

ERWIN CHEMERINSKY  
University of California, Berkeley  
School of Law  
Law Building 215  
Berkeley, California 94720  
(510) 642-6483

## **EMPLOYMENT**

- 2017-present Dean and Jesse H. Choper Distinguished Professor of Law, University of California, Berkeley School of Law
- 2008-2017 Dean and Distinguished Professor of Law, University of California, Irvine School of Law. Raymond Pryke Professor First Amendment Law (2013-2017)
- 2004-2008 Alston & Bird Professor of Law and Political Science, Duke University  
Awards: Duke University Scholar-Teacher of the Year Award, 2006
- 1983-2004 University of Southern California Law School, Sydney M. Irmas Professor of Public Interest Law, Legal Ethics, and Political Science, 1997-2004  
Director, Center for Communications Law and Policy, 2000-2004  
Legion Lex Professor of Law, 1991-1997; Professor, 1987-1991;  
Associate Professor, 1983-1987;  
Awards: Outstanding Teacher, 1984; 1991
- Spring 1997; Visiting Professor, UCLA Law School  
Spring 2001
- 1980-1984 DePaul University College of Law, Chicago, IL  
Assistant Professor, 1980-1983  
Awards: Outstanding Teacher, 1983
- 1986-present Lecturer, BAR/BRI (Constitutional Law; Professional Responsibility)
- 1981-1982 Director, Northwestern University, National High School Institute in Speech, Forensics Division, Evanston, Illinois
- 1979-1980 Attorney, Dobrovir, Oakes, and Gebhardt, Washington, D.C.
- 1978-1979 Attorney, Attorney General's Program for Honor Law Graduates, United States Department of Justice, Civil Division, Frauds Section, Washington, D.C.

## EDUCATION

- LEGAL Harvard Law School, Cambridge, Massachusetts, J.D. 1978  
Honors: Graduated *Cum Laude*
- COLLEGE Northwestern University, Evanston, Illinois, B.S. 1975  
Honors: Graduated with *Highest Distinction* (top 1% of class)  
Clarion DeWitt Hardy Scholar (award for academic and extracurricular achievements)  
Florsheim Award (monetary prize received for academic and extracurricular achievements)  
Award Winner, Kirk Contest for essays in rhetorical criticism  
National debate honors (numerous national team and individual awards)

## HONORS

- Fellow, American Academy of Arts and Sciences  
Member, American Law Institute
- 2023 John P. Frank Award, United States Court of Appeals for the Ninth Circuit  
2023 Distinguished Alumnus Award, University of Chicago Laboratory Schools  
2022 Lifetime Achievement Award, California Lawyers Association  
2022 Ronald M. George Public Lawyer of the Year Award, California Lawyers Association Public Law Section  
2021 Laurence Tribe Distinguished Alumni Award, National Debate Tournament  
2020 Deborah Rhode Award for Pro Bono Service, Section on Pro Bono and Public Service, Association of American Law Schools  
2018 Earl Johnson Award, Western Center on Law and Poverty  
2017 Champion of Justice Award, Western Justice Center  
2017 Robert Cohen Lifetime Achievement Award, Orange County Legal Services  
2017 Justice David Sills Award Orange County Bar Association  
2016 George Wythe Award for Contributions to Legal Education, American Board of Trial Advocates  
2016 Bernard Jefferson Award for Judicial Education, California Judges Association  
2016 The Hon. Francisco P. Briseño Lifetime Achievement Award, Orange County Hispanic Bar Association  
2014 Hubert Humphrey First Amendment Award, Anti-Defamation League  
2014 Bernard Witkin Award, California State Bar

2014 Harry Truman Award, Orange County Democratic Party  
*Awards (continued)*

2013 Doctor of Laws (Hon.), Lewis and Clark University  
2013 Korean-American Bar Association of Los Angeles Community Service Award  
2013 Marcus Kauffman Jurisprudence Award, ADL of Orange County  
2012 Ramona Ripston Civil Liberties and Civil Rights Award, ACLU of Southern California  
2012 University Synagogue (Orange County) Community Service Award  
2011 Eleanor Roosevelt Award, Americans for Democratic Action  
2010 American Constitution Society – San Francisco Lawyers Chapter  
2010 Community Service Award, Criminal Courts Bar Association  
2009 Community Service Award, Progressive Jewish Alliance  
2009 National Lawyers Guild  
2008 National Civil Liberties Award, ACLU of Georgia  
2006 Scholar-Teacher of the Year Award, Duke University  
2003 President’s Award, Criminal Courts Bar Association  
2003 Freedom of Information Award, Society for Professional Journalists  
2002 Award for Contribution to Judicial Education, National College of  
Bankruptcy Judges  
2002 Community Service Award, Western Center for Law and Poverty  
2001 Community Service Award, Anti-Defamation League  
2001 Clarence Darrow Award, People’s College of Law  
2000 Alumni Merit Award, Northwestern University  
1999 Eason Monroe Courageous Advocate Award from the American Civil Liberties Union of  
Southern California  
Awards in 1999 from the Los Angeles Chamber of Commerce, the Los Angeles Urban League,  
and Los Angeles Branch of the American Society for Public Administration, for work on Los  
Angeles City Charter.  
Judge John Brown Award for Contributions to Federal Judicial Education, 1998.  
Distinguished Professor Award, American Civil Liberties Union of Southern California 1996.  
Named as the “Most Influential Person In Legal Education” by National Jurist in 2014, 2017.  
Named as one of the 500 most influential lawyers in America by Law Dragon in 2014, 2015,  
2016, 2017, 2018, 2019, 2020  
Named to the list of the 100 most influential lawyers in California in 1998, 1999, 2000, 2001,  
2002, 2003, 2008, 2009, 2010, 2012, 2014, 2015, 2020  
Named in April 2005 as one of the “top 20 legal thinkers in America” by Legal Affairs.

## **PUBLICATIONS**

### **BOOKS**

Federal Courts in Context (Aspen Publishing) (with Seth Davis, Fred O. Smith, & Norman  
Spaulding) (a casebook) (2023)

BOOKS (*CONTINUED*)

Worse Than Nothing: The Dangerous Fallacy of Originalism (New Haven: Yale University Press 2022)

A Momentous Year in the Supreme Court: October Term 2021 (Chicago: American Bar Association 2022)

Presumed Guilty: How the Supreme Court Empowered the Police and Subverted Civil Rights (Liveright 2021)

The Supreme Court in Transition: October Term 2020 (American Bar Association 2021)

The Religion Clauses: The Case for Separating Church and State (with Howard Gillman) (Oxford University Press, 2020).

We the People: A Progressive Reading of the Constitution for the Twenty-First Century (New York: Picador, 2018)

Free Speech on Campus (Yale University Press, 2017) (with Howard Gillman)

Closing the Courthouse Door: How Your Constitutional Rights Became Unenforceable (Yale University Press, 2017)

The Case Against the Supreme Court (Viking, 2014)

The Conservative Assault on the Constitution (Simon & Schuster, 2010)

The First Amendment (Boston: Wolters Kluwer, 2<sup>nd</sup> ed. 2021; 1<sup>st</sup> ed. 2018) (a casebook)

Federal Jurisdiction (Boston: Wolters Kluwer, 8<sup>th</sup> ed. 2021, 7<sup>th</sup> ed. 2016; 6<sup>th</sup> ed. 2012; 5<sup>th</sup> ed. 2007; 4<sup>th</sup> ed. 2003; 3<sup>rd</sup> ed. 1999; Little, Brown & Co., 2d ed. 1994; 1st edition 1989) (a one volume treatise)

Constitutional Law (Boston: Wolters Kluwer, 7<sup>th</sup> ed. 2023, 6<sup>th</sup> ed, 2020; 5<sup>th</sup> ed. 2017; 4<sup>th</sup> ed. 2013; 3d ed. 2009; 2d ed. 2005; 1<sup>st</sup> ed. 2001) (a casebook) (Annual supplements in 2001-2023)

Constitutional Law: Principles and Policies (Aspen Publishing, 7th Ed 2023; Boston: Wolters Kluwer, 6<sup>th</sup> ed. 2019; 5<sup>th</sup> ed. 2015; 4<sup>th</sup> ed. 2011; 3d ed. 2006; 2d. ed 2002; 1st ed. 1997) (a one volume treatise)

## BOOKS (*CONTINUED*)

Criminal Procedure (Wolters Kluwer, 4<sup>th</sup> ed. 2022; 3d ed. 2018; 2d ed. 2013 1st ed. 2008) (with Laurie Levenson) (Annual supplements in 2008-2023) (a casebook)

Criminal Procedure: Adjudication (Wolters Kluwer, 4<sup>th</sup> ed. 2022; 3d ed. 2018; 2d ed. 2013; 1st ed. 2008) (with Laurie Levenson)

Criminal Procedure: Investigation (Wolters Kluwer, 4<sup>th</sup> ed 2022; 3th ed. 2018 2d ed. 2013; 1st ed. 2008) (with Laurie Levenson)

Enhancing Government: Federalism for the 21<sup>st</sup> Century (Stanford University Press, 2008)

Interpreting the Constitution (New York: Praeger, 1987)

## CHAPTERS IN BOOKS

“The Golden Era of Free Speech,” in Social Media, Freedom of Speech, and the Future of Our Democracy (Lee Bollinger & Geoffrey Stone eds. (2022) (with Alex Chemerinsky)

“Can Law Schools Help Save Democracy?” in Beyond Imagination? The January 6 Insurrection (Mark Alexander, ed., 2022)

“Foreword,” in Critical Race Judgments (Bennet Capers, et al. eds) (2022)

“Foreword” in Speech Freedom on Campus: Past Present and Future (Joseph Russomanno ed.) (Lexington Books 2021)

“Cabinet Battle #1,” in Hamilton and the Law: Reading Today’s Most Contentious Legal Issues through the Hit Musical (Lisa A. Tucker ed., 2020)

“Remedying Separate and Unequal: Is it Possible to Create Equal Educational Opportunity,” in The Enduring Legacy of Rodriguez (Charles Ogletree and Kimberly Jenkins Robinson eds.) (2015)

“Reconceptualizing Federalism,” in Law and the Quest for Justice (Marjorie Sue Zatz et al. eds., 2013)

CHAPTERS IN BOOKS (*continued*)

“Political Ideology and Constitutional Decisionmaking: The Coming Example of the Affordable Care Act,” in The Constitutionality of the Affordable Care Act (Neil S. Siegel ed., 2012)

“*Alden v. Maine*: Sovereign Immunity – A Vestige of Monarchy Inconsistent with Democratic Values,” in We Dissent (Michael Avery ed., 2009)

“*Lyons v. City of Los Angeles*,” in Civil Rights Stories (Myriam Gilles and Risa Goluboff eds.) (2007)

“*Doe v. Santa Fe Indep. School Dist.*,” in Education Law Stories (Michael A. Olivas and Ronna Greff Schneider eds.) (2007)

“Affirmative action,” in Encyclopedia of Race and Racism (2007)

Foreword to SUSAN N. HERMAN, *THE RIGHT TO A SPEEDY AND PUBLIC TRIAL* xi-xiii (Praeger, Reference Guides to the United States Constitution, Nov. 16, 2006)

“Who Should Be The Authoritative Interpreter of the Constitution?: Why There Should Not Be a Political Question Doctrine,” in The Political Question (edited by Bruce Cain) (Oxford University Press 2006)

“The Segregation and Resegregation of American Public Education,” in School Resegregation: Must the South Turn Back (edited by John Boger and Gary Orfield) (University of North Carolina Press 2005)

“Cruel and Unusual: *Lockyer v. Andrade*,” A Year in the Supreme Court (edited by Dave Douglas and Neal Devins) (Duke University Press 2004)

“Neutrality in Establishment Clause Interpretation: A Potentially Radical Right Turn,” in Church-State Relations in Crisis: Debating Neutrality (Stephen Monsma ed.) (Rowman & Littlefield 2002)

“The Constitutional Jurisprudence of the Rehnquist Court,” The Rehnquist Court (M. Belsky ed., Oxford University Press, 2001)

“Balancing Act: Legislative Power and Judicial Independence,” The Report of the Citizens for Independent Courts Task Force on the Role of the Legislature in Setting the Power and Jurisdiction of the Courts, in Uncertain Justice: Politics and America's Courts (2000)

CHAPTERS IN BOOKS (*continued*)

Chapters in Supplement to Encyclopedia of the Constitution on “Abstention,” “Lebron v. National Railroad Passenger Corp.” and “State action;” also, with Catherine Fisk, “Filibuster.” (2000)

“Hate Crimes,” in Encyclopedia of Violence in the United States (R. Gottesman & M. Mazon eds.) (1999)

“Equality,” in Encyclopedia of Philosophy (C. Grey ed.) (1999)

“Can Courts Make a Difference?,” in Redefining Equality (N. Devins and D. Douglas eds.) (Oxford Univ. Press 1998)

“Making Sense of the Affirmative Action Debate,” in Civil Rights and Social Wrongs (J. Higham ed.) (1997)

“The Supreme Court and the President,” Encyclopedia of the American Presidency (L. Fisher & L. Levy eds.) (1993)

“Habeas Corpus,” Supplement to the Encyclopedia of the American Constitution (L. Levy & K. Karst eds.) (1991)

“The Constitution and Private Schools,” in Public Values, Private Schools (N. Devins ed.) (Stanford Educational Series) (1989)

**LAW REVIEW ARTICLES (through June 2023)**

“The Supreme Court and Racial Progress,” 100 North Carolina Law Review 833 (2022)

“Free Speech Dead Zones” 2022 University of Illinois Law Review 1695 (2022)

“Fixing America’s Broken Democracy” 26 Lewis & Clark Law Review v (2022)

Foreword: Creating a More Equal Profession, A Symposium in Honor of Meera E. Deo's, *Unequal Profession: Race and Gender in Legal Academia*, 51 Southwestern Law Review 190 (2022)

“The Non-United States of America,” 21 J. App. Prac. & Process 259 (2021)

“What’s Standing after Transunion LLC v. Ramirez,” 96 New York University Law Review Online 269 (2021)

LAW REVIEW ARTICLES (*continued*)

- “The Trump Administration: Immigration, Racism, and COVID-19” 169 University of Pennsylvania Law Review 2 (2021) (with Michele Goodwin)
- “Civil Liberties in a Pandemic: The Lessons of History,” 106 Cornell Law Review 815 (with Michele Goodwin) (2021)
- “Remembering Deborah Rhode” 73 Baylor Law Review 1 (2021)
- “Keynote address Alaskan Election Law in 2020” 37 Alaska Law Review 2 (2020)
- “The Court Should Not Let Politically Divided Times Affect Its Choices And Decisions” 61 William & Mary Law Review 971 (2020)
- “Introduction: Reviving the Thirteenth Amendment” 104 Cornell Law Review Online i (2019)
- “Justice Kennedy: A Free Speech Justice? Only Sometimes” 70 Hastings Law Journal, 76 (2019)
- “The Lower Federal Courts and the War on Terrorism” 53 Valparaiso University Law Review 969 (2019)
- “The Supreme Court and Public Schools” 117 Michigan Law Review 1107 (2019)
- “The Transgender Military Ban: Preservation of Discrimination Through Transformation,” 114 Northwestern University Law Review 751 (2019) (with Michele Goodwin)
- “Constitutional Gerrymandering Against Abortion Rights: NIFLA v. Becerra” 94 New York University Law Review 1 (2019) (with Michele Goodwin)
- “Eviscerating a Healthy Church-State Separation” 96 Washington University Law Review 1009 (2019) (with Barry McDonald)
- “Pregnancy, Poverty, and the State” 127 Yale Law Journal 5 (2018) (with Michele Goodwin)
- “Reflections of the Future of Legal Education” 13 Florida International University Law Review 215 (2018)
- “Exaggerating the Effects of Janus,” 132 Harvard Law Review F. 42 (2018) (with Catherine Fisk)
- “The Challenge of Free Speech on Campus” 61 Howard Law Journal 585 (2018)

LAW REVIEW ARTICLES (*continued*)

“Trump, the Court, and Constitutional Law” 93 *Indiana Law Journal* 73 (2018)

“Tobriner Memorial Lecture: Free Speech on Campus” 69 *Hastings Law Journal* 1339 (2018)

“Fake News and Weaponized Defamation and the First Amendment” 47 *Southwestern Law Review* 291 (2018)

“False Speech and the First Amendment” 71 *Oklahoma Law Review* 1 (2018)

“What Can Brown Do for You?: Addressing *McCleskey v. Kemp* as a Flawed Standard for Measuring the Constitutionally Significant Risk of Race Bias” 112 *Northwestern University Law Review* 1293 (2018) (with Mario Barnes)

“*Loving v. Virginia*: A Triumph and a Failure of the Supreme Court” 25 *Virginia Journal of Social Policy & Law* 259 (2018)

“Actions to Decrease Gun Violence” *Harvard Law Review Blog* (November 6, 2017)

“The First Amendment in the Era of President Trump,” 94 *Denver Law Review* 553 (2017)

“Waiting for Gorsuch,” 20 *Green Bag 2d* 351 (2017)

“Leadership in Law Schools,” 69 *Stanford Law Review* 1765 (2017)

“Abortion: A Woman’s Private Choice,” 95 *Texas Law Review* 1189 (2017) (with Michele Goodwin)

“Introduction: Marijuana Laws and Federalism,” 58 *Boston College Law Review* 857 (2017)

“In Defense of Judicial Supremacy,” 58 *William and Mary Law Review* 1459 (2017)

“The Constitutionality of Withholding Federal Funds from Sanctuary Cities,” 40 *Los Angeles Lawyer* 60 (2017)

“The 2016 Election, the Supreme Court, and Racial Justice,” 83 *University of Chicago Law Review Online* 49 (2016)

“Everything Changed: October Term 2015,” *Green Bag* (2016)

LAW REVIEW ARTICLES (*continued*)

“The Rational Basis Test is Constitutional (and Desirable),” 14 *Georgetown Law Journal of Law & Public Policy* 401 (2016)

“Thinking About the Supreme Court’s Successes and Failures,” 69 *Vanderbilt Law Review* 919 (2016)

“Compulsory Vaccination Laws are Constitutional,” 110 *Northwestern University Law Review* 589 (2016) (with Michele Goodwin)

“Keynote Address: Reform through Law,” 2015 *Michigan State Law Review* 1235 (2016)

“The Return of the Jedi,” 18 *Green Bag 2d* 363 (2015)

“Religion is Not a Basis for Harming Others,” 104 *Georgetown Law Journal* 1111 (2015) (with Michele Goodwin)

“Judging Opportunity Lost: Assessing the Viability of Race-Based Affirmative Action After *Fisher v. University of Texas*,” 62 *UCLA Law Review* 272 (2015) (with Mario L. Barnes & Angela Onwuachi-Willig)

“Cooperative Federalism and Marijuana Regulation,” 62 *UCLA Law Review* 74 (2015) (with Jolene Forman, Allen Hopper, & Sam Kamin)

“Not Equal Yet: Building upon Foundations of Relationship Equality,” 48 *UC Davis Law Review* 447 (2014)

“Appearances can be Deceiving: October Term 2013 Moved the Law to the Right,” 17 *Green Bag 2d* 389 (2014)

“Federalism from the Neighborhood Up: Los Angeles's Neighborhood Councils, Minority Representation, and Democratic Legitimacy,” 32 *Yale Law & Policy Review* 569 (2014) (with Sam Kleiner)

“Lessons from Gideon,” 122 *Yale Law Journal* 2676 (2013)

“Creating a Law School that Emphasizes Public Interest Law,” 7 *DePaul Journal for Social Justice* 1 (2013)

“The Court Affects Each of Us,” 16 *Green Bag 2d* 361 (2013)

LAW REVIEW ARTICLES (*continued*)

“Political Speech and Associational Rights After *Knox v. SEIU*,” 98 *Cornell Law Review* 1023 (2013) (with Catherine Fisk)

“*Hollingsworth v. Perry*: What Should the Court Do?,” 37 *New York University Review of Law and Social Change* 229 (2013)

“It’s Now the John Roberts Court,” 15 *Green Bag 2d* 389 (2012)

“A Fixture on a Changing Court: Justice Stevens and the Establishment Clause,” 106 *Northwestern University Law Review* 587 (2012)

“*Citizens United* Impact on Judicial Elections,” 60 *Drake Law Review* 685 (2012) (with Richard Hasen & James Sample)

“Closing the Courthouse Doors,” 90 *Denver University Law Review* 317 (2012)

“Political Ideology and Constitutional Decisionmaking: The Coming Example of the Affordable Care Act,” 75 *Law & Contemporary Problems* 1 (2012)

“Formalism Without A Foundation: *Stern v. Marshall*,” 2011 *Supreme Court Review* 183 (2012)

“*Korematsu v. United States*: A Tragedy Hopefully Never to Be Repeated,” 39 *Pepperdine Law Review* 163 (2011)

“Not a Free Speech Court,” 53 *Arizona Law Review* 723 (2011)

“Keynote Speech: Reimagining Law Schools?,” 96 *Iowa Law Review* 1461 (2011)

“Closing the Courthouse Doors, October Term 2010,” 14 *Green Bag 2d* 375 (2011)

“The Once and Future Equal Protection Doctrine?,” 43 *Connecticut Law Review* 1059 (2011) (with Mario L. Barnes)

“The Roberts Court and Freedom of Speech,” 63 *Federal Communications Law Journal* 579 (2011)

“Supreme Court-October Term 2009 Foreword: Conservative Judicial Activism,” 44 *Loyola of Los Angeles Law Review* 863 (2011)

LAW REVIEW ARTICLES (*continued*)

“The Failing Faith in Class Actions: Wal-Mart v. Dukes and AT&T Mobility v. Concepcion,” 7

Duke Journal of Constitutional Law & Public Policy 73-97 (2011) (with Catherine Fisk)

“The Ideal Law School for the 21st Century,” 1 UC Irvine Law Review 1 (2011)

“A Progressive Visionary: Stephen Reinhardt and the First Amendment,” 120 Yale Law Journal 515 (2010)

“The Roberts Court and Criminal Procedure at Age Five,” 43 Texas Tech Law Review 13 (2010)

“The Future of the First Amendment,” 46 Willamette Law Review 623 (2010)

“Closing the Courthouse Doors: Transcript of the 2010 Honorable James R. Browning Distinguished Lecture in Law,” 71 Montana Law Review 285 (2010)

“Two Cheers for State Constitutional Law,” 62 Stanford Law Review 1695 (2010)

“A Post-Race Equal Protection?,” 98 Georgetown Law Journal 967 (2010) (with Mario L. Barnes & Trina Jones)

“Tucker Lecture, Law and Media Symposium,” 66 Washington and Lee Law Review 1449 (2009)

“The Disparate Treatment of Race and Class in Constitutional Jurisprudence,” 72 Law & Contemporary Problems 109 (2009) (with Mario L. Barnes).

“Why Not Clinical Education?,” 16 Clinical Law Review 35 (2009)

“The Meaning of Bush v. Gore: Thoughts on Professor Amar’s Analysis,” 61 Florida Law Review 969 (2009)

“Foreword: Judicial Opinions as Public Rhetoric,” 97 California Law Review 1763 (2009)

“Moving to the Right, Perhaps Sharply to the Right,” 12 Green Bag 2d 413 (2009)

“Losing Faith: The Supreme Court and the Abandonment of the Adjudicatory Process,” 60 Hastings Law Journal 1129 (2009)

“Foreword: Why Write?,” 107 Michigan Law Review 881 (2009)

LAW REVIEW ARTICLES (*continued*)

“No Warrant for Radical Change: A Response to Professors George and Guthrie,” 58 Duke Law Journal 1691 (2009)

“Civil Liberties and the War Terror: Seven Years After 9/11 History Repeating: Due Process, Torture and Privacy During the War on Terror,” 62 Southern Methodist University Law Review 3 (2009)

“Unpleasant Speech on Campus, Even Hate Speech, Is a First Amendment Issue,” 17 William and Mary Bill of Rights Journal 765 (2009)

“Teaching that Speech Matters: A Framework for Analyzing Speech Issues in Schools,” 42 UC Davis Law Review 825 (2009)

In Memoriam, “Charlie,” 82 Southern California Law Review 177 (2009)

“Absolute Immunity: General Principles and Recent Developments,” 24 Touro Law Review 473 (2008)

“Restoring Separation of Powers,” 35 Human Rights 6 (Fall 2008)

“The Roberts Court at Age Three,” 54 Wayne Law Review 947 (2008)

“The Essential but Inherently Limited Role of the Courts in Prison Reform,” 13 Berkeley Journal of Criminal Law 307 (2008)

“Rethinking Legal Education,” 43 Harvard Civil Rights-Civil Liberties Law Review 595 (2008)

“When it Matters Most, It Is Still the Kennedy Court,” 11 Green Bag 2d 427 (2008)

“How Will *Morse v. Frederick* Be Applied?,” 12 Lewis & Clark Law Review 17 (2008)

“Protecting Truthful Speech: Narrowing the Tort of Public Disclosure of Private Facts,” 11 Chapman Law Review 423 (2008)

“Supreme Court Review: Symposium Foreword,” 43 Tulsa Law Review 627 (2008)

Symposium Transcript, “Left Out in the Cold? The Chilling of Speech, Association, and the Press in Post-9/11 America: Secrecy and Barriers to Open Government,” 57 American

University Law Review 1203 (2008) (with Glenn M. Sulmasy & David M. Hardy)

LAW REVIEW ARTICLES (*continued*)

“Washington v. Glucksberg Was Tragically Wrong,” 106 Michigan Law Review 1501 (2008)

“Why Church and State Should Be Separate,” 49 William and Mary Law Review 2193 (2008)

“Constitutional Problems in the 2005 Bankruptcy Amendments,” 82 American Bankruptcy Law Journal 1 (2008) (with The Honorable Samuel L. Bufford)

“The Rookie Year of the Roberts Court & A Look Ahead: Civil Rights,” 34 Pepperdine Law Review 535 (2007)

Roundtable Transcript, “Thoughts on Commercial Speech: A Roundtable Discussion (February 23, 2007),” 41 Loyola of Los Angeles Law Review 333 (2007) (with Ronald K. L. Collins, Steven H. Shiffrin, & Kathleen M. Sullivan)

“Toward a Practical Definition of the Rule of Law,” 46 Judges' Journal 4 (2007)

“In Defense of Roe and Professor Tribe,” 42 Tulsa Law Review 833 (2007)

“Challenging Direct Democracy,” 2007 Michigan State Law Review 293-306

“The Constitution and Fundamental Rights,” 18 University of Florida Journal of Law & Public Policy ix-xiii (2007)

“Injunctions in Defamation Cases,” 57 Syracuse Law Review 157-173 (2007)

“Rediscovering Brandeis’s Right to Privacy,” 45 Brandeis Law Journal 643-657 (2007)

“The State-created Danger Doctrine,” 23 Touro Law Review 1-26 (2007)

“Turning Sharply to the Right,” 10 Green Bag 2d 423-438 (2007)

“Was He Guilty as Charged? An Alternative Narrative Based on the Circumstantial Evidence From 12 Angry Men,” 82 Chicago-Kent Law Review 691-710 (2007) (with Sara Sun Beale & James E. Coleman, Jr.)

