TODD E. PETTYS

University of Iowa College of Law
Boyd Law Building, at Melrose & Byington
Iowa City, Iowa 52242-1113
(319) 335-6814
todd-pettys@uiowa.edu
www.todd-pettys.com

EDUCATION

University of North Carolina School of Law: Juris Doctor with Highest Honors (May 1995).

- Class Rank: 1/232.
- Editor-in-Chief, *North Carolina Law Review*.
- Chancellor's Scholar (full-tuition merit scholarship).
- James E. and Carolyn B. Davis Honorary Society.
- Order of the Coif.

Seattle Pacific University: Bachelor of Arts (philosophy), summa cum laude (June 1988).

- University Scholar, 1984-1988.
- Faculty Award, 1987-1988.

CURRENT EMPLOYMENT

University of Iowa College of Law, Iowa City, Iowa.

- H. Blair and Joan V. White Chair in Civil Litigation (2009-present).
- Associate Dean for Faculty (January 2011-June 2015).
- Professor of Law (2004-2009).
- Associate Professor of Law (1999-2004).
- Bouma Fellow in Trial Law (2007-2009).
- Lauridsen Family Fellow (2005-2007).
- Courses taught: Constitutional Law I, Constitutional Law II, Comparative Constitutional Law (through Iowa Law's Arcachon Program), Evidence, Federal Courts, and a Supreme Court Seminar.
- Winner, President and Provost Teaching Award (2011) (the University of Iowa's highest campus-wide teaching honor).
- Winner, Collegiate Teaching Award (2017, 2001).

PUBLICATIONS

BOOK

THE IOWA STATE CONSTITUTION (Oxford University Press, 2018): The book is part of Oxford's series, "The Oxford Commentaries on the State Constitutions of the United States." The first part of the book sketches the Iowa Constitution's origins and evolution. The second part turns to the history and meaning of each of the constitution's individual provisions. A bibliographic essay then introduces readers to the many resources available to those studying the Iowa Constitution.

- To take account of subsequent judicial rulings and other relevant developments, I provide a free online supplement that appropriately updates the book's contents. The supplement may be found at https://www.todd-pettys.com/the-iowa-constitution.html.

- Favorably reviewed by Wake Forest University's Professor John Dinan at 77 ANNALS OF IOWA 303 (Summer 2018) (published by the State Historical Society of Iowa).

ARTICLES & ESSAYS

Judging Hypocrisy (forthcoming in Fall 2020 in the Emory Law Journal). Charges of hypocrisy are commonplace in American public life, including in assessments of the Justices' rulings. But what is hypocrisy, why does it draw our moral condemnation, and when are the Justices rightly accused of it? I first offer a conceptual framework for thinking about hypocrisy of all sorts. I argue that hypocrisy appears in three principal forms—Faking Hypocrisy, Concealing Hypocrisy, and Gerrymandering Hypocrisy—and I identify the anti-equality thread that runs through all of them. I then show how this three-part framework can deepen our thinking about the work of the Court. With respect to the Justices' pledge to be impartial, for example, I argue that there are circumstances in which the Justices can be guilty of hypocrisy only if they are schemers bent on duping the American public into believing they are unbiased. In other circumstances, however, the Justices can be guilty of hypocrisy even if they sincerely believe they are doing what the law requires.

The N.R.A.'s Strict-Scrutiny Amendments, 104 IOWA LAW REVIEW 1455 (2019) (27 pages). The National Rifle Association is urging states to declare in their constitutions that the right to keep and bear arms is fundamental and that any restraint on that right is invalid unless it meets the stringent demands of strict scrutiny. In this Essay, I make two arguments. First, contrary to the apparent aims of the N.R.A. and its legislative partners, the proposed strict-scrutiny amendments leave courts with significant latitude to define the scope of the fundamental constitutional right to which the strict-scrutiny standard attaches. Second, courts can reasonably conclude that the right protected by these amendments is narrow in scope, encompassing little or no more than what federal courts today strongly protect under the Second Amendment.

Partisanship, Society Identity, and American Government: Reality and Reflections, 22 LEWIS & CLARK L. REV. 301 (2018) (34 pages): In this symposium contribution, I consider the significance of the growing body of evidence which indicates that voters' decisions on Election Day have less to do with their autonomous public-policy preferences and more to do with the belief- and behavior-shaping power of their social identifications. I pay particular attention to the influence of political partisanship.

