

# BERTRALL ROSS

UNIVERSITY OF CALIFORNIA, BERKELEY SCHOOL OF LAW  
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## ACADEMIC APPOINTMENTS

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### University of California, Berkeley

*Professor of Law, July 2016-present*

*Assistant Professor of Law, July 2010-June 2016*

*Faculty Member, Haas Institute for a Fair and Inclusive Society, Diversity and Democracy Cluster*

**Courses Taught:** Constitutional Law, Law of Democracy, Legislation, California Law Review Seminar

**Service:** Equity and Inclusion Committee (2014-present); Haas Institute for a Fair and Inclusive Society, Diversity and Democracy Cluster (search committees: October 2014-present and Aug. 2012-May 2013); Academic Placement Committee (co-chair: July 2015-present and July 2012-June 2013; member: 2010-11); Thelton E. Henderson Center for Social Justice (Co-faculty chair: July 2014-present; executive committee member: July 2010-present); First Generation Professionals (faculty advisor: Nov. 2011-present)

### Princeton University

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

### Columbia Law School

*Kellis Parker Academic Fellow, 2008-2010*

## EDUCATION

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### Yale Law School

*J.D., 2006*

**Journal:** *Yale Journal on Regulation*, Editor

**Activities:** Educational Adequacy Project, Temporary Restraining Order Project

**Research:** Research Assistant to Professor Judith Resnik (2004-2006)

### Princeton University, Woodrow Wilson School of Public and International Affairs

*M.P.A. (Economics and Public Policy Concentration), 2003*

**Activities:** Trenton High School Tutoring Program; Bronx Mentoring Program

**Research:** Graduate Policy Task Force on North American Monetary Union

### London School of Economics and Political Science

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

**Thesis:** Regional Agreements and Regulatory Barriers to Trade in Services: Building Blocks to the Multilateral Foundation

### University of Colorado, Boulder

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

**Honors:** Marshall Scholarship, Phi Beta Kappa Honors Society

**Thesis:** Prologue to Disintegration: The Impact of Indirect Rule in Nigeria

## JUDICIAL CLERKSHIPS

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**Hon. Myron Thompson, U.S. District Court for the Middle District of Alabama**

*Clerk, 2007-2008*

**Hon. Dorothy Nelson, U.S. Court of Appeals for the Ninth Circuit**

*Clerk, 2006-2007*

## PUBLICATIONS

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### Book

WHAT THE CONSTITUTION OWES THE POOR: EQUAL PROTECTION AND A PATH TO POLITICAL EQUALITY (under contract, Cambridge University Press)

### Law Review Articles, Essays, and Chapters in Books

*Administering Suspect Classes*, 66 DUKE L.J. \_\_\_\_ (forthcoming 2017)

*Measuring Political Power: Suspect Class Determinations and the Poor*, 104 CAL. L. REV. 323-391 (2016) (with Su Li)

*Embracing Administrative Constitutionalism*, 95 B.U. L. REV. 519-585 (2015)

*Paths of Resistance to Our Imperial First Amendment*, 113 Mich. L. Rev. 917-942 (2015) (book review of Robert Post, *Citizens Divided: Campaign Finance Reform and the Constitution*)

*Many Laws of Discrimination: The Multiple Sources of Constitutional-Statutory Convergence*, 100 IOWA L. REV. BULL. 55-67 (2015)

*The State as Witness: Credibility and the Democratic Process*, 89 N.Y.U. L. REV. 2027-2105 (2014) (selected for the Yale-Harvard-Stanford Junior Faculty Forum - 2014)

*Denying Deference: Civil Rights and Judicial Resistance to Administrative Constitutionalism*, 2014 U. CHI. LEGAL F. 223-287

*Democracy and Renewed Distrust: Equal Protection and the Evolving Judicial Conception of Politics*, 101 CAL. L. REV. 1565-1640 (2013)

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

*The Representative Equality Principle: Disaggregating the Equal Protection Intent Standard*, 81 FORDHAM L. REV. 101-166 (2012) (selected for the Yale-Harvard-Stanford Junior Faculty Forum - 2012)

*The Costs and Elusive Gains of Creating Complementarities Between Party and Popular Democracy*, 3 CAL. L. REV. CIRCUIT 146-158 (2012)

*Against Constitutional Mainstreaming*, 78 U. CHI. L. REV. 1203-1261 (2011)

*Minimum Responsiveness and the Political Exclusion of the Poor*, 72 LAW & CONTEMP. PROBS. 197-221 (2009) (with Terry Smith)

*Reconciling the Booker Conflict: A Substantive Sixth Amendment in a Real Offense Sentencing System*, 4 CARDOZO PUB. L. POL'Y & ETHICS J. 725-778 (2006).