“The Assault on the Constitution: Executive Power and the War on Terrorism,” 40 UC Davis Law Review 1-20 (2006)

LAW REVIEW ARTICLES (*continued*)

“Assessing Chief Justice William Rehnquist,” 154 *University of Pennsylvania Law Review* 1331-1364 (2006)

“The Assumptions of Federalism,” 58 *Stanford Law Review* 1763-1791 (2006)

“Federalism Cases in the October 2004 Term,” 21 *Touro Law Review* 787-807 (2006)

“The Kennedy Court,” 9 *Green Bag 2d* 335-346 (2006)

“Making Confirmation Hearings More Meaningful,” 115 *Yale Law Journal Pocket Part* 38 (January 2, 2006) at <http://thepocketpart.org/content/view/28/7/>

“Reconceptualizing Federalism,” 50 *New York Law School Law Review* 729-755 (2006)

“The Rehnquist Court and the Death Penalty,” 94 *Georgetown Law Journal* 1367-1383 (2006)

“Why the Supreme Court Was Wrong About the Solomon Amendment,” 1 *Duke Journal of Constitutional Law & Public Policy* 201 (2006)

“Constitutional Issues Posed in the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005,” 79 *American Bankruptcy Law Journal* 571 (2005)

“Why Justice Breyer Was Wrong in *Van Orden v. Perry*,” 14 *William and Mary Bill of Rights Journal* 1 (2005)

“The End of an Era,” 8 *Green Bag* 345 (2005)

“Enemy Combatants and Separation of Powers,” 1 *Journal of National Security Law & Policy* 73 (2005)

“The Lower Federal Courts and the War on Terrorism,” 39 *Valparaiso Law Review* 607 (2005)

“The Constitution and Punishment,” 56 *Stanford Law Review* 1049 (2004)

“Losing Liberties: Applying a Foreign Intelligence Model to Domestic Law Enforcement,” 51 *UCLA Law Review* 1619-1643 (2004)

“In Defense of Judicial Review: A Reply to Professor Kramer,” 92 *California Law Review* 1013

(2004)

LAW REVIEW ARTICLES (*continued*)

“Post 9/11 Civil Rights: Are Americans Sacrificing Freedom for Security,” 81 Denver University Law Review 759 (2004)

“Real Discrimination,” 16 Washington University Journal of Law & Policy 97 (2004)

“Baum Lecture: The Perils of Popular Constitutionalism,” 3 University of Illinois Law Review 673 (2004)

“Evolving Standards of Decency in 2003—Is the Death Penalty on Life Support?,” 29 University of Dayton Law Review 201-222 (2004)

“The Need to Clarify the Meaning of U.S. Supreme Court Remands: The Lessons of Punitive Damages' Cases,” 36 Arizona State Law Journal 513-526 (2004) (with Ned Miltenberg)

“Progressive and Conservative Constitutionalism as America Enters the 21<sup>st</sup> Century,” 67 Law & Contemporary Problems 53-62 (Summer 2004)

“Putting the Gun Control Debate in Social Perspective,” 73 Fordham Law Review 477 (2004)

“Social Justice in the 21<sup>st</sup> Century: A Pro Bono Requirement for Faculty Members,” 37 Loyola of Los Angeles Law Review 1235 (2004)

“The Rehnquist Revolution,” 2 Pierce Law Review 1-16 (2004)

“Unanswered Questions: October Term 2003,” 7 Green Bag 323-334 (2004)

“What Is Commercial Speech?: The Issue Not Decided in *Nike v. Kasky*,” 54 Case Western Reserve Law Review 1143-1160 (2004) (with Catherine Fisk)

“Empowering States When It Matters: A Different Approach to Preemption,” 69 Brooklyn Law Review 1313 (2004)

“Entrenchment of Ordinary Legislation: A Response to Professors Posner and Vermeule,” 91 California Law Review 1773 (2003) (with John Roberts)

“Closing the Courthouse Door to Civil Rights Litigants,” 5 University of Pennsylvania Journal of Constitutional Law 537 (2003)

LAW REVIEW ARTICLES (*continued*)

“October Term 2002: Value Choices by the Justices, Not Theory, Determines Constitutional Law,” 6 Green Bag 367 (2003)

“Separate and Unequal: American Public Education Today,” 52 American University Law Review 1461 (2003)

“The Parsonage Exemption Violates the Establishment Clause and Should Be Declared Unconstitutional,” Whittier Law Review (2003)

“The Segregation and Resegregation of American Public Education: The Role of the Courts,” 81 North Carolina Law Review 1597 (2003)

“Privacy and the Alaska Constitution: Failing to Fulfill the Promise,” 20 Alaska Law Review 29 (2003)

“Understanding the Rehnquist Court: An Admiring Reply to Professor Merrill,” 47 St. Louis University Law Review 659 (2003)

“Ideology and the Selection of Federal Judges,” 36 UC Davis Law Review 619 (2003)

“Balancing Copyright Protections and Freedom of Speech: Why the Copyright Extension Act is Unconstitutional,” 36 Loyola of Los Angeles Law Review 83 (2002)

“Have the Rehnquist Court’s Federalism Decisions Increased Liberty,” 29 Human Rights 3 (2002)

“How Should We Think About Bush v. Gore,” 34 Loyola University of Chicago Law Journal 1 (2002)

“The Rhetoric of Constitutional Law,” 100 Michigan Law Review 2008 (2002)

“Does Federalism Advance Liberty,” 47 Wayne State Law Review 911 (2002)

“Restrictions on the Speech of Judicial Candidates Are Unconstitutional: A Reply to Professor O’Neil,” 35 Indiana Law Review 735 (2002)

“Ensuring the Supremacy of Federal Law: Why the District Court Was Wrong in *Westside Mothers v. Haveman*,” 12 Health Matrix 139 (2002)

“Why the Rehnquist Court is Wrong About the Establishment Clause,” 33 Loyola University of Chicago Law Journal 221 (2001)  
LAW REVIEW ARTICLES (*continued*)

“Against Sovereign Immunity,” 53 Stanford Law Review 1201 (2001)

“Bush v. Gore Was Not Justiciable,” 76 Notre Dame Law Review 1093 (2001)

“Henry Lecture: Beyond Formalism in Constitutional Law,” 54 University of Oklahoma Law Review 1 (2001); “Further Thoughts,” 54 Oklahoma Law Review 59 (2001)

“An Independent Analysis of the Board of Inquiry Report on the Rampart Scandal,” 34 Loyola of Los Angeles Law Review 545 (2001)

“The Expressive Interest of Associations,” 9 William and Mary Bill of Rights Journal 595 (2001) (with Catherine Fisk)

“Right Result, Wrong Reasons: Reno v. Condon,” 25 Oklahoma City University Law Review 823 (2001)

“The Jurisprudence of Justice Scalia: A Critical Appraisal,” 22 Hawaii Law Review 385 (2000)

“Content Neutrality as a Central Problem of Freedom of Speech: Problems in the Supreme Court’s Application,” 74 Southern California Law Review 49 (2000)

“The Court Should Have Remained Silent: Why the Court Erred in Deciding Dickerson v. United States,” 149 University of Pennsylvania Law Review 287 (2000)

“Further Reflections of a Framer: The Los Angeles Charter Reform Experience,” 3 Green Bag 125 (Winter 2000)

“Learning the Wrong Lessons from History: Why There Must Be an Independent Counsel Law,” 5 Widener Law Symposium Journal 1 (2000)

“Are Student Delivered Graduation Prayers and Religious Speeches Constitutional,” 5 Nexus 3 (Fall 2000)

“The Hypocrisy of Alden v. Maine: Judicial Review, Sovereign Immunity, and the Rehnquist Court,” 33 Loyola of Los Angeles Law Review 1283 (June 2000)

“Protect the Press: A First Amendment Standard for Safeguarding Aggressive Newsgathering,” 33 University of Richmond Law Review 1143 (2000)

“Newsgathering and Privacy Rights: Protecting Privacy from Technological Intrusions,” 99 Annual Survey of American Law 183 (2000)

LAW REVIEW ARTICLES (*continued*)

“Balancing the Rights of Privacy and the Press: A Reply to Professor Smolla,” 67 George Washington Law Review 1152 (2000)

“Students Do Leave Their First Amendment Rights At the School House Gates: What’s Left of *Tinker?*,” 48 Drake Law Review 527 (2000)

“Donahue Lecture: The Constitution and Authoritarian Institutions,” 32 Suffolk University Law Review 441 (1999)

“On Being a Framers: The Los Angeles Charter Reform Commission,” 2 Green Bag 131 (1999)

“The Supreme Court, Public Opinion, and the Role of the Academic Commentator,” 40 South Texas Law Review 943 (2000)

“In Defense of the Big Tent: The Many Audiences for Legal Scholarship,” 34 Tulsa Law Review 667 (2000) (with Catherine Fisk)

“The Rehnquist Court and Justice: An Oxymoron?,” 1 Washington University Journal of Law and Policy 37 (1999)

“Civil Rights Without Remedies: Vicarious Liability Under Title VII, Title IX, and Section 1983,” 7 William and Mary Bill of Rights Journal 755 (1999) (with Catherine Fisk)

“Do State Religious Freedom Restoration Acts Violate the Establishment Clause or Separation of Powers?,” 32 UC Davis Law Review 645 (1999)

“The Ethics of Being a Commentator III,” 50 Mercer Law Review 737 (1999) (with Laurie Levenson)

“A Framework for Analyzing the Constitutionality of Restrictions on Federal Court Jurisdiction in Immigration Cases,” 29 University of Memphis Law Review 295 (1999)

“Preserving an Independent Judiciary: The Need for Contribution and Expenditure Limits in Judicial Elections,” 74 Chicago-Kent Law Review 133 (1999)

“The Religious Freedom Restoration Act is a Constitutional Expansion of Rights,” 39 William and Mary Law Review 601 (1998)

“More Speech is Better,” 45 UCLA Law Review 1635 (1998)

LAW REVIEW ARTICLES (*continued*)

“Silence is Not Golden: Protecting Lawyer Speech Under the First Amendment,” 47 Emory Law Journal 859 (1998)

“Formalism and Functionalism in Federalism Analysis,” 13 Georgia State Law Review 959 (1997)

“The Filibuster,” 49 Stanford Law Review 181 (1997) (with Catherine Fisk)

“The Ethics of Being a Commentator II,” 37 Santa Clara Law Review 913 (1997) (with Laurie Levenson)

“In Defense of Courts: Perspectives on Decision-Makers,” 71 American Bankruptcy Law Journal 109 (1997)

“Lawyers Have Free Speech Rights Too: Why Gag Orders on Lawyers Are Almost Always Unconstitutional,” 17 Loyola of Los Angeles Entertainment Law Journal 311 (1997)

“No Presidential Immunity for Conduct Unrelated to the Presidency,” 2 Nexus 24 (1997)

“Federalism As Empowerment, Not Limits,” 45 University of Kansas Law Review 1219 (1997)

“What Would Be the Impact of Eliminating Affirmative Action,” 27 Golden Gate Law Review 319 (1997)

“Dunwoody Distinguished Lecture in Law: The Values of Federalism,” 47 University of Florida Law Review 499 (1996)

“The Impact of the Proposed California Civil Rights Initiative,” 23 Hastings Constitutional Law Quarterly 999 (1996)

“The Ethics of Being a Commentator,” 69 Southern California Law Review 1303 (1996) (with Laurie Levenson)

“The Rehnquist Revolution,” 1 Nexus 29 (1996)

“Eliminating Discrimination in Administering the Death Penalty: The Need for the Racial Justice Act,” 35 Santa Clara Law Review 519 (1995)

“Reporters Draft for the Working Group on Principles to Use When Considering the Federalization of Civil Law,” 46 *Hastings Law Journal* 1305 (1995)  
LAW REVIEW ARTICLES (*continued*)

“Is It the Siren’s Call?: Judges and Free Speech While Cases are Pending,” 28 *Loyola of Los Angeles Law Review* 831 (1995)

“Fragmentation of Federal Rules,” 46 *Mercer Law Review* 757 (1995) (with Barry Friedman)

“Assessing Minimum Contacts: A Reply to Professors Cameron and Johnson,” 28 *UC Davis Law Review* 863 (1995)

“Fifty-fifth Cleveland Marshall Fund Lecture: The First Amendment: When the Government Must Make Content-Based Choices,” 42 *Cleveland-State Law Review* 199 (1994)

“Why Cases Under the Guarantee Clause Should Be Justiciable,” 65 *Colorado Law Review* 849 (1994)

“Lost Opportunity: The Burger Court and the Failure to Achieve Equal Educational Opportunity,” 45 *Mercer Law Review* 999 (1994)

“Should Title VII of the Civil Rights Act of 1964 Be Repealed: No,” 2 *Southern California Interdisciplinary Law Journal* 349 (1993); “Rejoinder to Epstein,” at 453

“The Fire This Time,” 66 *Southern California Law Review* 1571 (1993)

“History, Tradition, the Supreme Court, and the First Amendment,” 44 *Hastings Law Journal* 901 (1993)

“Is the Rehnquist Court Really that Conservative?: An Analysis of the 1991-92 Term,” 26 *Creighton Law Review* 987 (1993)

“Making the Case for a Constitutional Right to Minimum Entitlements,” 44 *Mercer Law Review* 525 (1993)

“The Unlawful Execution of Robert Alton Harris,” 102 *Yale Law Journal* 225 (1992) (with Evan Caminker)

“The Supreme Court and the Fourteenth Amendment: The Unfulfilled Promise,” 25 *Loyola of Los Angeles Law Review* 1143 (1992)

“October Tragedy,” 65 *Southern California Law Review* 1497 (1992)

“Rationalizing Jurisdiction,” 41 Emory Law Journal 3 (1992)  
LAW REVIEW ARTICLES (*continued*)

“Ending the Parity Debate,” 71 Boston University Law Review 593 (1991)

“In Defense of Truth,” 41 Case Western Reserve Law Review 745 (1991)

“A Unified Approach to Justiciability,” 22 Connecticut Law Review 677 (1991)

“Ending the Marathon: It is Time to Overrule Northern Pipeline,” 65 American Bankruptcy Law Journal 311 (1991)

“Defining the Role of the Federal Courts,” 1990 Brigham Young University Law Review 67 (with Kramer)

“Congress, the Supreme Court, and the Eleventh Amendment: A Comment on the Decisions During the 1988-89 Term,” 39 DePaul Law Review 321 (1990)

“Foreword: The Vanishing Constitution,” 103 Harvard Law Review 43 (1989)

“Ideology, Judicial Selection, and Judicial Ethics,” 2 Georgetown Journal of Legal Ethics 643 (1989)

“The Constitution is Not ‘Hard Law’: The Bork Rejection and the Future of Constitutional Jurisprudence,” 6 Constitutional Commentary 29 (1989)

“The Question Is Not Clear, But Party Government Is Not the Answer,” 30 William and Mary Law Review 411 (1989)

“Parity Reconsidered: Defining a Role for the Federal Judiciary,” 36 UCLA Law Review 233 (1988)

“Federal Courts, State Courts, and the Constitution: A Rejoinder to Professor Redish,” 36 UCLA Law Review 369 (1988)

“Protecting the Democratic Process: Voter Standing to Challenge Abuse of Incumbency,” 49 Ohio State Law Journal 773 (1988)

“Evaluating Judicial Candidates,” 61 Southern California Law Review 1985 (1988)

“Thinking About Habeas Corpus,” 37 Case Western Reserve Law Review 748 (1987)

“A Paradox Without a Principle: A Comment on the Burger Court’s Jurisprudence in Separation of Powers Cases,” 60 Southern California Law Review 1083 (1987)

LAW REVIEW ARTICLES (*continued*)

“Wrong Questions Get Wrong Answers: An Analysis of Professor Carter’s Theory of Judicial Review,” 66 Boston University Law Review 47 (1986)

“Rethinking State Action,” 80 Northwestern Law Review 503 (1985)

“More is Not Less: A Rejoinder to Professor Marshall,” 80 Northwestern Law Review 571 (1985)

“State Sovereignty and Federal Court Power: The Eleventh Amendment After Pennhurst v. Halderman,” 12 Hastings Constitutional Law Quarterly 643 (1985)

“Pedagogy Without Purpose: An Essay on Professional Responsibility Courses and Casebooks,” 1985 American Bar Foundation Research Journal 189

“Training the Ethical Lawyer: A Rejoinder to Professor Schneyer,” 1985 American Bar Foundation Research Journal 959

“The Price of Asking the Wrong Question: An Essay on Constitutional Scholarship and Judicial Review,” 62 Texas Law Review 1207 (1984)

“Changing the Rules of the Game: The New F.C.C. Regulations on Political Debates,” 7 Hastings Journal of Communication and Entertainment Law 1 (1985)

“Controlling Inherent Presidential Power: Providing a Framework for Judicial Review,” 56 Southern California Law Review 863 (1983)

“In Defense of Equality: A Reply to Professor Westen,” 81 Michigan Law Review 575 (1983)

“Rationalizing the Abortion Debate: Legal Rhetoric and the Abortion Controversy,” 31 Buffalo Law Review 107 (1982)

“Controlling Fraud Against the Government: The Need for Decentralized Enforcement,” 58 Notre Dame Law Review 995 (1983)

“Ending the Dual System of American Public Education: The Urgent Need for Legislative Action,” 32 DePaul Law Review 77 (1982)

“Fraud and Corruption Against the Government: A Proposed Statute to Establish a Taxpayer

Remedy,” 72 *Journal of Criminal Law and Criminology* 1482 (1981)

#### LAW REVIEW ARTICLES (*continued*)

“Government Statistics: The Case for Independent Regulation – A Legislative Proposal,” 59 *Texas Law Review* 1223 (1981) (with David Zarefsky & Alan S. Loewensohn)

“Protecting Lawyers from their Profession: Redefining the Attorney’s Role,” 5 *Journal of the Legal Profession* 31 (1980)

“Defining the Best Interests: Constitutional Protections in Involuntary Adoptions,” 18 *Journal of Family Law* 79 (1979)

#### BOOK REVIEWS

“The Supreme Court and Public Schools,” Review of Justin Driver, *The Schoolhouse Gate, Public Schools, and the Battle for the American Mind*, 117 *Michigan Law Review* 1107 (2019)

“No Immunity: Race, Class, and Civil Liberties in Times of Health Crisis,” Review of Eula Biss, *On Immunity: An Inoculation*, 129 *Harvard Law Review* 956 (2016) (with Michele Goodwin)

“Measuring Judging,” Review of Epstein, Landes, and Posner, *Behavior of Federal Judges: A Theoretical & Empirical Study of Rational Choice, The (Book)*, 99 *Judicature* 74 (Summer 2015)

“Unique Justice,” Review of Bruce Allen Murphy, *Scalia: A Court of One*, *Los Angeles Review of Books*, November 2, 2014

“How Oliver Wendell Holmes Changed His Mind—and Changed the History of Free Speech in America,” Review of Thomas Healy, *The Great Dissent*, *California Lawyer*, August 2013

“The Inescapability of Constitutional Theory,” Review of J. Harvie Wilkinson III, *Cosmic Constitutional Theory: Why Americans Are Losing Their Inalienable Right to Self Governance* 80 *U. Chi. L. Rev.* 935 (2013)

“Louis D. Brandeis: A Life,” review of Melvin Urofsky, *Louis D. Brandeis: A Life*, *California Lawyer*, May 2010, at 37

“Judicial Restraint: How Kermit Roosevelt III’s Judicial Theory Undermines the Very Case for Judicial Philosophies,” 3 *Democracy: A Journal of Ideas* (Winter 2007) (reviewing Kermit Roosevelt III, *The Myth of Judicial Activism: Making Sense of Supreme Court Decisions* (Yale University Press, (2006))

“A Grand Theory of Constitutional Law?,” review of Jed Rubenfeld, Freedom and Time: A Theory of Constitutional Self-Government, 100 Michigan Law Review 1249 (2002)

BOOK REVIEWS (*continued*)

“Unfettered Expression: Freedom in American Intellectual Life,” Review of Unfettered Expression: Freedom in American Intellectual Life, edited by Peggie J. Hollingsworth, 87 Academe 89 (September/October 2001)

“Losing Faith: America Without Judicial Review,” Review of Taking the Constitution Away from the Courts, by Mark Tushnet, 98 Michigan Law Review 1416 (2000)

“Opening Closed Chambers,” 108 Yale Law Journal 1087 (1999), review of Edward Lazarus, Closed Chambers (1998)

“Amending the Constitution,” 96 Mich. L. Rev. 1561 (1998), review of David E. Kyvig, Explicit and Authentic Acts: Amending the U.S. Constitution, 1776-1995 (1996)

Book review of Peter Irons, May It Please the Court: The First Amendment, 34 Trial 96 (April 1998)

Book review of Charles L. Black, Jr., A New Birth of Freedom: Human Rights, Names and Unnamed, 33 Trial 72 (December 1997)

Book review of Thomas Baker, “The Most Wonderful Work”: The Constitution Interpreted, 83 American Bar Association Journal 70 (1997)

Book review of Fred Maroon, The Supreme Court of the United States, 32 Trial 62 (December 1996)

“Speaking for the Minority,” Book review of Alan Dershowitz, Reasonable Doubts: The O.J. Simpson Case and the Criminal Justice System, Los Angeles Times, July 7, 1996

Book review of Bernard Schwartz, How the Supreme Court Decides Cases, 32 Trial 94 (July 1996)

“The Center Holds: The Power Struggle Inside the Rehnquist Court,” Review of Simon, The Center Holds, 31 Trial 53 (December 1995)

“The Responsible Judge,” review of The Responsible Judge: Readings in Judicial Ethics, 8 Western Legal History 291 (1995)

“Rehabilitating Federalism,” review essay of Beer, To Make a Nation (1993), 92 Michigan Law Review 1333 (1994)

BOOK REVIEWS (*continued*)

“Constitutional Scholarship in the 1990s,” review essay of Gottlieb, Public Values in Constitutional Law, 45 Hastings Law Journal 1105 (1994)

Book review of Essler, A Justice For All: William J. Brennan and the Decisions that Transformed America, 29 Trial 47 (December 1993)

“Packing the Court Conservative Style,” review of Savage, Turning Right: The Making of the Rehnquist Supreme Court, 12 California Lawyer 99 (July 1992)

“We the People, volume 1, Foundations,” review of Ackerman, We the People: Foundations, 28 Trial 89 (July 1992)

“A Rich History of Our Rights,” Review of Burns and Burns, A People’s Charter: The Pursuit of Rights in America, 12 California Lawyer 90 (January 1992)

“The Seduction of Deduction: The Allure of and Problems with a Deductive Approach to Federal Court Jurisdiction,” Review of Redish, Federal Courts in the Political Order: Judicial Jurisdiction and American Political Theory, 86 Northwestern Law Review 96 (1991)

“The Constitutional Interpretation Debate Continues,” book review of Wellington, Interpreting the Constitution (1991), 27 Trial 88 (May 1991)

“An Encyclopedia on the Sociology of the Legal Profession,” book review of Lawyers in Society (vols. 1-3), Abel and Lewis eds., 37 UCLA L. Rev. (1990)

Review of McCann and Houseman, Judging the Constitution: Critical Essays on Judicial Lawmaking, 26 Argumentation and Advocacy 166 (1990)

“Judging Reagan’s Judges,” book review of Schwartz, The New Right and the Constitution: Turning Back the Clock, California Lawyer 122 (November 1990)

“Continuing the Controversy,” book review of Tribe, Abortion: The Clash of Absolutes, California Lawyer 122 (June 1990)

“Empty History,” book review of Crosskey and Jeffrey, Politics and the Constitution vol 3," 81

Michigan Law Review 828 (1983)

Book Review of John Hart Ely's Democracy and Distrust, 17 Wake Forest L. Rev. 701 (1980)

**PUBLISHED CONFERENCE PROCEEDINGS**

"The Bill of Rights With Erwin Chemerinsky" National Constitution Center, April 8, 2022.

"Transcript of Speech Given at the First Conference of Professional and Judicial Ethics," 84 Revista Jurídica 855 (2015)

"The Ethics of Prosecutors in High Profile Cases," National Association of Criminal Defense Lawyers Symposium, 1997

"School Vouchers: A Lawyer's Perspective," in School Choice, Proceedings of the Fourteenth Conference on the University/Urban Schools National Task Force, The Graduate School and University Center of the City University of New York, 1992

"Privacy v. Freedom of Speech: Striking the Balance," in Freedom of Speech and the American Community, Proceedings of a Conference Honoring Franklyn S. Haiman, Northwestern University, 1991

"The Crumbling Wall Between Church and State," in The Constitution, Society, and Religion, Proceedings of a Conference on Religion and Society, Creighton University, 1991

**NON-LAW REVIEW PUBLICATIONS (through July 2023)**

"Teaching Law in this Difficult Time" 48 Human Rights 4 (July 23, 2023)

"Elected officials can stand with striking workers — no matter what the L.A. city attorney says" Los Angeles Times, July 18, 2023.