Free Expression, In-Group Bias, and the Court's Conservatives: A Critique of the

Epstein-Parker-Segal Study, 63 BUFFALO LAW REVIEW 1 (2015) (83 pages): In a widely publicized study, a prestigious team of political scientists concluded that there is strong evidence of ideological in-group bias among the Supreme Court's members in First Amendment free-expression cases, with the current four most conservative justices being the Roberts Court's worst offenders. I argue that the study's uniform indictment of the Court's current conservatives is manifestly flawed. More broadly, the study and its largely uncritical public reception offer important cautionary lessons not only for those who study in-group bias, but also for all who conduct or rely upon empirical analyses of the justices' ideological voting patterns.

Campaign Finance, Federalism, and the Case of the Long-Armed Donor, 81 UNIVERSITY OF CHICAGO LAW REVIEW DIALOGUE 77 (2014) (16 pages): In this essay, I examine retired justice John Paul Stevens's criticism of the Supreme Court's 2014 ruling in *McCutcheon v. Federal Election Commission*. I argue that Justice Stevens's critique conflicts with the understanding of American federalism that he championed while on that Court and is far more compatible with a conception of federalism that he explicitly rejected. I further argue that, under current Court precedent, those who wish to restrict donors' ability to make campaign expenditures and contributions in states and districts other than their own face an uphill First Amendment battle.

Remembering Randy Bezanson, 99 IOWA LAW REVIEW 1461 (2014) (6 pages): In this brief remembrance of the Iowa College of Law's Professor Randall Bezanson, I recall some of Professor Bezanson's accomplishments and core professional values, focusing particularly on some of his convictions about legal education and about the importance of using writing as a device to increase one's own and one's students' analytic capacities.

Retention Redux: Iowa 2012, 14 JOURNAL OF APPELLATE PRACTICE & PROCESS 47 (2013) (33 pages): In its 2009 ruling in *Varnum v. Brien*, the Iowa Supreme Court struck down Iowa's statutory ban on same-sex marriage. Iowans removed three of the *Varnum* justices from office in the 2010 retention elections, but they voted to retain a fourth member of the *Varnum* court in 2012. Commissioned by the Journal of Appellate Practice & Process, this paper seeks to explain the difference in the *Varnum* justices' political fortunes.

Unions, Corporations, and the First Amendment: A Response to Professors Fisk and Chemerinsky, 99 CORNELL LAW REVIEW ONLINE 23 (2013) (17 pages): In this response to Professor Fisk and Chemerinsky's critique of the Supreme Court's ruling in *Knox v. SEIU Local 1000*, I make two arguments. First, I challenge the premise of shareholder-employee equivalency that undergirds key portions of Fisk and Chemerinsky's analysis. Second, I contest the claim that *Knox* contributes to incoherence in the Court's First Amendment jurisprudence. Specifically, I challenge Fisk and Chemerinsky's argument that *Knox* is difficult to reconcile with the Court's leading precedents on the speech rights of government employees, and

I raise doubts about their reading of the Court's compelled-speech cases involving complaints that one's resources are being used to help facilitate others' speech.

The Analytic Classroom, 60 BUFFALO LAW REVIEW 1255 (2012) (67 pages): This article proposes a shift in law schools' approach to teaching doctrinal courses. The proposal flows in large part from three separate developments: (1) the rise of strong economic headwinds in the market for legal education; (2) the emergence of empirical evidence that law schools are falling short of their goal of equipping students with powerful analytic abilities that transcend the particular doctrinal frameworks law schools teach; and (3) the incipient revolution in higher education, with prestigious universities now aggressively pursuing the opportunity to provide the public with free or low-cost access to many of their courses through the Internet.

Judicial Retention Elections, the Rule of Law, and the Rhetorical Weaknesses of Consequentialism, 60 BUFFALO LAW REVIEW 69 (2012) (76 pages): The 2010 election season brought the nation an unprecedented number of organized campaigns aimed at denying retention to judges who had ruled in ways that some voters found objectionable. In this article, I push back against the common wisdom in legal circles by arguing that the leading rhetorical strategies of those who seek to defend judges against anti-retention campaigns are fundamentally misguided. I argue that ousting judges in response to their rulings is often perfectly consistent with a commitment to the rule of law, and that the key consequentialist arguments that judges and their defenders commonly advance lack the rhetorical power necessary to persuade morally outraged voters to set their anger aside on Election Day.

