

# Brian C. Kalt

## Curriculum Vitae

### TEACHING EXPERIENCE

#### Professor of Law

Michigan State University College of Law

July 2011–present  
*East Lansing, Michigan*

#### *Harold Norris Faculty Scholar*

Associate professor of law with tenure  
Associate professor of law  
Assistant professor of law

January 2010–present  
July 2006–June 2011  
July 2003–June 2006  
July 2000–June 2003

#### *Classes taught:*

Administrative Law  
Bill of Rights Seminar  
Constitutional Law I  
Torts  
Torts II  
The Bill of Rights (Undergraduate Freshman Seminar)

#### Visiting Professor

University of Alabama

*Taught seminar on Constitutional Cliffhangers*

Spring 2013  
*Tuscaloosa, Alabama*

#### Visiting Professor

University of Ottawa

*Taught U.S. Federal Administrative Law*

January 2008  
*Ottawa, Canada*

#### Visiting Lecturer

Vytautas Magnus University

*Taught Constitutional Law and Theory*

February 2002  
*Kaunas, Lithuania*

### PUBLICATIONS

#### Books

UNABLE: THE LAW, POLITICS, AND LIMITS OF SECTION 4 OF THE TWENTY-FIFTH AMENDMENT (Oxford University Press 2019).

CONSTITUTIONAL CLIFFHANGERS: A LEGAL GUIDE FOR PRESIDENTS AND THEIR ENEMIES (Yale University Press 2012).

SIXTIES SANDSTORM: THE FIGHT OVER ESTABLISHMENT OF A SLEEPING BEAR DUNES NATIONAL LAKESHORE (Michigan State University Press 2001).

### **Book Chapter**

*Parallel Evolution: American Impeachment and the Two Party System*, in BRITISH ORIGINS AND AMERICAN PRACTICE OF IMPEACHMENT (Matthew Flinders & Chris Monaghan eds., 2024).

### **Law Journals and Similar Publications**

*C.J. Box and the Yellowstone Zone of Death*, 26 WYO. L. REV. (forthcoming 2026) (symposium).

*Constitutional Procedures As a Distinct Category*, 63 HOUSTON L. REV. (forthcoming 2026).

*A Distinct System for Presidential Succession on Inauguration Day: Getting the Most Out of Section 3 of the Twentieth Amendment*, 46 CARDOZO L. REV. 307 (2024).

*The Twentieth Amendment, the Presidential Succession Act of 1947, and Pre-Inaugural Problems*, 91 FORDHAM L. REV. ONLINE 29 (2022) (transcription of panel presentation), [https://fordhamlawreview.org/wp-content/uploads/2022/11/Kalt\\_Vol.-91.pdf](https://fordhamlawreview.org/wp-content/uploads/2022/11/Kalt_Vol.-91.pdf).

*Impeachment and Its Discontents*, 87 MO. L. REV. 781 (2022).

*Swearing in the Phoenix: Toward a More Sensible System for Seating Members of the House of Representatives At Organization*, 105 MARQ. L. REV. 1 (2021).

*Criminal Immunity and Schrödinger's President: A Response to "Prosecuting and Punishing Our Presidents"*, 100 TEX. L. REV. ONLINE 79 (2021).

*The Many Misconceptions About Section 4 of the Twenty-Fifth Amendment*, OHIO N.U. L. REV. 345 (2021) (transcription of public address).

*Impeachment and the Imperial Presidency*, EXTENSIONS (A Journal of the Carl Albert Congressional Research and Studies Center), Spring 2020, <https://extensionsscac.com/news/impeachment-and-the-imperial-presidency/>.

*Presidential Impeachment and Removal: From the Two-Party System to the Two-Reality System*, 27 GEO. MASON L. REV. 1 (2019).

*Section Four of the Twenty-fifth Amendment: Easy Cases and Tough Calls*, 10 CONLAWNOW 153 (2019) (symposium), <https://ideaexchange.uakron.edu/conlawnow/vol10/iss1/12/>.

*Of Death and Deadlocks: Section 4 of the Twentieth Amendment*, 54 HARV. J. ON LEGIS. 101 (2017).

*Unconstitutional But Entrenched: Putting UOCAVA and Voting Rights for Permanent Expatriates on a Sound Constitutional Footing*, 81 BROOKLYN L. REV. 441 (2016).

*Winning Recounts: Essential Mathematical and Statistical Insights for Election Lawyers*, 30 J. L. & POL. 141 (2014).

*The Application of the Disqualification Clause to Congress: A Response to Benjamin Cassady, “You’ve Got Your Crook, I’ve Got Mine”: Why the Disqualification Clause Doesn’t (Always) Disqualify*, 33 QUINNIPIAC L. REV. 7 (2014).

*The Ninth Amendment in Congress*, 40 PEPPERDINE L. REV. 75 (2012).

*Explaining, Defending, and Exporting the Socratic Method*, 27 SOONGSIL L. REV. 309 (2012) (partially translated into Korean).

*Politics and the Federal Appointments Process*, 5 HARV. L. & POL’Y REV. (Online), Apr. 5, 2011, <https://journals.law.harvard.edu/lpr/2011/04/05/politics-and-the-federal-appointments-process/>.

