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Employment:

- 1983-present: University of Southern California Law School. Sydney M. Irmas Professor of Public Interest of Law, Legal Ethics, and Political Science, 1997-present. Director, Center for Communications Law and Policy, 2000-present. Legion Lex Professor of Law, 1991-1997; Professor, 1987-1991; Associate Professor, 1984-1987. Visiting Associate Professor, 1983-1984.
- Awards: Outstanding Teacher, 1984; 1991
- Courses: Administrative Law, Civil Procedure, Constitutional Law, Federal Courts, Professional Responsibility, Undergraduate Political Science Courses (including Political and Civil Rights and Liberties; Courts and Society)
- 1997, 2001 Visiting Professor, UCLA Law School
- Courses: Constitutional Law; Federal Courts
- 1980-1984: DePaul University College of Law, Chicago, IL. Associate Professor, 1983-1984 (on leave 1983-84). Assistant Professor, 1980-83.
- Awards: Outstanding Teacher, 1983
- Courses: Administrative Law, Constitutional Law, Federal Courts, Seminar on Law and the Mass Media
- 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:

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 Adocate 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

Named in October 2000 as one of the 10 most influential lawyers in California by the Daily Journal and California Law and Business. Named to the list of the 100 most influential lawyers in California in 1998, 1999, 2000 and 2001
1998 Judge John Brown Award for Contributions to Federal Judicial Education.

Distinguished Professor Award, American Civil Liberties Union of Southern California 1996

Publications:

Books:

Constitutional Law (Boston: Aspen Law & Business, forthcoming March 2001) (a casebook)

Constitutional Law: Principles and Policies (Boston: Aspen Law & Business 2d. ed 2002; 1st ed. 1997) (a one volume treatise)

Federal Jurisdiction (Boston: Aspen Law & Business, 3d. ed. 1999; Little, Brown & Co., 2d ed. 1994; 1st edition 1989) (a one volume treatise)

Interpreting the Constitution (New York: Praeger, 1987)

Chapters in books:

"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 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:

"The Rhetoric of Constitutional Law," forthcoming, Michigan Law Review (2002)

"Does Federalism Advance Liberty," forthcoming in Wayne State Law Review (2002)

"Restrictions on the Speech of Judicial Candidates Are Unconstitutional: A Reply to Professor O'Neil," forthcoming in Indiana Law Review (2002)

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

"Why the Rehnquist Court is Wrong About the Establishment Clause," 33 Loyola University of Chicago Law Journal 221 (2001)

"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 Okla. L. Rev. 59 (2001)

"An Independent Analysis of the Board of Inquiry Report on the Rampart Scandal," 34 Loyola 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 Calif. L. Rev. 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 Framers: The Los Angeles Charter Reform Experience," 3 Green Bag 2d 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)

"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)

"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 *University of California, 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)

"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 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)

"Is It the Siren's Call?: Judges and Free Speech While Cases are Pending," 28 *Loyola Law Review* 831 (1995)

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

"A Passionate Voice Retires," 26 *University of West Los Angeles Law Review* 1 (1995)

"Assessing Minimum Contacts: A Reply to Professors Cameron and Johnson," 28 University of California, 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)

"The Crowded Center," 80 A.B.A. Journal 78 (October 1994)

"Sticks and Stones: Was the Suspension of Stephen Yagman a Violation of His First Amendment Rights?," 17 Los Angeles Lawyer 24 (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 Law & 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 225 Journal (1992) (with Caminker)

"The Supreme Court and the Fourteenth Amendment: The Unfulfilled Promise," 25 Loyola Law Review 1143 (1992)

"October Tragedy," 65 Southern California Law Review 1497 (1992)

"Rationalizing Jurisdiction," 41 Emory Law Journal 3 (1992)

"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)

"Stunting the Constitution's Growth," 26 Trial 36 (1990)

"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)

"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 Comm/Ent: Hastings Journal of Communication and Entertainment Law 1 (1985)

"Controlling Inherent Presidential Power: Providing a Framework for Judicial Review," 56 Southern California L. Rev. 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)

