

BERTRALL ROSS

University of California, Berkeley School of Law
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ACADEMIC APPOINTMENTS

University of California, Berkeley

Chancellor's Professor of Law, July 2017-present

Professor of Law, July 2016-June 2017

Assistant Professor of Law, July 2010-June 2016

Administrative Chair, Other and Belonging Institute: Diversity and Democracy Cluster, July 2020-present

Courses Taught: Constitutional Law, Election Law, Legislation and Statutory Interpretation, Election Law Practicum, California Law Review Seminar

Service: Appointments Committee, Chair (2018-2020); Curriculum Committee, Chair (2017-18); Dean Search Committee (2016-17); Equity and Inclusion Committee (2014-2017); Haas Institute for a Fair and Inclusive Society, Diversity and Democracy Cluster (search committees: 2018-19, 2014-15, 2012-13); Academic Placement Committee (co-chair: 2015-16) and July 2012-June 2013; member: 2010-11); Thelton E. Henderson Center for Social Justice (Co-faculty chair: 2014-15; executive committee member: July 2010-present); First Generation Professionals (faculty advisor: Nov. 2011-present)

American Academy in Berlin

Berlin Prize Fellow, postponed to Fall 2021 or Spring 2022

Princeton University

Fellow, Program on Law and Public Affairs, September 2013-June 2014

Columbia Law School

Kellis Parker Academic Fellow, 2008-2010

OTHER APPOINTMENTS

Administrative Conference of the United States

Public Member, August 2020-Present

EDUCATION

Yale Law School

J.D., 2006

Princeton University, Woodrow Wilson School of Public and International Affairs M.P.A.

(Economics and Public Policy Concentration), 2003

London School of Economics and Political

Science M.Sc. (Politics of the World Economy), 2001

University of Colorado, Boulder

B.A. summa cum laude (Double Major: International Affairs and History), 1998

Honors: Marshall Scholarship

JUDICIAL CLERKSHIPS

Hon. Myron Thompson, U.S. District Court for the Middle District of Alabama *Clerk*,
2007-2008

Hon. Dorothy Nelson, U.S. Court of Appeals for the Ninth Circuit
Clerk, 2006-2007

PUBLICATIONS

Law Review Articles, Essays, and Chapters in Books

Voter Data and Democratic Inequality (with Douglas Spencer) (forthcoming 2021)

Passive Voter Suppression: Campaign Mobilization and the Effective Disfranchisement of the Poor,
114 NW. 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*)

Many Laws of Discrimination: The Multiple Sources of Constitutional-Statutory Convergence, 100
IOWA L. REV. BULL. 55 (2015)

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. DIALOGUE 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 *LAW & 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).

“Regulations Confronting Trade in Services,” in *REGIONALISM, MULTILATERALISM, AND ECONOMIC INTEGRATION: THE RECENT EXPERIENCE* (pp. 253-274) (Gary Sampson & Stephen Woolcock eds., 2003).

Works in Progress

Restoring Checks and Balances in the Era of Presidential Unilateralism

Addressing Partisan Gerrymandering in the Age of Rucho

“This is [Not] a White Man’s Government”: The Fifteenth Amendment and the Constitutionalization of Democratic Self-Governance

Reports

Fair Elections During A Crisis (joint report by an ad hoc committee for 2020 Election Fairness and Integrity) (2020)

Encyclopedia Entries

“*Minor v. Happersett*,” in *ENCYCLOPEDIA OF THE UNITED STATES CONSTITUTION* (David Schultz ed., 2009).

“*United Jewish Organization v. Carey*,” in *ENCYCLOPEDIA OF THE UNITED STATES CONSTITUTION* (David Schultz ed., 2009).

“*Republican Party of Minnesota v. White*,” in *ENCYCLOPEDIA OF THE UNITED STATES CONSTITUTION* (David Schultz ed., 2009).

“*Fifteenth Amendment*,” in *ENCYCLOPEDIA OF CAMPAIGNS, ELECTIONS, AND ELECTORAL BEHAVIOR* (Kenneth F. Warren ed., 2008).

“*Literacy Tests*,” in *ENCYCLOPEDIA OF CAMPAIGNS, ELECTIONS, AND ELECTORAL BEHAVIOR* (Kenneth F. Warren ed., 2008).

“*Voter Disenfranchisement*,” in *ENCYCLOPEDIA OF CAMPAIGNS, ELECTIONS, AND ELECTORAL BEHAVIOR* (Kenneth F. Warren ed., 2008).

“*Voting Rights Act of 1965*,” in *ENCYCLOPEDIA OF CAMPAIGNS, ELECTIONS, AND ELECTORAL BEHAVIOR* (Kenneth F. Warren ed., 2008).

PRESENTATIONS

"Voter Data and Democratic Inequality," presentation at 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)

The Hugo Black Lecture, Inequality, Democracy, and the First Amendment, Wesleyan University (April 2020) (canceled due to pandemic)

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 Conference (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) and Free Speech for the People Conference at Seton Hall Law School (April 2016), 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 & Socio-economic 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)