*Tabloid Constitutionalism: How a Bill Doesn’t Become a Law*, 96 GEO. L.J. 1971 (2008).

*Keeping Tillman Adjournments in Their Place: A Rejoinder to Seth Barrett Tillman*, 101 NW. U. L. REV. COLLOQUY 108 (2007), <http://www.law.northwestern.edu/lawreview/colloquy/2007/6/>.

*Keeping Recess Appointments in Their Place*, 101 NW. U. L. REV. COLLOQUY 88 (2007), <http://www.law.northwestern.edu/lawreview/colloquy/2007/3/>.

*Crossing Eight Mile: Juries of the Vicinage and County-Line Criminal Buffer Statutes*, 80 WASH. L. REV. 271 (2005).

*The Perfect Crime*, 93 GEO. L.J. 675 (2005), reprinted in THE GREEN BAG ALMANAC AND READER 2006 in the category of “Exemplary Legal Writing 2005.”

*Three Levels of Stare Decisis: Distinguishing Common-Law, Constitutional, and Statutory Cases*, 8 TEX. REV. L. & POL. 277 (2004) (transcript of presentation).

*The Exclusion of Felons from Jury Service*, 53 AM. U. L. REV. 65 (2003).

“American Perspective,” in *MSU–DCL Tri-Panel on the Election Process: A Discussion of the 2000 Elections in The United States, Canada, and Mexico*, 10 MSU–DCL J. INT’L L. 109 (2001) (transcription of presentation).

*The Constitutional Case for the Impeachability of Former Federal Officials: An Analysis of the Law, History, and Practice of Late Impeachment*, 6 TEX. REV. L. & POL. 13 (2001).

*Death, Ethics, and the State*, 23 HARV. J.L. & PUB. POL'Y 487 (2000).

*The People's Forest and Levy's Trees: Popular Sovereignty and the Origins of the Bill of Rights*, 17 CONST. COMMENTARY 119 (2000) (book review).

*Wade H. McCree, Jr., and the Office of the Solicitor General, 1977–1981*, 1998 DET. C.L. MICH. ST. U. L. REV. 703.

*The Presidential Privilege Against Prosecution*, 2 NEXUS 11 (with Akhil Reed Amar) (1997).

Note, *Pardon Me?: The Constitutional Case Against Presidential Self-Pardons*, 106 YALE L.J. 779 (1996).

### **Other work**

Brief of Scholars of Constitutional Law as *Amici Curiae* in Support of Respondent, *Trump v. United States*, \_\_\_ U.S. \_\_\_ (No. 23-939) (Professors Bowman, Gerhardt, Kalt, Shane, Tribe, and Whittington) (represented by Constitutional Accountability Center).

Brief for Professor Drew Kershen and Professor Brian C. Kalt as *Amici Curiae* in Support of Petitioner, *Smith v. United States*, \_\_\_ U.S. \_\_\_ (No. 21-1576) (represented by Arnold & Porter).

*Book Review of Graham G. Dodds, Mass Pardons in America: Rebellion, Presidential Amnesty, and Reconciliation*, 49 CONGRESS AND THE PRESIDENCY 391 (2022).

*Impeachment vs. Censure: Constitutional Law, Politics, and the Art of the Possible*, THE CONSTITUTIONALIST, Jan. 19, 2021, <https://theconstitutionalist.org/2021/01/19/impeachment-vs-censure-constitutional-law-politics-and-the-art-of-the-possible/>.

*The Limits of the 25th Amendment*, NAT'L AFFAIRS, Fall 2018, at 81 (describing how the structure of Section 4 of the 25th Amendment limits its applicability).

*The Twenty-Fifth Amendment*, THE INTERACTIVE CONSTITUTION, <https://constitutioncenter.org/interactive-constitution/amendments/amendment-xxv> (with David Pozen).

*The Unusual, Imperfect, Excellent Twenty-Fifth Amendment*, THE INTERACTIVE CONSTITUTION, <https://constitutioncenter.org/interactive-constitution/amendments/amendment-xxv/the-unusual-imperfect-excellent-twenty-fifth-amendment-by-brian-kalt/interp/42>.

INTERACTIVE TORTS (2006) (multimedia Torts study guide, distributed by Aspen).

Blogging at Volokh.com (guest, April 2016, January 2012); Concurringopinions.com (guest, April 2011, December 2008–January 2009); and Fullcomment.com.

## Unpublished conference papers

“And Stay Out! . . . The Constitutional Case for the Impeachability of Former Federal Officials,” presented at the 2001 meeting of the Central States Law School Association, Michigan State University College of Law, Oct. 6, 2001.

“The Endless Recount: Some Thoughts on Optimal Recount Strategy and Al Gore’s Plan in the 2000 Florida Presidential Race,” presented at the 2001 Annual Meeting of the Public Choice Society & Economic Science Association, San Antonio, Texas, Mar. 10, 2001.

## Selected op-eds and similar pieces

*We Live in an Age of Futile Impeachments*, TAKE CARE BLOG (Nov. 21, 2022), <https://www.lawfareblog.com/we-live-age-futile-impeachments> (discussing the House of Representatives’ increasing willingness to impeach presidents they know they cannot convict).