"The Arrogance of Power," Daily Journal, July 18, 2023.

"Supreme Court once again moves the law significantly to the right" The ABA Journal, July 13, 2023.

"Gov. Newsom was right to allow parole for Manson cult member Leslie Van Houten" The Sacramento Bee, July 11, 2023.

"SCOTUS ruling on Indian Child Welfare Act is win for Native Americans, but key issues remain unresolved" The ABA Journal, July 5, 2023.

“UC Berkeley faculty explain importance of diversity to Florida Gov. Ron DeSantis” The Sacramento Bee, June 30, 2023 (with Sharon Inkelas).

NON-LAW REVIEW PUBLICATIONS (*continued*)

“The Supreme Court rewrote the law so that it could stop student loan forgiveness” Los Angeles Times, June 30, 2023.

“The Supreme Court's ultimate 'judicial activism': striking down affirmative action in college admissions” Los Angeles Times, June 29, 2023.

“The Supreme Court's wise ruling on free speech and online threats” Los Angeles Times, June 27, 2023.

“Why one judge in Amarillo got to decide whether any American could use the abortion pill” Los Angeles Times, June 27, 2023.

“The Supreme Court's message to red states: You have to follow federal law” Los Angeles Times, June 23, 2023.

“The Supreme Court can't afford to sustain another self-inflicted wound” CNN, June 23, 2023

“Preserving Civil Rights,” Daily Journal, June 13, 2023.

“Time is running out for the Supreme Court and the Supreme Court,” New York Times, June 12, 2023.

“Supreme Court deals serious blow to American workers' right to strike” The Sacramento Bee, June 10, 2023.

“Why today's Supreme Court decision on voting rights is such a shock” Los Angeles Times, June 8, 2023.

“Gov. Newsom's call for a constitutional convention is a well-intentioned, terrible idea” The Sacramento Bee, June 8, 2023.

“Social media and internet companies likely face more free speech challenges at the Supreme Court” The ABA Journal, June 6, 2023.

“Employers can now sue unions over strikes. Here's how that will intimidate workers” Los Angeles Times, June 1, 2023 (with Catherine Fisk).

“It's past time to honor Rose Bird, a California pioneer” The Sacramento Bee, May 24, 2023.

“Ending Cash-Based Jailing: A Win for the Constitution and Public Safety,” Daily Journal, May 19, 2023.

NON-LAW REVIEW PUBLICATIONS (*continued*)

“Clarifying the Dormant Commerce Clause,” Daily Journal, May 16, 2023.

“The Supreme Court says California can regulate pork. That's big, even if you're not a pig” Los Angeles Times, May 11, 2023.

“Dianne Feinstein’s last great act of public service to Californians is simple: resign” The Sacramento Bee, May 9, 2023.

“Speech that threatens others is not constitutionally protected. Does SCOTUS agree?” The Sacramento Bee, April 30, 2023.

“Expect momentous decisions from the Supreme Court as term ends” The ABA Journal, April 27, 2023.

“Conservative judge limits mifepristone, abortion access” The Sacramento Bee, April 14, 2023.

“The imperative need for an ethics code for Supreme Court justices,” Daily Journal, April 11, 2023.

“The invention of the internet democratized free speech. Now, those rights are at risk” The Sacramento Bee, April 10, 2023.

“Can the New York court stop Trump's rants? Here's why a gag order would be a mistake” Los Angeles Times, April 6, 2023.

“Oral arguments conclude with important free speech, civil rights cases” The ABA Journal, April 4, 2023.

“Stanford students violated free speech by shouting down a conservative speaker” The Sacramento Bee, March 28, 2023.

“Domestic violence abusers can own guns, court says” The Sacramento Bee, March 22, 2023.

“The Major Questions Doctrine,” Daily Journal, March 20, 2023.

“Reopening Uber's challenge to California labor law is just the beginning” Los Angeles Times, March 20, 2023.

“Conservatives look to block access to medical abortion pill” The Sacramento Bee, March 15, 2023.

NON-LAW REVIEW PUBLICATIONS (*continued*)

“Criminal justice - Los Angeles’ bail system unjust, unconstitutional” The Daily news of Los Angeles, March 12, 2023 (with Miriam Krinsky and Anthony Kline).

“Student loan relief cases will have lasting effects whatever Supreme Court decides” The ABA Journal, March 1, 2023.

“End extreme forum shopping,” Daily Journal, February 14, 2023.

“Why must we wait for the next death of another unarmed Black man to finally act” The Sacramento Bee, February 3, 2023.

“When can state governments sue the United States?” The ABA Journal, February 1, 2023.

“Abusing the shadow docket,” Daily Journal, January 20, 2023.

“The right way to investigate Biden, Trump documents” The Sacramento Bee, January 18, 2023.

“The Supreme Court is still resisting transparency” The Sacramento Bee, January 4, 2023.

“On Title 42, the Supreme Court throws out common sense for a partisan agenda” Los Angeles Times, January 2, 2023.

“Trump Supreme Court's far-right lurch isn't over yet” The Sacramento Bee, January 1, 2023.

“Expect another wave of significant rulings as the Supreme Court returns” The ABA Journal, January 1, 2023.

“Supreme Court's disingenuous push to protect religion” The Sacramento Bee, December 28, 2022.

“It's time to end Supreme Court justices' lifetime terms” The Sacramento Bee, December 25, 2022.

“2022 contained a week that dramatically changed constitutional law” The ABA Journal, December 23, 2022.

“The Supreme Court in 2022,” Daily Journal, December 21, 2022.

“Congress must reform obsolete law that fueled Jan. 6 riot” The Sacramento Bee, December 11, 2022.

NON-LAW REVIEW PUBLICATIONS (*continued*)

“Does the First Amendment protect a right to discriminate?” The West Central Tribune, December 7, 2022.

“Donald Trump’s latest rant is a direct threat to democracy. It warrants a drastic response” The Sacramento Bee, December 7, 2022.

“The ominous way the Supreme Court could change our elections” Los Angeles Times, December 7, 2022.

“An important week of arguments in the Supreme Court” The ABA Journal, December 1, 2022.

“The Supreme Court case that could threaten US democracy” The Sacramento Bee, November 20, 2022.

“When a Berkeley Law debate on free speech got turned into a social media circus” Los Angeles Times, November 20, 2022.

“Reforming City Government,” Daily Journal, November 15, 2022.

“Stakes are high as Supreme Court considers affirmative action cases” The ABA Journal, November 2, 2022.

“High court may end affirmative action programs” The Sacramento Bee, October 26, 2022.

“Affirmative action in jeopardy,” Daily Journal, October 18, 2022.

“Conservative Supreme Court justices could further erode landmark Voting Rights Act” The Sacramento Bee, October 3, 2022.

“As a new Supreme Court term begins, prepare for the law to move even more to the right” Los Angeles Times, October 2, 2022.

“There Are No ‘Jewish-Free’ Zones on the UC-Berkeley Campus” Daily Beast, October 2, 2022.

“Supreme Court poised to sharply advance the law to the right” The ABA Journal, September 29, 2022.

“A misguided quest for the original understanding,” Daily Journal, September 13, 2022.

“How scourge of originalism is taking over the Supreme Court” Los Angeles Times, September 6, 2022.

NON-LAW REVIEW PUBLICATIONS (*continued*)

“Even the Founders Didn't Believe in Originalism” The Atlantic, September 6, 2022.

“Originalism has taken over the Supreme Court” The ABA Journal, September 5, 2022.

“California racial bias sentencing bill needs one crucial change:” The Sacramento Bee, August 30, 2022.

“No one is above the law, not even a past president” The Sacramento Bee, August 20, 2022.

“Consequences matter,” Daily Journal, August 13, 2022.

“The Big, Bipartisan Bill to Prevent Another Jan. 6 Has One Potentially Fatal Flaw” Slate, August 4, 2022 (with Dennis Aftergut and Laurence H. Tribe).

“How California can prevent companies from selling products they know are dangerous” The Sacramento Bee, August 3, 2022.

“With Supreme Court shift on Indian law, will it reconsider a recent landmark ruling?” The ABA Journal, August 1, 2022.

“Supreme Court's conservatives pick and choose their history” The Sacramento Bee, July 31, 2022.

“Is state's gun law, modeled after abortion law, constitutional?” The Mercury News, July 26, 2022.

“Is California's new gun law, modeled after the Texas abortion law, constitutional?” Los Angeles Times, July 23, 2022.

“Congress needs to act now,” Daily Journal, July 12, 2022.

“This SCOTUS term moved the law 'dramatically in a conservative direction’” The ABA Journal, July 7, 2022.

“The Supreme Court is making historic changes in Constitutional law. It's just the beginning” The Sacramento Bee, July 6, 2022.

“Another devastating Supreme Court decision — this time for the environment and public safety”  
Los Angeles Times, June 30, 2022.

NON-LAW REVIEW PUBLICATIONS (*continued*)

“Expanding speech rights of government employees,” Daily Journal, June 30, 2022 (with Catherine Fisk).

“Supreme Court ruling puts countless firearms regulations in jeopardy,” ABA Journal, June 29, 2022.

“The Supreme Court demolishes another precedent separating church and state,” Los Angeles Times, June 27, 2022.

“Abortion is About to Dominate American Politics Like Never Before,” Time Magazine, June 27, 2022.

“Ending Roe is a pure exercise of Republican power, wielded to reduce women’s freedom and equality,” Los Angeles Times, June 24, 2022.

“Forget history. Forget safety. The Supreme Court prizes unfettered gun rights above all else,”  
Los Angeles Times, June 23, 2022.

“Court’s constitutional blasphemy” The Times Tribune, June 23, 2022

“The Justice Department must criminally prosecute Donald Trump. The rule of law requires it”  
The Sacramento Bee, June 22, 2022

“Invoking Section 3 of the Fourteenth Amendment,” Daily Journal, June 22, 2023.

“A ruinous Supreme Court decision to dismantle the wall between church and state,” Los Angeles Times, June 21, 2022.

“What’s preventing meaningful federal gun regulation? It’s not the Second Amendment,” The Sacramento Bee, June 16, 2022.

“Watergate scandal could have ended differently” South Bend Voice, June 14, 2022.

“Originalism, the theory conservatives use to interpret the Constitution, is killing us,” San Francisco Chronicle, June 13, 2022 (With Dennis Aftergut).

“The Supreme Court once more weakened protections for violated rights,” Los Angeles Times, June 8, 2022.

“U.S. needs law school graduates, lawyers now more than ever” The Sacramento Bee, June 3, 2022

NON-LAW REVIEW PUBLICATIONS (*continued*)

“Supreme Court imposes further restrictions on habeus corpus,” ABA Journal, June 2, 2022.

“Mass Shootings and Hate Speech – What Can the Government Do?” Bloomberg Law, May 27, 2022.

“Another bad Texas idea: Make it illegal to take down vicious social media content,” Los Angeles Times, May 18, 2022.

“We should be scared,” Daily Journal, May 17, 2022

“Abortion draft is right-wing GOP politics masquerading as law,” The Mercury News, May 6, 2022.

“California should prepare for ugly changes” San Francisco Chronicle, May 6, 2022

“Guns, prayer and marriage equality: How the Supreme Court is about to change life in California” San Francisco Chronicle, May 4, 2022.

“The Enormous Consequences of Overruling Roe v. Wade,” Time Magazine, May 3, 2022.

“The Supreme Court’s unprecedented reversal of abortion rights” The Sacramento Bee, May 3, 2022.

“The brazenly political Supreme Court shows it will strike down abortion rights” Los Angeles Times, May 2, 2022.

“No, Ron DeSantis’ battle with Disney isn’t just political grandstanding,” San Francisco Chronicle, May 2, 2022

“SCOTUS clarifies First Amendment debate over content regulation of signs,” ABA Journal, May 2, 2022.

“Abolish the courts’ wanton use of nationwide injunctions” Los Angeles Times, April 28, 2022.

“Villanueva has unchecked power in the sheriff’s office. This can be fixed.” Los Angeles Times, April 15, 2022.

“From California to Florida, school censorship is all the rage” The Sacramento Bee, April 13,

2022.

“Malicious prosecution claim,” Daily Journal, April 12, 2022.

NON-LAW REVIEW PUBLICATIONS (*continued*)

“Supreme Court reflect nation’s deep divide over Constitution and religion,” ABA Journal April 4, 2022.

“GOP hostility to Supreme Court nominee shows moral decline,” The Sacramento Bee, March 30, 2022.

“Yale heckling is bad. State censorship? Worse,” Connecticut Post, Mar 26, 2022 (with Howard Gillman)

“Free speech doesn’t mean hecklers get to shut down campus debate,” Washington Post, March 24, 2022 (with Howard Gillman)

“The sickening Republican smear campaign against Ketanji Brown Jackson,” Los Angeles Times, March 20, 2022

“Senators should ask Biden’s SCOTUS nominees about judicial code of conduct,” The Hill, March 18, 2022

“State secrets ruling favors ignorance over knowledge,” Daily Journal, March 15, 2022

“Ketanji Brown Jackson a moderate, stellar Supreme Court pick,” Sacramento Bee, March 3, 2022

“SCOTUS could make significant ruling on EPA’s authority to fight climate change—or not,” ABA Journal, March 3, 2022

“A Justice for a Progressive Future,” American Prospect, February 28, 2022

“Ultra-right Supreme Court will face a crisis of legitimacy,” Sacramento Bee, February 25, 2022

“The role of deans and administrators in dealing with offensive speech,” First Amendment News, February 23, 2022

“Court’s UC Berkeley enrollment freeze is legally incorrect,” Sacramento Bee, February 19, 2022

“Ruling on Alabama voting map sets terrible precedent,” Daily Journal, February 15, 2022

“Republican Supreme Court justices are helping elect Republicans,” Los Angeles Times, February 8, 2022

NON-LAW REVIEW PUBLICATIONS (*continued*)

“To replace Breyer, Biden must pick a progressive who will serve the high court for decades” The Sacramento Bee, February 2, 2022

“Justice Breyer is a model for all who sit on a judicial bench,” ABA Journal, February 2, 2022.

“If the Supreme Court bans affirmative action, it continues the U.S. legacy of racial discrimination,” Los Angeles Times, January 25, 2022

“The Supreme Court upholds COVID denial in striking down OSHA's vaccination requirement” The Sacramento Bee, January 19, 2022

“Wrong and Ominous,” Daily Journal, January 19, 2022

“What do we teach law students when we have no faith in the Supreme Court?” Los Angeles Times, January 16, 2022 (with Jeffrey Abramson)

“Expect a momentous year ahead for the Supreme Court,” ABA Journal, January 6, 2022

“Will the Supreme Court back mandates for COVID vaccines?” Los Angeles Times, January 3, 2022

“A new year will find American democracy in great danger” The Sacramento Bee, December 30, 2021

“The most significant Supreme Court cases of 2021,” ABA Journal, December 21, 2021

“To Rein in the Police, Look to the States, Not the Court,” New York Times, December 20, 2021.

“The Court and the Rise in Vigilantism,” American Prospect, December 15, 2021

“SB 8 Ruling: A truly terrible and dangerous decision,” Daily Journal, December 14, 2021

“Supreme Court decision on Texas abortion law jeopardizes all rights,” Los Angeles Times, December 10, 2021

“Supreme Court justices are oblivious to human or political consequences of overturning Roe” The Sacramento Bee, December 7, 2021

NON-LAW REVIEW PUBLICATIONS (*continued*)

“Supreme Court abortion case may end right to reproductive freedom,” Los Angeles Times, November 30, 2021

“Ruling in abortion cases will greatly affect women’s lives but won’t end controversy,” ABA Journal, November 30, 2021

“Kyle Rittenhouse was acquitted of all charges, but he is unquestionably morally guilty” The Sacramento Bee, November 22, 2021

“The verdict in the Kyle Rittenhouse trial sends a chilling message,” Los Angeles Times, November 19, 2021

“Vaccine mandates are constitutional,” Daily Journal, November 16, 2021

“Republican critical race theory bans are a thinly veiled appeal to white supremacy” The Sacramento Bee, November 7, 2021

“Texas abortion law may go too far for Supreme Court conservatives,” Los Angeles Times, November 1, 2021

“The Supreme Court is about to decide whether states can blatantly ignore the Constitution” The Sacramento Bee, October 27, 2021

“SCOTUS continues to hold the line on qualified immunity,” ABA Journal, October 27, 2021

“The courts have a new chance to block Texas’s abortion law. They must take it,” The Guardian, October 17, 2021 (with Laurence H. Tribe, Jeffrey Abramson, and Dennis Aftergut)

“Biden's death penalty hypocrisy” Los Angeles Times, October 16, 2021

“There is no such thing as value neutral judging,” Daily Journal, October 12, 2021

“The Supreme Court’s conservatives now have free rein. Here’s how your rights will change” The Sun Chronicle, October 6, 2021

“Justice Sotomayor tells the truth about the Supreme Court,” CNN, October 1, 2021

“John Eastman tried to help Donald Trump subvert American democracy. He should be shunned”  
The Sacramento Bee, September 30, 2021

NON-LAW REVIEW PUBLICATIONS (*continued*)

“Expect a truly extraordinary year at the Supreme Court,” ABA Journal, September 30, 2021

“Texas’ antiabortion law is a bluff. Call them on it,” San Francisco Chronicle, September 23, 2021  
(with Burt Neuborne)

“Are Supreme Court Justices ‘partisan hacks’? Yes,” Los Angeles Times, September 19, 2021

“The dangerous implications of Texas’ new abortion law,” Daily Journal, September 14, 2021

“COVID vaccines, masks are constitutional for public health,” The Sacramento Bee, September 8, 2021

“Endangering others is not a personal freedom. That's why vaccine mandates are constitutional”  
The Sacramento Bee, September 8, 2021

“How the Texas abortion law could spawn threats to other constitutional rights” Los Angeles  
Times, September 6, 2021

“Roe v. Wade hasn’t been overturned. The rule of law might have been.” The Washington Post,  
September 2, 2021

“The Supreme Court has done a poor job protecting against police abuse of power and racism,”  
ABA Journal, September 2, 2021

“In light of Newsom election, CA recall process needs reform” The Sacramento Bee, September 1,  
2021

“It’s not too late to stop California’s recall election” Los Angeles Times, August 20, 2021 (with  
Aaron S. Edlin)

“Is law school worth it?” Daily Journal, August 17, 2021

“There Is a Problem With California’s Recall. It’s Unconstitutional.” The New York Times,  
August 11, 2021 (with Aaron S. Edlin)

“Supreme Court allows dark money in CA campaign law challenge” The Sacramento Bee, August 4, 2021

NON-LAW REVIEW PUBLICATIONS (*continued*)

“In gutting Voting Rights Act, the Supreme Court adopts the Republican narrative on voting” The Sacramento Bee, July 28, 2021

“The SCOTUS sleeper cases of the October 2020 term,” ABA Journal, August 2, 2021

“The Non-United State of America,” The Journal of Appellate Practice and Process, Vol. 21, Iss. 2, 259, July 26, 2021

“Don’t Exempt Religious Objectors from Vaccine Mandates,” Los Angeles Times, July 23, 2021

“Don’t Underestimate the Conservatism of the Roberts Court,” Daily Journal, July 13, 2021

“Supreme Court correctly ruled in favor of student speech for first time since 1969” The Sacramento Bee, July 9, 2021

“Supreme Court looks to common law for guidance in Fourth Amendment cases” ABA Journal, July 6, 2021

“The court that overturned Cosby’s conviction got it right. Here’s why” Los Angeles Times, July 2, 2021

“Pennsylvania court got it right in overturning Bill Cosby’s conviction” The Chicago Tribune, July 1, 2021

“D.C. statehood is constitutional. There are no good legal arguments against it.” The Washington Post, June 22, 2021

“Giving people a license to discriminate because of their religious beliefs” Los Angeles Times, June 17, 2021

“Another conservative attack on Obamacare, another loss at the Supreme Court” Los Angeles Times, June 17, 2021

“Extreme Gun Rights,” Daily Journal, June 16, 2021

“Roe v. Wade is solid constitutional law. The U.S. Supreme Court will overturn it anyway” The Sacramento Bee, June 12, 2021

“US Senate filibuster is anti-democratic. It should be eliminated” The Sacramento Bee, June 12, 2021

NON-LAW REVIEW PUBLICATIONS (*continued*)

“No, Joe Manchin, the John Lewis Voting Rights Act isn’t enough” San Francisco Chronicle, June 8, 2021

“A nutty court ruling on California's assault weapons ban makes us less safe” Los Angeles Times, June 5, 2021

“Biden's attorney general should not let Trump's attorney general off the hook” Miami Herald, June 4, 2021

“Why is the Biden Justice Department shielding Bill Barr’s secrets?” Los Angeles Times, May 27, 2021

“What to expect from the Supreme Court,” Daily Journal, May 18, 2021

“A challenge before the Supreme Court should scare believers in reproductive freedom” Los Angeles Times, May 17, 2021

“Should schools be able to punish students for speech on social media? Supreme Court will decide” The Sacramento Bee, May 15, 2021

“Justice Breyer should learn from Justice Ginsburg’s mistake - and retire now” The Washington Post, May 9, 2021

“Despite SCOTUS ruling, questions of personal jurisdiction remain unsettled” ABA Journal, May 3, 2021

“To replace Breyer, Biden must pick a progressive who will serve the high court for decades” The Sacramento Bee, April 29, 2021

“Local police departments can’t reform themselves. Bring on the feds” Los Angeles Times, April 19, 2021

“Freedom does not include a right to endanger others. COVID vaccines should be mandatory” The Sacramento Bee, April 16, 2021

“Blame the Supreme Court,” Daily Journal, April 13, 2021

“Congress must pass gun control measures following shootings” The Sacramento Bee, April 4, 2021

NON-LAW REVIEW PUBLICATIONS (*continued*)

“SCOTUS weighs whether freedom of speech applies to students off campus using social media” ABA Journal, April 1, 2021

“The filibuster is unconstitutional. Here’s how Vice President Harris can take it on” Los Angeles Times, March 22, 2021

“After 2020, will Supreme Court help the Republican campaign to suppress voter rights?” The Sacramento Bee, March 18, 2021

“President Joe Biden and Democratic Congress take a major step to address poverty” The Sacramento Bee, March 16, 2021

“Eliminate the Filibuster,” Daily Journal, March 16, 2021

“How Congress can prevent Big Tech from becoming the speech police” with Prasad Krishnamurthy, The Hill, Feb. 18, 2021

“Democrats were right to impeach Donald Trump again” The Sacramento Bee, Feb. 18, 2021

“Incitement: A History of Speech Promoting Illegal Activity,” Daily Journal, February 17, 2021

“Investigate Donald Trump for criminal acts, just as Mitch McConnell says” Los Angeles Times, Feb. 16, 2021

“In the case of Trump, our courts failed us and the Constitution” The Sacramento Bee, Feb. 11, 2021

“What Mitch McConnell Got Right” The New York Times, Feb. 11, 2021

“Trump’s incitement of violence is not protected free speech” San Francisco Chronicle, Feb. 8, 2021

“SCOTUS hands down a rare civil rights victory on qualified immunity” ABA Journal, Feb. 1, 2021

“Republican lawmakers want to use pro-Trump rioters to undermine peaceful protest” with Ngozi Neziyana, NBC News THINK, Feb. 1, 2021

“Stop the attempt to derail D.A. George Gascón’s criminal justice reforms” with Miriam Aroni Krinsky, Los Angeles Times, Jan. 28, 2021

NON-LAW REVIEW PUBLICATIONS (*continued*)

“Make the Filibuster Difficult Again” with Burt Neuborne, The New York Times, Jan. 27, 2021

“California Supreme Court should hear this challenge to Proposition 22” The Sacramento Bee, Jan. 22, 2021

“Trump’s Twitter, Facebook Bans Go a Step Too Far” Bloomberg Law, Jan. 13, 2021

“The House should not rush an impeachment vote this week” Los Angeles Times, Jan. 12, 2021

“Gov. Newsom should consider Goodwin Liu for California attorney general appointment” The Sacramento Bee, Jan. 12, 2021

“How to prevent future assaults on American democracy” San Francisco Chronicle, Jan. 11, 2021

“Lessons from the 2020 Election,” Daily Journal, December 15, 2020

“Can President Donald Trump pardon himself?” The Sacramento Bee, Dec. 12, 2020

“The judge who ruled in favor of outdoor dining was wrong. Here’s why” Los Angeles Times, Dec. 9, 2021

“COVID-19 ruling reveals much about the new Supreme Court” Dec. 3, 2020

“In its COVID ruling, Trump’s activist Supreme Court gives us a preview of what’s to come” Los Angeles Times, Nov. 27, 2021

“Republicans’ silence is complicity with Trump’s lying attacks on American democracy” The Sacramento Bee, Nov. 27, 2020

“Discrimination Based on Religion,” Daily Journal, November 17, 2020

“There’s nothing wrong with Justice Alito telling the world his views” Los Angeles Times, Nov. 16, 2020

“Obamacare Litigation and the Supreme Court,” Daily Journal, November 16, 2020

“As Supreme Court debates Philly-based foster case, should laws allow religious exemptions?” with Howard Gillman, The Philadelphia Inquirer, Nov. 12, 2020

NON-LAW REVIEW PUBLICATIONS (*continued*)

“Presidential elections and Senate seats underscore fact that this is not a democracy” Nov. 11, 2020

“Trump’s secret weapon for keeping his job: his Supreme Court picks” Los Angeles Times, Nov. 4, 2020

“We now have a far-right Supreme Court. Democrats can’t abandon the battle” Los Angeles Times, Oct. 26, 2020

“Amy Coney Barrett’s Originalism Threatens Our Freedoms” New York Times, Oct. 21, 2020

