SEAN FARHANG

School of Law
University of California, Berkeley
694 Simon Hall
Berkeley, CA 94720-7200
Tel (510) 643-5661
farhang@berkeley.edu

ACADEMIC EMPLOYMENT

University of California, Berkeley
Elizabeth Josselyn Boalt Professor of Law, 2019-present (Professor of Law, 2015-19)
Professor of Political Science, 2017-present (Associate, 2011-17)
Professor of Public Policy, 2017-present (Associate, 2011-17; Assistant, 2004-11)

Columbia Law School
Nathaniel Fensterstock Visiting Professor of Law (Fall 2016)

Yale Law School
Visiting Professor of Law (Spring 2017)

EDUCATION

Ph.D., Political Science, Columbia University (2006)
J.D., New York University School of Law (1993)
M.A., Philosophy, New York University (offered jointly by the Law School's Program for the Study of Law, Philosophy, and Social Theory)
B.A., Economics, U.C. Berkeley (1989)

PUBLICATIONS AND RESEARCH

Books

Rights and Retrenchment: The Counterrevolution Against Federal Litigation (with Stephen Burbank). 2017. Cambridge University Press.

- *Civil Justice Scholarship Award, High Distinction*, Pound Civil Justice Institute

The Litigation State: Public Regulation and Private Lawsuits in the U.S. 2010. Princeton University Press.

- *Gladys M. Kammerer Award* for "best political science publication in the field of U.S. national policy," American Political Science Association
- *C. Herman Pritchett Award* for best book on law and courts, Law and Courts Section, American Political Science Association

Articles and Chapters

"State Fragmentation and the Turn to Private Enforcement: A Cross-National Test." 2027. In *The Evolving State of American Exceptionalism,* eds. Scott Dodson & Margaret Woo, Edward Elgar Publishing, forthcoming.

"Conclusory Pleading on the U.S. Courts of Appeals After *Iqbal*: An Empirical Study." 2026. *California Law Review* 114: 1077-1118.

"Race, Gender, and Party in EEOC Cases, 1996–2006: Assessing the Role of Judge Attributes in Case Outcomes in the U.S. District Courts" (with Michael Sobel and Greg Wawro). 2025. *American Journal of Political Science* 1-14.

"Association and Causation: Attributes and Effects of Judges in Equal Employment Opportunity Commission Litigation Outcomes" (with Michael Sobel and Greg Wawro). 2023. *Annals of Applied Statistics* 17: 3526-3549.

"Supreme Court Oversight of the Federal Rules: A Principal-Agent Problem?" 2022. *DePaul Law Review* 72: 363-394.

"Politics, Identity, and Pleading Decisions on the U.S. Court of Appeals" (with Stephen Burbank). 2021. *University of Pennsylvania Law Review* 169: 2127-2191.

"Class Certification in the U.S. Courts of Appeals: A Longitudinal Study" (with Stephen Burbank). 2021. *Law and Contemporary Problems* 84: 73-106.

"Legislative Capacity and Administrative Power Under Divided Polarization." 2021. *Daedalus* 150: 149-67.

"A New (Republican) Litigation State?" (with Stephen Burbank). 2021. *U.C. Irvine Law Review* 111: 657-91.

"Politics, Identity, and Class Certification on the U.S. Court of Appeals" (with Stephen Burbank). 2020. *Michigan Law Review* 118: 231-290.

"Legislating for Litigation: Delegation, Public Policy, and Democracy." 2018. *California Law Review* 105: 1529-1614.

"Rights and Retrenchment in the Trump Era" (with Stephen Burbank). 2018. *Fordham Law Review* 87: 37-64.

"Retrenching Civil Rights Litigation: Why the Court Succeeded Where Congress Failed" (with Stephen Burbank). 2018. In *The Rights Revolution Revisited*, ed. Lynda Dodd, Cambridge University Press.

"Class Actions and the Counterrevolution Against Federal Litigation" (with Stephen Burbank). 2017. *University of Pennsylvania Law Review* 165: 1495-1530.

