

EDUCATION:Duke University School of Law

J.D., 1991 (with high honors); G.P.A.: 3.79/Rank: 5 of 187

LL.M., 1991 (International & Comparative Law)

Awards: Order of the Coif
James A. Bell Scholar
Best Judge Award, 1991 Dean's Cup Moot Court Competition

Activities: Articles Editor, *Duke Law Journal*
Special Editor, 1991 Administrative Law Issue
Moot Court Board

Emory University

B.A., 1987 (Political Science/Philosophy); G.P.A.: 3.75

M.A., 1987 (Philosophy)

Awards: Phi Beta Kappa
Omicron Delta Kappa
Pi Sigma Alpha

Activities: Emory Scholar
Student Fellow, Stipe Society of Scholars
Intern, Carter Presidential Center
Chief Justice, Emory SGA Judiciary

PUBLICATIONS:Books:

FREE SPEECH AS CIVIC STRUCTURE: A COMPARATIVE ANALYSIS OF HOW COURTS AND CULTURE – NOT CONSTITUTIONAL TEXT – SHAPE THE FREEDOM OF SPEECH (forthcoming Oxford University Press 2023).

THE DISAPPEARING FIRST AMENDMENT (Cambridge University Press 2019).

PRIVACY REVISITED: A GLOBAL PERSPECTIVE ON THE RIGHT TO BE LEFT ALONE (Oxford University Press 2016 & 2018).

RECLAIMING THE PETITION CLAUSE: SEDITIOUS LIBEL, “OFFENSIVE” PROTEST, AND THE RIGHT TO PETITION THE GOVERNMENT FOR A REDRESS OF GRIEVANCES (Yale University Press 2012).

THE FIRST AMENDMENT IN CROSS-CULTURAL PERSPECTIVE: A COMPARATIVE LEGAL ANALYSIS OF THE FREEDOM OF SPEECH (New York University Press 2006 & 2009).

THE FIRST AMENDMENT: CASES AND THEORY (Aspen Publishers 2008, 2d ed. 2013, 3rd ed. 2017 & 4th ed. forthcoming 2022) (co-authored with Dean Lyrissa Barnett Lidsky, Professor Caroline Mala Corbin, and Timothy Zick).

ADMINISTRATIVE LAW (Aspen Publishers 2003, 2d ed. 2008, 3rd ed. 2012, 4th ed. 2017, & 5th ed. 2021) (co- authored with Judge John Rogers, Professor Michael Healy, and Professor Kent Barnett).

Book Chapters and Contributions:

Judge Frank M. Johnson, Jr. and His Extended Law Clerk Family: Reminiscences on Working For a Living Profile in Courage, in *OF COURTIERS AND PRINCES*, at pp. 179-210 (Todd C. Peppers ed., University of Virginia Press 2020).

Privacy, Remedies & Comity: The Emerging Problem of Global Injunctions and Some Preliminary Thoughts on How Best to Address It in *COMPARATIVE PRIVACY AND DEFAMATION*, at pp. 307-328 (András Koltay & Paul Wragg eds., Edward Elgar 2020).

Big Data and the Electoral Process in the United States: Constitutional Constraint and Limited Data Privacy Regulations in *BIG DATA, POLITICAL CAMPAIGNING AND THE LAW: DEMOCRACY AND PRIVACY IN THE AGE OF MICROTARGETING*, at pp. 186-213 (Norman Witzleb, Moira Patterson & Janice Richardson eds., Routledge 2020).

“The Devil Is in the Details”: *On the Central Importance of Distinguishing the Truly Public from the Truly Private in Reconciling Equality and Religious Liberty* in *RELIGIOUS FREEDOM, LGBT RIGHTS, AND THE PROSPECTS FOR COMMON GROUND*, at pp. 82-101 (William N. Eskridge & Robin Fretwell Wilson eds., Cambridge University Press 2018).

Functionalism in *THE SAGE ENCYCLOPEDIA OF POLITICAL BEHAVIOR*, at pp. 314-317 (Fathali M. Moghaddam ed., SAGE Publications 2017).

Responding to a World Without Privacy: On the Potential Merits of a Comparative Law Perspective, in *A WORLD WITHOUT PRIVACY: WHAT LAW CAN AND SHOULD DO?*, at pp. 234-270 (Austin D. Sarat, ed., Cambridge University Press 2015).

Bringing Meiklejohn to Privacy: On the Essential Complementarity of Privacy and Speech, in *INFORMATION AND LAW IN TRANSITION: FREEDOM OF SPEECH, THE INTERNET, PRIVACY AND DEMOCRACY IN THE 21ST CENTURY*, at pp. 244-263 (Anna-Sara Lind, Inger Österdahl & Jane Reichel, eds., Liber 2015).

“The Best Time of Your Life”: *Reflections on the Myth of Moral Progress and the Continuing Evolution of Civil Rights Law*, in *CIVIL RIGHTS IN AMERICAN LAW, HISTORY, AND POLITICS*, at pp. 226-247 (Austin D. Sarat, ed., Cambridge University Press 2014).

Questioning the Value of Dissent and Free Speech More Generally: American Skepticism of Government and the Protection of Low-Value Speech in *DISSENTING VOICES IN AMERICAN SOCIETY: THE ROLE OF LAWYERS, JUDGES, AND CITIZENS*, at pp. 209-229 (Austin D. Sarat, ed., Cambridge University Press 2012).