*The Trump Impeachment as Precedent for Future Late Impeachments*, TAKE CARE BLOG (Feb. 23, 2021), <https://www.lawfareblog.com/trump-impeachment-precedent-future-late-impeachments> (forecasting the likely precedential impact of the second Trump impeachment).

*Trump Claims My Research Supports His Case Against Impeachment: He’s Wrong*, SLATE (online, Feb. 9, 2021), <https://slate.com/news-and-politics/2021/02/trump-late-impeachment-brief-research-wrong.html> (noting mis-citation of my work by Donald Trump’s impeachment lawyers).

*Senators Face Separate Questions of ‘Can’ and ‘Should’ in Trump’s Trial*, THE HILL (online, Feb. 9, 2021), <https://thehill.com/opinion/white-house/537950-senators-face-separate-questions-of-can-and-should-in-trumps-trial> (encouraging senators unwilling to vote to convict an ex-president to nevertheless vote in favor of the Senate’s jurisdiction).

*The Constitutional Case for Allowing Late Impeachment Trials*, THE HILL (online, Jan. 29, 2021), <https://thehill.com/opinion/judiciary/536487-the-constitutional-case-for-allowing-late-impeachment-trials> (explaining why the president’s impeachment trial can occur after he has left office).

*Congress Can Impeach Trump Now and Convict Him When He’s Gone*, WASH. POST (online, Jan. 11, 2021), <https://www.washingtonpost.com/outlook/2021/01/11/trump-impeachment-senate-trial> (explaining that Senate impeachment trials can take place after the target has left office) (with Frank Bowman).

*The Entire Point of the 25th Amendment*, THE ATLANTIC (online, Jan. 8, 2021), <https://www.theatlantic.com/ideas/archive/2021/01/25th-amendment-section-four/617603> (explaining that the vice president remains in charge during a contested 25th Amendment case).

*There's No Requirement To Tell the Public If the 25th Amendment Is Invoked*, WASH. POST (online, Jan. 7, 2021), <https://www.washingtonpost.com/outlook/2021/01/07/25th-amendment-trump-mob-pence> (discussing the possibility of secret invocations of Section 4 of the 25th Amendment).

*The 25th Amendment Should Not Be Invoked Lightly*, THE HILL (online, Jan. 7, 2021), <https://thehill.com/opinion/white-house/533117-the-25th-amendment-should-not-be-invoked-lightly> (explaining the limits of Section 4 of the 25th Amendment in the context of President Trump's conduct during the January 6 insurrection).

*The Rules for Displacing an Ailing Presidential Candidate*, TAKE CARE BLOG (Oct. 4, 2020), <https://www.lawfareblog.com/rules-displacing-ailing-presidential-candidate> (explaining the rules for replacing presidential candidates).

*What Happens If a Presidential Candidate Becomes Incapacitated or Dies*, THE ATLANTIC (online, Oct. 2, 2020), <https://www.theatlantic.com/ideas/archive/2020/10/rules-exist-what-could-come-next-they-wont-prevent-total-chaos/616586> (explaining the rules for replacing dead presidential candidates and presidents-elect).

*The Law Is Clear About Handling Presidential Illness — But It Can Get Murky Fast*, WASH. POST (online, Oct. 2, 2020), <https://www.washingtonpost.com/outlook/2020/10/02/trump-covid-25th-amendment> (explaining the operation of the 25th Amendment in the context of President Trump's COVID-19 diagnosis).

*The Obscure Constitutional Loophole That 2020 Is Blowing Wide Open*, FOREIGN POLICY (online, August 26, 2020), <https://foreignpolicy.com/2020/08/25/the-obscure-constitutional-loophole-that-2020-is-blowing-wide-open> (identifying problems with, and suggesting improvements for, the presidential line of succession as it would operate if a presidential election were delayed).

*The Very Real Problem of Both Trump and Pence Getting COVID-19 at the Same Time*, THE ATLANTIC (online, May 14, 2020), <https://www.theatlantic.com/ideas/archive/2020/05/what-if-both-trump-and-pence-get-covid-19/611632> (noting constitutional gaps for transferring presidential power past a disabled vice president).

*How TV Taught America Bad Constitutional Law*, THE ATLANTIC (online, Dec. 24, 2019), <https://www.theatlantic.com/ideas/archive/2019/12/25th-amendment-hollywood/602359> (criticizing and debunking Hollywood's portrayal of Section 4 of the 25th Amendment).

*At Issue: Does a U.S. President Have the Authority to Pardon Himself? (No)*, 28 CQ RESEARCHER 985, Nov. 16, 2018 (arguing that judges should not declare a self-pardon valid).

*What the 25th Amendment Is Really For*, LAWFARE BLOG (Oct. 2, 2019), <https://www.lawfareblog.com/what-25th-amendment-really> (noting the built-in limits of 25th Amendment Section 4).

*Five Myths About Presidential Pardons*, WASH. POST, June 9, 2018 (dispelling common errors that appear in discussions of the pardon power).

