“Inequality, Anti-Republicanism, and Our Unique Second Amendment,” presented at the Duke-Harvard Conference on Guns, Violence, and Democracy (March 2022)

Commentator, Election Emergencies, Federalist Society National Symposium (March 2022)

Panelist, Voting Rights Under Attack, Washington Institute for the Study of Inequality and Race, University of Washington (January 2022)

Election Subversion: Assessing the Dangers to American Democracy, AALS Annual Conference (January 2022)

What Research Can Tell Us About How Law Schools, Lawyers, and Leaders Can Nourish Democracy, AALS Annual Conference (January 2022)

Redistricting, Gerrymandering, the Voting Rights Act, AALS Annual Conference (January 2022)

“Voter Data, Economic Inequality, and the Risk of Political Violence, NYU Constitutional Theory Colloquium (November 2021)

Inaugural American Academy Lecture, Overcoming the Constitutional Barriers to Economic Inequality in the United States, Free University of Berlin (November 2021)

Berthold Leibinger Lecture, The Fifteenth Amendment and the Constitutionalization of Democratic Self-Governance, American Academy in Berlin (October 2021)

Keynote Lecture, The Constitution, Democracy, and Economic Inequality, Federal Bar Association Annual Conference, San Diego Chapter (July 2021)

The Hugo Black Lecture, Inequality, Democracy, and the First Amendment, Wesleyan University (March 2021)

“Partisan Gerrymandering as a Threat to Multiracial Democracy,” presentation at Southwestern Law School (February 2021), AALS Conference on Rebuilding Democracy (May 2021)

“Challenging the Crown: Checks, Balances, and the Principle of Legislative Independence,” presentation at Duke Law School (February 2021), Berkeley Law School Public Law Workshop (January 2021), AALS Election Law Works in Progress Panel (January 2021), University of Michigan Law School (April 2021), Research Workshop on American Politics, UC Berkeley (April 2021)

Guns and the Tyranny of American Republicanism, Brennan Center Workshop on Gun Rights and Regulation (February 2021)

Voting During a Pandemic, presentation at the Association of American Law Schools Annual Meeting (January 2021)

Where We Are After the 2020 Election, panel presentation at Duke Law School (November 2020)

The Future of Freedom: Reparations after 400 years, moderator, UC Berkeley Othering and Belonging Institute (2020)

Lessons from the 2020 Election, panel presentation at UC Berkeley (November 2020)

Litigating the Election, panel presentation at the University of Virginia Law School’s Karsh Center for Democracy (November 2020)

Pandemic Voting: From Crowds to Clouds, panel presentation at the UC Berkeley Matrix On Point (October 2020)

“Voter Data and Democratic Inequality,” presentation at the University of Virginia Law School (October 2020), Denver University School of Law (October 2020), Columbia University Knight First Amendment Institute Data & Democracy Conference (October 2020)

Campaign Finance and Female Officeholding: An Empirical Assessment of the Second “Year of the Woman,” presentation at the University of Colorado Symposium on the Nineteenth Amendment (April 2020)

Fair Elections in a Crisis, The Role of Election Law, panel presentation at UC Irvine Law School (January 2020)

Explaining the Decline of Legislative Constitutionalism, presentation at the Association of American Law Schools Annual Meeting (January 2020)

"The Supreme Court and the Partial Rationing of Democracy," presentation at the University of Wisconsin School of Law (October 2019)

“Fixing Distortions in our Democracy,” Keynote Speech, Constitution Day Rights and Wrongs Conference, San Francisco State University (September 2019)

Discussant, Restoration and Suppression: The Contemporary Frontiers of Voting Rights, American Political Science Association Annual meeting (September 2019)

“Flipping the Narrative on American Democracy,” presentation at the American Constitution Society National Convention (June 2019)

Distinguished Commentator, National Conference of Constitutional Law Scholars, University of Arizona School of Law (March 2019)

“Passive Voter Suppression,” presentation at UC Berkeley Center for the Study of Law and Society (January 2019), George Washington Law School (February 2019), University of Wisconsin Law School (March 2019), UC Berkeley Public Law Workshop (August 2019)