The Separation of Legislative and Executive Powers, in *HANDBOOK OF RESEARCH ON COMPARATIVE CONSTITUTIONAL LAW*, at pp. 234-253 (Thomas Ginsburg & Rosalind Dixon, eds., Edward Elgar 2011).

Resignations, the (Quasi) Plural Executive, and a Critical Assessment of the Unitary Executive Theory, in *SPEECH AND SILENCE IN AMERICAN LAW*, at pp. 83-105 (Austin D. Sarat, ed., Cambridge University Press 2010).

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- On the Danger of Wearing Two Hats: Mistretta and Morrison Revisited*, 38 WM. & MARY L. REV. 417 (1997).
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- Into the Woods: Broadcasters, Bureaucrats, and Children's Television Programming*, 45 DUKE L.J. 1193 (1996).
- Back to the Briarpatch: An Argument in Favor of Constitutional Meta-Analysis in State Action Determinations*, 94 MICH. L. REV. 302 (1995).
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- Brind & Rust v. Sullivan: Free Speech and the Limits of a Written Constitution*, 22 FLA. ST. U. L. REV. 1 (1994).
- Autonomy, Community, and Traditions of Liberty: The Contrast of British and American Privacy Law*, 1990 DUKE L.J. 1398.
- Published Lectures and Shorter Essays:
- The First Amendment as a Procrustean Bed?: On How and Why Bright Line First Amendment Tests Can Stifle the Scope and Vibrancy of Democratic Deliberation*, U. CHI. LEGAL F. 145 (2020).
- The Clear and Present Dangers of the Clear and Present Danger Test: Schenck and Abrams Revisited*, 72 SMU L. REV. 415 (2019).
- Agora, Dignity, and Discrimination: On the Constitutional Shortcomings of "Conscience" Laws that Promote Inequality in the Public Marketplace*, 20 LEWIS & CLARK L. REV. 1221 (2017).
- The Heisenberg Uncertainty Principle and the Challenge of Resisting – or Engaging – Transnational Constitutional Law*, 66 ALA. L. REV. 105 (2014) (review essay).
- A Prolegomenon to Any Future Restatement of Privacy*, 79 BROOK. L. REV. 505 (2014) (symposium).
- Transparency, Accountability, and Competency: An Essay on the Obama Administration, Google Government, and the Difficulties of Securing Effective Governance*, 65 U. MIAMI L. REV. 449 (2011) (symposium).
- John S. Stone Chair Inaugural Lecture: A Man for All Seasons: Judge Frank M. Johnson, Jr. and the Quest to Secure the Rule of Law*, 61 ALA. L. REV. 165 (2009).
- The Perils and the Promise of Comparative Constitutional Law: The New Globalism and the Role of the United States in Shaping Human Rights*, 61 ARK. L. REV. 603 (2009) (Hartman-Hotz Lecture).

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Views From the Front: A Dialog About the Corporate Law Firm, 1996 UTAH L. REV. 1293 (co-authored with Professor S. Elizabeth Wilborn).

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Guest Editor, Volume 18, Issue Nos. 3 & 4, LAW & POLICY (1996).

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The Court's Free Speech Hypocrisy, WASH. POST, Dec. 12, 2019, at A25.

For Whistleblowers, Protections Fall Short, L.A. TIMES, Oct. 3, 2019, at A11.

Bigger Is Not Better at Law School, WASH. POST, June 12, 2019, at A23.

By Censoring Arthur's Same-Sex Wedding, Alabama Public Television Betrayed Mr. Rogers' Legacy, SLATE, May 23, 2019, available at <https://slate.com/human-interest/2019/05/arthur-gay-wedding-alabama-mister-rogers.html>.

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Seattle Could Devise a Diversity Plan that Passes Constitutional Muster, SEATTLE TIMES, July 26, 2007, at B7.

PROFESSIONAL CERTIFICATIONS AND ACTIVITIES:

President-Elect, Southeastern Association of Law Schools, 2021-2022
 Member, ABA Administrative Law Section Council, 2015-2018
 Chair, ABA Administrative Law Section Book/Article Annual Scholarship Award Committee, 2017-present; Vice-Chair, 2007-2017
 Vice-Chair, ABA Administrative Law Section Publications Committee, 1996-2000
 Member, American Law Institute, 2013-present
 Director, American Society of Comparative Law, 1996-2008
 Member, Finance Committee, American Society of Comparative Law, 2009-present
 Member, Law Journal Committee, Federal Communications Bar Association
 Deputy Executive Director, Southeastern Association of Law Schools, 2007-2009
 Member, Board of Directors, Southeastern Association of Law Schools, 2007-2009
 Member, Board of Editors, *American Journal of Comparative Law*, 2008-present
 Member, Annual Meeting Planning Committee, AALS 2016 Annual Meeting, 2015-2016
 Member, Board of Editors, *Journal of Legal Education*, 2012-2015
 Delegate, AALS House of Representatives, 1996-1998
 Member, Indiana State Bar Association Task Force on Legal Education, 1997-2000
 Member, Federal Communications Bar Association
 Member, Bar of the District of Columbia
 Member, State Bar of Georgia

ACADEMIC REFERENCES:

Professor Dan Cole, Indiana University School of Law–Bloomington

Professor Julie A. Hill, University of Alabama School of Law

Professor Vicki Jackson, Harvard Law School

Professor David Law, University of Virginia School of Law

Professor Sanford V. Levinson, University of Texas School of Law

Dean Lyrisa Barnett Lidsky, University of Missouri-Columbia School of Law

Professor Blake Morant, George Washington University National Law Center

Professor Robin Fretwell Wilson, University of Illinois College of Law