*Sorry: A Trump Self-Pardon Would Not Necessarily Be an Admission of Guilt*, N.Y. DAILY NEWS (online June 5, 2018), <http://www.nydailynews.com/opinion/ny-oped-trump-self-pardon-not-admission-20180605-story.html> (noting that pardons can be used to exonerate).

*If Roy Moore Wins, the Senate Is Stuck With Him*, WALL STREET J., Nov. 14, 2017 (op-ed) (discussing options for preventing Roy Moore from serving in the Senate).

*The Case Against Using the 25th Amendment to Get Rid of Trump*, N.Y. MAGAZINE (online, Oct. 14, 2017), <http://nymag.com/daily/intelligencer/2017/10/the-case-against-using-25th-amendment-to-get-rid-of-trump.html> (discouraging the use of 25th Amendment Section 4 against President Trump).

*Pardons Aren't Only for the Guilty*, WALL STREET J., July 26, 2017 (op-ed) (noting that presidents can use pardons to exonerate, not just forgive).

*Can the President Pardon Himself? Well, He Can Try*, TAKE CARE BLOG (July 21, 2017), <https://takecareblog.com/blog/can-the-president-pardon-himself-well-he-can-try> (discussing presidential self-pardons).

*If You Want to Prosecute a President, Impeach Him First*, N.Y. MAGAZINE (online, May 21, 2017), <http://nymag.com/daily/intelligencer/2017/05/for-those-who-want-trump-gone-dont-prosecute-impeach.html> (discussing the constitutional law of prosecuting presidents).

*Can Trump Pardon Himself?*, FOREIGN POLICY (online, May 19, 2017), <http://foreignpolicy.com/2017/05/19/what-would-happen-if-trump-pardoned-himself-mueller-russia-investigation/> (discussing the law and politics of self-pardons).

*The 25th Amendment? Forget It!*, WALL STREET J., May 19, 2017 (op-ed) (recommending against the use of Section 4 of the 25th Amendment against President Trump instead of impeachment).

*The Emoluments Clause for Dummies*, WALL STREET J., Jan. 25, 2017 (op-ed) (defending the expression of politicized, non-scholarly opinions about the Emoluments Clause).

*Should President Obama Pardon Hillary Clinton?: Pardoning Her Would Reinforce Bad Precedents That Others Would Follow*, N.Y. TIMES: ROOM FOR DEBATE (online, Nov. 16, 2016), <http://www.nytimes.com/roomfordebate/2016/11/15/should-president-obama-pardon-hillary-clinton> (op-ed debate) (arguing against a pardon for Hillary Clinton by President Obama).

*A Better Line to the Oval Office*, L.A. TIMES, Jan. 12, 2015 (op-ed) (advocating for reform of the presidential line-of-succession statute).

*“Now He Belongs to the Ages:” Why Lincoln Was Made by His Martyrdom*, NAT’L POST (Toronto), Oct. 24, 2012 (op-ed) (discussing the extent to which President Lincoln’s reputation rests on his assassination).

*Politicizing Court Bad for Nation*, DET. NEWS, Jan. 29, 2010 (op-ed) (criticizing political views of constitutional law that sell legal interpretation short).

*You Keep Your Health System and We’ll Keep Ours*, NAT’L POST (Toronto), Sep. 15, 2009 (op-ed) (discussing U.S. and Canadian attitudes toward other’s health-care systems).

*Still Smoking*, NAT’L POST (Toronto), Feb. 26, 2009 (op-ed) (discussing persistence of smoking during recession).

*Once Pardoned, Always Pardoned*, WASH. POST, Jan. 26, 2009 (op-ed) (arguing that President Bush’s purported revocation of Isaac Toussie’s pardon is invalid).

*The Liberal Temptations of President Obama*, NAT’L POST (Toronto), Nov. 5, 2008 (op-ed) (discussing possibility of President Obama governing from the left versus the center).

*Colour-Coded and Polarized*, NAT’L POST (Toronto), Nov. 1, 2008 (op-ed) (discussing reasons for the persistence of states’ party identification in U.S. presidential elections).

*It Could Happen Here, Too*, NAT’L POST (Toronto), Oct. 14, 2008 (op-ed) (discussing the potential for a controversially close election in Canada).

*Who’ll Get the Last Laugh?*, NAT’L POST (Toronto), Sep. 3, 2008 (op-ed) (discussing Democratic tactics against Sarah Palin).

*Get Over Yourself*, NAT’L POST (Toronto), July 5, 2007 (op-ed) (discussing Canadian nationalism on children’s television programming).

“Raising the Rankings”, RES IPSA LOQUITUR (student publication at Michigan State University College of Law), Apr. 2007 (discussing U.S. News rankings).

*Life Lessons from a President*, NAT’L POST (Toronto), Dec. 28, 2006 (op-ed) (discussing the early life of Gerald Ford).

*The Exclusion of Felons from Jury Service*, AMICUS, Spring 2005.

*A Betting Man’s Guide to Electoral Politics*, NAT’L POST (Toronto), Nov. 9, 2004 (op-ed) (discussing the predictive power of political futures markets).



*The Blogosphere Takes on CBS*, NAT'L POST (Toronto), Sept. 17, 2004 (op-ed) (discussing the value to traditional media added by input from millions of autonomous internet denizens).