“Administrative Constitutionalism as Popular Constitutionalism”, presentation at University of Pennsylvania Law School (October 2018)

“Partisan Gerrymandering, the First Amendment, and the Political Outsider,” presentation at Columbia University Law School (March 2018)

“The Gerrymandering Harm,” presentation at the University of California, Berkeley School of Law Public Law Workshop (January 2018)

“The Legacy of Shaw,” presentation at the American Association of Law Schools Annual Conference (January 2018)

“Re-Imagining Representative Fairness,” presentation at the University of Kansas Law School (October 2017)

“Addressing Inequality in the Age of Citizens United,” presentations at University of Colorado Law School (October 2016), Arizona State University Law School (November 2016), UC Davis Law School (November 2016), University of Texas Law School (December 2016), Cornell University Law School (December 2016), University of Arizona Law School (March 2017), UCLA Law School (March 2017), University of Minnesota Law School (April 2017), and Seoul National University Law School (July 2017)

“Administering Suspect Classes,” presentation at Duke University Law School (March 2017)

“The New First Amendment Categoricalism,” presentations at Stanford Law School (February 2016), Free Speech for the People Conference at Seton Hall Law School (April 2016), and UC Davis School of Law Faculty Workshop (September 2016)

“What the Constitution Owes the Poor,” presentations at Columbia Law School (April 2016) and University of Chicago Law School (May 2016)

“Measuring Political Power: Suspect Class Determinations and the Poor,” presentations at

University of Chicago Law School (May 2016), University of Southern California School of Law (March 2016), UC Irvine School of Law (December 2015) University of Colorado School of Law (November 2015), Culp Colloquium, Duke Law School (May 2015), UC Berkeley School of Law Faculty Workshop (March 2015), UC Berkeley School of Law Junior Working Ideas Group (February 2015), Class Crits VII, UC Davis School of Law (November 2014), UC Davis Center for Poverty Research, Poverty and Place Conference (November 2014)

“Toward a Class Conscious Voting Rights Act,” presentation at Florida State University School of Law (March 2015)

“Embracing Administrative Constitutionalism,” presentation at Duke Law School Culp Colloquium (May 2014), Princeton University Law and Public Affairs Seminar (March 2014), Emory Law School Faculty Workshop (October 2014)

“Transparent Adjudication: Promoting Dialogue on Judicial Conceptions of Politics,” presentation at the University of Maryland School of Law Constitutional Law Schmooze (February 2014)

American Constitution Society, Convening on Voting Rights, George Washington University Law School (December 2013)

“Resisting Administrative Constitutionalism,” presentation at the University of Chicago Legal Forum on the 50th Anniversary of the Civil Rights Act (November 2013)

“The State as Witness: Credibility and the Democratic Process,” presentation at the Fordham Law School Legal Theory Workshop (October 2013), Loyola Constitutional Law Colloquium (November 2013), and the Harvard-Yale-Stanford Junior Faculty Forum at Stanford Law School (June 2014)

“Discrete and Insular: Re-Assessing the Political Power of the Poor,” presentation at the American University School of Law Poverty Law Conference (October 2013)

“Democracy and Renewed Distrust: Equal Protection and the Evolving Judicial Conception of Politics,” and “Transparent Adjudication: Promoting Democratic Dialogue on Judicial Conceptions of Politics,” presentation at the U.C. Berkeley School of Law Faculty Workshop (April 2013), Race, Ethnicity, and Immigration Colloquium, Institute of Governmental Studies, UC Berkeley (February 2013), Junior Faculty Federal Courts Workshop at William & Mary School of Law (October 2012), Law and Society Association Annual Meeting (June 2012)

American Constitution Society, Convening on Federalism and Marijuana Legalization, Washington D.C. (April 2013)

“Democracy and Renewed Distrust: Equal Protection and the Evolving Judicial Conception of Politics,” and “The State as Witness: Credibility and the Democratic Process,” invited

presentation at the Workshop on Law, Philosophy, and Political Theory, U.C. Berkeley School of Law (April 2013)