"Government Statistics: The Case for Independent Regulation -- A Legislative Proposal," 59 Texas Law Review 1223 (1981) (with Zarefsky and Loewinsohn)

"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:

"A Grand Theory of Constitutional Law?," review of Jed Rubenfeld, Freedom and Time: A Theory of Constitutional Self-Government, forthcoming in Michigan Law Review (2002)

"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)

"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 Law Review 701 (1981)

Conference proceedings:

"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:

"Hahn Showed Guts in Shunning Chief Parks," Los Angeles Times, February 6, 2002

"Guidelines for Affirmative Action Programs After Proposition 209," 24 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

"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)

"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

"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)

"Appendi 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

"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 Calif. 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

"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)

"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," American Bar Association Journal (forthcoming 1999)

"Access Denied: Undocumented Aliens Cannot Raise Constitutional Challenges to Deportation," Los Angeles Daily Journal (April 20, 1999)

"Regulating the Initiative Process," forthcoming 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)

"On Being a Framer: The Los Angeles Charter Reform Commission," 2 Green Bag 131 (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)

"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)

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Community Service and Professional Activities:

Commissioner and Chair, Los Angeles Elected Charter Reform Commission. (Elected by voters April 8, 1997 for a two-year term to Commission to propose a new City Charter. 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

Fellow, Center for Excellence in Teaching, University of Southern California, 1997-2000; Senior Fellow, 2000-present

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, 1990-present (speaking at teacher training programs)

Lecturer, Constitutional Rights Foundation, 1992-present (speaking at meetings, including teacher training programs)

Chair, Civil Rights Section, American Trial Lawyers Association, 1998-1999 (Vice-chair, 1997-1998)

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

Commentator and consultant, CBS News, KCBS-TV, Cable News Network, Court TV, CNBC, KNX Radio, UPI Radio, and others, on the O.J. Simpson case and other legal events

Member, Editorial Advisory Board, California Lawyer Magazine, 1994-present

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

Member, Regional Council, American Jewish Congress, 1992-present; 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

Chair, Rules, Membership, and Elections Committee, Faculty Senate, University of Southern California, 1992-93; 1993-94

Co-chair, Faculty Rights and Responsibilities Committee, Faculty Senate, University of Southern California, 1991-92

Chair, Child Care Task Force, University of Southern California, 1986-87

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

Organizer and member, Sponsoring Committee, Law Professors for Clinton-Gore; Member, Sponsoring Committee, Southern California Lawyers for Clinton-Gore

Debate Manager, Mayoral Campaign of Harold Washington, Chicago, Illinois, 1982-83

Pro bono litigation, including co-counsel for cases in the United States Supreme Court and authored amicus briefs in cases such as Reno v. Condon; Miller v. French; Blessing v. Freestone). Briefed and argued cases in the United States Court of Appeals for the Ninth Circuit, the United States Court of Appeals for the Eighth Circuit, and the United States Court of Appeals for the District of Columbia Circuit; and the Florida Circuit Court (in the Palm Beach "butterfly ballot" case). Recent cases include Andrade v. Attorney General (2001) and Brown v. Mayle (2002) in which the Ninth Circuit declared unconstitutional applications of California's three strikes law, and Hason v. Medical Licensing Board (2002), in which the Ninth Circuit held that state governments may be sued for violating Title II of the Americans with Disabilities Act. Drafted amicus curiae briefs in several cases for the American Civil Liberties Union, Anti-Defamation League, the Feminist Majority Foundation, the NAACP, and the Mexican American Legal Defense and Education Fund.

Other volunteer legal work for the American Civil Liberties Union, NAACP, People for the American Way, Fund for the Feminist Majority, and the Better Government Association

Testimony, including testimony before the United States Senate, Judiciary Committee; United States Senate, Finance Committee; California Senate Judiciary Committee; California Senate Select Committee on the Entertainment Industry; California Assembly Committee on the Judiciary; Los Angeles City Council; Los Angeles County Board of Supervisors

Extensive public speaking and media appearances on various aspects of constitutional law