*Jeopardy!'s Lance Armstrong*, NAT'L POST (Toronto), July 29, 2004 (op-ed) (praising Jeopardy! champion Ken Jennings).

*Scan Voting Best Option for Michigan*, DET. NEWS & FREE PRESS, July 25, 2004 (op-ed) (criticizing touch-screen voting as unnecessary in light of the success of correctable scan ballots).

*Postpone Presidential Vote?*, DET. FREE PRESS, July 15, 2004 (op-ed) (proposing a basic structure for a law rescheduling presidential elections disrupted by terrorist attacks); also ran as *Terror Attacks and Postponing the Election*, THE HILL (Washington, D.C.), July 15, 2004, at 18.

"Don't Consent!", RES IPSA LOQUITUR (student publication at Michigan State University College of Law), Nov. 2003 (discussing ideological diversity and student participation).

*Drop Misguided Jury Rule on Felons*, DET. NEWS & FREE PRESS, Oct. 26, 2003 (op-ed) (discussing the Michigan law that bars felons from jury service for life).

*Democracy Ensures Rights Increase over Time; Bush Policies Don't Threaten Constitution*, DET. NEWS & FREE PRESS, Sept. 14, 2003 (op-ed) (discussing civil liberties and the War on Terror).

*What Do U-M Court Rulings Mean?*, DET. NEWS, June 24, 2003 (op-ed blurb) (discussing Supreme Court opinions in the U-M affirmative action cases).

*Constitution Allows Americans to Reduce Liberties During Crises*, DET. NEWS, Sept. 11, 2002 (op-ed) (describing how a conventional understanding of constitutional rights mandates that their scope be reducible during crises).

*Would-be Pledge Ban Gives GOP an Opening*, NAT'L POST (Toronto), June 29, 2002 (op-ed) (discussing the effect of a judicial decision against allowing the mention of God in the Pledge of Allegiance, on the politics of judicial nominations).

*What Does U-M Admissions Ruling Mean?*, DET. NEWS, May 15, 2002 (op-ed blurb) (discussing the Sixth Circuit's opinion in the U-M law school affirmative action case).

*President Was Reasonable with Decision on Arsenic*, DET. NEWS, Nov. 16, 2001 (op-ed) (discussing the Bush Administration's decision to accept limits on arsenic proposed by Clinton, and the mischaracterization of Bush's earlier delay in doing so).

*Oh, What a Fragmented Web We Weave*, NAT'L POST (Toronto), June 28, 2001 (op-ed) (discussing political polarization on the World Wide Web).

*1st Down For Bush—That’s What Counts*, L.A. TIMES, Apr. 6, 2001 (op-ed) (discussing the need for finality despite statistical uncertainty in the presidential electoral system); also ran as *When the Chains Came Out, Bush Had the First Down*, NAT’L POST (Toronto), Apr. 5, 2001.

*“...And Stay Out!”: The Constitutional Case for Post-Presidential Impeachment*, JURIST, posted Mar. 1, 2001 (op-ed) (arguing that the Constitution permits post-term impeachment).

*Al Gore’s Victory*, NAT’L POST (Toronto), Jan. 13, 2001 (op-ed) (discussing the history of popular-vote majorities in American presidential elections).

*Gore Lies*, NAT’L REV. ONLINE, posted Dec. 11, 2000 (op-ed) (discussing Al Gore’s legal strategy of avoiding a statewide recount in Florida).

*Law, Facts Were on Bush’s Side*, DET. NEWS, Dec. 6, 2000 (op-ed) (evaluating the legal basis of the trial court decision in *Gore v. Harris*).

*What Does Supreme Court’s Ruling Mean?*, DET. NEWS, Dec. 5, 2000 (op-ed blurb) (discussing the U.S. Supreme Court’s decision in *Bush v. Palm Beach County Canvassing Bd.*).

*Our New President: Richard Cheney*, DET. FREE PRESS, Nov. 7, 2000 (with Jorge E. Souss) (op-ed) (discussing the possibility of a tie in the Electoral College).

*‘Non-Threatening’ Land*, WINDSOR STAR, Sept. 10, 1999 (op-ed) (discussing some differences between American and Canadian cultures and gun laws).

*And Stay Out: Impeachment Should Remain on the Table for Clinton*, NAT’L POST (Toronto), June 9, 1999 (op-ed) (discussing the legal feasibility of post-presidential impeachment).

## SELECTED SPEECHES, PRESENTATIONS, AND CONFERENCES

### *To Legal Audiences*

Panelist, *Understanding Democracies: The U.S. and Estonian Civil Law Systems*, Supreme Court of Estonia, Tartu, Estonia, Mar. 6, 2025 (discussion with Villu Kõve, Chief Justice of the Supreme Court of Estonia)

Panelist, *Understanding Democracies: The U.S. and Estonian Constitutions*, Office of the Chancellor of Justice, Tallinn, Estonia, Mar. 4, 2025 (discussion with Hent Kalmo, legal adviser to the Estonian president)

Featured Speaker, *Constitutional Procedures as a Distinct Category*, Indiana University–Indianapolis McKinney School of Law Faculty Colloquium, February 6, 2025

Panelist, *Situation Critical: Executive Disability and the Dangers We Face*, Villanova University Department of Political Science, Sept. 25, 2024.