“U.S. Supreme Court Preview,” Panel Presentation at the Bar Association of San Francisco (October 2012)

“NFIB v. Sebelius,” panel Presentation at the U.C. Berkeley Summer Faculty Colloquium Supreme Court Review (July 2012)

“The Representative Government Principle,” presentation at the Yale-Harvard-Stanford Junior Faculty Forum, Harvard Law School (June 2012), Duke Law School Culp Colloquium (May 2012), UCLA School of Law faculty workshop (April 2012), UC Berkeley School of Law Junior Working Ideas Group (December 2011)

“Against Constitutional Mainstreaming,” presentation at the UC Berkeley School of Law Junior Working Ideas Group Workshop (December 2010), and the Columbia Law School Legislation Works Roundtable (April 2011)

“Against Constitutional Mainstreaming: Toward a Proper Role for Courts in Dynamic Statutory Interpretation,” job talk presentation at the law school faculty workshops at Fordham, Boston University, Cardozo, Minnesota, University of Colorado, UC Davis, Vanderbilt, Duke, Temple, Loyola-Los Angeles, San Diego, University of North Carolina, American, UC Irvine, UC Berkeley, UCLA (October 2009-January 2010), Columbia Law School Summer Junior Faculty Workshop (July 2009); Columbia Law School Associates’ and Fellows’ Workshop (May 2009)

“Minimum Responsiveness and the Political Exclusion of the Poor,” invited paper presentation at Race & Socioeconomic Class: Unraveling a Complex Tapestry, Duke Law School, Durham, NC (January 2009), Columbia Law School Associates’ and Fellows’ Workshop (December 2009)

“North American Monetary Union,” workshop presentation to members of Congress – Princeton University, Princeton, NJ (April 2003)

“Regulations Confronting Trade in Services,” presentation to officials from the European Commission – London, UK (May 2001)

UNIVERSITY AND LAW SCHOOL SERVICE

University of Virginia

- Faculty Lead, Digital Technology and Democracy Lab, Karsh Institute of Democracy (Fall 2023-Present)
- Gun Violence Working Group (Fall 2023)
- Grand Challenges Working Group (Fall 2022-Spring 2023)

University of Virginia School of Law

- Director, Karsh Center on Law and Democracy (Fall 2022-Present)
- Clerkship Committee (Fall 2024-Present)
- Designing Democracy Project (Fall 2022-Present)
- Academic Placement Committee (Fall 2023-Present)
- Dean Search Committee (Fall 2023)

University of California

- Chair, Othering and Belonging Institute: Diversity and Democracy Cluster (2020-2021)
- Appointments Committee Chair (2018-2020)
- Curriculum Committee Chair (2017-2018)
- Dean Search Committee (2016-2017)
- Equity and Inclusion Committee (2014-2017)
- Haas Institute for a Fair and Inclusive Society, Diversity and Democracy Cluster Search Committee (2018-19, 2014-15, 2012-13)
- Academic Placement Committee Co-Chair (2015-2016)
- Thelton E. Henderson Center for Social Justice co faculty chair (2014-15) and committee member (2010-2016)
- Academic Placement Committee (2012-2013, 2010-2011)
- First Generation Professionals faculty advisor (2011-2020)

PROFESSIONAL SERVICE

Multistate Bar Exam, Constitutional Law Committee <i>Member</i>	2022-present
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Journal of American Constitutional History <i>Editorial Board</i>	2022-present
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The Order of the Coif Book Award Committee <i>Committee Member; Chair</i>	2019-present
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Emerging Scholars Program/Culp Colloquium <i>Organizer/Mentor for aspiring academics and junior scholars of color</i>	2015-present
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Verified Voting <i>Board Member</i>	2022-2024
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AALS Election Law Section <i>Executive Committee Member</i>	2021-2024
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AALS Section on Legislation & Law of the Political Process <i>Executive Committee Member</i>	2015-16
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Peer-Reviewed articles and book manuscripts for:

- *American Political Science Review*
- *Cambridge University Press*
- *Yale Law Journal, Harvard Law Review, Columbia Law Review, University of Virginia Law Review, California Law Review, Law and Social Inquiry*