“What Difference Will Amy Coney Barrett Make,” Daily Journal, October 13, 2020

“How the Senate should question Amy Coney Barrett to show the threat she poses” Los Angeles Times, Oct. 12, 2020

“Think same-sex marriage is a settled legal issue? Not to Clarence Thomas,” Los Angeles Times, Oct. 6, 2020

“The Supreme Court returns to a term like no other” ABA Journal, Oct. 1, 2020

“The Supreme Court against America: Justices’ conservative tilt is dangerously out of step with the people” New York Daily News, Sept. 26, 2020

“Democrats can’t stop Amy Coney Barrett’s confirmation. They can show how she would take away our rights” Los Angeles Times, Sept 26, 2020

“Are Republican Judges Putting Their Thumbs on the Electoral Scale?” New York Times, Sept. 25, 2020

“What Justice Ginsburg’s Death Means for Health Care Access in America” with Howard Gillman, TIME magazine, Sept. 24, 2020

“The Court How Did We Get Here and What Will It Mean?” The American Prospect, Sept. 21, 2020

“Democrats have a secret weapon to thwart a rapid Ginsburg replacement. They should use it” Los Angeles Times, Sept. 19, 2020

NON-LAW REVIEW PUBLICATIONS (*continued*)

“The Weaponization of the Free-Exercise Clause” with Howard Gillman, The Atlantic, Sept. 18, 2020

“Trump’s administration attempting to ban the Critical Race Theory is intolerant and unjust” The Sacramento Bee, Sept. 18, 2020

“The Constitution Depends on the Good Faith of Those Who Govern Us,” Daily Journal, September 15, 2020

“Conservative Supreme Court justices could complicate voter protection efforts in 2020” The Sacramento Bee, Sept. 5, 2020

“Will SCOTUS rulings help decide the 2020 presidential election?” ABA Journal, Sept. 1, 2020

“President Trump is blatantly violating the Hatch Act. Where’s the outrage?” Los Angeles Times, Aug. 25, 2020

“INSIGHT: Pandemic Provides Opportunity to Rethink the Bar Exam” Bloomberg Law, Aug. 25, 2020

“Coronavirus makes California’s ‘student borrower bill of rights’ essential” The Sacramento Bee, Aug. 18, 2020

“Kamala Harris is Eligible to be Vice President,” Daily Journal, August 15, 2020

“Trump just made another huge and illegal power grab. Be very alarmed” Los Angeles Times, Aug. 10, 2020

“Symposium: The unfolding revolution in the jurisprudence of the religion clauses” with Howard Gillman, SCOTUS blog, Aug. 6, 2020

“How will SCOTUS handle future issues related to the COVID-19 crisis?” ABA Journal, Aug. 5, 2020

“Trump can’t postpone the election. But here’s why we have to take his tweet seriously” Los Angeles Times, July 30, 2020

“Undermining the religion clauses of the First Amendment,” Daily Journal, July 14, 2020

NON-LAW REVIEW PUBLICATIONS (*continued*)

“Blockbuster decisions in 6 areas of law made this a SCOTUS term to remember” ABA Journal, July 15, 2020

“Does Roberts’ surprise Supreme Court vote today mean abortion rights are safe for the long haul?” Los Angeles Times, June 29, 2020

“Supreme Court DACA decision shows we still have an independent judiciary” Los Angeles Times, June 18, 2020

“Cities must be legally accountable for police reform” San Francisco Chronicle, June 16, 2020 (with Catherine Fisk)

“The Supreme Court and qualified immunity,” Daily Journal, June 16, 2020

“The Supreme Court victory for LGBTQ rights is also a triumph for the rule of law” Los Angeles times, June 15, 2020

“Major system change needed to break the cycle of police racism, brutality and scandal” Sacramento Bee, June 10, 2020

“Trump and the Supreme Court have gutted the legal tools for fighting police abuse” Los Angeles Times, June 5, 2020

“Trump’s demand to open churches during COVID-19 pandemic is misguided and dangerous,” Sacramento Bee, May 29, 2020

“Trump’s latest executive order doesn’t protect free speech. It attacks it” Los Angeles Times, May 29, 2020

“SCOTUS should embrace technology reforms prompted by the pandemic” ABA Journal, May 28, 2020

“California must decrease jail population to save lives from COVID-19. Here’s how” Sacramento Bee, May 15, 2020

“Does the rule of law apply to Trump? The Supreme Court has to decide” Los Angeles Times, May 12, 2020

“Losing the Rule of Law,” Daily Journal, May 12, 2020

NON-LAW REVIEW PUBLICATIONS (*continued*)

“Republicans must adapt to modern times and keep Congress working despite coronavirus” Sacramento Bee, April 29, 2020

“Activists sue Fox News over coronavirus falsehoods. Here’s what the Constitution says” Sacramento Bee, April 23, 2020

“No, Mr. President, Your Immigration Powers Are Not Unlimited” New York Times, April 22, 2020 (with Jennifer Chacón)

“Yes, government can restrict your liberty to protect public health” Los Angeles Times, April 20, 2020

“President Trump is wrong about his ‘absolute authority’” San Francisco Chronicle, April 16, 2020

“Moving Government into the 21<sup>st</sup> Century,” Daily Journal, April 14, 2020

“SCOTUS Comcast case is a serious loss for civil rights” ABA Journal, April 2, 2020

“Stay-at-home orders to fight coronavirus are protected by the U.S. Constitution” Sacramento Bee, March 31, 2020

“Trump doesn’t have the authority to order the country back to work by Easter. Here’s why” Los Angeles Times, March 25, 2020

“The Supreme Court could work remotely during coronavirus crisis – and build rapport with citizens” Sacramento Bee, March 20, 2020

“End Jury Service Now,” March 18, 2020

“He was shot and killed across the border. The Supreme Court decided his family can’t sue” Sacramento Bee, March 8, 2020

“Religion comes to the Supreme Court” ABA Journal, February 27, 2020

“Upcoming Supreme Court case may create greater restrictions on abortion” Sacramento Bee, February 21, 2020

“Moving Away from Checks and Balances,” Daily Journal, February 20, 2020

NON-LAW REVIEW PUBLICATIONS (*continued*)

“Peter Rose Has Done His Time” New York Times, February 11, 2020 (with Evan Caminker)

“Republicans have undermined checks and balances, leaving impeachment a hollow threat” Sacramento Bee, February 6, 2020

“Trump’s acquittal has stripped a crucial constitutional check of all meaning” Los Angeles Times, February 5, 2020

“UC system needs a tuition hike. Here’s how to make it fair” Los Angeles Times, January 17, 2020

“The Last Decade in the Supreme Court,” Daily Journal, January 15, 2020

“Six issues that make this a blockbuster Supreme Court term” Sacramento Bee, January 11, 2020

“Will the Supreme Court protect democracy or Trump in 2020? It can’t do both” Los Angeles Times, January 2, 2020

“It’s likely to be an amazing year in the Supreme Court” ABA Journal, January 2, 2020

“Trump likely to be acquitted by Republican Senate. How that sends a dangerous message” Sacramento Bee, December 24, 2019

“2019 was all about setting up the blockbuster year 2020 promises to be” ABA Journal, December 23, 2019

“The Supreme Court, Donald Trump and the Rule of Law,” Daily Journal, December 17, 2020

“Republican legislators know Trump clearly did wrong. Why stand by him during impeachment?” Sacramento Bee, December 14, 2019

“Ann Coulter says hateful, ugly things. Our free speech laws protect her, too” Sacramento Bee, December 9, 2020

“No, impeachment doesn’t require a criminal act” Los Angeles Times, December 4, 2019

“Guns and mootness at center of Supreme Court’s next big battle” ABA Journal, November 26, 2019

“Impeachment Myths,” Daily Journal, November 12, 2020

NON-LAW REVIEW PUBLICATIONS (*continued*)

“Trump should have never ended DACA. It’s up to the Supreme Court to make it right”  
Sacramento Bee, November 2, 2019

“Sorry, Mr. President, the House is giving you far more due process than the Constitution requires”  
Los Angeles Times, November 2, 2019

“The stakes are enormous for immigrants in upcoming DACA cases” ABA Journal, October 31, 2019

“Impeachment hinges on whether president can seek campaign help from foreign nations”  
Sacramento Bee, October 19, 2019

“The Supreme Court shrouds itself in secrecy. That needs to end” Los Angeles Times, October 17, 2019

“California’s New Deep Fake Laws and the First Amendment,” Daily Journal, October 16, 2020

“The Supreme Court starts its new term this week. Expect divisiveness” The Spokesman-Review,  
October 8, 2019

“President Trump crossed the line. Here’s why Republicans should support impeachment”  
Sacramento Bee, October 4, 2019

“Weighty matters load the Supreme Court’s next term” ABA Journal, October 3, 2019

“US Supreme Court Appears Eager to Approve Trump Policies,” Daily Journal, September 17,  
2020

“Colleges make lots of money off of sports. Why can’t student athletes do the same?” Sacramento  
Bee, September 6, 2019

“How the Roberts Court could alter the administrative state” ABA Journal, September 4, 2019

“The Second Amendment does not bar gun control. Let’s stop pretending that it does” Sacramento Bee, August 24, 2019

“Red Flag Laws Aren’t a Substitute for Meaningful Regulation,” Daily Journal, August 13, 2020

“Justice Gorsuch fulfills expectations from the right and the left” ABA Journal, August 1, 2019

NON-LAW REVIEW PUBLICATIONS (*continued*)

“Requiring candidate tax returns is legal” Los Angeles Times, August 2, 2019

“Justice Gorsuch fulfills expectations from the right and the left” ABA Journal, August 1, 2019

“California’s new law requiring presidential candidates to disclose tax returns is constitutional” Los Angeles Times, July 31, 2019

“Justice John Paul Stevens’ legacy: Unfailing decency” Sacramento Bee, July 27, 2019

“Clarence Thomas Wants to Overrule Huge Bodies of Law,” Daily Journal, July 16, 2019

“‘Deepfake’ videos threaten our privacy and politics. Here’s how to guard against them” Sacramento Bee, July 13, 2019

“Taxing tampons isn’t just unfair: It’s unconstitutional” Los Angeles Times, July 12, 2019 (with Jennifer Weiss-Wolf)

“A look back at the Supreme Court’s October 2018 term” ABA Journal, July 2, 2019

“The Supreme Court just blurred the sacred line between church and state. Why?” Sacramento Bee, June 30, 2019

“Does precedent matter to conservative justices on the Roberts Court?” ABA Journal, June 27, 2019

“The Supreme Court just abdicated its most important role: enforcing the Constitution” Los Angeles Times, June 27, 2019

“Precedent and the Roberts Court,” June 19, 2019

“The federal government won’t protect student borrowers. California must step up” Sacramento Bee, June 16, 2019

“Abortion is a constitutional right – an endangered one” Sacramento Bee, June 1, 2019

“In death do they part—SCOTUS justices show divisions over capital cases” ABA Journal, May 30, 2019

“A Constitutional Crisis,” Daily Journal, May 14, 2019

NON-LAW REVIEW PUBLICATIONS (*continued*)

“Trump’s use of executive privilege is an abuse of authority” Sacramento Bee, May 18, 2019

“Vaccines protect us. But does the U.S. Constitution protect anti-vaccine parents?” Sacramento Bee, May 6, 2019

“What SCOTUS rulings are we still waiting for?” ABA Journal, May 2, 2019

“Has the Supreme Court become a rubber stamp for Trump? It's starting to look that way” Los Angeles Times, April 24, 2019

“DOJ Isn’t the Authority on Whether a President Can be Indicted,” Daily Journal, April 23, 2019

“Trump’s transgender military service ban is based in ‘prejudice and bigotry’” Sacramento Bee, April 20, 2019

“Why Julian Assange's arrest is not a 1st Amendment issue” Los Angeles Times, April 12, 2019

“Cutting the Affordable Care Act is not based in law or the public’s interest” Sacramento Bee, April 7, 2019

“Partisan gerrymandering has returned to the Supreme Court” ABA Journal, March 27, 2019

“Gov. Newsom’s decision to shut down ‘machinery of death’ respects Constitution” Sacramento Bee, March 24, 2019

“An Unlawful Presidential Act,” Daily Journal, March 20, 2010

“Constitutional wall between church and state under attack by conservatives” Sacramento Bee, March 10, 2019

“Two recent opinions by Justice Clarence Thomas should alarm us all” Los Angeles Times,

March 5, 2019

“A Progressive Vision of the Constitution” American Constitution Society Blog, February 27, 2019

“Do religious symbols on government property infringe on First Amendment?” ABA Journal, February 26, 2019

NON-LAW REVIEW PUBLICATIONS (*continued*)

“Trump’s national emergency declaration is an unlawful Presidential act” Sacramento Bee, February 23, 2019

“Trump’s ‘Emergency’ Action: Unlawful and Unconstitutional” The American Prospect, February 15, 2019

“Ruling on Transgender Ban Signals a Shift,” Daily Journal, February 12, 2019

“Prosecutors’ attack on youth justice reform undermines democracy” Sacramento Bee, February 10, 2019

“Supreme Court’s recent actions are telltale signs of its future direction” ABA Journal, February 7, 2019

“Improve SB 10, don’t eliminate it” Sacramento Bee, January 27, 2019

“The First Priority: Making America a Democracy,” Los Angeles Times, January 15, 2019

“Postponing the Controversial,” Daily Journal, January 15, 2019

“Supreme Court should take opportunity to end partisan gerrymandering” Sacramento Bee, January 10, 2019

“Why Trump can’t simply build his wall. Hint: It’s that pesky Constitution” Los Angeles Times, January 7, 2019

“What will the conservative high court mean for 2019?” ABA Journal, January 3, 2019

“Texas judge is wrong on Affordable Care Act ruling” Sacramento Bee, December 26, 2018

“Why 2018 was a pivotal year for the Supreme Court” ABA Journal, December 21, 2018

“ACA Ruling Won’t Holdup,” Daily Journal, December 18, 2019

“‘Double jeopardy’ could factor into Trump pardons” Sacramento Bee, December 12, 2018

“How retaliatory-arrest claims relate to the First and Fourth amendments” ABA Journal, December 3, 2018

NON-LAW REVIEW PUBLICATIONS (*continued*)

“Donald Trump’s threat to judicial independence” Sacramento Bee, November 28, 2018

“Those Born in the United States Are Clearly Citizens,” Daily Journal, November 13, 2018

“An Extremist Attorney General” American Constitution Society Blog, November 12, 2018

“I never imagined I’d say it: Jeff Sessions deserves our admiration” Los Angeles Times, November 8, 2018

“Hate speech is infecting America, but trying to ban it is not the answer” Sacramento Bee, October 30, 2018

“SCOTUS case on cy pres awards could have enormous impact on class actions” ABA Journal, October 30, 2018

“Brown Can End the Death Penalty,” October 23, 2018

“The death penalty is now unconstitutional in Washington state. California should be next” Sacramento Bee, October 16, 2018

“With Kavanaugh confirmation battle, the Supreme Court’s legitimacy is in question” Sacramento Bee, October 1, 2018

“A Very Tarnished Court” The American Prospect, October 1, 2018

“Another blockbuster Supreme Court term is ahead” ABA Journal, September 26, 2018

“Senate has very good reasons to reject Kavanaugh, even without sexual assault allegations” Sacramento Bee, September 17, 2018

“The 25th Amendment has never been used to remove the president. Trump is unlikely to be the first” Sacramento Bee, September 10, 2018

“Three myths about Supreme Court nominations” Los Angeles Times, September 6, 2018

“Brett Kavanaugh likened Supreme Court justices to 'umpires.' That's nonsense and he knows it” Los Angeles Times, September 5, 2018

NON-LAW REVIEW PUBLICATIONS (*continued*)

“Here are three myths about Supreme Court nominations” Sacramento Bee, September 4, 2018

“Want police held accountable in California? Back a bill to increase transparency” Sacramento Bee, August 28, 2018

“This is not the way to reform California’s bail system” Sacramento Bee, August 20, 2018

“Originalism is bad for justice. And Brett Kavanaugh is a big believer” Sacramento Bee, August 15, 2018

“Judge O’Scannlain Should Be Overruled Again on Gun Regulations,” Daily Journal, August 15, 2018

“With Kavanaugh nomination to Supreme Court, abortion rights are hanging by a thread” Sacramento Bee, August 7, 2018

“The 3 sleeper cases of the last Supreme Court term” ABA Journal, August 6, 2018

“Justice Kennedy will be best remembered for the times he disappointed conservatives” Sacramento Bee, July 30, 2018

“Congress must stop Trump from firing Mueller if the law is going to mean anything” Sacramento Bee, July 23, 2018

“Kennedy’s Seat: What’s at Stake,” Daily Journal, July 17, 2018

“Should Democrats even bother to fight Brett Kavanaugh’s Supreme Court nomination?” Sacramento Bee, July 16, 2018

“Nothing in the Constitution gives Brett Kavanaugh a pass on explaining his views” Los Angeles Times, July 14, 2018

“The Senate can demand answers from Brett Kavanaugh. If he isn't honest, he shouldn't be confirmed” Los Angeles Times, July 11, 2018

“The Supreme Court’s Janus ruling was pure judicial activism. Unions, look out.” Sacramento Bee, July 9, 2018

“How that online sales tax ruling will affect you (and drag taxes into the 21st century)” Los Angeles Times, July 3, 2018

NON-LAW REVIEW PUBLICATIONS (*continued*)

“How that online sales tax ruling will affect you and drag taxes into the 21st century” Sacramento Bee, July 2, 2018

“A New Era for the Supreme Court” The American Prospect, July 2, 2019

“Conservatives’ victories in key cases are a harbinger of what is to come” ABA Journal, July 2, 2018

“If you think the Supreme Court is conservative now, just wait for Kennedy’s retirement” Sacramento Bee, June 28, 2018

“After NIFLA, We Need a Principle on Disclosure Laws,” Daily Journal, June 28, 2018

“The Supreme Court’s travel ban decision wasn’t just misguided, it was hypocritical” Los Angeles Times, June 26, 2018

“Want to change police abuse laws? Here’s a pro tip: Stop shouting everyone down” Sacramento Bee, June 18, 2018

“What the Court Got Wrong in Masterpiece Cakeshop,” June 12, 2018

“Trump’s lawyers say Mueller can’t touch him. Is the president really above the law?” Sacramento Bee, June 12, 2018

“Trump’s child separation policy is immoral and illegal. Can the ACLU make it stop?” Sacramento Bee, June 4, 2018

“Arbitration agreements ruling is a significant loss for workers” ABA Journal, June 4, 2018

“The Supreme Court majority is quietly barring workers from having their day in court” Sacramento Bee, May 29, 2018

“The 'reasonable' use of force by police has killed too many people. California can change that” Los Angeles Times, May 22, 2018

“We each deserve the right to die with dignity. Reinstatement of the End of Life Option Act” Sacramento Bee, May 21, 2018

“Lawyers Have a Duty to Inform Voters,” Daily Journal, May 15, 2018

NON-LAW REVIEW PUBLICATIONS (*continued*)

“Mobs are going after the judiciary this election. Don’t let them corrupt the law” Sacramento Bee, May 14, 2018

“Sorry, Mr. President, but with lawyers like Rudy Giuliani, who needs enemies?” Sacramento Bee, May 7, 2018

“What Sessions v. Dimaya means for immigration law” ABA Journal, May 3, 2018

“There is no excuse for keeping cameras out of the U.S. Supreme Court” Sacramento Bee, April 30, 2018

“Yes, Trump can have Mueller fired. Thank the Clinton impeachment and Ken Starr” Sacramento Bee, April 23, 2018

“The Travel Ban and the U.S. Supreme Court,” Daily Journal, April 17, 2018

“Scooter Libby doesn’t deserve a pardon, and neither will anyone who lies for Trump” Sacramento Bee, April 15, 2018

“What would Martin Luther King, Jr., think of Stephon Clark and all that hasn’t changed?” April 9, 2018

“The travel ban and the Supreme Court” ABA Journal, April 2, 2018

“Remembering Judge Stephen Reinhardt, the Ninth Circuit’s ‘liberal lion,’ and my friend” Sacramento Bee, March 30, 2018

“Why police so rarely get charged for killing unarmed black men like Stephon Clark” Sacramento Bee, March 27, 2018

“Gina Haspel ran a prison where people were tortured. She should not direct the CIA” Sacramento Bee, March 27, 2018

“If it wasn’t related to abortion, California’s FACT Act would easily be upheld by the Supreme

Court” Los Angeles Times, March 20, 2018

“Bail reform is overdue in California. Here’s a better, fairer, safer way” Sacramento Bee, March 19, 2018

“Trump v. the Golden State,” Daily Journal, March 13, 2018

NON-LAW REVIEW PUBLICATIONS (*continued*)

“In Jeff Sessions’ lawsuit against California, only one challenge has any merit at all” Sacramento Bee, March 12, 2018

“Something has happened to American discourse. And it could break our democracy” Sacramento Bee, March 6, 2018

“Clinics don’t have a right to lie about abortion. This is an easy call, Supreme Court” Sacramento Bee, February 27, 2018

“The three gun control myths that are killing American kids” Sacramento Bee, February 20, 2018

“California public sector unions are about to be gutted by Supreme Court conservatives” Sacramento Bee, February 14, 2018

“The President and the Law,” Daily Journal, February 13, 2018

“Free speech at the Supreme Court” ABA Journal, February 8, 2018

“How Nunes attacks the Constitution when he tries to smear Mueller’s Russia probe” Sacramento Bee, February 5, 2018

“Trump’s travel ban is still illegal. The Supreme Court should slap it down” Sacramento Bee, February 1, 2018

“Recalling the Brock Turner judge won’t serve justice, and could backfire on all of us” Sacramento Bee, January 22, 2018

“Pregnancy Clinic Case Should Be Easy Case,” Daily Journal, January 18, 2018

“Secret settlements are endangering the public. This California bill will fix that” Sacramento Bee, January 16, 2018

“Donald Trump and Freedom of the Press” American Constitution Society Blog, January 8, 2018

“Jeff Sessions used to be a champion of states’ rights. Then California legalized weed”  
Sacramento Bee, January 8, 2018

“Three questions that will make the Constitution matter even more in 2018” Sacramento Bee,  
January 2, 2017

“The most important SCOTUS stories of 2017” ABA Journal, December 28, 2017  
NON-LAW REVIEW PUBLICATIONS (*continued*)

“What can be done when a federal judge shouldn’t be on the bench?” Sacramento Bee, December  
27, 2017

“The GOP isn’t just giving the rich a tax cut for Christmas. It’s also killing Obamacare”  
Sacramento Bee, December 18, 2017

“The government can track you on your cellphone. Doesn’t that invade digital privacy?”  
Sacramento Bee, December 11, 2017

“Cake Arguments Show that it is Still the Kennedy Court,” December 7, 2017

“Donald Trump probably could be impeached under the law. Politics are less clear” Sacramento  
Bee, December 6, 2017

“Is there a constitutional right for a business to not serve customers?” ABA Journal, November  
30, 2017

“Is the right to discriminate in the Constitution? The answer’s a piece of cake” Sacramento Bee,  
November 28, 2017

“Many of Trump’s judiciary picks have no business being judges. Can Senate Republicans say  
no?” Sacramento Bee, November 20, 2017

“Professors Are Losing Their Freedom of Expression,” The Washington Post, November 15,  
2017

“There’s Much More at Stake than Cake,” Daily Journal, November 14, 2017

“What the Republican tax plan will do to students should make every American parent ashamed”  
Sacramento Bee, November 13, 2017

“The real question behind the Mueller indictments is unprecedented in U.S. history” Sacramento  
Bee, November 7, 2017

"The real question behind the Mueller indictments is unprecedented in U.S. history" Sacramento Bee, November 6, 2017

"The Myth of 'Plain Meaning'," ABA Journal, October 31, 2017

"Three ways Congress could make laws against sexual harassment actually work" Sacramento Bee, October 31, 2017

NON-LAW REVIEW PUBLICATIONS (*continued*)

"A Supreme Court Case Could Give the Poor a Better Chance to Escape the Death Penalty," Los Angeles Times, October 30, 2017

"Why laws against prostitution are unconstitutional" Sacramento Bee, October 26, 2017

"Hate Speech is Protected Free Speech, Even on College Campuses," VOX, October 25, 2017

"Letting the Democratic Process Work," Daily Journal, October 19, 2017

"Does Disruption Violate Free Speech?" The Chronicles of Higher Education, October 17, 2017

"Trump's gutting of Obamacare is as illegal as it is cruel" Sacramento Bee, October 17, 2017

"Why shouldn't the gun industry be liable for damage done by its products, just like anybody else?" Sacramento Bee, October 12, 2017

"Confronting Racial Bias," 53 Trial 56 (2017)

"An Uphill Battle Over Jurisdiction," 53 Trial 58 (2017)

"Why UC Berkeley Was Right Not to Ban Milo, and Other Lessons from Free Speech Week," The Sacramento Bee, October 3, 2017

"Some Potential Blockbusters as New SCOTUS Terms Gets Underway," ABA Journal, October 2, 2017

"First Amendment Lessons for Liberals," New York Daily News, October 1, 2017 (with Howard Gillman)

"The system is rigged, and the Supreme Court could fix it. Will justices do the right thing?" Sacramento Bee, September 28, 2017

"Feinstein Had to Ask Trump's Judicial Nominee About Religion. Stop Attacking Her for it.," Sacramento Bee, September 19, 2017

“Trump’s toying with DACA is not only cruel, it’s baseless. No wonder he’s talking about a deal” Sacramento Bee, September 11, 2017

“What Were the Sleeper Cases of the Last SCOTUS Term?” ABA Journal, September 7, 2017

NON-LAW REVIEW PUBLICATIONS (*continued*)

“California still lets debt collectors empty the bank accounts of poor people. Why?” Sacramento Bee, September 6, 2017

“A Free-Speech To-Do List for College Administrators,” The Wall Street Journal, September 4, 2017 (with Howard Gillman)