Letter from Iowa: Same-Sex Marriage and the Ouster of Three Justices, 59 KANSAS LAW REVIEW 715 (2011) (31 pages): In this invited symposium contribution, I examine the path from the Iowa Supreme Court's 2009 ruling in *Varnum v. Brien* (in which the court struck down the state's ban on same-sex marriage) to the ouster of three of the court's seven justices in Iowa's 2010 judicial retention election. I describe and evaluate the campaign efforts of the justices' detractors and supporters. I then suggest a number of lessons that academics, activists, and judges nationwide can learn from the Iowa experience.

Judicial Discretion in Constitutional Cases, 26 JOURNAL OF LAW & POLITICS 123 (2011) (55 pages): I argue that popular constitutional discourse is frequently hindered by reliance upon what I call the "legitimacy dichotomy"—the notion that, when adjudicating constitutional disputes, judges either obey the sovereign people's determinate constitutional instructions or illegitimately trump the sovereign people's value judgments with their own. I critique that dichotomy from a variety of vantage points, including popular rhetoric, Supreme Court confirmation hearings, the law school classroom, and the debate between Justice Stevens and Justice Scalia in *McDonald v. City of Chicago* about the extent to which judges may properly exercise their discretion when adjudicating questions

of substantive due process. I argue that judicial discretion, properly understood, plays a vital role in our system of democratic constitutionalism.

The Vitality of America's Sovereign, 108 MICHIGAN LAW REVIEW 939 (2010) (reviewing CHRISTIAN G. FRITZ, AMERICAN SOVEREIGNS: THE PEOPLE AND AMERICA'S CONSTITUTIONAL TRADITION BEFORE THE CIVIL WAR (Cambridge University Press 2008)) (17 pages): In *American Sovereigns*, Professor Fritz argues that two very different conceptions of the American people's sovereignty—one broad and one narrow—battled for the nation's allegiance in the eighteenth and nineteenth centuries, and that the narrow conception ultimately prevailed. In my review, I dispute Professor Fritz's claim that the broad conception of the people's sovereignty no longer plays a viable role in American politics. Most fundamentally, I argue that the American people have learned that they can transcend the more extreme elements of the broad and narrow conceptions that Professor Fritz describes. The sovereign people have learned that they can retain ultimate control over their government while still permitting government leaders to retain the credibility and power they need in order to do the people's work.

Sodom's Shadow: The Uncertain Line Between Public and Private Morality, 61 HASTINGS LAW JOURNAL 1161 (2010) (54 pages): I examine the frequently encountered argument that a political community must proscribe certain forms of private conduct if it wishes to avoid divine punishment. Drawing from the work of Ronald Dworkin and others, I contend that this argument has an influential secular counterpart that often pushes in precisely the same direction—toward using the law as a means of restricting individuals' freedom to make certain moral decisions for themselves. I argue that there are seven questions that advocates of these and other worldviews ought to address when determining whether the morality of a given form of conduct should be resolved collectively by the political community or by each individual on his or her own.

Instrumentalizing Jurors: An Argument Against the Fourth Amendment Exclusionary Rule, 37 FORDHAM URBAN LAW JOURNAL 837 (2010) (35 pages): In this invited symposium contribution, I argue that the application of the Fourth Amendment exclusionary rule in jury trials raises troubling moral issues that are not present when a judge adjudicates a case on his or her own. I contend that courts infringe on jurors' deliberative autonomy in a morally problematic way whenever they refuse to admit evidence that is both relevant and reasonably available; this infringement is especially problematic in the Fourth Amendment setting; and although there are several ways in which these moral problems could be mitigated, the best approach might be to abandon the exclusionary rule entirely. I conclude by identifying three legislative reforms that are needed in order to render the exclusionary rule dispensable.

Counsel and Confrontation, 94 MINNESOTA LAW REVIEW 201 (2009) (59 pages): Responding to the Court's recent reworking of its confrontation jurisprudence, I argue that, under the Anglo-American common-law principles

that the Confrontation Clause now incorporates, defendants are not entitled to an attorney's assistance when interrogating witnesses prior to trial. Although the Assistance of Counsel Clause and the Due Process Clauses will pick up the slack in many cases, I contend that there are other instances in which the Constitution now leaves unrepresented defendants responsible for cross-examining witnesses on their own. I suggest that legislative reform may be necessary to ameliorate the new constitutional landscape's deficiencies.