"The Subterranean Counterrevolution: The Supreme Court, the Media, and Litigation Reform" (with Stephen Burbank). 2016. *De Paul Law Review* 65: 293-320.

"Divided Government and the Fragmentation of American Law" (with Miranda Yaver). 2016. *American Journal of Political Science* 60: 401-17.

"Federal Court Rulemaking: An Institutional Approach" (with Stephen Burbank). 2015. *Nevada Law Journal* 15: 1559-1596.

"The Politics of Opinion Assignment and Authorship on the U.S. Court of Appeals: Evidence from Sexual Harassment Cases" (with Jonathan Kastellec and Greg Wawro). 2015. *Journal of Legal Studies* 44: 59-85.

"Litigation Reform: An Institutional Approach" (with Stephen Burbank). 2014. *University of Pennsylvania Law Review* 162: 1543-1618.

"Legislating Incentives for Attorney Representation in Civil Rights Litigation" (with Douglas Spencer). 2014. *Journal of Law and Courts* 2: 241-71.

"Regulation, Litigation, and Reform." 2014. In *The Politics of Major Policy Reform in Postwar America*, eds. Jeffrey Jenkins and Sidney Milkis. Cambridge University Press.

"Private Enforcement of Statutory and Administrative Law in the United States (and Other Common Law Countries)" (with Stephen Burbank and Herbert Kritzer). 2014. In *Procedural Justice*, eds. Peter Gottwald and Burkhard Hess, pps. 197-318. Gieseking Press.

"Private Enforcement," 2013. *Lewis & Clark Law Review* 17: 637-72.

- Abbreviated version: "Private Enforcement of Statutory and Administrative Law in the United States." 2011. *Int'l Lis: Corriere Trimestrale della Litigation Internazionale* 3-4/2011, 153-163.

"Legislative-Executive Conflict and Private Statutory Litigation in the U.S.: Evidence from Labor, Civil Rights, and Environmental Law." 2012. *Law & Social Inquiry* 37: 657-685.

"The Political Development of Job Discrimination Litigation." 2009. *Studies in American Political Development* 23: 23-60.

"Congressional Mobilization of Private Litigants: Evidence from the Civil Rights Act of 1991." 2009. *Journal of Empirical Legal Studies* 6: 1-34.

"Public Regulation and Private Lawsuits in the American Separation of Powers System." 2008. *American Journal of Political Science* 52: 821-39.

"The Southern Imposition: Congress and Labor in the New Deal and Fair Deal" (with Ira Katznelson). 2005. *Studies in American Political Development* 19: 1-30.

"Institutional Dynamics on the U.S. Court of Appeals: Minority Representation Under Panel Decision-Making" (with Greg Wawro). 2004. *Journal of Law, Economics, and Organization* 20: 299-330.

- Reproduced in *The Economics Of Judicial Behaviour*, ed. Lee Epstein. 2013. Edward Elgar Publishing.

Papers and Projects in Progress

"Congress and Criminalization, 1866-2022" (with Andrea Roth)

"Textualism and Constraint, 1980-2024" (with Margaret Lemos and Greg Wawro)

"Globalization of Collective Litigation"

"The Role of Judge Race, Gender, and Party in Non-Monetary Outcomes in EEOC Cases the U.S. District Courts" (with Michael Sobel and Gregory Wawro)

"Politics, Identity, and Summary Judgment on the U.S. Court of Appeals"

Other Publications

"Rulemaking and the Counterrevolution Against Federal Litigation: Discovery," in *Who Will Write Your Rules---Your State Court or the Federal Judiciary?: 24th Annual Forum for State Appellate Court Judges* (with Stephen Burbank). 2017. Pound Civil Justice Institute. (http://poundinstitute.org/sites/default/files/docs/2016%20Forum/pound-forum-report-2016-final.pdf)

"Collective and Class Action Issues under the Fair Labor Standards Act and State-Based Wages Statutes," in *Employment Class and Collective Actions: Proceedings of the New York University 56th Annual Conference on Labor*, ed. David Sherwyn and Samuel Estreicher (with Adam Klein and Nantia Ruan). 2009. Kluwer.