“California’s death penalty speed-up is about to be undercut on a case-by-case basis. Here’s why,” Sacramento Bee, August 30, 2017

“Presidential Pardons and Criminal Contempt,” Daily Journal, August 30, 2017

“Worse Health Care, Tax Break for the Rich in House Bill,” Los Angeles Daily News, August 28, 2017

“Gouging families with kids in detention serves no one. California should make it stop” Sacramento Bee, August 23, 2017

“Europe bans it. Business shuns it. Campuses fear it. What can be done about hate speech?” Sacramento Bee, August 16, 2017

“When an Out-of-State Corporation is at Home,” Daily Journal, August 15, 2017

“Remember that time California said ending affirmative action wouldn’t gut campus diversity?” Sacramento Bee, August 9, 2017

“Don’t Use Asian Americans to Justify Anti-Affirmative Action Politics,” The Washington Post, August 3, 2017

“Gorsuch Has Quickly Made His Ideology Clear,” ABA Journal, August 2, 2017

“Trump said he would be a ‘real friend’ to LGBT Americans. Here’s what he’s doing instead.” Sacramento Bee, August 2, 2017

“The Real Threat to Affirmative Action,” The Chronicle of Higher Education, August 2, 2017

“The question isn’t whether Trump fires Sessions. It’s what happens next.” Sacramento Bee, July 26, 2017

“In California’s cap-and-trade vote, government did something right” Sacramento Bee, July 20, 2017

NON-LAW REVIEW PUBLICATIONS (*continued*)

“A Troubling Free Exercise Decision,” Daily Journal, July 18, 2017

“Trump may have as many as five criminals in his inner circle. Time to get serious.” Sacramento Bee, July 13, 2017

“Supreme Court sought a middle ground on travel ban, but ended up empowering Trump” Sacramento Bee, July 8, 2017

“Two End-Of-Term Decisions Close the Courthouse Doors to Those Who Have Been Injured,” ABA Journal, July 6, 2017

“A New Adventure and A Heavy Heart,” Orange County Register, June 29, 2017

“Trump’s Emoluments’ Defense Argues He Can Violate the Constitution with Impunity. That Can’t Be Right.,” Los Angeles Times, June 26, 2017

“Will Supreme Court retirement bring ‘Kennedy Court’ to an end?” Sacramento Bee, June 26, 2017

“Punishing Speech Is Wrong,” The Orange County Register, June 22, 2017

“Cameras Belong in the Supreme Court,” Judicature (Summer 2017) (with Eric J. Segall)

“Pulling U.S. Out of Paris Accord a Terrible Decision,” The Orange County Register, June 22, 2017

“Rulings Create Causation Confusion,” Daily Journal, June 18, 2017

“Comey made the case that Trump obstructed justice. Now what?” Sacramento Bee, June 8, 2017

“California voted to speed executions. Not so fast, justices say.” Sacramento Bee, June 6, 2017

“Racial Gerrymandering Can No Longer Be Justified as Proxy for Party Affiliation,” ABA Journal, June 1, 2017

“Is It Time to Start Talking About Impeachment?” The Orange County Register, May 25, 2017

“Why Hiring a Special Prosecutor to Investigate the Trump Campaign Was the Right Thing to Do,” The Orange County Register, May 18, 2017

“Ruling is Important Victory for Civil Rights,” Daily Journal, May 17, 2017  
NON-LAW REVIEW PUBLICATIONS (*continued*)

“Naming Robert Mueller as Special Counsel Isn't Enough — Because Trump Can Get Rid of Him,” Los Angeles Times, May 17, 2017 (with Eric M. Freedman)

“Republicans Should Be Ashamed for Trading Health Care for a Tax Break for the Rich,” The Orange County Register, May 11, 2017

“Here’s a different reason Trump’s new travel ban violates the First Amendment” Sacramento Bee, May 7, 2017 (with Leah Litman)

“The Power of Judicial Review,” The Orange County Register, May 4, 2017

“When Issue is Immigration, GOP’s Position On States’ Rights Shifts,” The Orange County Register, April 27, 2017

“SCOTUS Takes on When State Courts Can Assert Jurisdiction Over Out-of-State Parties,” ABA Journal, April 25, 2017

“A Court’s Power to Impose Sanctions,” April 21, 2017

“Don’t Abandon Civil Rights Lawsuits Against Police Departments,” The Orange County Register, April 20, 2017

“Three Myths About the Gorsuch Supreme Court Confirmation Fight,” The Orange County Register, April 14, 2017

“Nothing Was Lost with Confirmation Filibuster,” April 10, 2017

“Voters’ Attempt to Speed Executions Should Be Quickly Nullified,” The Orange County Register, April 9, 2017

“Force Court Nominees to Answer Questions About Their Views,” The Orange County Register, March 30, 2017

“Civil Rights Advocates Win Important Victories at SCOTUS,” ABA Journal, March 30, 2017

“Don’t Eliminate Funding for Legal Services,” The Orange County Register, March 23, 2017

“Trump Plan to Trim Legal-Aid Funds Would Deny Justice for All,” Los Angeles Daily News, March 22, 2017

NON-LAW REVIEW PUBLICATIONS (*continued*)

"Neil Gorsuch’s originalism problem: His constitutional philosophy, shared by Scalia, Thomas and Bork, just doesn't make any sense" Los Angeles Times, March 21, 2017

“Decisions Show Increased Attention to Racism in Criminal Trials,” Daily Journal, March 14, 2017

“Create a Justice Fund for Universal Representation,” The Orange County Register, March 16, 2017

“Embracing Federalism,” Take Care, March 16, 2017

“Special Prosecutor a Must for White House Probe,” The Orange County Register, March 9, 2017

“Travel Ban 2.0 Is Still Wrong, Irrational and Illegal,” Los Angeles Times, March 7, 2017

“Neil Gorsuch Should Be Required to Answer Questions,” The Orange County Register, March 2, 2017

“Why the Supreme Court’s Ruling on Race-Based Evidence Matters,” ABA Journal, March 2, 2017

“Lack of Respect for Constitution, Democracy a Big Worry,” The Orange County Register, February 23, 2017

“Ninth Circuit Judges Right to Reject Trump Travel Ban,” The Orange County Register, February 16, 2017

“The Rule of Law,” Daily Journal, February 14, 2017

“Berkeley Didn’t Deserve Trump’s Scorn: Exploring Limits of Free Speech When it Comes to Campus Safety,” The Conversation, February 11, 2017 (with Howard Gillman)

“Upholding the Rule of Law,” The American Prospect, February 10, 2017

“Democrats Should Filibuster Gorsuch’s Nomination,” The Orange County Register, February 9, 2017

“Berkeley, Milo Yiannopoulos and the Lessons of Free Speech,” AP News, February 9, 2017

“Should Democrats Filibuster Gorsuch,” February 7, 2017

NON-LAW REVIEW PUBLICATIONS (*continued*)

“Why I am Part of a Lawsuit Against Trump,” The Orange County Register, February 2, 2017

“When Can Government Officers Be Held Liable?” ABA Journal, February 2, 2017

“Scalia, the Sequel,” The American Prospect, February 1, 2017

“I’m Suing Trump But Am Not Calling This A ‘Constitutional Crisis’ — Yet,” Huffington Post, February 1, 2017

“Why I Am Suing The President Of The United States,” Los Angeles Daily News, February 1, 2017

“We’re The Lawyers Suing President Trump: His Business Dealings Violate The Constitution,” VOX, January 31, 2017 (with Lawrence Tribe & Zephyr Teachout)

“Trump’s Cruel, Illegal Refugee Executive Order,” Los Angeles Times, January 29, 2017

“Senate Should Reject Pruitt’s Nomination to Head EPA,” Orange County Register, January 26, 2017

“Justice at Risk: Trump’s Nominee To Succeed Scalia Will Restore A Right-Wing Majority,” American Prospect, January 23, 2017

“History Will Look Favorably On Obama,” Orange County Register, January 19, 2017

“My Case Against Jeff Sessions for Attorney General,” Daily Journal, January 18, 2017

“Trump May Violate the Constitution on Day One,” Los Angeles Times, January 12, 2017

“As President, How Will Trump Deal With Freedom Of The Press?,” Orange County Register, January 12, 2017

“Free Speech on the SCOTUS Docket,” ABA Journal, January 5, 2017

“Worries About Offensiveness Threaten Campus Free Speech,” Orange County Register, January 5, 2017

“Trump Can’t Force ‘Sanctuary Cities’ To Enforce His Deportation Plans,” The Washington Post, December 22, 2016 (with Annie Lai & Seth Davis)

“Lawlessness By Law Enforcement Intolerable,” Orange County Register, December 22, 2016  
NON-LAW REVIEW PUBLICATIONS (*continued*)

“A Bill to Police Campus Speech: Senate Legislation Aimed At Anti-Semitic Speech Runs Afoul Of The First Amendment,” Wall Street Journal, December 15, 2016 (with Howard Gillman)

“Does the Bar Even Measure the Right Skills?,” Daily Journal, December 15, 2016

“Let the Democratic Process Work,” Daily Journal, December 15, 2016

“Why The Electoral College System Violates The Constitution,” Los Angeles Daily news, December 14, 2016

“Trump’s Wish To Jail Flag-Burners Would Singe The Constitution,” Orange County Register, December 8, 2016

“Senate Should Block Jeff Sessions’ Nomination As Attorney General,” Orange County Register, December 1, 2016

“Trump Has An Opportunity To Bring Nation Together,” Orange County Register, November 24, 2016

“To Fight Housing Discrimination, Letting Cities Sue Is Key,” Los Angeles Daily News, November 22, 2016

“For Those Who Fear Trump, There’s Only One Option,” Orange County Register, November 17, 2016

“The Court that Could Have Been,” Daily Journal, November 15, 2016

“So Long Roe Vs. Wade? President Trump’s Most Lasting Legacy Could Be Radical Change At The Supreme Court,” Los Angeles Times, November 9, 2016

“A More Sensible Prison Policy,” Orange County Register, November 3, 2016

“Prop. 59: Well-Intentioned, But Misguided,” Orange County Register, October 27, 2016

“Is Court Delaying Some Oral Arguments In Hopes Of 9th Justice?,” ABA Journal, October 27, 2017

“The First Amendment and Political Campaigns,” Orange County Register, October 20, 2016

“CPFEB Ruling Ignores Supreme Court Precedent,” October 19, 2016

NON-LAW REVIEW PUBLICATIONS (*continued*)

“Eliminate The Death Penalty In California,” Orange County Register, October 14, 2016

“A Well-Intentioned, But Mistaken, Law,” Orange County Register, October 6, 2016

“Supreme Court Vacancy Could Define Its Term,” Los Angeles Daily News, September 28, 2016

“In Tampon Tax, A Discriminatory California Policy Lives On,” Los Angeles Daily News, September 21, 2016

“Unanimously Wrong,” Daily Journal, September 16, 2016

“Reforming the Electoral College,” Orange County Register, September 15, 2016

“A Life in the Stream of History,” Daily Journal, September 13, 2016

“Anthem Outrage Much Ado About Nothing,” Orange County Register, September 8, 2016

“Keep the Johnson Amendment,” Orange County Register, September 1, 2016

“Lessons From The Start Of A New School Year,” Los Angeles Daily News, August 24, 2016

“Donald Trump And The Constitution,” Orange County Register, August 18, 2016

“Protecting the Right to Vote,” Daily Journal, August 18, 2016

“Federal Oversight Of Snitch Scandal Is Long Overdue,” Orange County Register, August 14, 2016

“Merrick Garland: The Missing Issue,” Orange County Register, August 4, 2016

“Has The Supreme Court Dealt A Blow To The Fourth Amendment?,” ABA Journal, August 2, 2016

“Donald Trump Is On The Wrong Side Of The Law,” Los Angeles Daily News, July 20, 2016

“The Anthony Kennedy Court,” Daily Journal, July 19, 2016

“Ruth Bader Ginsburg Has Nothing To Apologize For In Her Criticism Of Donald Trump,” Los Angeles Times, July 18, 2016

“Clinton Broke No Law,” Orange County Register, July 14, 2016  
NON-LAW REVIEW PUBLICATIONS (*continued*)

“Justices Have Free Speech Rights Too,” New York Times, July 12, 2016

“The Year the Law Did Not Change,” ABA Journal, June 30, 2016

“The Conservative Era of the Supreme Court is Over,” Los Angeles Times, June 29, 2016

“Expanding Police Power,” Orange County Register, June 29, 2016

“All Students Gain From a Ruling That Values Diversity,” National Law Journal, June 27, 2016

“Race Discrimination in Jury Selection,” Orange County Register, June 22, 2016

“Don’t Recall Judge Aaron Persky,” Orange County Register, June 16, 2016

“Gun Rights May Shift in Scalia’s Absence,” Los Angeles Daily Journal, June 14, 2016

“Trump’s Misguided, Dangerous Rhetoric,” Orange County Register, June 8, 2016

“City Council Should Retain oversight of DWP,” Los Angeles Times, June 2, 2016

“These Two Decisions Highlight How Scalia’s Absence Has Affected the Court,” ABA Journal, June 2, 2016

“Gawker Legally Exposed on Sex Tape,” Orange County Register, June 1, 2016

“Courts Cannot Force Senate to Vote on Garland,” Orange County Register, May 25, 2016

“Why North Carolina Will Lose Restroom Battle,” Orange County Register, May 18, 2016

“States Should be Subject to Suit in Other States,” Los Angeles Daily Journal, May 17, 2016

“Should SCOTUS Have Turned Down These Election Law Cases?,” ABA Journal, May 5, 2016

“Government Workers Need Speech Protections,” Orange County Register, May 4, 2016

“California 18-year-olds Should be Able to Decide Whether to Smoke,” Orange County Register, May 11, 2016

“Why Legalizing Marijuana Will be Much Harder Than you Think,” The Washington Post, April 27, 2016

NON-LAW REVIEW PUBLICATIONS (*continued*)

“Misguided Attack on Tenure Sidetracked,” Orange County Register, April 20, 2016

“Texas Immigration Case Should be an Easy Call: Column,” USA Today, April 17, 2016

“Hateful Legislation Should be Struck Down,” Orange County Register, April 13, 2016

“Why a Unanimous Decision in Voting Districting Case?,” Los Angeles Daily Journal, April 12, 2016

“How Will SCOTUS Rule in Contraceptive Coverage Case?,” ABA Journal, April 6, 2016

“Public Unions Dodge a Bullet From High Court,” Orange County Register, April 6, 2016

“What Students Think About Free Speech,” Chronicle of Higher Education, April 8, 2016 (with Howard Gillman)

“Don’t Mock or Ignore Students’ Lack of Support for Free Speech. Teach them,” Los Angeles Times, March 31, 2016 (with Howard Gillman)

“Senate Should Confirm Garland to High Court,” Orange County Register, March 23, 2016

“Can Merrick Garland be Confirmed?,” Los Angeles Daily Journal, March 18, 2016

“Allow Law Students to Make Informed Choice of Schools,” Orange County Register, March 16, 2016

“Judging Requires Value Choices,” Los Angeles Daily Journal, March 15, 2016

“Privacy Versus Speech in the Hulk Hogan Sex Tape Trial,” Los Angeles Times, March 14, 2016

“Fate of Texas Abortion Law Rests With Kennedy,” Orange County Register, March 9, 2016

“Court Overreaches to Halt Clean Power Plan,” Orange County Register, March 2, 2016

“What Will Scalia’s Absence Mean for Current Cases?,” ABA Journal, February 24, 2016

“Apple Could Win This Round, Still Lose War,” Orange County Register, February 24, 2016

“Scalia Introduced Conservative Activism to Supreme Court,” Orange County Register, February 19, 2016

NON-LAW REVIEW PUBLICATIONS (*continued*)

“An Empty Seat on the Court,” Los Angeles Daily Journal, February 17, 2016

“The Failures of Scalia’s Originalism,” National Law Journal, February 15, 2016

“Justices Make Law; They Aren’t Referees,” Orange County Register, February 10, 2016

“States Have No Standing to Challenge Obama on Immigration,” Orange County Register, February 3, 2016

“‘Potential Blockbuster’ Rulings Expected in June,” ABA Journal, February 3, 2016

“Dean’s Corner: The Importance of Clinical Legal Education,” Orange County Lawyer, February 2016

“Constitution on Obama’s Side With Gun Orders,” Orange County Register, January 27, 2016

“Of Course Obama’s Immigration Orders are Legal,” Los Angeles Times, January 21, 2016

“Is it a Good Time to Overhaul Constitution?,” Orange County Register, January 20, 2016

“Ted Cruz is Eligible to be President,” Orange County Register, January 13, 2016

“The US Supreme Court in 2016,” Los Angeles Daily Journal, January 12, 2016

“The Best, Worst and Most Surprising SCOTUS Opinions of 2015,” ABA Journal, January 7, 2016

“Legal Precedent Should Stand in Teachers’ Suit Against Union,” Orange County Register, January 6, 2016

“Major Moves in the Law During 2015,” Orange County Register, December 30, 2015

“Scalia’s Rants Don’t Belong in Court Opinions,” Orange County Register, December 23, 2015

“Why Trump’s Muslim Immigration Ban is Terribly Wrong,” Orange County Register, December 16, 2015

“Scalia’s Comments Were Offensive and Racist,” Los Angeles Daily Journal, December 15, 2015

“Mass Shooting Demand Commonsense Laws,” Orange County Register, December 9, 2015  
NON-LAW REVIEW PUBLICATIONS (*continued*)

“2 Texas Cases Before SCOTUS Could Have Big Implications for Race in the US,” ABA Journal, December 3, 2015

“Marijuana Should be Legal Throughout the U.S.,” Orange County Register, December 2, 2015

“Feds Need to Probe O.C. District Attorney Over Informants,” Orange County Register, November 27, 2015

“Appeals Court Gets it Wrong on Death Penalty,” Orange County Register, November 18, 2015

“Supreme Court’s Johnson Decision has Enormous Implications,” November 18, 2015

“Balancing Rights of Religion, Medical Care,” Orange County Register, November 11, 2015

“Close Guantanamo, America’s Shame, Now,” Orange County Register, November 4, 2015

“For Cubs Fans, it’s Still ‘Wait ‘til Next Year’,” Orange County Register, October 28, 2015

“What are the Limits of Congressional Power to Authorize Suits?,” ABA Journal, October 28, 2015

“Court Gets it Wrong With Boy Who Killed Neo-Nazi Dad,” Orange County Register, October 21, 2015

“In California, Free Speech Meets Abortion,” Los Angeles Times, October 16, 2015

“Calls to Defy Supreme Court Ruling on Marriage are Futile,” Orange County Register, October 14, 2015

“OJ Trial Lessons Still With us Today,” Los Angeles Daily Journal, October 13, 2015

“New Term’s Most Important Cases--So Far,” ABA Journal, October 8, 2015

“Conservatives Should Like Chief Justice Roberts,” Orange County Register, October 7, 2015

“With Kennedy as Swing Vote, High Court Could Veer Right,” National Law Journal, October 5, 2015

“Big Cases, Big Issues,” California Lawyer California Lawyer, October 2015

“The Supremes,” Los Angeles Daily Journal, October 1, 2015  
NON-LAW REVIEW PUBLICATIONS (*continued*)

“10 Lessons from Chief Justice Roberts’ first 10 years,” ABA Journal, September 30, 2015

“Breyer Bound by Court Opinions,” Los Angeles Daily Journal, September 30, 2015

“Court Makeup Critical 2016 Election Issue,” Orange County Register, September 30, 2015

“Can UC Devise a Hate-speech Policy that’s also 1st Amendment Friendly,” Los Angeles Times, September 25, 2015

“Celebrate the Constitution’s Legacy of Interpretation,” Orange County Register, September 23, 2015

“Speech Isn’t so Free in DC,” Los Angeles Daily Journal, September 15, 2015

“No Government Official is Above the Law,” Orange County Register, September 9, 2015

“Deal With It: Those Born Here are U.S. Citizens,” Orange County Register, August 26, 2015

“Real-world Value of Professors Publishing,” Orange County Register, August 19, 2015

“Majority Shuns Scalia’s Approach,” Los Angeles Daily Journal, August 18, 2015

“Why Funding for Planned Parenthood is Important,” Orange County Register, August 12, 2015

“Why do Courts Engage in ‘Judicial Activism’,” Orange County Register, August 5, 2015

“These 4 lesser-known SCOTUS decisions are Sure to Spawn More Litigation,” ABA Journal, August 5, 2015

“L.A. County Sheriff’s Department Needs Constitutional Policing Advisers,” Daily News of Los Angeles, August 2, 2015

“A Triumph for Liberty and Equality,” Orange County Lawyer, August 2015

“Time is Right to Strengthen Oversight of Law Enforcement,” Orange County Register, July 29, 2015

“Justice Dept. Should Investigate Orange County D.A.,” Orange County Register, July 24, 2015

“Justice Scalia: Why He’s a Bad Influence,” Los Angeles Times, July 14, 2015

NON-LAW REVIEW PUBLICATIONS (*continued*)

“Judicial activism! But Only if We Lose!,” Los Angeles Daily Journal, July 14, 2015

“A High Court Term Liberals Can Cheer,” Orange County Register, July 8, 2015

“Lies Improved by High Court Rulings,” Orange County Register, July 1, 2015

“What Does This Memorable SCOTUS Term Mean for the Future?,” ABA Journal, July 1, 2015

“Closing the Courthouse Doors,” 41 Human Rights 5, July 2015

“Free Speech, Confederate Flags and License Plates,” Orange County Register, June 24, 2015

“Supreme Court Decision Fails to Ensure Due Process of Law,” Orange County Register, June 17, 2015

“Court Backs Unchecked Presidential Power,” Orange County Register, June 10, 2015

“Are Judge Politicians? SCOTUS Renews the Question,” ABA Journal, June 4, 2015

“Court Must Defend ‘One Person, One Vote’,” Orange County Register, June 3, 2015

“Limiting the Patriot Act Protects Rights,” Orange County Register, May 27, 2015

“Once Again, Supreme Court Lets Police Officers Off the Hook,” National Law Journal, May 25, 2015 (with Karen M. Blum)

“There’s no Right to Secrecy in Charitable Donations,” Orange County Register, May 20, 2015

“Government Employees Need Speech Protection,” Orange County Register, May 13, 2015 “It’s

Time for California to Accept the Uniform Bar Exam,” Los Angeles Times, May 11, 2015

“Supreme Court Limits Duration of Police Stops,” Orange County Register, May 6, 2015

“The Supreme Court and Marriage,” Orange County Register, April 29, 2015

“Facing History, SCOTUS is Likely to Approve Same-Sex Marriages,” ABA Journal, April 27, 2015

“Criticism of Judges Should Respect Position,” Orange County Register, April 22, 2015

NON-LAW REVIEW PUBLICATIONS (*continued*)

“Big Problems at O.C. D.A.’s Office,” Orange County Register, April 15, 2015 “Lessons from Indiana,” Orange County Register, April 8, 2015

“Timing, Scope Distinguish Indiana’s Religion Law,” Boston Herald, April 2, 2015

“Fighting Bias Against Pregnancy,” Orange County Register, April 1, 2015

“3 Factors that Make Indiana’s Religion Law Different from Other State’s,” Los Angeles Times, March 31, 2015

“The Wrongly Convicted are Wronged Again by High Court,” Orange County Register, March 25, 2015

“First Amendment’s Role is to Protect Unpopular Speech,” Orange County Register, March 18, 2015

“Protect Student Speech,” Daily Journal, March 18, 2015

“Electoral Reform in Jeopardy at the Supreme Court,” Orange County Register, March 11, 2015

“Judge Got it Wrong on Immigration, Engages in Activism,” Orange County Register, February 25, 2014

“SCOTUS gets Another Look at the Affordable Care Act,” ABA Journal, February 25, 2015 “A

Human Right to Death with Dignity,” National Law Journal, February 23, 2015

“‘Grey’ Exposes Why Obscenity Laws Should be Repealed,” Orange County Register, February 18, 2015

“Texas Judge’s Immigration Ruling is Full of Legal Holes,” Los Angeles Times, February 18, 2015 (with Samuel Kleiner)

“Require All Children to be Vaccinated,” Orange County Register, February 11, 2015

“It’s Time to Close Guantanamo,” Orange County Register, February 4, 2015

“It’s Shaping up to be a Momentous Term for SCOTUS,” ABA Journal, January 27, 2015

“Can the First Amendment Survive the Internet?,” Chronicle of Higher Education, January 23, 2015

NON-LAW REVIEW PUBLICATIONS (*continued*)

“Will Supreme Court Vote on the Right Side of History on Marriage Equality?,” Orange County Register, January 21, 2015

“Obama Should Have Been in Paris March,” Orange County Register, January 16, 2015

“The Importance of the Voting Rights Act,” Orange County Register, January 9, 2015

“New Year’s Reflections,” Orange County Register, December 30, 2014

“The 5 Most Important Stories About the Supreme Court in 2014,” ABA Journal, December 30, 2014

“The Terrorists Lost,” Orange County Register, December 23, 2014

“U.S. Should Prosecute Torturers,” Orange County Register, December 17, 2014

“Prosecute Torturers: It’s the Law,” Los Angeles Times, December 9, 2014

“Police Dodge Accountability for Deaths,” Orange County Register, December 5, 2014

“Obama’s Prosecutorial Discretion on Immigration,” Orange County Register, November 26, 2014

“What is a ‘True Threat’ on Facebook? SCOTUS to Decide,” ABA Journal, November 25, 2014

“On Immigration Policy, the Law and Facts are on Obama’s Side,” Los Angeles Times, November 20, 2014 (with Samuel Kleiner)

“Obama has the law—and Reagan—on His Side on Immigration,” New Republic, November 18, 2014

“Saving the University of California,” Orange County Register, November 18, 2014

“Why the 6th Circuit Was Wrong on Marriage Equality,” Orange County Register, November 11, 2014