The Myth of the Written Constitution, 84 NOTRE DAME LAW REVIEW 991 (2009) (64 pages): Drawing on two different meanings of the term "myth," I argue that many Americans' commonly held assumptions about the written Constitution and its role in constitutional adjudication are not literally true, but that Americans' widespread attachment to those assumptions serves critical functions, thereby posing extraordinary challenges for courts and constitutional scholars.

Popular Constitutionalism and Relaxing the Dead Hand: Can the People Be Trusted?, 86 WASHINGTON UNIVERSITY LAW REVIEW 313 (2008) (48 pages): I critique (and find lacking) five leading rationales for privileging the originally understood meaning of the Constitution over the meaning that a majority of Americans would assign to the Constitution's text today. I then provide five reasons to believe that, if the ultimate power to interpret the Constitution's text were shifted from the courts to the political domain, the American people would prove themselves able to distinguish between their long-term commitments and their short-term desires in the manner that constitutionalism demands.

The Immoral Application of Exclusionary Rules, 2008 WISCONSIN LAW REVIEW 463 (50 pages): Drawing on the work of Jeremy Bentham, Immanuel Kant, Thomas Scanlon, and others, I argue that, when courts withhold relevant, readily available evidence from jurors pursuant to evidentiary exclusionary rules, they often infringe upon jurors' autonomy in ways that cannot be morally justified.

State Habeas Relief for Federal Extrajudicial Detainees, 92 MINNESOTA LAW REVIEW 265 (2007) (58 pages): I argue that the Court's nineteenth-century rulings in *Ableman v. Booth* and *Tarble's Case* marked a little-known but sharp break with state courts' decades-long practice of granting habeas relief to federal extrajudicial detainees. I contend that the Court's reasoning in those cases is unpersuasive, and that modern efforts to rationalize those cases' outcomes fare no better. I also argue that the Suspension Clause bars Congress from stripping state courts of their power to grant habeas relief to persons being extrajudicially detained by federal authorities.

The Emotional Juror, 76 FORDHAM LAW REVIEW 1609 (2007) (32 pages):

Addressing the dichotomy often drawn between emotions and rationality, I argue that, while emotions sometimes exert undesirable influences in the courtroom, there are a variety of ways in which emotions aid rational decision-making by jurors.

Killing Roger Coleman: Habeas, Finality, and the Innocence Gap, 48 WILLIAM & MARY LAW REVIEW 2313 (2007) (50 pages): As a springboard, I examine Roger Coleman's notoriously futile efforts to secure federal habeas relief in the 1980s and early 1990s, despite what many at the time perceived to be powerful reasons to doubt his guilt of the murder for which he had been convicted. I argue that the story of Coleman's case illustrates the way in which the Court's habeas jurisprudence suffers from an "innocence gap"—a gap between the amount of exculpatory evidence sufficient to thwart the finality that habeas law purports to achieve and the amount of exculpatory evidence sufficient to persuade a federal habeas court to forgive a prisoner's procedural mistakes and adjudicate the merits of his or her constitutional claims.

- Reprinted in substantial part in THE WRONGFUL CONVICTIONS READER 526-42 (Carolina Academic Press 2018) (Russell Covey & Valena Beety, editors).

Choosing a Chief Justice: Presidential Prerogative or a Job for the Court?, 22 JOURNAL OF LAW & POLITICS 231 (2006) (51 pages): After identifying the original rationales for our longstanding tradition of permitting the President and Senate to decide which of the Court's nine members will serve as Chief Justice, I argue that those rationales are anachronistic, that the tradition creates unnecessary conflicts of interest and separation-of-powers concerns, and that the Court's members should be permitted to decide for themselves which of them will serve as Chief Justice.

Our Anticompetitive Patriotism, 39 U.C. DAVIS LAW REVIEW 1353 (2006) (61 pages): I contend that the nation's seemingly exclusive claim to citizens' patriotism significantly shields the federal government from regulatory competition with the states, thereby blunting the competitive forces that the Framers believed would restrain Congress and the President from governing in objectionable ways. I suggest that we might usefully expose the federal government to new forms of regulatory competition by encouraging Americans to extend their political affections beyond the nation's borders and to place greater reliance on regulatory arrangements that require negotiation with others in the international community.