Debater, *Civil Disagreements: Presidential Self-Pardons*, American Bar Association et al., May 22, 2024 (debate against Jonathan Turley).

Panelist, *NVRA and UOCAVA*, Florida State University Election Law Center, First Annual Conference on Election Law: Voting, Voter Registration, and the Federal Laws Governing the Electoral Process, Apr. 26, 2024.

Panelist, *Fallout from the Biden Special Counsel Report: 25th Amendment*, Republican National Lawyers Association Webinar, Feb. 16, 2024.

Featured speaker, *The Perfect Crime*, University of Montana Blewett School of Law Federalist Society, Jan. 22, 2024.

Featured speaker, *The Perfect Crime*, Charleston School of Law Federalist Society, Oct. 30, 2023.

Speaker, “*Take Him to the Train Station*,” Property and Environment Research Center, Sage Lodge Colloquium, Sept. 28, 2022.

Panelist, *The 20th Amendment, the 1947 Act, and Pre-Inaugural Problems*, Fordham University School of Law, The Presidential Succession Act at 75: Praise It or Bury It?, Apr. 6, 2022.

Panelist, *The Second Trump Impeachment: What Is Impeachment For?*, University of Missouri School of Law, Symposium, The Two Impeachments of Donald Trump, Feb. 18, 2022.

Panelist, *The Law and Politics of the 2020 Election and Its Aftermath*, Florida International University College of Law, Apr. 13, 2021.

Featured speaker, *Impeachment, the Twenty-Fifth Amendment, and the Final Days of President Trump*, George Washington University Law School, Jan. 19, 2021.

Panelist, *Can the President Pardon Himself?*, University of Virginia Miller Center, Jan. 15, 2021.

Featured speaker, *The Many Misconceptions About Section 4 of the 25th Amendment*, Dean’s Lecture, Ohio Northern University Pettit College of Law, Oct. 19, 2020.

Featured speaker, *The Perfect Crime*, Creighton University Law School Federalist Society, Sep. 27, 2018.

Featured speaker, *The Ninth Amendment: How to Like Something Enough to Make It a Right*, University of Kentucky College of Law Federalist Society, Mar. 30, 2017.

Featured speaker, *Congress and the Ninth Amendment*, University at Buffalo Law School Federalist Society, Mar. 28, 2017.

Panelist, *The Perfect Crime*, Law Week, University of Wyoming College of Law Oct. 13, 2015.

Featured speaker, *Enumerate This!: The Ninth Amendment in Congress*, University of Pittsburgh School of Law Federalist Society, Sep. 19, 2013.

Featured speaker, *The Ninth Amendment in Congress: A Legitimate Way to Find Rights That Aren't in the Constitution*, University of Alabama School of Law Federalist Society, Mar. 6, 2013.

Speaker, *The Ninth Amendment in Congress*, University of Alabama School of Law, Mar. 4, 2013.

Featured speaker, *The Ninth Amendment: How to Like Something Enough to Make It a Right*, Pepperdine University School of Law and Pepperdine Law Review, Nov. 19, 2012.

Speaker, *The Ninth Amendment in Congress*, University of Maryland School of Law, Feb. 27, 2012.

Speaker, *American Legal Education*, Beijing Technology and Business University School of Law, Beijing, China, Dec. 21, 2011.

Featured speaker, *Congress and the Ninth Amendment*, Michigan State University College of Law Federalist Society, Nov. 2, 2011.

Panelist, *The Constitutional Debate: Structuralism*, Michigan State University College of Law Federalist Society, Sep. 14, 2011.

Panelist, *The Prospect for Legal Education: Incorporating American Legal Teaching Methods*, Soongsil University, Seoul, Korea, Symposium, The Prospect for Legal Education, May 28, 2011.

Featured speaker, *The Zone of Death*, University of Idaho School of Law Federalist Society, Moscow, ID, Jan. 28, 2011.

Featured speaker, *The Zone of Death*, Gonzaga University School of Law Federalist Society, Spokane, WA, Jan. 28, 2011.

Featured speaker, *Ex-Felons and Jury Duty*, Ohio State University Moritz College of Law Federalist Society, Columbus, OH, Nov. 4, 2010.

Featured speaker, *Testing the Limits of Impeachment*, Cooley Law School Federalist Society, Lansing, MI, Mar. 18, 2010.

Featured speaker, *The Law and Economics of Tort Law*, Law and Economics Society, Michigan State University College of Law, Sep. 20, 2007.

Chair, *The Supreme Court and the Idea of Constitutionalism: Comparative Perspectives*, LeFrak Forum, Symposium on Science, Reason, and Modern Democracy, Michigan State University, Jan. 27, 2007.

Panelist, *State Jurisprudence, the Role of Courts, and the Rule of Law: The Role of Precedent*, event co-sponsored by Ave Maria School of Law and Federalist Society, Sept. 16, 2003 (discussing stare decisis, prospectivity, and legislative acquiescence on panel with Justices Stephen Markman (Michigan) and Wallace Jefferson (Texas)), *transcribed at* 8 TEX. REV. L. & POL. 277 (2004).