“Don’t Let Ebola Kill Civil Liberties,” Orange County Register, November 5, 2014

“Without Actually Issuing Opinions, SCOTUS has Already Decided A Lot,” ABA Journal, November 4, 2014

NON-LAW REVIEW PUBLICATIONS (*continued*)

“Attacking Tenure Won’t Fix Education,” Orange County Register, October 28, 2014

“Teacher Tenure: Wrong Target,” New York Daily News, October 23, 2014

“Supreme Court Errs Badly on Texas Voter ID Law,” Orange County Register, October 22, 2014

“California Needs Law for Death with Dignity,” Orange County Register, October 14, 2014

“The Roberts Court’s 10th Year: A Term of Déjà Vu,” National Law Journal, October 13, 2014

“Supreme Court Should Settle Marriage Issue,” Orange County Register, October 7, 2014

“The Supreme Court’s Supremely Flawed Record,” Los Angeles Times, October 4, 2014

“What to Expect from the Upcoming SCOTUS Term,” ABA Journal, October 2, 2014

“Holder’s Record Deserves Scorn and Praise,” Orange County Register, September 30, 2014

“A Supreme Failure: It’s Time for the Supreme Court to do a Better Job at Upholding the Constitution,” Politico Magazine, September 29, 2014

“Love Ya Ruth, but it’s Time to Go: Why Justice Ginsberg Should Retire—Yesterday,” Politico Magazine, September 24, 2014

“Federal Courts Could Turn on Next 2 Elections,” Orange County Register, September 23, 2014

“Police Should get Warrants for Drones,” Sacramento Bee, September 23, 2014

“Assessing the Supreme Court,” Orange County Register, September 16, 2014

“Get Approval for Attack on ISIS,” Orange County Register, September 9, 2014

“What These 3 Decisions Tell Us About SCOTUS Inconsistency,” ABA Journal, September 2, 2014

“Why Labor Unions Still Matter,” Orange County Register, September 2, 2014

“Ferguson and the Need for Oversight of Police,” Orange County Register, August 26, 2014

NON-LAW REVIEW PUBLICATIONS (*continued*)

“How the Supreme Court Protects Bad Cops,” New York Times, August 26, 2014

“The Need for Transparency in Policing,” Orange County Register, August 19, 2014

“Celebrating the Civil Rights Act of 1964,” Orange County Register, August 18, 2014

“First Impressions of this Term’s SCOTUS Decisions were Misleading,” ABA Journal, August 4, 2014

“Will the ACA Survive?,” Orange County Register, July 29, 2014

“A Divisive Answer in the ACA Circuit Split,” National Law Journal, July 28, 2014 (with Samuel Kleiner)

“It’s No Accident that the Judge Who Tossed Death Penalty has Job for Life,” Orange County Register, July 22, 2014

“This Could End the Death Penalty Nationally,” Orange County Register, July 16, 2014

“Does Hobby Lobby Really Matter Much?,” Orange County Register, July 15, 2014

“It’s Time to Reform the Supreme Court—Here are Five Ways to do It,” Moyers Company, July 15, 2014

“No Restraint on Conservative Judicial Activism,” Orange County Register, July 8, 2014

“Ted Cruz Should be Ashamed,” The Hill, July 3, 2014

“High Court’s Arbitrary Line Drawing,” Orange County Register, July 1, 2014

“The Broad Reach of the Narrow Hobby Lobby Ruling,” Los Angeles Times, June 30, 2014

“Hurt by a Government Official? SCOTUS is Making it Harder and Harder to Sue,” ABA Journal, June 24, 2014

“Eliminating Teacher Tenure will not Improve Public Education,” Sacramento Bee, June 22, 2014 (with Catherine Fisk)

“What We Learned from the O.J. Trial,” Orange County Register, June 17, 2014

“A Milestone in Creating a Very Special Law School,” Orange County Register, June 10, 2014

NON-LAW REVIEW PUBLICATIONS (*continued*)

“How Disabled is Disabled Enough to be Executed?” Orange County Register, June 4, 2014 “The Supreme Court’s Answer to a Prayer,” ABA Journal, May 28, 2014

“Rationality in Sentencing for Cocaine,” Orange County Register, May 21, 2014

“College Football Players’ Option to Unionize is Within Legal Bounds,” National Law Journal, May 19, 2014 (with Catherine Fisk)

“Constitutionality of California’s Prop. 209,” Orange County Register, May 13, 2014

“Court Obliterates Wall that Should Separate Church, State,” Orange County Register, May 6, 2014

“Expanding Police Power on Highways,” Orange County Register, April 30, 2014

“What Free Speech Rights do Government Employees Have?,” ABA Journal, April 28, 2014

“Tighten Rules for Cellphone Searches,” Orange County Register, April 15, 2014

“Don’t Skimp on Legal Training,” New York Times, April 14, 2014 (with Carrie Menkel-Meadow)

“Future of Campaign Finance Laws,” Orange County Register, April 8, 2014

“High Court’s Lifting of Campaign Finance Limits Sparks Sharp Divide,” National Law Journal, April 2, 2014

“College Athletes are Employees: Pay Them,” Orange County Register, April 1, 2014

“Clash Over Contraceptive Mandate,” Orange County Register, March 26, 2014

“Corporations, Contraception and Religious Freedom,” ABA Journal, March 24, 2014

“Time to Televisе Supreme Court Proceedings,” Orange County Register, March 18, 2014

“Much Depends on Ginsburg,” Los Angeles Times, March 15, 2014

“Who is Mentally Disabled when it Comes to the Death Penalty?,” ABA Journal, February 27, 2014

NON-LAW REVIEW PUBLICATIONS (*continued*)

“Arizona Anti-Gay Bill Terrible Law, Terrible Policy,” Orange County Register, February 25, 2014

“Public Employee Unions in Legal Peril,” Orange County Register, February 12, 2014

“ABA Report Lacking Solutions for Law Schools,” National Law Journal, February 10, 2014

“Is it Time to Go High-Tech on the Fourth Amendment?,” ABA Journal, February 4, 2014

“To Reform the Sheriff’s Dept., Look to the LAPD,” Los Angeles Times, January 28, 2014 (with Miriam Aroni Krinsky)

“Buffer Zones Protect Rights,” Orange County Register, January 15, 2014

“Post-Argument Briefs: A Small Burden with Great Benefits,” Los Angeles Daily Journal, January 14, 2014

“Arguing in the Supreme Court a Daunting Task,” Orange County Register, January 13, 2014

“Bankruptcy Case Tops a Busy January Session,” ABA Journal, January 2, 2014

“A Camera in Every Appellate Court,” Los Angeles Daily Journal, December 17, 2013

“One Teacher Can Redirect a Life,” Orange County Register, December 10, 2013

“God, Birth Control and Corporate America,” National Law Journal, December 9, 2013 “Can the Military Restrict Protests Outside Bases?,” ABA Journal, December 3, 2013

“Filibuster Action was Long Overdue,” Orange County Register, November 26, 2013

“Long-Overdue Limits on Gang Injunctions,” Orange County Register, November 13, 2013

“Who is a Gang Member?,” Daily Journal, November 11, 2013

“Why is the Obama Administration Bowing to Religion?,” Los Angeles Times, November 5, 2013

“Separation of Church and State Revisited,” ABA Journal, October 30, 2013

“Anna Nicole Smith Lives On in the U.S. Supreme Court’s Latest Term,” National Law Journal, October 21, 2013

NON-LAW REVIEW PUBLICATIONS (*continued*)

“Can’t Cut Congress Out of Debt Debate,” Orange County Register, October 16, 2013

“High Court to Consider Affirmative Action Ban,” Los Angeles Daily Journal, October 14, 2013

“Justices Mull Future of Affirmative Action,” Orange County Register, October 9, 2013

“Where Do We Go from Here?,” California Lawyer, October 2013

“Campaign Finance, Affirmative Action Will Top Supreme Court’s New Term,” ABA Journal, October 2, 2013

“Protecting Children in California,” Orange County Register, September 26, 2013

“Campaign Finance Again Before the US Supreme Court,” Los Angeles Daily Journal, September 17, 2013

“Paradox in Drug Injury Cases Must Be Solved by Congress, says SCOTUS,” ABA Journal, September 4, 2013

“The Broader Message of the Stop and Frisk Ruling,” National Law Journal, August 26, 2013

“Obama Takes Surprising Stance in Establishment Case Briefs,” Los Angeles Daily Journal, August 13, 2013

“What’s Next for Affirmative Action?,” ABA Journal, August, 6, 2013

“Limit Supreme Court Terms,” Orange County Register, August 4, 2013

“The Future of Marriage Equality in California,” Orange County Register, July 30, 2013

“Beware Before Taking Generic Drugs,” Orange County Register, July 24, 2013

“Between a Rock and Zero Liability: Immunizing Drug Manufacturers from Liability,” Los Angeles Daily Journal, July 16, 2013

“Rights Must Be Held in Equal Esteem,” Orange County Register, July 12, 2013

“Justice Kennedy's World,” National Law Journal, July 1, 2013

“Justice for Big Business,” New York Times, July 1, 2013

NON-LAW REVIEW PUBLICATIONS (*continued*)

“Republican Philosophy Seems to Guide High Court's Conservative Justices,” The Sacramento Bee, June 30, 2013

“Prop. 8 Deserved a Defense,” Los Angeles Times, June 28, 2013

“Big Business Unfairly Favored by Justices,” Orange County Register, June 28, 2013

“Majority Fails on DNA Samples: Majority Fails in DNA Collection Ruling,” Los Angeles Daily Journal, June 18, 2013

“Fix Patriot Act to Stop Indiscriminate Spying,” Orange County Register, June 14, 2013

“Viewpoints: Expanding Eligibility for Jurors Would Democratize Jury Room,” The Sacramento Bee, May 15, 2013 (with Kevin R. Johnson)

“Common Sense on Guns,” 55-MAY Orange County Law 11 (2013)

“Battling Human Rights Abuses: Litigating Against Human Right Abuses,” Los Angeles Daily Journal, May 14, 2013.

“'Miranda' and the Constitution,” National Law Journal, May 13, 2013

“Dzhokhar Tsarnaev Has Rights,” Los Angeles Times, April 23, 2013

“It's Time to Comply with Prison Crisis Order: Time to Stop Defying Prison Overcrowding Order,” Los Angeles Daily Journal, April 16, 2013

“On Pot laws, Respect the States,” Los Angeles Times, March 27, 2013

“Wiretap: Rights but No Remedies: Ignorance is . . . a Bar to Vindicating your Rights?,” Los Angeles Daily Journal, March 12, 2013

“Proposition 8's Day in Court,” Los Angeles Times, March, 4 2013

“Gay Marriage at the Supreme Court: What to Anticipate in the Marriage Equality Oral Arguments,” California Lawyer, March 2013

“Uphold Section 5 of the Voting Rights Act,” National Law Journal, February 25, 2013

“Circuit Split over Parties Expanding a Court’s Power: Circuits Vary on Ability to Expand a Court’s Power,” Los Angeles Daily Journal, February 12, 2013  
NON-LAW REVIEW PUBLICATIONS (*continued*)

“Reparative Therapy Law Passes Muster,” Los Angeles Daily Journal, January 15, 2013

“Viewpoints: Regulating Firearms Poses No Threat to 2nd Amendment,” The Sacramento Bee, January 6, 2013 (with Juliet A. Leftwich)

“5 Commonsense Steps to Curb Gun Violence,” San Francisco Chronicle, January 1, 2013 (with Robert Steinbuch)

“Marriage Equity Decision May Have to Wait: Jurisdictional Hurdles Could Delay Marriage Decision,” Los Angeles Daily Journal, December 19, 2012

“Limiting *Citizens United*’s Ill Effect: How to Limit the Ill Effects of *Citizen United*,” Los Angeles Daily Journal, November 13, 2012

“Supreme Importance; If Mitt Romney Has a Chance to Appoint New Justices, We Can Expect a

“Frighteningly Conservative High Court,” Los Angeles Times, October, 30 2012

“Important Issue in Fisher Ignored?: Dispositive Issue in Fisher Remain Unmentioned,” Los Angeles Daily Journal, October, 17 2012

“The Future of Diversity,” 69 National Lawyers Guild Review 193 (2012)

“Blockbuster Cases Ahead for SCOTUS,” California Lawyer, October 2012

“Property Rights on Skid Row: Homeless have Constitutional Rights Too,” Los Angeles Daily Journal, September, 18, 2012

“Assault Weapons in the Cross Hairs,” National Law Journal, September 17, 2012

“Justice Roberts and Federal Power,” Los Angeles Daily Journal, August 14, 2012

“You Get What You Pay for in Legal Education,” National Law Journal, July 23, 2012

“Williams v. Illinois: Irrelevant to Substance,” Los Angeles Daily Journal, July 17, 2012

“High Court’s Union Dues Case May Change the Political Landscape,” ABA Journal, July 2, 2012

“Losing Interest,” National Law Journal, June 25, 2012

NON-LAW REVIEW PUBLICATIONS (*continued*)

“Lowering the Bar for Qualified Immunity,” Los Angeles Daily Journal, June 18, 2012

“Effective Assistance of Counsel Now a Right in Plea Bargaining,” ABA Journal, June 4, 2012

“Why the 9th Circuit got Padilla Wrong,” Los Angeles Daily Journal, May 15, 2012

“The Court and the Fourth Amendment,” National Law Journal, May 7, 2012

“A Matter of Time,” Orange County Lawyer, May 2012

“State Law Heads to Supreme Court,” Los Angeles Daily Journal, April 19, 2012

“Arizona Immigration Case Closes a Momentous Term,” ABA Journal, April 18, 2012

“Supreme Court Should Lift its Blackout,” Los Angeles Times, March 22, 2012, at A15 (with Eric J. Segall)

“SCOTUS Tackles Law and Politics of the Health Care Act,” ABA Journal, March 20, 2012

“Future of Diversity in Higher Education Hangs in Balance,” Los Angeles Daily Journal, March 13, 2012

“The Choice for Justice Kennedy,” National Law Journal, March 5, 2012

“Supreme Court Weighs First Amendment, the Stolen Valor Act and the Protection of Lies,” ABA Journal, March 1, 2012

“Prop. 8: What will the U.S. Supreme Court do?,” Los Angeles Daily Journal, February 14, 2012

“Prop. 8 Ruling: The Legal Path Ahead,” Los Angeles Times, February 8, 2012, at A13

“Civil Rights Cases Will Face New Hurdles,” ABA Journal, February 1, 2012

“Discriminating in the Name of Religion,” Los Angeles Daily Journal, January 19, 2012

“Three Texas Election Cases with Potential for ‘Enormous’ Consequences,” ABA Journal, January 3, 2012

“GOP Candidates: Bashing Judges, Threatening Democracy,” Los Angeles Times, December 20, 2011, at A21

NON-LAW REVIEW PUBLICATIONS (*continued*)

“Bad Words?,” National Law Journal, December 19, 2011

“Televise US Supreme Court Arguments,” Los Angeles Daily Journal, December 13, 2011

“The Latest Test on the Confrontation Clause,” ABA Journal, December 1, 2011

“Will Partisanship Shape the Healthcare Ruling?,” Los Angeles Times, November 15, 2011, at A27

“New Limits on Class Actions,” 47 Trial 54, November 2011

“Enforcing the Constitution,” Los Angeles Daily Journal, November 15, 2011

“Keeping Up with the Joneses—How Far Does the ‘Reasonable Expectation of Privacy’ Go?,” ABA Journal, November 1, 2011

“The Need for Empathy on the Court,” National Law Journal, October 31, 2011

“Judge’s Opinion on Gay Rights was Inappropriate,” Los Angeles Daily Journal, October 12, 2011

“Landmarks to Come?,” California Lawyer, October 2011

“Momentous Term for the ‘Kennedy Court’?,” ABA Journal, October 3, 2011

“Prosecuting UCI Students Unjust,” Orange County Register, September 26, 2011

“Stanching the Cash Flow,” The American Prospect, September 19, 2011 (with James Sample)

“Limiting Class Actions: The Full Impact of Dukes,” Los Angeles Daily Journal, September 19, 2011

“A Devastating Decision,” 47 Trial 54, September 2011

“Enormous Confusion,” National Law Journal, August 29, 2011

“Health Care Law Should be Upheld,” Los Angeles Daily Journal, August 17, 2011

“The Constitution, Obama and Raising the Debt Ceiling,” Los Angeles Times, July 29, 2011

NON-LAW REVIEW PUBLICATIONS (*continued*)

“Protecting the Rich in the Election System,” Los Angeles Daily Journal, July 13, 2011

“Can California Dissolve City of Vernon?,” San Francisco Chronicle, July 10, 2011

“Closing the Door to Justice; The U.S. Supreme Court Has Decided Against the Court System,” Los Angeles Times, July 6, 2011, at A11

“Abandoning the Courts,” 47 Trial 50, July 2011

“Closing the Courthouse Doors,” National Law Journal, June 21, 2011

“Unanimously Wrong,” Los Angeles Daily Journal, June 15, 2011

“Rejecting Government Lies,” Los Angeles Daily Journal, May 19, 2011

“Class (Action) Dismissed,” Los Angeles Times, May 10, 2011, at A11

“High Court Turns Blind Eye to Misconduct,” The Recorder, May 2, 2011

“The New Preemption Landscape,” 47 Trial 52, May 2011

“Head in the Sand Over Prosecutorial Misconduct,” National Law Journal, April 25, 2011

“You Get the Judges You Pay For,” New York Times, April 18, 2011, at A23 (with James J. Sample)

“Proposed Bill Major Setback for the State’s Courts,” Los Angeles Daily Journal, March 30, 2011

“Hard Cases Can Make Good Law,” Los Angeles Daily Journal, March 16, 2011

“A Supreme Court Above Reproach,” Los Angeles Daily Journal, February 15, 2011

“Criminal Charges Against Hecklers Go Too Far,” Orange County Register, February 8, 2011

“Rejecting Originalism,” Los Angeles Daily Journal, January 24, 2011

“Free Speech and the 'War on Terror',” 47 Trial 54, January 2011

NON-LAW REVIEW PUBLICATIONS (*continued*)

“How to Ruin the UCs; Salary Caps, Freezing Fees and Greater Legislative Control Are a Recipe for Mediocrity,” Los Angeles Times, December 28, 2010, at A15

“A New Obstacle to Civil Rights Relief,” Los Angeles Daily Journal, December 15, 2010

“End Military Discrimination Now,” Los Angeles Daily Journal, November 17, 2010

“Do Taxpayers Have Standing to Challenge a Tax Credit System as Violating the Establishment Clause and, if so, Is It Constitutional?,” Preview of United States Supreme Court Cases, November 2010, at 68.

“A New Justice and A New Term,” 46 Trial 50, November 2010

“Drama Awaits New Jurist,” California Lawyer, October 2011

“Why Fight it?,” Los Angeles Times, October 21, 2010, at A21

“Reclaiming Our Constitution,” Los Angeles Daily Journal, October 15, 2010

“Protecting Speech and Privacy,” Los Angeles Daily Journal, October 13, 2010

“Supremely Conservative,” Los Angeles Times, October 4, 2010, at A17

“Constitutional Protections Under Attack,” New Jersey Law Journal, September 23, 2010

“Wrong in All Aspects,” Los Angeles Daily Journal, September 15, 2010

“The Court and Guns,” 46 Trial 48, September 2010

“Wrong on the Law,” Los Angeles Daily Journal, August 18, 2010

“Prop. 8 – A Matter of Standing,” Los Angeles Times, August 15, 2010, at A30

“The Criminal Docket in October Term 2009,” Preview of United States Supreme Court Cases, August 2010, at 337.

“Too Many Secrets; It’s Not the Leaking of Classified Documents; It’s Why the Information Was Classified in the First Place,” Los Angeles Times, July 28, 2010, at A15

“The Vision of John Paul Stevens” 46 Trial 48, July 2010

NON-LAW REVIEW PUBLICATIONS (*continued*)

"Missed in Much of the Media Commentary About Elena Kagan is that Her Advantage and Disadvantage as a Nominee is the Same: the Lack of a Paper Trail," Los Angeles Daily Journal, May 19, 2010, at 1

“Liberty, Justice for All,” Los Angeles Times, May 11, 2010, at A13

“The Most Important Decision of the Term,” 46 Trial 54, May, 2010

“Does the Fourth Amendment's Right to Privacy Protect Personal Communications over a Government-Issued Pager?,” Preview of United States Supreme Court Cases, April 2010, at 309

"The Vision of John Paul Stevens," Los Angeles Daily Journal, April 13, 2010, at 5

"A Politically Popular, But Wrong Decision," Los Angeles Daily Journal, March 16, 2010, at 7

“Court Keeps Tight Limits on Interlocutory Review,” 46 Trial 52, March, 2010

"The Implications of Citizens United," Los Angeles Daily Journal, February 18, 2010, at 5

“Free Speech and the 'Irvine 11',” Los Angeles Times, February 18, 2010, at A17

“Who are the Judicial Activists Now?,” Los Angeles Times, January 22, 2010, at A29

"Looking Back," Los Angeles Daily Journal, January 13, 2010, at 5

“Another Look at the Guantanamo Problem,” 46 Trial 46, January, 2010

"Religions Have No Immunity from Criticism," Los Angeles Daily Journal, December 18, 2009

"President Obama's Nobel, Unconstitutional?," Los Angeles Daily Journal, November 17, 2009

“A New Term, A New Justice,” 45 Trial 50, November, 2009

“Health Care Reform is Constitutional,” Politico.com, October 23, 2009

“Despite Critics' Claims, It's Not Unconstitutional to Require Americans to Buy Medical Insurance,” Los Angeles Times, October 6, 2009, at A23

"Stare Decisis - or Not," California Lawyer, October, 2009, at 14

“A Great Man: A Tribute to Justice Robert Eastaugh,” 33 Alaska Bar Rag 31, Fall 2009

NON-LAW REVIEW PUBLICATIONS (*continued*)

“Court’s Conservatives Hold Sway in Employment Cases,” 45 Trial 52, September 2009

"Not a Minimalist Court," Los Angeles Daily Journal, August 12, 2009, at 6

“A Dangerous Free Speech Ruling,” 45 Trial 60, July, 2009

"Class Action Satisfaction? There is No Basis for Charges that the Supreme Court's Ruling Will Open the Floodgate of Frivolous Lawsuits," Los Angeles Daily Journal, May 29, 2009, at 6

“The Wrong Fix for California,” Los Angeles Times, May 28, 2009, at A27

“Choosing the Next Justice,” National Law Journal, May 18, 2009, at 33

"Help Wanted," Los Angeles Daily Journal, May 8, 2009, at 6

“Clients Aren't a Lawyer's Secret; It's vital that Candidates for L.A. City Attorney Should Reveal Who They've Represented,” Los Angeles Times, May 1, 2009, at A29

“Point: President Lacks Authority to Suspend the Constitution,” 51 Orange County Lawyer 10, May, 2009

“Wyeth is Victory for Consumers, Blow to Preemption,” 45 Trial 54, May, 2009

"Undermining Free Speech," Los Angeles Daily Journal, April 16, 2009, at 6

"A Dose of Skepticism: Wyeth is One of the Most Important Cases in Recent Years to Strongly Reaffirm the Presumption Against Pre-emption," Los Angeles Daily Journal, March 19, 2009

“With Court’s Docket Full, Three Cases to Watch,” 45 Trial 48, March 2009

“Laguna Beach is Wrong to Make Homelessness a Crime,” Wall Street Journal, February 19, 2009

"High Court is Set to Tackle Profound Federalism Issues," Los Angeles Daily Journal, January

20, 2009

“The Law is on Blagojevich's Side,” Los Angeles Times, January 6, 2009

“Court Sets Higher Hurdle for Preliminary Injunctions,” 45 Trial 58, January 2009

“Spin City,” Los Angeles Daily Journal, December 16, 2008

NON-LAW REVIEW PUBLICATIONS (*continued*)

“Can Obama Bring Us Back from the Dark Side?,” Los Angeles Daily Journal, November 21, 2008

“October Term Surprises,” 44 Trial 66, November, 2008

“Not a Self-Serving Activity,” National Law Journal, October 27, 2008

“Electing the Next Court; McCain or Obama May have Three Supreme Court Openings to Fill,” Los Angeles Times, October 7, 2008

“An Important Term to Come,” California Lawyer, October, 2008

“A Narrow Ruling on Punitive Damages,” 44 Trial 62, September, 2008

“Judges are Allowed to Engage in Legal Behavior That Does Not Affect Their Ability to Carry Out Their Duties,” Los Angeles Daily Journal, August 4, 2008

“California, Climate Change, and the Constitution,” The Environmental Forum, July/August 2008 at 50 (with Brigham Daniels, Brettmy Hardy, Tim Profeta, Christopher H. Schroeder and Neil S. Siegel)

“To Scalia, Judicial Restraint Means Opposing Rights He Doesn't Like,” Los Angeles Daily Journal, July 18, 2008

“A Severe Setback to Voting Rights,” 44 Trial 64, July, 2008

“The Supreme Court Gun Fight; A Case of Conservative Activism,” Los Angeles Times, June 27, 2008

“Protection or Punishment? Punishing Protected Speech Won't Help Catch Any Predators - It Will Harm Civil Liberties,” Los Angeles Daily Journal, May 29, 2008

“A Blow to Democracy,” Los Angeles Daily Journal, May 15, 2008

“Voter Fraud Thanks to the Supreme Court; Legislators Now Can Use ID Laws and Other Tricks to Discourage Votes for Opposing Parties,” Pittsburgh Post-Gazette, May 4, 2008

“A Troubling Trend in Preemption Rulings,” 44 Trial 62, May, 2008

“Next President Will Have Profound Impact on Lower Courts,” Los Angeles Daily Journal, April 21, 2008

NON-LAW REVIEW PUBLICATIONS (*continued*)

“Pre-Emptive Hike,” Los Angeles Daily Journal, March 19, 2008

“Closing the Courthouse Doors to Civil Rights Plaintiffs,” 44 Trial 64, March, 2008