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

### ***Works in Progress***

*The New First Amendment Categoricalism*

*Big Data, Small, Democracy, Biased Electorate: Law and the Political Inequality of Mobilization*

*Administrative Constitutionalism as Popular Constitutionalism (book chapter)*

*“This is [Not] a White Man’s Government:” The Fifteenth Amendment and the Original Meaning of the Right to Vote (book project)*

### ***Encyclopedia Entries***

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

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

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

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

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

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

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

### ***Blog Posts***

Guest Blogger on Prawfsblawg (August 2015)

“Shelby County v. Holder and the Second-Guessing of Congress,” Alliance for Justice: Justice Watch blog at <http://afjjusticewatch.blogspot.com/2013/02/shelby-county-v-holder-and-second.html> (Feb. 27, 2013).

“Shelby County v. Holder and the State of Democratic Distrust,” American Constitution Society blog symposium on *Shelby County v. Holder* at <http://www.acslaw.org/acsblog/all/bertrall-ross> (Feb. 22, 2013).

“The Court Chips Away at the Voting Rights Act,” Alliance for Justice: Justice Watch blog at <http://10-9.blogspot.com/2012/01/the-court-chips-away-at-voting-rights.html> (Jan. 23, 2012).

## PRESENTATIONS

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

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

“Measuring Political Power: Suspect Class Determinations and the Poor,” presentations at University of Chicago Law School (May 2016), University of Southern California School of Law (March 2016), UC Irvine School of Law (December 2015) University of Colorado School of Law (November 2015), Culp Colloquium, Duke Law School (May 2015), UC Berkeley School of Law Faculty Workshop (March 2015), UC Berkeley School of Law Junior Working Ideas Group (February 2015), Class Crits VII, UC Davis School of Law (November 2014), UC Davis Center for Poverty Research, Poverty and Place Conference (November 2014)

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

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

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

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

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

“The State as Witness: Credibility and the Democratic Process,” presentation at the Loyola Constitutional Law Colloquium (November 2013)

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

“The State as Witness: Credibility and the Democratic Process,” presentation at the Fordham Law Legal Theory Workshop (October 2013)

“Democracy and Renewed Distrust: Equal Protection and the Evolving Judicial Conception of Politics,” and “Transparent Adjudication: Promoting Democratic Dialogue on Judicial Conceptions of Politics,” presentation at the U.C. Berkeley School of Law Faculty Workshop (April 2013)

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

“Democracy and Renewed Distrust: Equal Protection and the Evolving Judicial Conception of Politics,” and “The State as Witness: Credibility and the Democratic Process,” invited presentation at the Workshop on Law, Philosophy, and Political Theory, U.C. Berkeley School of Law (April 2013)

“Democracy and Renewed Distrust: Equal Protection and the Evolving Judicial Conception of Politics,” presentation at the Race, Ethnicity, and Immigration Colloquium, Institute of Governmental Studies, U.C. Berkeley (February 2013), Junior Faculty federal courts Workshop at William & Mary School of Law (October 2012), Law and Society Association Annual Meeting, Honolulu, HI (June 2012)

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

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

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

“Microsoft v. I4I,” Panel Presentation at the U.C. Berkeley Summer Faculty Colloquium Supreme Court Review (July 2012)

“Against Constitutional Mainstreaming,” presentation at the Columbia Law School Legislation Works Roundtable (April 2011).

“Against Constitutional Mainstreaming,” work-in-progress presentation at UC Berkeley School of Law Junior Working Ideas Group Workshop (December 2010)

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

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

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

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