Panelist, *Diversity of Legal Thought: Opposing Viewpoints Concerning Judicial Review*, Michigan State University College of Law, Feb. 5, 2003 (asking questions of judicial speakers).

Speaker, *Should Ex-Felons Be Allowed to Serve on Juries?*, Michigan State University College of Law Faculty Brown Bag, Oct. 23, 2002.

Panelist, *Second Annual Supreme Court Docket Review*, event co-sponsored by American Constitution Society and Federalist Society, University of Michigan Law School, Oct. 1, 2002 (previewing upcoming Supreme Court term).

Presenter, *The Constitutional Case for the Impeachability of Former Federal Officials*, 2001 meeting of the Central States Law School Association, Michigan State University College of Law, Oct. 6, 2001.

Lecturer, *Comparative Electoral Systems: The U.S. and Canada*, Michigan State University College of Law Canadian summer program, June 23, 2001 (comparing U.S. and Canadian electoral structures and procedures).

Panelist, *Elections Analysis: A Tri-National Comparison*, Michigan State University College of Law, Mar. 12, 2001 (discussing United States electoral system), *transcribed at* 10 MSU-DCL J. INT'L L. 109 (2001) (with Professors Gregory Tardi and Manuel Gonzalez Oropeza).

Presenter, panel on the 2000 Florida recount, 2001 Annual Meeting of the Public Choice Society & Economic Science Association, San Antonio, Texas, Mar. 10, 2001.

Discussant, panel on electoral systems, 2001 Annual Meeting of the Public Choice Society & Economic Science Association, San Antonio, Texas, Mar. 9, 2001.

Featured speaker, *Al Gore Was Robbed . . . By His Lawyers*, Michigan State University College of Law Federalist Society program, Feb. 1, 2001 (discussing 2000 presidential election and Al Gore's strategic errors).

Featured speaker and program leader, *Discuss the Legal Issues Surrounding the Election*, Michigan State University College of Law, Nov. 22, 2000.

### ***To Community***

Featured speaker, *Changing the Presidency: The 20th, 22nd, and 25th Amendments*, U.S. Capitol Historical Society, Aug. 8, 2024.

Featured speaker, *Constitutional Issues Regarding Impeachment 2.0*, Federalist Society Michigan Lawyers Chapter, Feb. 4, 2021.

Panelist, *Post-Election Talk*, Michigan State University College of Law Alumni Association, Nov. 18, 2020.

Featured speaker, *The Law, Politics, and Limits of Presidential Removal*, Democratic Club of Carolina Preserve, Cary, NC, July 17, 2019.

Featured debater, *Both Sides Now: Can the President Pardon Himself?*, Rosenfield Center, Grinnell College, Grinnell, IA, Sept. 17, 2017.

Featured speaker, *The Perfect Crime*, NEXT, Birmingham, MI, Oct. 20, 2016.

Featured speaker, *The Perfect Crime*, Adult Learning Institute, Oakland Community College, Farmington, MI, May 5, 2015.

Featured speaker, *The Ninth Amendment in Congress*, Federalist Society Grand Rapids Lawyers' Chapter, Grand Rapids, MI, Feb. 6, 2014.

Invited witness, Hearing before the Michigan House Committee on Financial Liability Reform, Lansing, MI, January 30, 2014 (testifying regarding the convention method of proposing constitutional amendments, in the context of a proposed federal balanced budget amendment).

Featured speaker, *Unenumerated Rights in Congress*, Western Michigan University Center for the Study of Ethics in Society, Kalamazoo, MI, January 20, 2012.

Keynote speaker, *Lawyers and the Sleeping Bear Dunes National Lakeshore*, Historical Society for the United States District Court for the Western District of Michigan, Grand Rapids, MI, November 13, 2007.

Featured speaker, *The Perplexing History of Presidential Pardons*, University Club Colloquy, Michigan State University, Aug. 21, 2007.

Debater, *Michigan Civil Rights Initiative*, Grand Rapids Community College, June 20, 2006.

Presenter, *How to Commit the Perfect Crime*, Little Gray Book Lectures, New York, NY, June 16, 2005.

Featured speaker, *Leelanau County in the Sixties Sandstorm*, Leelanau County (Michigan) Historical Society, Aug. 20, 2001 (discussing local history of the struggle over establishment of the Sleeping Bear Dunes National Lakeshore).

Featured speaker, *People and the Government in the Sixties Sandstorm*, Empire (Michigan) Town Hall, Aug. 17, 2001 (discussing struggle over establishment of the Sleeping Bear Dunes National Lakeshore as a case study of shifting government-citizen relations in the 1960s).

Featured speaker, Grand Ledge (Michigan) Rotary Club, July 25, 2001 (discussing history of Sleeping Bear Dunes National Lakeshore).

Featured speaker, Grand Ledge (Michigan) Rotary Club, Nov. 15, 2000 (discussing 2000 presidential election).