“New Beginning,” Los Angeles Daily Journal, February 28, 2008

“The Supreme Court Closes the Door on Federal Prisoners,” Los Angeles Daily Journal, February 13, 2008

“Federal Preemption: States Powers, National Interests Richard A. Epstein and Michael S. Greve, Editors AEI Press,” 44 Trial 58, February 2008

“Inner-City Schools Suffer When 'Debaters' Go Silent,” USA Today, January 31, 2008

"Attention, Shoppers," Los Angeles Daily Journal, January 18, 2008

“Will Exxon Punitive Damages Ruling Spill Over into Due Process Questions,” 44 Trial 62, January 2008

"Silencing Justice," Los Angeles Daily Journal, December 18, 2007

"Rethinking Legal Education," Los Angeles Daily Journal, November 20, 2007

“The Right to Regulate Firearms: The Supreme Court Need Only Decide That Reasonable Gun Control Rules are Permitted,” Newark Star-Ledger, November 26, 2007

“Break Through Bush Administration’s Executive Privilege Roadblock,” Baltimore Sun, November 11, 2007

“A Clear Case of Contempt,” The Raleigh News & Observer, November 9, 2007

"Two Cheers for the Boomers: They Accomplished So Much, But Fell Short of Many Lofty Ideals," California Lawyer, November 2007, at 18 (with Catherine Fisk)

“Small Docket, Big Decisions in Court’s New Term,” 43 Trial 70, November, 2007

"A Slow Start and a Sparse Docket," California Lawyer, October, 2007

“Chemerinskygate; Academic Freedom Matters, As My Case Proves. Professors Must Be Free to Speak Out on Vital Issues,” Los Angeles Times, September 14, 2007

NON-LAW REVIEW PUBLICATIONS (*continued*)

“The Court Deals a Blow To Pay Discrimination Plaintiffs,” 43 Trial 60, September, 2007

“Don't Rush to Execution; California Must Reject Gonzales' Effort to Bend Death Penalty Rules,” Los Angeles Times, August 16, 2007

"Bush's Saving of Insider Libby Destroys Tradition, Abuses Presidential Power," Los Angeles Daily Journal, July 9, 2007

“Abandoning the Promise,” Baltimore Sun, July 5, 2007

“The Death of Segregation,” Raleigh News & Observer, July 3, 2007 (with Charles Clotfelter)

“Conservative Justice; Forget the Promises – Roberts and Alito Delivered High Court Ideology,” Los Angeles Times, June 29, 2007

“More Questions About Punitive Damages,” 43 Trial 72-74, May 2007

“Judges Know Best: Debating ‘Gonzales v. Carhart’”, Los Angeles Daily Journal, May 15, 2007, at 6 (with Catherine Fisk)

“A Break with Precedent on Abortion,” Newark Star-Ledger, April 23, 2007

“The Incredible Shrinking Docket,” 43 Trial 64-65, March 2007

“Partial Birth Decision Shows Court Will Overrule Precedent,” Chicago Sun Times, April 23, 2007

“On the Senate Grill, Gonzales Defiant: For His Lies to the People, AG Must Go,” Los Angeles Daily Journal, April 20, 2007

“Letter Imperfect,” Los Angeles Daily Journal, April 19, 2007

“Historical Parallel to Attorney Firings?,” San Diego Union-Tribune, March 27, 2007

“High Court Must Allow Review for Guantanamo Detainees,” Orlando Sentinel, February 22, 2007, at A15

“Off Base,” Los Angeles Daily Journal, February 13, 2007, at 6

“Prisoners of the Rule Of Law,” Boston Globe, February 22, 2007, A9

NON-LAW REVIEW PUBLICATIONS (*continued*)

“A Bad LAPD Decision, Squared,” Los Angeles Times, January 12, 2007, at 23

“Rehnquist Revelation,” Los Angeles Daily Journal, January 10, 2007, at 8

“Silencing Profanity Wastes Government Time,” Los Angeles Daily Journal, June 12, 2007, at 6

“Smoky Logic,” Los Angeles Daily Journal, March 15, 2007, at 6

“A Well-Regulated Right to Bear Arms,” Washington Post, March 14, 2007, at A15

“Workers Win in Retaliation Case,” 43 Trial 58-59, January 2007

“Blinding Schools to Race Devalues Diversity,” Los Angeles Daily Journal, December 21, 2006

“Congress Should Adopt Immediately a Federal Shield Law for Journalists,” Los Angeles Daily Journal, October 25, 2006

“Laptop Search at Border Was Illegal,” Los Angeles Daily Journal, November 29, 2006

“Roberts Court Enters A Divisive Second Year,” 42 Trial 66-68, November 2006

“The Supremes: All Eyes Are on the Roberts Court and Justice Anthony Kennedy’s Potential Swing Vote,” 26 California Lawyer 20, October 2006

“Navy Is Wrong to Force Out Guantanamo Lawyer,” Los Angeles Daily Journal, October 21, 2006

“Standing Up to Injustice in a Crisis,” Raleigh News & Observer, October 20, 2006, at A15

“Legislating Violations of the Constitution,” Washington Post, September 30, 2006

“Keeping Sources Confidential,” Orlando Sentinel, September 24, 2006, at A23

“The Supremes,” Los Angeles Daily Journal, September 20, 2006

“In Guantanamo Case, Justices Rein In Executive Power,” 42 Trial 60-62, September 2006

“New Rules For Detainees Still Fall Short,” Raleigh News & Observer, September 10, 2006, at A31

NON-LAW REVIEW PUBLICATIONS (*continued*)

“State Supreme Court in ‘Copley’ Undermines Accountability of Police,” Los Angeles Daily Journal, September 9, 2006

“Let All Criminal Defendants Pick Their Lawyers,” Los Angeles Daily Journal, August 18, 2006

“On the Roberts Court, the Police Get More Freedom,” Los Angeles Daily Journal, July 21, 2006

“Use Careful Procedures,” National Law Journal, June 5, 2006, at 27

“‘Garcetti’ Decision Ignores the People’s Right to Know,” Los Angeles Daily Journal Forum Column, June 15, 2006

“Schools Must Be Able to Limit Abusive Speech,” Los Angeles Daily Journal, May 18, 2006

“The LAPD Needs Policing,” Los Angeles Times, May 3, 2006 (with Catherine Lhamon & Mark Rosenbaum)

“The First Amendment and Military Recruiting,” 42 Trial 78-79, May 2006

“Court Blasts Indecency of Criminalizing Homeless,” Los Angeles Daily Journal Forum Column, April 19, 2006

“Ruling Was a Loss For Free Speech,” Richmond Times Dispatch, March 20, 2006

“Court Snubs Free Speech to Bow to Military,” Los Angeles Daily Journal Forum Column, March 15, 2006

“Court Revisits Sovereign Immunity in Discrimination Cases,” 42 Trial 70-72, March 2006

“Roberts Court Nips a Little at Sovereign Immunity,” Los Angeles Daily Journal Forum Column, February 23, 2006

“Naming names at the LAPD: The Police Commission’s Decision Not to Disclose the Identity of

Officers Involved in Shootings is an Example of Special-interest Politics at its Worst,” Los Angeles Times, February 17, 2006, at California Metro13

“A Scholar Views the Hearing – Alito Sanitizes a Career That Cries for Filibuster by the Senate – Alito Bowdlerizes Record That Cries for Filibuster,” Los Angeles Daily Journal, January 12, 2006

NON-LAW REVIEW PUBLICATIONS (*continued*)

“Law Schools Have Right to Bar Military Recruiters,” Los Angeles Daily Journal, January 3, 2006

“Rehnquist’s Steady Conservatism Reshaped the Law,” 41 Trial 70-72, November 2005

“Splitting 9th Circuit Is Costly, Conservative Ploy,” Los Angeles Daily Journal, November 15, 2005

“White House, Miers Must Reveal Her Hidden Record, Los Angeles Daily Journal,” October 19, 2005

“An Abuse of Executive Privilege,” Herald-Sun, October 17, 2005

“Senators Must Tell Miners: No Answers, No Confirmation,” Baltimore Sun, October 6, 2005

“Roberts Tap Dances Away,” The News & Observer, September 22, 2005

“Briefs Give Democrats Reason to Oppose Nomination,” Los Angeles Daily Journal, September 15, 2005

“Consider Court Nominees Together,” Herald-Sun, September 11, 2005 (with James E. Coleman, Jr.)

“The O’Connor Legacy,” 41 Trial 68-69, September 2005

“Two Scholars View the Hearing: Testimony Misleads Judiciary Panel,” Los Angeles Daily Journal, September 14, 2005

“Once Again, Just Too Conservative,” Los Angeles Times, August 31, 2005

“Judges Do Make Law – It’s Their Job,” USA Today, August 24, 2005 (with Catherine Fisk)

“Thomas, Unbridled, Would Gut 200 Years of Precedent,” Los Angeles Daily Journal, August 5,

2005

“Senators Must Insist on Answers,” News & Observer, July 21, 2005

“Reality Takes Precedence in Naming Justice,” The Times Union, July 16, 2005

“Let the Grilling Begin,” Los Angeles Times, July 13, 2005

NON-LAW REVIEW PUBLICATIONS (*continued*)

“Age Discrimination Claims Get a Boost From the Court,” 41 Trial 76-77, July 2005

“Justices’ Opinions Make Future of Establishment Clause Unclear,” Los Angeles Daily Journal, July 18, 2005

“In Wake of Deep Throat Saga, Need for Federal Shield Law Clear,” Rocky Mountain News, June 4, 2005

“Patients Need Range of Choices in the Face of Pain and Suffering,” Los Angeles Daily News, April 8, 2005 (with Judith Daar)

“Ignoring Constitution for Political Gain,” Sun-Sentinal, March 23, 2005

“Oregon’s Right to Decide,” News & Observer, March 4, 2005

“3rd Circuit Award Law Schools Victory Against Military,” Los Angeles Daily Journal, December 22, 2004

“Senate’s ‘Nuclear Option’,” Los Angeles Times, December 5, 2004 (with Michael Gerhardt)

“Separation of Church and State May Not Hold Under Bush,” Los Angeles Daily Journal, November 17, 2004

“Justices Begin Another Blockbuster Year,” 40 Trial 76, November 2004

“Congress Has No Authority to Preclude Judicial Review,” Los Angeles Daily Journal, October 12, 2004

“Another Year of Blockbusters (US Supreme Court 2004 term),” 24 California Lawyer 17, October 2004

“Criminal Justice System Regresses Under ‘Gementera,’” Los Angeles Daily Journal, September 14, 2004

“Three Decisions, One Big Victory for Civil Rights,” 40 Trial 74, September 2004

“Ruling Shows Internet Requires Great Judicial Protection,” Los Angeles Daily Journal, August 18, 2004

“The Chief Isn’t the Best One to Police the Police,” Los Angeles Times, July 16, 2004

NON-LAW REVIEW PUBLICATIONS (*continued*)

“Rulings Encourage Police to Ignore ‘Miranda,’” Los Angeles Daily Journal, July 9, 2004

“‘Blakely’ Signifies Great Change in Sentencing in Criminal Cases,” Los Angeles Daily Journal, June 28, 2004 (with Laurie Levenson)

“Court Bars Out-of-court ‘Testimonial’ Statements,” 40 Trial 82, July 2004

“9th Circuit Rightly Let Doctors Carry Out Their Patients’ Wishes,” Los Angeles Daily Journal, June 23, 2004

“Tiptoeing Around ‘Under God’,” Los Angeles Times, June 15, 2004

“Appeals Court’s Ruling Could Open Door to Hope for Lifers,” Los Angeles Daily Journal, May 21, 2004

“Government is Not Required to Aid Religion,” 40 Trial 84, May 2004

“Legal Pundits Loose Lipped,” National Law Journal, April 19, 2004 (with Laurie L. Levenson & Therese H. Maynard)

“Judges Shouldn’t Issue Gag Orders to Control High-Profile Cases,” Los Angeles Daily Journal, April 12, 2004

“Fairness the Ballot Box: What Good is the Right to Vote if Every Ballot Isn’t Counted?,” 40 Trial 32, April 2004

“First Amendment Doesn’t Prohibit Nudity or Profanities,” Los Angeles Daily Journal, March 19, 2004

“In One Key Area, (the Chief) Justice is Indeed Blind,” Los Angeles Times, March 19, 2004 (with Steven Lubet)

“Five Justices Hold Firm on ‘Soft’ Campaign Money,” 40 Trial 78, March 2004

“Life in Prison for Shoplifting: Cruel and Unusual Punishment,” 31 Human Rights 11-14 (2004)

“Wal-Mart Initiative Subverts Democracy,” Los Angeles Daily Journal, February 23, 2004

“Ban Fundraising Among L.A. City Commissioners,” Los Angeles Times; February 10, 2004  
(with Laura Chick)

NON-LAW REVIEW PUBLICATIONS (*continued*)

“Is Los Angeles’ City Attorney Qualified? Of Course He Is,” Los Angeles Daily Journal,  
February 5, 2004

“Who Are You? – Americans Have Right to Know More About Government’s Detainees,” Los  
Angeles Daily Journal, January 16, 2004

“Constitution Bars Prosecution of Long-ago Child Abusers,” 40 Trial 64, January 2004

“Elections, Religion, and Federalism Top Court’s Docket in New Term,” 39 Trial 78, November  
2003

“Now That It’s Finally Over, Let’s Revamp the Recall,” Los Angeles Times, October 29, 2003  
(with Mark Ridley-Thomas)

“Closed Doors: Luce Forward Continues Unjust Trend of Keeping Litigants Out of Court,” Los  
Angeles Daily Journal, October 17, 2003

“The First Tuesday in October,” California Lawyer, October 2003

“Court Must Buck Political Pressure in Pledge Case,” Los Angeles Times, October 15, 2003

“9th Circuit Ruling Guards the Precious Right of Voter Equality,” Los Angeles Times,  
September 16, 2003

“The Court Marks the Limits of Federalism,” 39 Trial 78, September 2003

“On Balance: The Court’s Failure to State Levels of Scrutiny in Key Rulings Could Cause  
Problems,” Los Angeles Daily Journal, August 15, 2003

“Punitive Damages After Campbell, Romo and Smith,” 39 Trial 18, August 2003

“Question of Time: Supreme Court Was Right to Toss Popular Law that Put Molesters in Jail,”

Los Angeles Daily Journal, July 25, 2003

“Place to Pass Judgment on Kobe Bryant Is in Court,” Los Angeles Times, July 22, 2003

“Striking Balance on Hate Speech.,” 39 Trial 78, July 2003

“Torture Tactics: Ruling in Chavez Gives Police License to Question Suspects Abusively,” Los Angeles Daily Journal, June 20, 2003

NON-LAW REVIEW PUBLICATIONS (*continued*)

“Is Any Sentence Cruel and Unusual,” 39 Trial 78, May 2003

“Hateful Speech Doesn’t Deserve Protection If It Contains Threats,” Los Angeles Daily Journal, May 16, 2003

“Closing the Courthouse Doors,” 37 Clearinghouse Review 64 (2003)

“To Prevent a Repeat of Rampart, Fix More Than the LAPD,” Los Angeles Times, April 25, 2003

“Look Closely: Senate Should Bring Judicial Nominees Under Sharp Focus,” Los Angeles Daily Journal, April 17, 2003

“Color Red, White, and Blue: Litigation Alerts in USA Patriot Act,” California Lawyer, April 2003

“By Flouting War Laws, U.S. Invites Tragedy,” Los Angeles Times, March 25, 2003

“Supreme Court’s Blockbuster Term,” 39 Trial 72, March 2003

“Majority Ignored Precedent and Changed Law in Three Strikes Case,” Los Angeles Daily Journal, March 21, 2003

“Sentencing Petty Crooks to Life for Shoplifting or Drug Use Makes No Sense Constitutionally, Morally or Financially,” Los Angeles Times, March 10, 2003

“Give Rampart Investigators a Big Stick and Then Turn Them Loose,” Los Angeles Times, March 3, 2003 (with Constance L. Rice)

“Limiting Suits to Enforce Federal Laws,” 39 Trial 70, January 2003

“Lesson in Equality: Colleges Need Affirmative Action to Bring Diverse Perspectives to

Classroom,” Los Angeles Daily Journal, December 20, 2002

“Providing Equal Justice for Voiceless,” Los Angeles Daily Journal, December 19, 2002 (with Daniel Grunfeld & David Lash)

“Medipot Haze: States, Not U.S. Should Have Right to Regulate Doctors,” Los Angeles Daily Journal, November 22, 2002

NON-LAW REVIEW PUBLICATIONS (*continued*)

“No to a Far-Right Court: Use Filibusters,” Los Angeles Times, November 11, 2002 (with Catherine Fisk)

“Judicial Elections and the First Amendment,” 38 Trial 78, November 2002

“Tensions Between Liberty and Order,” Insights on Law and Society, Fall 2002

“Bratton’s Right Guy, But Will He Succeed?,” Los Angeles Daily News, October 7, 2002

“Not So Far Out After All,” National Law Journal, October 7, 2002

“Supreme Court Preview,” California Lawyer, October 2002

“We Might Get More Bang With Our Bucks: Forget War, Start Writing Checks, In the Long Term We Would Save Big,” Los Angeles Times, September 26, 2002

“Reject Conservative Shedd for Federal Court of Appeals,” Charlotte Observer, September 4, 2002

“A Plaintiff Friendly Standard for Civil Rights Cases,” 38 Trial 64, September 2002

“Right Criteria Key to Finding LAPD Chief,” Los Angeles Daily News, August 25, 2002

“Politicizing the Judicial System: Voters Should Able to Hear the Views of Jurists in Deciding How to Cast Their Ballots,” Los Angeles Daily Journal, August 16, 2002

“Expand the City Council to Expand City Services; Secession Is No Solution,” Los Angeles Times, August 7, 2002

“Court Continues to Focus on Sovereign Immunity,” 38 Trial 66, August 2002

“Ultimate Sanction: Criminal Justice System Must Handle Death Penalty Cases Differently,” Los

Angeles Daily Journal, July 3, 2002

“Targeting Speech: First Amendment Doesn’t Safeguard Threats Against Abortion Doctors,”  
Los Angeles Daily Journal, June 19, 2002

“Constitution Does Not Allow Holding Citizens Without Safeguards,” San Francisco Chronicle,  
June 13, 2002

NON-LAW REVIEW PUBLICATIONS (*continued*)

“Boroughs Are as Bad Secession: Already Adopted Reforms Should Be Given a Chance,” Los  
Angeles Times, May 22, 2002

“Tahoe-Sierra Ruling Lets Feds Delay Development to Ensure Adequate Consideration of Vital  
Interests,” Los Angeles Daily Journal, May 10, 2002

“Can Plaintiffs Make Disparate-Impact Claims in Age Discrimination Cases,” 38 Trial 72, May  
2002

“Blacks Would Pay a Price for Secession,” Los Angeles Times, April 26, 2002

“Justice Undone: Supreme Court’s Federalism Decisions Are Activism from the Right,” Los  
Angeles Daily Journal, April 26, 2002

“Parks or No Parks, LAPD Needs Reform,” Los Angeles Times, April 9, 2002

“Barrier to Entry: Recent Rulings Leave Potential Plaintiffs with Valid Claims Out in the Cold,”  
Los Angeles Daily Journal, March 15, 2002

“One Defeat, One Victory for Civil Rights Plaintiffs,” 28 Trial 72, March 2002

“The Rise of Federalism,” Los Angeles Lawyer, March 2002

“Petty Theft: Limitations on Three Strikes Are Welcome Corrective to Unfair Law,” Los Angeles  
Daily Journal, March 1, 2002

“Hahn Showed Guts in Shunning Chief Parks,” Los Angeles Times, February 6, 2002

“Guidelines for Affirmative Action Programs After Proposition 209,” Los Angeles Lawyer,  
February 2002

“The Rehnquist Court,” 66 Social Education 34 (2002)

“Independence is Essential in Enron Probe,” Los Angeles Times, January 23, 2002

“Wanted: Experts to Help Assess Chief Parks,” Los Angeles Times, January 3, 2002

“Raising Constitutional Doubts,” 38 Trial, January 2002

“Funding Fracas: Circuit Split on IOLTA Ripe for High Court Review,” Los Angeles Daily Journal, December 18, 2001

NON-LAW REVIEW PUBLICATIONS (*continued*)

“Police Discipline Needs to Be on Ballot,” Los Angeles Daily News, December 17, 2001

“Abortion Clinics Deserve Protection,” Los Angeles Times, December 12, 2001 (with Katherine Spillar)

“Behind Bars: Convictions for Petty Crimes Should Not Contribute to Strikes,” Los Angeles Daily Journal, November 16, 2001

“LAPD’s Rotten Apples Remain,” Los Angeles Times, November 11, 2001

“Strike Out Three-Strikes Law,” Los Angeles Times, November 6, 2001

“High Court Signals a Change in Voting Rights Litigation,” 37 Trial, November 2001

“Making History: Commission Tackles Council Redistricting,” Los Angeles Daily News, October 21, 2001 (with George Kieffer)

“Blue Moon: Justices Take on Sexually Oriented Speech,” Los Angeles Daily Journal, October 16, 2001

“An Informed Public in the Greatest Weapon of Democracy,” Los Angeles Times, October 11, 2001

“Giving Up Our Rights for Little Gain,” Los Angeles Times, September 27, 2001

“Reaching High: Universities Need Supreme Court’s Help in Their Quest to Transcend Unfair Past,” Los Angeles Daily Journal, September 21, 2001

“Riordan Ran Rings Around the City Charter,” Los Angeles Times, September 6, 2001

“Expanding the Protections of the Takings Clause,” 37 Trial, September 2001

Guide to Legal Literacy (2d ed.) (published by California State Bar)

“Supreme Patterns: Last Term Saw a Continuation of Recent Trends,” Los Angeles Daily Journal, August 21, 2001

“Step Right Up and Plug State’s Gun Loophole: Holding a Gun Company Liable Doesn’t Deny the Shooter’s Role,” Los Angeles Times, August 8, 2001

“The Anti-Civil Rights Court,” 21 California Lawyer, August 2001  
NON-LAW REVIEW PUBLICATIONS (*continued*)

“On High: Our Supreme Court Should Give Us Broad, Clarifying Rulings,” Los Angeles Daily Journal, July 20, 2001

“Forecasting the Future of Federalism,” 37 Trial, July 2001

“Not Totally Back to the Past,” California Lawyer, June 2001

“Secretly Naming Police Monitor Ignores Public,” Los Angeles Times, May 22, 2001

“Moving Violation: Atwater Lets a Miffed Officer Arrest for Petty Offenses,” Los Angeles Daily Journal, May 18, 2001

“LAPD Reforms Fade Like the Cheshire Cat,” Los Angeles Times, May 14, 2001

“Court Expands Sovereign Immunity Again,” 37 Trial, May 2001

“Local Position: When Does Sovereign Immunity Protect Cities and Counties,” Los Angeles Daily Journal, April 17, 2001

“See No Evil: Sovereign Immunity Puts States Above the Law, Implying They Can Do No Wrong,” Los Angeles Daily Journal, March 23, 2001

“The Revival of Federalism Continues,” 37 Trial, March 2001

“The O’Connor Court,” 21 California Lawyer, March 2001

“Mayor’s Power Play Sets Back LAPD Reform,” Los Angeles Times, February 7, 2001

“A Dramatic Change in Sentencing Practices,” California Lawyer, February 2001 “High Speed Chases,” 37 Trial 24, February 2001

“For Answers on Rampart We Have to Ask Questions,” Los Angeles Times, January 23, 2001

“O’er the Ramparts We Watched,” California Lawyer, January 2001

“Shrinking Federal Powers,” 37 Trial 82, January 2001

“Senators Should Fight for Middle Ground and Block Ashcroft,” Los Angeles Times, December 24, 2000

NON-LAW REVIEW PUBLICATIONS (*continued*)

“Less Volatile: Small Docket Holds Few Controversial Cases,” Los Angeles Daily Journal, December 19, 2000

“Court Responds to Values Rather Than Partisanship,” Los Angeles Times, December 15, 2000

“Neither Won, So Split the Electors Between Them,” Los Angeles Times, December 7, 2000

“The Clearly Correct Justices Merely Tried to Have Votes Count,” Los Angeles Daily Journal, December 4, 2000

“Authority Lies With Florida Courts,” Los Angeles Times, November 30, 2000

“Righteous Reform: City Must Go Beyond Police Department, Change Whole Criminal Justice System,” Los Angeles Daily Journal, November 17, 2000

“The Verdict: Yes, Juries Will Convict Officers,” Los Angeles Times, November 16, 2000

“A Dramatic Change in Sentencing Practices,” 36 Trial 102, November 2000

“U.S. Supreme Court Preview,” 20 California Lawyer 27, October 2000

“Searchlight: High Court Will Continue to Illuminate Fourth Amendment,” Los Angeles Daily Journal, October 17, 2000

“Divided Court Grapples with Religion,” 36 Trial 86, September 2000

“Open Season: Dale Permits Greater Discrimination Based on Race, Sex, Religion or Sexual Orientation,” Los Angeles Daily Journal, September 22, 2000

“Consent Decree Doesn't Equal Reform,” Los Angeles Times, September 19, 2000

“LAPD Must Come Under Court Order,” Los Angeles Times, September 13, 2000

“The Rampart Scandal and the Criminal Justice System in Los Angeles County,” 57 Guild Practitioner 121 (2000)

“Apprendi Appraisal: Little Publicized Case Will Have Enormous Implications,” Los Angeles Daily Journal, August 15, 2000

“Judicial Stalemate: The Justices Completed Their Term Closely Divided on Most of the Major Issues,” Los Angeles Daily Journal, July 21, 2000  
NON-LAW REVIEW PUBLICATIONS (*continued*)

“Perspective on the LAPD: Break Through the Secrecy on Police Reform,” Los Angeles Times, July 19, 2000