The Mobility Paradox, 92 GEORGETOWN LAW JOURNAL 481 (2004) (41 pages): Responding to the common argument that the work of Charles Tiebout suggests that citizens' interests would best be served by shrinking the federal government and permitting state and local government to regulate a greater number of important matters, I argue that citizens' mobility—the very mobility

on which Tiebout's model relies—paradoxically gives citizens powerful incentives to oppose decentralization and to seek federal legislation embodying their preferences.

Competing for the People's Affection: Federalism's Forgotten Marketplace, 56 VANDERBILT LAW REVIEW 329 (2003) (64 pages): I argue that the Rehnquist Court's leading federalism decisions are best understood as being animated by the Court's desire to preserve the political marketplace in which federal and state authorities compete with one another for the nation's regulatory business.

Federal Habeas Relief and the New Tolerance for "Reasonably Erroneous" Applications of Federal Law, 63 OHIO STATE LAW JOURNAL 731 (2002) (67 pages): After examining ways in which the "unreasonably erroneous" standard prescribed by the Antiterrorism and Effective Death Penalty Act of 1966 is incompatible with leading theories of adjudication, I identify three analytic touchstones that can help federal courts determine the likelihood that state courts' rulings should be deemed objectively unreasonable.

Evidentiary Relevance, Morally Reasonable Verdicts, and Jury Nullification, 86 IOWA LAW REVIEW 467 (2001) (65 pages): Responding to the Court's assertion that the government's evidence in a criminal case has "fair and legitimate weight" if it tends to show that a guilty verdict would be morally reasonable, I argue that adopting the Court's conception of relevance would necessitate significant changes in the rules relating to jury nullification.

The Intended Relationship Between Administrative Regulations and Section 1983's "Laws", 67 GEORGE WASHINGTON LAW REVIEW 51 (1998) (49 pages): After examining the history surrounding Section 1983's enactment, I argue that Congress did not intend Section 1983 to provide a remedy for rights that are grounded entirely in administrative regulations.

ANNUAL SUMMARIES

For eight years, I wrote annual summaries of the U.S. Supreme Court's most significant rulings in civil cases. Those summaries were commissioned by the American Judges Association for publication in the AJA's *Court Review*. In 2019, I reluctantly told the AJA that I had decided to turn my attention to other projects.

- *Civil Cases in the Supreme Court's October 2018 Term*, 55 COURT REVIEW 85 (2019) (11 pages).
- *From ALJs to Wedding Cakes: Civil Cases in the Supreme Court's October 2017 Term*, 54 COURT REVIEW 116 (2018) (11 pages).
- *From Playgrounds to Plavix: Civil Cases in the Supreme Court's October 2016 Term*, 53 COURT REVIEW 98 (2017) (12 pages).

- *Eight in the Eye of a Political Storm: Civil Cases in the Supreme Court's October 2015 Term*, 52 COURT REVIEW 102 (2016) (8 pages).

- *Weddings, Whiter Teeth, Judicial Campaign Speech, and More: Civil Cases in the Supreme Court's 2014-2015 Term*, 51 COURT REVIEW 94 (2015) (11 pages).

- *Doubting* Abood*, Finding Religion at Hobby Lobby, and More: Civil Cases in the Supreme Court's 2013-2014 Term*, 50 COURT REVIEW 112 (2014) (13 pages).

- *More than Marriage: Civil Cases in the Supreme Court's 2012-2013 Term*, 49 COURT REVIEW 164 (2013) (13 pages).

- *Healthcare, Unions, Ministers and More: Civil Cases in the Supreme Court's 2011-12 Term*, 48 COURT REVIEW 112 (2012) (12 pages).

OTHER SHORT PIECES

Book Review, 76 ANNALS OF IOWA 420 (2018) (reviewing Frank Cicero Jr., CREATING THE LAND OF LINCOLN: THE HISTORY AND CONSTITUTIONS OF ILLINOIS, 1778-1870 (University of Illinois Press 2018)).

Laissez Faire, *in* ENCYCLOPEDIA OF THE SUPREME COURT OF THE UNITED STATES (2008).