"Off-the-Clock Claims from the Employee's Perspective," in *Compensation, Work Hours and Benefits: Proceedings of the N.Y.U. 57th Annual Conference on Labor*, ed. Jeffrey M. Hirsch and Samuel Estreicher (with Adam Klein). 2009. Kluwer.

Review of *Governing the American State: Congress and the New Federalism, 1877-1929* (2007), by Kimberly S. Johnson. 2009. *Perspectives on Politics* 6:837-838.

"The Rights of Employees Subjected to Reductions in Force: A Critical Evaluation" (with Parisis G. Filippatos). 2002. *Employee Rights and Employment Policy Journal* 6: 263-327.

HONORS, AWARDS, AND GRANTS

Civil Justice Scholarship Award, High Distinction, Pound Civil Justice Institute, 2021
Gladys M. Kammerer Award for best political science publication on U.S. national policy, American Political Science Association, 2011
C. Herman Pritchett Award for best book on law and courts, Law and Courts Section, American Political Science Association, 2011
National Science Foundation Grant, Law and Social Science Program, 2010-2012
American Bar Association Litigation Research Fund Grant, 2008-09
Hellman Family Faculty Fund Fellow, 2008-09
Labor and Employment Research Fund Grant, 2007-08
Institute of Industrial Relations Grant, 2006-07
Committee on Research, Faculty Research Grant, U.C. Berkeley, 2011-12; Junior Faculty Research Grant, 2004-05, 2006-07; Research Assistantship in the Humanities, 2004-05
President's Fellow, Columbia University, 1999-2004
Public Policy Consortium Fellow, Columbia University, 2002-03
Institute for Social and Economic Research and Policy Fellow, Columbia University, 2000-2002
Arthur Garfield Hays Civil Liberties Fellow, NYU School of Law, 1992-93
Phi Beta Kappa, 1989

INVITED TALKS

University of Pennsylvania, Department of Political Science, spring 2008
University of North Carolina, Chapel Hill, Department of Political Science, spring 2009
University of San Francisco Law School, fall 2010
Princeton University, Department of Politics, spring 2011
University of Virginia, Miller Center of Public Affairs, fall 2011
Emory University, Department of Political Science, spring 2012
Pacific McGeorge School of Law, spring 2012
American Ass'n of Law Schools, Civil Procedure Section, Washington D.C., Jan 2012
City University of New York, D'Agostino Lecture in Law and Public Policy, spring 2012
Washington University in St. Louis, Political Economy and Public Law conference, summer 2013
University of Chicago Law School, "A Labor Market Approach to Judging" conference, fall 2013
University of Pennsylvania Law School, "The Federal Rules at 75" conference, fall 2013
University of Nevada, Las Vegas School of Law, spring 2014
Northeastern University Law School, "Through a Glass Starkly" conference, spring 2014
DePaul University College of Law, Clifford Symposium, "Supreme Court & Civil Justice," spring 2015
Northwestern University School of Law, spring 2015
Hastings College of Law, spring 2015
Stanford Law School, fall 2015
University of Pennsylvania Law School, Sparer Symposium, "Buying Justice," fall 2015
University of Arizona Law School, spring 2016
Yale University, Department of Political Science, spring 2016
Vanderbilt University, Center for the Study of Democratic Institutions, spring 2016
Cornell Law School, Political Economy and Public Law conference, summer 2016