“Plaintiffs Use of Rico Limited,” 26 Trial 123, July 2000

“Dramatic Shift: Morrison Will Lead to Challenges to Vast Array of Federal Laws,” Los Angeles Daily Journal, June 20, 2000

“Suing the Government for Arbitrary Actions,” 36 Trial 89, May 2000

“And Federal Laws Got Narrower,” Los Angeles Times, May 18, 2000

“Don’t Fight Justice’s Lawsuit,” Los Angeles Times, May 7, 2000

“An Amazing Term,” 20 California Lawyer 29, April 2000

“Rehnquist Surprise: Anonymous Tip Not Enough for Stop and Frisk,” Los Angeles Daily Journal, April 18, 2000

“A Major Change in Civil Rights Litigation,” 36 Trial 94, March 2000

“Constitution Gives Congress the Power to Enact the VAWA,” Los Angeles Daily Journal, March 30, 2000

“Police Commission Must Seize the Reins,” Los Angeles Times, March 16, 2000 (with George Keiffer)

“Building Rampart: The Supreme Court Has Erected Barriers to Holding Police Accountable,” Los Angeles Daily Journal, March 15, 2000

“Report on the Rampart Report Has a Hollow, Disturbing Ring,” Los Angeles Times, March 3,

2000

“Talking Points: Ethical Quandries Created by the Widespread Use of Legal Pundits Can Only Be Addressed by a Voluntary Code of Ethics,” 22 Los Angeles Lawyer 28, February 2000 (with Laurie Levenson)

“Hear No Evil, See No Evil,” Los Angeles Times, February 15, 2000

“No Merit: No Right to Anders Brief Procedure, Self-Representation,” Los Angeles Daily Journal, February 15, 2000

NON-LAW REVIEW PUBLICATIONS (*continued*)

“This Is No Time to Be Refighting the Battles of Charter Reform,” Los Angeles Times, February 13, 2000

“Miranda Warnings are Necessary to Prevent Coercion,” Los Angeles Daily Journal, January 10, 2000

“Ability to Sue State Governments Narrowed,” 35 Trial 72, December 1999

“Abrupt Turnaround: The 1930s Radically Changed Constitutional Law,” Los Angeles Daily Journal, December 21, 1999

“Take a Giant Step to Right Rampart Wrongs,” Los Angeles Times, December 16, 1999

“The Supreme Court and Religion,” The Jewish Observer, November 12, 1999

“Protecting Privacy from New Technologies,” 26 Human Rights 13, Fall 1999

“Crumbling Wall? High Court Set to Address Aid to Parochial Schools,” Los Angeles Daily Journal, October 19, 1999

“Independence Is the Key for Supervision of the LAPD,” Los Angeles Times, September 24, 1999

“United States Supreme Court Preview,” California Lawyer, September 1999

“Few But Major Court Decisions,” California Bar Journal, August 1999

“Immunization Booster: Supreme Court Strikes a Blow for States’ Rights,” Los Angeles Daily Journal, August 17, 1999

“Permission to Litigate: Sovereign Immunity Lets States Decide Who Can Sue Them,” 85 ABA

Journal 42, August 1999

“Raising the Dead: The Privileges and Immunities Clause of the Fourteenth Amendment,”  
California Lawyer, August 1999

“Narrowing the State Action Doctrine,” 35 Trial 17, July 1999

“High Court Wrongly Lets States Off Hook,” Los Angeles Times, June 25, 1999

“Surprise Expansion: Defendant Who Pleads Still Has Fifth Amendment Right at Sentencing,”  
Los Angeles Daily Journal, June 15, 1999

NON-LAW REVIEW PUBLICATIONS (*continued*)

“Remembering a Justice Who Cared,” 35 Trial 92, May 1999

“On L.A. Council, the Selfish Rule,” Los Angeles Times, May 27, 1999

“Requiem for Reform: This New Constitution for Los Angeles Would Provide a Blueprint for  
Quality Living into the 21st Century,” Los Angeles Daily News, May 23, 1999

“Seeking a Day in Court: Sovereign Immunity Could Bar Recourse for Plaintiffs,” ABA Journal,  
April 1999

“Access Denied: Undocumented Aliens Cannot Raise Constitutional Challenges to Deportation,”  
Los Angeles Daily Journal, April 20, 1999

“Regulating the Initiative Process,” California Lawyer, May 1999

“This Year’s Sleeper,” California Lawyer, March 1999

“Court Takes a Narrow View of Viewpoint Discrimination,” 35 Trial 90, March 1999

“Devout Discrimination: Can Religious Landlords Reject Renting to Sinners,” Los Angeles Daily  
Journal, February 16, 1999

“Lasting Effects,” Orange County Register, February 14, 1999

“It’s a Show Trial with the Outcome Already Determined,” Orange County Register, January 10,  
1999

“Will IOLTA Survive?,” 35 Trial 80, January 1999

“A Single Charter Proposal Is Imperative,” Los Angeles Times, January 4, 1999 (with George  
Kieffer)

“What’s Up Docket?,” California Lawyer, January 1999

“Accept Compromise or All of L.A. Loses,” Los Angeles Times, November 2, 1998 (with Jackie Dupont-Walker)

“When Do Lawmakers Threaten Judicial Independence?,” 34 Trial 62, November 1998

“The Justice in the Middle,” 34 Trial 96, November 1998

NON-LAW REVIEW PUBLICATIONS (*continued*)

“Expanding Civil Rights Liability,” 34 Trial 82, October 1998

“United States Supreme Court Preview,” California Lawyer, September 1998

“Of Grand Juries, Disclosures and Clinton Tapes,” Orange County Register, September 27, 1998

“Focus on Reform, Not Personalities,” Los Angeles Times, September 17, 1998

“An Unusual Supreme Court Term,” California Bar Journal, August 1998

“A Year of Supreme Moderation: Supreme Court Review 1997-1998,” Open Forum, Summer 1998

“Preserving Civil Rights Claims,” 34 Trial 98, July 1998

“Los Angeles Needs Elected Neighborhood Councils,” Los Angeles Times, June 29, 1998 (with Bennett Kayser)

“A Suggestion of Doom?: Dire Prophecies Over Bill of Rights Don’t Help Charter Reform Effort,” Los Angeles Daily News, May 29, 1998

“The Case for a Code of Ethics for Legal Analysts,” National Law Journal, May 11, 1998 (with Laurie Levenson)

“Should the City Charter Have a Bill of Rights,” Los Angeles Times, May 11, 1998

“Last Rites: The Recent Supreme Court Decisions May Not Be the Final Word on the Right to Physician-Assisted Suicide,” Los Angeles Lawyer, May 1998

“Sexual Harassment in and of Itself Should Be an Injury,” Los Angeles Times, April 8, 1998

“Prosecutorial Immunity: The Interpretation Continues,” 34 Trial 80, March 1998

“Regulating the Paparazzi,” Los Angeles Daily Journal, February 23, 1998

“Is Tenure Necessary to Protect Academic Freedom?” American Behavioral Scientist, January 1998

“Limiting Government’s Power to Protect Rights,” 34 Trial 87, January 1998

NON-LAW REVIEW PUBLICATIONS (*continued*)

“Redesigning Our City Government to Work,” Los Angeles Times, November 3, 1997 (with George Kieffer)

“Making it Harder to Sue Cities,” 33 Trial 18, November 1997

“Paparazzi and First Amendment,” New Orleans Times-Picayune, October 22, 1997

“A Right to Physician-Assisted Suicide?” 33 Trial 68, September 1997

“Council, Not Mayor, Should Fund Elected Charter Commission,” Los Angeles Daily News, August 20, 1997 (with Gloria Romero)

“A New Obstacle in Civil Rights Litigation,” 33 Trial 86, July 1997

“In Defense of Speech: Judges and the First Amendment,” 4 The Long Term View 78, Summer 1997

“Bar Was Right Not to Discipline Lawyers in Simpson Case,” Los Angeles Daily Journal, June 19, 1997

“Court Allows ‘In Your Face’ Abortion Protests,” 33 Trial 82, May 1997

“Appellate Decision Went Too Far,” Los Angeles Times, April 10, 1997

“Ninth Circuit Misapplied Law in 209 Decision,” Los Angeles Daily Journal, April 10, 1997

“Ideology Can Be Everything,” The Recorder, April 9, 1997

“Cleanse Campaigns: Limit Spending,” Newsday, March 18, 1997

“Breakdown in the Levels of Scrutiny,” 33 Trial 70, March 1997

“Trial, Retrial and Contradiction,” Los Angeles Times, February 7, 1997

“Speech Rights of Government Contractors,” 33 Trial 64, January 1997

“Can a President Be Sued for Conduct that Occurred Prior to Taking Office,” West Law News, January 6, 1997 (WLN 14009)

NON-LAW REVIEW PUBLICATIONS (*continued*)

“Judges Shouldn’t Be Forced to Relinquish Free Speech Rights,” Los Angeles Daily Journal, December 5, 1996

“Minority Voting Rights and the Constitution,” 32 Trial 11, November 1996

“Chemical Castration Is Cruel and Unusual Punishment,” Los Angeles Daily Journal, October 10, 1996

“Recognize the Right to Die with Dignity,” Los Angeles Times, October 7, 1996

“Chapter Two: Expect the Simpson Civil Case to Differ Radically from the Trial of the Century,” Los Angeles Daily Journal, September 16, 1996

“A Mixed Year for Civil Rights and Civil Liberties,” Open Forum, September 1996

“Court Strikes Back,” Los Angeles Daily News, June 30, 1996

“The Shrinking Docket,” 32 Trial 71, May 1996

“Menendez Part II: Same Crime, But Different Rules,” Los Angeles Daily News, March 24, 1996

“State Taxation of Interstate Commerce,” 32 Trial 73, March 1996

“Sex Discrimination Made Legal,” Los Angeles Times, January 10, 1996 (with Laurie Levenson)

“No Harm, No Foul,” California Lawyer, January 1996

“Trial Over, Simpson Analyst Reevaluates: Educating the Public is Noble, But How Commentators Do It Needs Scrutiny,” 81 ABA Journal 100, December 1995

“Free Speech or Religious Freedom: Revisiting the Establishment Clause,” 31 Trial 16, December 1995

“Nixing Nonunanimous Juries,” Los Angeles Daily News, November 5, 1995

“The Distortions Created by a Trial’s Magnifying Glass,” Los Angeles Daily Journal, October 30, 1995

“A Pundit’s Lessons: Commenting on OJ Was an Education -- and, At Times, a Trial,” Los Angeles Daily Journal, October 12, 1995  
NON-LAW REVIEW PUBLICATIONS (*continued*)

“Race and the Supreme Court,” 31 Trial 86, October 1995

“The Fragmentation of the Federal Rules,” 79 Judicature 67, September-October 1995 (with Barry Friedman)

“State Action,” 31 Trial 82, September 1995

“Tale of the Tapes,” Los Angeles Daily News, August 27, 1995

“A Celebrity Case Is the Wrong Inspiration for Reform,” Los Angeles Times, August 18, 1995

“Gender-Based Juries,” 31 Trial 34, August 1995

“Interpreting the Constitution: A Dramatic Conservative Turn,” Res Ipsa, Los Angeles Daily Journal, August 9, 1995

“Lopez: A Major New Limit on Congressional Powers,” 15 Criminal Law News 1, Summer 1995

“Cell-Blocked: High Court Shackles Prisoners’ Due Process Rights,” Los Angeles Daily Journal, July 5, 1995

“The Year of O.J.,” Los Angeles Daily News, June 11, 1995

“Changing Course: Lopez Limits Congressional Powers,” 31 Trial 86, June 1995

“The Mysteries of Mistrial: A Simpson Mistrial Looks Unlikely Now – Rumors to the Contrary,” Los Angeles Daily Journal, April 26, 1995 (with Laurie Levenson)

“Why Prop. 187 Remains in the Courts,” Los Angeles Daily News, April 9, 1995 (with Karen Lash)

“Innocence and Habeas Corpus,” 31 Trial 79, April 1995

“Televising the Trial: Simpson Proceedings Should Not Become Pay-Per-View Event,” Los Angeles Daily News, March 12, 1995

“Are Commentators Useful to the Public?,” Los Angeles Times, February 24, 1995

“Strange Discovery: Simpson Trial Tactics Show How System Can Be Abused,” Los Angeles Daily Journal, February 7, 1995

NON-LAW REVIEW PUBLICATIONS (*continued*)

“Why Proposition 187 Is Unconstitutional,” California Bar Journal, January 1995

“Sticks and Stones: Was the Suspension of Stephen Yagman a Violation of His First Amendment Rights?,” 17 Los Angeles Lawyer 24 (1994)

“Looking Ahead to the New Term,” 30 Trial 81, December 1994

“Assembly Deadlock is Mountjoy’s Fault,” Los Angeles Daily News, December 27, 1994

“Protecting Abortion Protestors and Patients,” 30 Trial 62, December 1994

“It’s Good to Put a Human Face on a God-Like Role,” Los Angeles Times, November 16, 1994

“Punitive Damages and the Constitution,” 30 Trial 90, October 1994

“Overreacting to the Effects of Publicity,” Los Angeles Times, October 21, 1994

“Judges Aren’t Sequestered; Why Juries?,” Los Angeles Times, October 10, 1994

“The Crowded Center,” 80 ABA Journal 78, October 1994

“The End of Gender-Based Peremptory Challenges,” 30 Trial 69, August 1994

“Stopping Witnesses from Selling Their Stories,” Los Angeles Times, August 26, 1994

“Civil Rights: Important Decisions, But Not Dramatic,” Los Angeles Daily Journal, August 10, 1994

“An All-Star Defense Team,” Los Angeles Daily News, July 3, 1994

“A Passionate Voice Bids Farewell,” 30 Trial 77, June 1994

“Pretrial Publicity Isn’t a Hindrance,” Los Angeles Times, June 28, 1994

“Hold Handgun Makers and Sellers Liable,” Los Angeles Times, May 19, 1994

“Wilson’s Suit Misuses Courts for Political Gains,” Los Angeles Daily News, May 8, 1994

“Perspectives on Telephone Monitoring: The Mayor (and Staff) Calling . . .,” Los Angeles Times, May 1, 1994

NON-LAW REVIEW PUBLICATIONS (*continued*)

“Civil Forfeiture: A Diminishing Power,” 30 Trial 66, April 1994

“The Court Confronts Sexual Harassment,” 30 Trial 72, February 1994

“Looking Back to the Future,” 29 Trial 60, December 1993

“A Difficult Year for Civil Rights,” 29 Trial 76, October 1993

“Our Ailing System of Justice,” Los Angeles Daily News, October 31, 1993 (reprinted 21 CACJ Forum 85 (March 1994))

“Commercial Speech: What Degree of Protection?,” 29 Trial 66, August 1993

“A Bad Time for Civil Rights,” Daily Journal Report, August 6, 1993

“Notice Pleading,” 29 Trial 73, June 1993

“Mr. Civil Rights,” 29 Trial 66, April 1993

“Religion Clause Doctrine: Potential for Change,” 29 Trial 81, February 1993

“Supreme Court Review: Making Sense of Habeas Corpus,” 28 Trial 79, December 1992

“Supreme Court Review: A Bad Year for Environmental Protection,” 28 Trial 83, October 1992

“Harris Execution: Did Court Abuse Its Power?” 2 State Bar Bulletin 1, September 1992 (with Caminker)

“As California Goes . . .,” 12 California Lawyer 47, August 1992

“Don’t Be Fooled: It’s Still a Conservative Court,” Daily Journal Report, July 31, 1992

“A Precarious Ban on Prayer: Lee v. Weisman,” *Legal Times*, July 27, 1992

“Supreme Court Overview,” *ACLU Open Forum*, Summer 1992

“Pulling the Plug on Roe v. Wade,” *Los Angeles Daily News*, June 21, 1992

“Conservative Judges Disregard the Law to Make Sure Execution Was on Schedule,” *Los Angeles Daily Journal*, June 8, 1992

NON-LAW REVIEW PUBLICATIONS (*continued*)

“A Fair Trial Produced an Unfair Result,” *131 New Jersey Law Journal* 87, May 11, 1992 (and other American Lawyer newspapers)

“Focus on the Future, Not the Verdict,” *Los Angeles Daily News*, May 4, 1992

“Invasion of the House Snatchers,” *Los Angeles Times*, April 22, 1992

“The Bill of Rights: An Illustrated History,” *11 California Lawyer*, December 1991

“Next Supreme Court Term: Danger for Civil Liberties,” *67 ACLU Open Forum*, September/October 1991

“Is Clarence Thomas a Stealth Nominee,” *Los Angeles Daily News*, July 8, 1991

“Can the Bill of Rights Survive the Rehnquist Court?” *Los Angeles Daily News*, May 26, 1991

“Fight Illegal Police Practices in State Courts,” *Los Angeles Daily Journal*, May 8, 1991 (with Sobel & Hoffman)

“DOJ Has Few Weapons Against Police Abuse,” *Los Angeles Daily Journal*, May 7, 1991 (with Sobel & Hoffman)

“Judicial Oversight Limited By Supreme Court,” *Los Angeles Daily Journal*, May 6, 1991 (with Sobel & Hoffman)

“Stunting the Constitution’s Growth,” *26 Trial* 36, November 1990

“A Hero Retires,” *67 ACLU Open Forum*, September/October 1990

“A Mixed Year for Civil Rights/Civil Liberties,” *67 ACLU Open Forum*, September/October 1990

“No Answer, No Seat: The Souter Hearings,” Los Angeles Daily Journal, September 6, 1990

“Jury Nullification is Conscience of Community,” Los Angeles Daily Journal, August 31, 1990

“Church, State, and Peyote: State Now Has Free Rein to Meddle,” Los Angeles Daily Journal, May 11, 1990

“Protecting People from the Government,” Los Angeles Daily News, January 21, 1990

NON-LAW REVIEW PUBLICATIONS (*continued*)

“The Constitution and the Common Law,” 73 *Judicature* 149 (1989)

“Should Racist Speech Be Limited?” ACLU Open Forum, November/December 1989

“A Bad Year for Civil Rights and Civil Liberties,” ACLU Open Forum, September/October 1989

“Abortion in America,” Los Angeles Herald Examiner, July 9, 1989

“The High Court Weakens the Strong '64 Civil Rights Act,” Los Angeles Daily Journal, July 3, 1989 (with Hoffman & Sobel)

“The Supreme Court and Civil Rights,” Orange County Business Journal, July 3, 1989

“Courts Place Limits on Key Tool for Civil Rights Actions,” Los Angeles Daily Journal, May 2, 1989 (with Hoffman & Sobel)

“On the Shoulders of Giants: Does Original Intent Matter?,” Los Angeles Daily Journal, February 20, 1989

“Abortion Rights and the Court,” Los Angeles Daily News, January 15, 1989

“‘Tip Wage’ in Lucas’ Court,” The Sacramento Bee, September 13, 1988

“Private Conduct and Public Values,” 22 *Beverly Hills Bar Journal* 163 (1988)

“L.A.’s Bathhouses No Civil Liberty Cause,” Los Angeles Herald Examiner, January 26, 1988

“Finding Constitutional Privacy,” *The Recorder (San Francisco)*, October 26, 1987

“History as the Court Likes It,” Los Angeles Herald Examiner, September 13, 1987

“How the System Works: The Lessons of the Bork Case,” Los Angeles Daily News, October 11, 1987

“Expanding the Constitution’s Protections: The Lasting Significance of Jones v. Alfred H. Mayer Co.,” 34 St. Louis Bar Journal 27 (1987)

“How Should We Celebrate the Constitution’s 200th Year,” ADL Bulletin, June 1987

“Privacy: The Right the Framers Left Out,” Los Angeles Herald Examiner, April 12, 1987  
NON-LAW REVIEW PUBLICATIONS (*continued*)

“Should the Voters Confirm: Yes: The High Court Critics Distort Issues and Facts at the Public’s Peril,” Los Angeles Daily Journal, October 31, 1986

“Judges Must Base Their Rulings on the Law, Not on Popular Opinion,” Palo Alto Times Tribune, October 26, 1986

“High Court Vote,” San Francisco Examiner, October 8, 1986

“The Judicial Conscience of a Conservative,” Los Angeles Herald Examiner, September 24, 1986

“Assuring Judicial Independence,” USC Law, Fall/Winter 1986

“Why the Supreme Court was Wrong on Death Qualified Juries,” Cleveland Plain Dealer (and other subscribers to the Scripps- Howard News Service), May 25, 1986

“Drug Testing: A Cure Worse than the Disease,” Los Angeles Herald Examiner, May 14, 1986

“First Amendment Protects Metzger's Rights, Too,” The Jewish Journal, April 18-24, 1986

“California’s Law on Maternity Leave Should be Upheld,” Los Angeles Herald Examiner (and other subscribers to the Scripps- Howard News Service), January 28, 1986

“Goldrush: Bar Welfare Recipients from the Lottery? Con: A Paternalistic Violation of Rights,” Palo Alto Times Tribune, March 2, 1986

“Sexual Identity is Private,” New York Times, March 13, 1985

“Protecting the First Amendment Against Legislative Encroachment: A Case Against Prohibition of Pornography,” Cogitations, Winter 1984, reprinted in Human Rights, Spring 1985

## COMMUNITY SERVICE AND PROFESSIONAL ACTIVITIES

Pro bono appellate litigation, including serving as counsel of record and arguing in the United States Supreme Court in *Comcast v. National Association of African-American Owned Media* (2020); *Franchise Tax Board v. Hyatt* (2019); *United States v. Apel* (2013), *Scheidler v. NOW* (2005), *Van Orden v. Perry* (2005), *Tory v. Cochran* (2005), *Lockyer v. Andrade* (2003). Briefed and argued many cases in federal courts of appeals, the California Supreme Court, and other courts.

### COMMUNITY SERVICE AND PROFESSIONAL ACTIVITIES (CONTINUED)

President, Association of American Law Schools (2022) (President-elect, 2022; Past-President 2023)

Member of the Committee of Science, Technology and the Law, of the National Academy of Sciences (2020-present)

Board of Directors, First Amendment Coalition (2020-present)

Co-Chair (with Howard Gillman), University of California Center on Free Speech and Civic Engagement (2018-present)

Executive Committee, Association of American Law Schools (2017-2020)

Board of Directors, American Constitution Society (2015-2020)

Board of Directors, Western Justice Center (2009-2020)

Chair, Mayor's Blue Ribbon Commission on City Contracting in Los Angeles, 2004-2005 (report issued February 2005)

Commissioner and Chair, Los Angeles Elected Charter Reform Commission. (Elected by Los Angeles voters April 8, 1997 for a two-year term to Commission to propose a new City Charter. Chosen by the Commission as Chair. Proposed Charter adopted by voters June 8, 1999)

Member, Governor's Task Force on Diversity and Outreach, 1999-2000 (appointed by Governor Gray Davis, September 1999)

Independent Analysis of the Board of Inquiry Report on the Rampart Police Scandal, Prepared at the Request of the Police Protective League, September 2000

Member, Amicus Committee, American Bar Association, August 2011-August 2012

Board of Directors, Legal Aid Society of Orange County, 2009-2017

Member, Board of Directors, ACLU of North Carolina (2005-2008)

Member, Board of Directors, MAZON (2004-2010)

Fellow, Center for Excellence in Teaching, University of Southern California, 1997-2000; Senior Fellow, 2000-2004

#### COMMUNITY SERVICE AND PROFESSIONAL ACTIVITIES (CONTINUED)

President, Academic Senate, University of Southern California, 1996-1997 (President-elect, 1995-1996)

Lecturer, Federal Judicial Center, 1989-present (speaking to federal judges, magistrates, and bankruptcy judges at programs throughout the country)

Lecturer, National Judicial College, 1988-present (speaking at programs for judges sponsored by the National Judicial College)

Lecturer, Center for Civic Education (speaking at teacher training programs)

Lecturer, Constitutional Rights Foundation (speaking at meetings, including teacher training programs)

Chair, Civil Rights Section, American Trial Lawyers Association, 1998-1999 (Vice-chair, 1997-1998)

Editorial Advisory Board, Law Division, Aspen Law

Reporter, Task Force on the Legislative Role in Setting Powers and Jurisdiction of the Courts, Citizens for Independent Courts, 1998-2000

Reporter, Task Force on Federalization of Civil Law Matters, Three-Branch Roundtable (Convened by Attorney General Janet Reno, Chief Justice William Rehnquist, and Senator Joseph Biden, March 7, 1994)

Reporter, Ninth Circuit Rule 11 Study Committee, 1990-1992 (prepared, "Rule 11 in the Ninth Circuit," Report of the Ninth Circuit Rule 11 Study Committee (1992))

Member, Technical Assistance in Constitution Drafting for the Republic of Belarus, American Bar Association, Central and Eastern European Law Initiative, Minsk, Belarus, August 1992

President, Board of Regents, Temple Emanuel Community Day School, Vice-President for Education, Temple Emanuel, 1994-1996

Member, Editorial Advisory Board, California Lawyer Magazine, 1994-2014

Member, Litigation Committee, American Association of University Professors, 1991-1995

Member, Board of Directors, American Civil Liberties Union of Southern California, 1987-1997; Member of the Executive Committee, 1991-1995

COMMUNITY SERVICE AND PROFESSIONAL ACTIVITIES (CONTINUED)

Member, Regional Council, American Jewish Congress; Member, Board of Directors, 1993-1998

Chair, Federal Courts Section, American Association of Law Schools, 1993 (Chair-elect, 1992)

Member, Steering Committee, Section on Professional Responsibility, American Association of Law Schools, 1987-88; 1989-90

Member, Task Force on Professional Responsibility, Committee of Bar Examiners, State of California, 1987

Chair, Special Committee on Tenure and Promotions, University of Southern California, 1994-1996

Co-drafter (with Jeffrey Shaman) of Illinois Freedom of Information Act, on behalf of the American Civil Liberties Union of Illinois, adopted by the Illinois State Legislature, 1983

Debate Manager, Mayoral Campaign of Harold Washington, Chicago, Illinois, 1982-83