Habeas Corpus: A Modern History, *in* ENCYCLOPEDIA OF AMERICAN CIVIL LIBERTIES (2007).

Coleman v. Thompson, *in* ENCYCLOPEDIA OF AMERICAN CIVIL LIBERTIES (2007).

EDITORIALS

Supreme Court Supermajority Bill Might Violate Constitution, DES MOINES REGISTER (Mar. 13, 2018).

STUDENT NOTES

Making the Government Pay: The Application of the Equal Access to Justice Act in EEOC v. Clay Printing Company, 72 NORTH CAROLINA LAW REVIEW 1575 (1994) (22 pages).

Punishing Offensive Conduct on University Campuses: Iota Xi Chapter of Sigma Chi Fraternity v. George Mason University, 72 NORTH CAROLINA LAW REVIEW 789 (1994) (24 pages).

COLLEGE AND UNIVERSITY SERVICE ACTIVITIES

2020 recipient of the University of Iowa's Michael J. Brody Award for Faculty Excellence in Service.

Associate Dean for Faculty (January 2011-June 2015).

Faculty Advisor, *Iowa Law Review* (2001-2007; 2009-2019).

Co-Founder and Co-Chair (with Professor Herb Hovenkamp), the Iowa Legal Studies Workshop (2008-2015).

Faculty Advisor, Middle Eastern Law Students Association (2007-2009).

Member, University of Iowa Faculty Senate (2003-2006).

University and College of Law Committees:

- Law Library Director Search Committee (Chair, 2019-2020).
- University of Iowa Strategic Plan Development Group (2016).
- Faculty Appointments Committee (2005-2006, 2011-2012, 2014-2015, 2017-2018, 2018-2019 (chair)).
- Tenure Oversight and Peer Review Committee (2007-2008; Chair, 2015-2016 and 2016-2017).
- Strategic Initiatives Committee (2013-2016).
- University Non-Resident Classification Review Committee (Chair, 2010-2014; Member, 2008-2010).
- Pre-tenure Teaching Review Committee (2013-2014, 2018-2019).
- Chair, Faculty Appointments Subcommittee on Lateral Appointments (2010-2011).
- Promotion and Tenure Committee (chair) for Cristina Tilley (2018-present).
- Promotion and Tenure Committee for Paul Gowder (2013-2017).
- Chair, Ad Hoc Long-Range Planning Committee (2010-2011).
- Dean Search Committee (2009-2010).
- Student Honors and Awards Committee (2008-2010).
- Promotion Committee for Christina Bohannan (2008-2009).
- Speakers and Professional Development Committee (2006-2009; Chair, 2006-2007).
- College of Law Internal Campaign Steering Committee (2008-2009).
- Chair, Promotion and Tenure Committee for Professor Angela Onwuachi-Willig (2006-2007).
- Diversity Committee (2006-2007).
- Curriculum and Externship Approvals Committee (2005-2006).
- Co-chair, Curriculum Policy Committee (2004-2005).
- Teaching Improvement Committee (2003-2005).
- Dean Search Committee (2003-2004).
- Small-Section Committee (2001-2002).
- Career Services Committee (1999-2002).
- Internal Procedures Committee (1999-2001).

OTHER RECENT ACTIVITIES

Rather than list all of my professional and community activities throughout my career, I offer the following representative examples from the past several years:

- Frequent guest on Iowa Public Radio's *River to River,* with host Ben Kieffer, to discuss cases pending before or decided by the U.S. Supreme Court and the Iowa Supreme Court (links to appearances are available at https://www.todd-pettys.com/radio.html).
- Speaker, "Free Speech on Campus," Iowa Board of Regents (November 2018).
- Speaker, "The Origins of the Iowa Constitution," Iowa Legislative Services Agency (October 2018).
- Speaker (with Iowa Chief Justice Mark Cady), "The Iowa Constitution: An Enduring Testament to Equality," the Iowa History Center at Simpson College (September 2018).
- Guest Speaker, Linn County Bar Association (September 2018).
- Plenary Address, "The Iowa Constitution: Origins and Backstories," Iowa State Bar Association Annual Meeting (June 2018).
- Guest Speaker, Tipton Rotary Club, "Antebellum Iowa: Banks, Race, and Boundaries" (January 2018).
- Public Lecture, "The Iowa Constitution and Its Origins in Old Capitol," convened by the Old Capitol Museum and the League of Women Voters of Iowa (October 2017). Two days prior to that lecture, I appeared as a guest for half an hour on Iowa Public Radio's *Talk of Iowa,* with host Charity Nebbe, to talk about some of that lecture's content.
- Speaker, University of Iowa Human Resources Retreat (March 2017) (discussing issues relating to the freedom of speech).
- Lecture, "Freedom of Expression on Public University Campuses," Iowa Board of Regents' Academic and Student Affairs Committee (September 2016).
- Panelist, "The Cady Court at Five Years," a public discussion convened by the Des Moines Register and the Nyemaster Goode Law Firm (July 2016).
- Panelist, "Freedom of Expression on Public Campuses," a public discussion convened at the Prairie Lights Bookstore by Iowa Watch (May 2016).
- Spring 2016 Distinguished Lecturer, "Free Speech and Public Schools," University of Iowa College of Education (April 2016).
- Lecture, "The Citizens United Backstory: Corporate American (Healthcare and Otherwise) and Campaign Finance," University of Iowa College of Public Health (February 2016).
- Public Lecture, "Campaign Finance: History and Reform," League of Women Voters of Muscatine County (December 2015).

- Panelist, "The Constitutionality of the SEC's Use of Administrative Law Judges," the Federalist Society's national convention (November 2015).
- Panelist, "Is It Still the Kennedy Court?" the University of Iowa College of Law Chapter of the Federalist Society (September 2015).
- Speaker, "Freedom of Speech and Expression on Campus," University of Iowa Faculty Senate Retreat (August 2015).
- Public Lecture, "Free Speech and College Campuses," Cornell College, convened to address recent events on that Mount Vernon campus (March 2015).
- Public Lecture, "The Supreme Court's 2014 Religion Trilogy," convened by the Interfaith Alliance of Iowa (February 2015).
- Panelist, "Tobacco, Marijuana, and the Public Interest," University of Iowa International Program's World Canvass (February 2015).
- Public Lecture, "Voting Rights and the Constitution: Current Battles," the League of Women Voters of Ames, Iowa (November 2014).
- Public Lecture, "Voting Rights and the Constitution," Muscatine (Iowa) Community College (March 2014).
- Public Lecture, "Voting Rights and the Constitution," for the League of Women Voters of Linn County (December 2013).
- Public Lecture, "The Second Amendment and Mental Health," for the University of Iowa Alumni Association at the Cedar Rapids Public Library (November 2013).
- Public Lecture, "Voting Rights and the Constitution: Battles Past and Present," for the Iowa League of Women Voters of Johnson County (October 2013).
- Speaker, Iowa Rotary Club (July 2013) (speaking on recent U.S. Supreme Court rulings).
- Public Lecture, "The Status of the Defense of Marriage Act," for the Congregationalist Church's Conference on Marriage (May 2013).
- Public Lecture, "The Second Amendment and Mental Health," for the University of Iowa Alumni Association in Dubuque, Iowa (April 2013).
- Member, Board of Directors, Iowa City Public Library Friends Foundation (July 2012-June 2015).
- Member, Advisory Committee for the *Journal of Legal Education*, published by the American Association of Law Schools (2009-2012).
- Occasional panelist on *Ethical Perspectives on the News* for KCRG-TV, addressing a wide range of current political events.
- Served as a reviewer for a variety of presses.
- Mentored former students wishing to enter the teaching profession and making their way through the tenure process.

OTHER EMPLOYMENT

University of North Carolina School of Law, Chapel Hill, North Carolina.

- Visiting Associate Professor of Law (Spring and Summer 2003).
- Courses taught: Constitutional Law and Comparative Evidence.

Perkins Coie LLP, Seattle, Washington.
· General Litigation Associate (1996-1999).

Judge Francis D. Murnaghan, Jr., United States Court of Appeals for the Fourth Circuit, Baltimore, Maryland.
· Judicial Clerk (1995-1996).

Duke University, Capital Campaign for the Arts & Sciences, Durham, North Carolina.
· Assistant Director (1990-1992).
· Public Relations Specialist (1990).
· Staff Writer (1989-1990).

PROFESSIONAL AFFILIATIONS

Member, Iowa State Bar Association.
Member, Washington State Bar Association (inactive).
Member, United States Supreme Court Bar.
Member, Who's Who Among American Teachers.