Pound Civil Justice Institute, Forum for State Appellate Court Judges, summer 2016
University of Pennsylvania Law School, "Class Actions and their Alternatives," fall 2016
Boston University Law School, fall 2016
Columbia Law School, fall 2016
American Ass'n of Law Schools, "The Roberts Court and the FRCP," Washington D.C., Jan 2017
Yale Law School, spring 2017
Fordham Law School, "Civil Litigation Reform in the Trump Era," spring 2018
Emory Conference on Institutions and Lawmaking, Spring 2020
U.C. Irvine Law School, "Thinking About Law & Accessing Justice," spring 2020
Emory Law School/University of Oxford, "Quo Vadis Civil Justice," spring 2021
University of Texas Law School, fall 2001
Duke Law School, McGovern Symposium, Bolch Judicial Institute, spring 2022
DePaul University College of Law, Clifford Symposium, "Private Litigation and the Public Good: Punishing Serious Corporate Misconduct," summer 2022
NAACP Legal Defense Fund, Civil Rights Training Institute, Washington D.C., "The New State-sanctioned 'Vigilantism,'" fall 2022
American Bar Foundation, Chicago, IL, "Plaintiff-Side Practice" Symposium, spring 2025
U.C. Berkeley Law School, *California Law Review*, "*Iqbal* at 15" Symposium, fall 2025
Yale Law School, "Textualism and Constraint," spring 2026
Stanford Law School, Neukom Center for the Rule of Law, "Globalization of Collective Litigation," spring 2026

PROFESSIONAL SERVICE

Referee: National Science Foundation, *American Journal of Political Science, American Political Science Review, American Politics Research, Governance, Industrial Relations, Journal of Law and Courts, Journal of Law, Economics, & Organization, Journal of Legal Studies, Journal of Policy History, Journal of Politics, Justice System Journal, Law and History Review, Law and Social Inquiry, Law and Society Review, Political Research Quarterly, Perspectives on Politics, Political Studies, Polity, Studies in American Political Development,* Oxford University Press, Routledge, Stanford University Press.
Law and Courts Section (APSA): Lasting Contribution Award Committee (2010), Best Conference Paper Award Committee Chair (2015).
Politics and History Section (APSA): Dissertation Prize Committee (2013), Section Council (2013-14).
Law and Jurisprudence Section (MPSA): Section Chair (2013-14), Section Chair (2014-15).
Academic Fellow, Pound Civil Justice Institute (2016-present)

DEPARTMENTAL/UNIVERSITY SERIVCE

Smolensky Prize Committees (public policy), 2006, 2010
Graduate Admissions Committees (public policy), 2006-07, 2009-10
Faculty Search/Recruitment Committees, U.C. Berkeley, 2007-08, 2010-11, 2014-15, 2015-16
Committee on Undergraduate Scholarships & Honors, U.C. Berkeley, 2008-09, 2014-18
Wildavsky Forum Selection Committee (public policy), 2010
Advisory Committee for the Institute of Governmental Studies, 2012-17
Hellman Fellows Fund Committee, 2013-14

American Politics Field Coordinator (political science), 2013-14
Director, Wildavsky Forum, 2014-18
Committee for Protection of Human Subjects, 2015-16 (alternate)
Civil Justice Research Initiative, Board of Directors (2017-present)
Law School Civil Justice Research Initiative, Board of Directors (2017-present)
Law School LLM/JSD Committee, 2017-18
Law School Admissions Committee, 2017-19
Law School Sax Prize Committee, 2018
Law School Entry-Level Faculty Appointments Committee, 2018-19, 2021-2022
Law School Faculty Appointments Committee, 2019-21
Graduate Council, Academic Senate, 2020-24
Law School Disqualification Appeals Committee, 2021-22
Law School Academic Placement Committee, 2021-22
Law School Faculty Retreat Committee (Chair), 2022-23
Law School Clerkship Committee (Chair), 2023-25
Committee on Teaching, 2024-2025
Law School Merrit Review Advisory Committee, 2026-present

LEGAL WORK EXPERIENCE

Outten & Golden LLP, New York, NY June 1999-Aug. 2004
Represented plaintiffs in individual and class action employment discrimination and fair labor standards litigation.

Goodman & Zuchlewski LLP, New York, NY Sept. 1996-Sept. 1998
Represented plaintiffs in employment discrimination claims in federal and state proceedings. Practice areas spanned race, gender, age, and disability claims in arbitration, administrative proceedings, and trial and appellate court.

Chief Judge Sylvia Rambo, U.S. District Court,
Middle District of Pennsylvania Sept. 1994-Sept. 1996
Judicial Law Clerk. Assisted federal trial judge in all aspects of judicial proceedings; drafted opinions and bench memoranda; attended conferences, oral arguments on motion, and trials.