### COMMITTEE SERVICE

#### *Current committee and other positions:*

University Committee on Faculty Affairs (Fall 2013, 2025–27)  
Academic Standards Committee (2002–05, Spr. 2007–08, 2010–11, 2014–16, 2021–23, 2025–26); Chair (Spr. 2007, 2014–16, 2022–23, 2025–26)  
Tenure Advisory Committee for Jacob Bronsther (2021–); Chair (2022–23)  
Tenure Advisory Committee for Yuval Abrams (2024–)

#### *Previous positions:*

Committee on Faculty Appointments (Spr. 2009–10, 2023–24); Chair (2009–10); Co-Chair (2023–25)  
Reappointment, Promotion, and Tenure Committee (2022–23)  
  
Faculty Advisory Council (2007–09, 2016–20); Chair (Fall 2019)  
Promotion Advisory Committee for Tiffani Darden (2018–19)  
Promotion Advisory Committee for Jeremy Francis; Chair (2017–18)  
Promotion Advisory Committee for Veronica Thronson (2015–16)  
Tenure Advisory Committee for Jennifer Carter-Johnson (2010–16)  
Ad Hoc Committee on Student Evaluations, Chair (Spr. 2011–2014)  
Curriculum Committee (Fall 2013)  
Self-Study Committee, Chair (2012–2013)  
Admissions Committee, Chair (2011–2012)  
University Committee on Honors Programs (2007–2012)  
Tenure Advisory Committee for Lumen Mulligan (2007–10); Chair (2008–09)  
Tenure and Promotion Advisory Committee for Renee Knake (2012–2013)  
Committee on Committees (2005–07)

Student-Faculty Liaison Committee; Chair (2005–06)  
 Finance Committee (2005–06)  
 Judicial Clerkship advisory committee; Chair (2002–05)  
 Bylaws Committee (2004–05)  
 Law Review Advisory Committee (2000–03); Chair (2001–03)  
 Health Care Task Force member (Spr. 2003)  
 Faculty Programs Committee (2001–02); Chair (Spr. 2002)  
 Faculty Secretary (August–September 2000, Spr. 2002)  
 University Graduate Council (2000–02)  
 Library Director Search Committee (Fall 2000)

## LEGAL EXPERIENCE

<b>Associate</b>	August 1998–June 2000
<b>Summer associate</b>	Summers 1996, 1997
Sidley & Austin	<i>Washington, D.C.</i>
<i>Practice areas:</i> Supreme Court litigation, environmental law, employment discrimination.	
Briefed and argued <i>Evono v. Reno</i> , 216 F.3d 1105 (D.C. Cir. 2000).	
 <b>Law clerk</b>	 August 1997–August 1998
Judge Danny J. Boggs	<i>Louisville, Kentucky</i>
U.S. Court of Appeals for the Sixth Circuit	
 <b>Summer law clerk</b>	 <i>Pontiac, Michigan</i>
Judge Alice L. Gilbert	Summer 1995
Michigan Sixth Circuit Court (Oakland County)	

## OTHER EXPERIENCE

<b>Commissioner</b>	<i>East Lansing, Michigan</i>
East Lansing Cable and Telecommunications Commission	Fall 2001–Fall 2003

## EDUCATION (INCLUDING HONORS AND AWARDS)

<b>Yale Law School</b>	<i>New Haven, Connecticut</i>
<i>J.D.</i> , June 1997	
<i>Grades:</i> 13 Honors, 5 Passes	
<i>Selected activities:</i>	
<i>Yale Law Journal:</i> editor (1995–96); notes development (1996–97)	
<i>Yale Law &amp; Policy Review:</i> editor (1994–95)	
Research assistant–Professor Akhil Reed Amar (Fall 1995)	
Research assistant–Professor Bruce A. Ackerman (Summer 1995)	
Street Law: teacher (1994–95); director (1995–96)	
Legal Assistance clinic (Fall 1995)	



**University of Michigan**

*Ann Arbor, Michigan*

*A.B. with Highest Distinction, April 1994*

*Grades: 3.99 GPA; ranked 4th in class of 4,012*

*Honors and Awards:*

Graduated with High Honors in History

Bentley Scholar (four years' tuition and all expenses; one of two awarded annually)

Eight-term Angell Scholar

Phi Beta Kappa

Phi Alpha Theta history society

Branstrom Prize (1991)

*Selected activities:*

*Michigan Daily*: weekly columnist (Spring 1994)

University Activities Committee: board member (1991–93)

Smithsonian Institution, National Museum of American History: intern (Summer 1992)

## **MEMBERSHIPS AND BAR ADMISSIONS**

State Bar of Michigan

United States Courts of Appeals: District of Columbia Circuit; Sixth Circuit

Life Member, Sixth Circuit Judicial Conference

## **AWARDS AND HONORS**

Harold Norris Faculty Scholar, 2010–present

Donald Campbell Outstanding Teaching Award, 2023

Selected as Faculty Speaker, 2011 Commencement

MSU Law Faculty Advisor of the Year, 2011 (Federalist Society)

Crystal Apple Award, MSU College of Education, 2011

THE GREEN BAG ALMANAC AND READER 2006, honored in the category of “Exemplary Legal Writing 2005”