

ERWIN CHEMERINSKY
University of California, Irvine School of Law
401 E. Peltason
Irvine, CA 92697-8000
(949) 824-7722

EMPLOYMENT

- 2008-present Dean and Distinguished Professor of Law, University of California, Irvine School of Law. Raymond Pryke Professor First Amendment Law (2013-present)
- 2004-2008 Alston & Bird Professor of Law and Political Science, Duke University
Awards: Duke University Scholar-Teacher of the Year Award, 2006
- 1983-2004 University of Southern California Law School, Sydney M. Irmas Professor of Public Interest Law, Legal Ethics, and Political Science, 1997-2004
Director, Center for Communications Law and Policy, 2000-2004
Legion Lex Professor of Law, 1991-1997
Professor, 1987-1991
Associate Professor, 1984-1987 Visiting
Associate Professor, 1983-1984
Awards: Outstanding Teacher, 1984; 1991
- Fall 2002 Visiting Professor, Duke Law School
- Spring 1997;
Spring 2001 Visiting Professor, UCLA Law School
- 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
- 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

- 2016 Elected Fellow, American Academy of Arts and Sciences
2016 The Hon. Francisco P. Briseño Lifetime Achievement Award, Orange County Hispanic Bar Association
2014 Hubert Humphrey First Amendment Award, Anti-Defamation League
2014 Bernard Witkin Award, California State Bar
2014 Harry Truman Award, Orange County Democratic Party
2013 Doctor of Laws (Hon.), Lewis and Clark University
2013 Korean-American Bar Association of Los Angeles Community Service Award
2013 Marcus Kauffman Jurisprudence Award, ADL of Orange County
2012 Ramona Ripston Civil Liberties and Civil Rights Award, ACLU of Southern California
2012 University Synagogue Community Service Award
2011 Eleanor Roosevelt Award, Americans for Democratic Action
2010 American Constitution Society – San Francisco Lawyers Chapter
2010 Community Service Award, Criminal Courts Bar Association
2009 Community Service Award, Progressive Jewish Alliance
2009 National Lawyers Guild
2008 National Civil Liberties Award, ACLU of Georgia
2006 Scholar-Teacher of the Year Award, Duke University
2003 President's Award, Criminal Courts Bar Association
2003 Freedom of Information Award, Society for Professional Journalists
2002 Award for Contribution to Judicial Education, National College of Bankruptcy Judges
2002 Community Service Award, Western Center for Law and Poverty
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 Advocate Award from the American Civil Liberties Union of Southern California

HONORS (CONTINUED)

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

1998 Judge John Brown Award for Contributions to Federal Judicial Education. Distinguished Professor Award, American Civil Liberties Union of Southern California 1996

Named as the “most influential law professor in America” by National Jurist in January 2014.

Named as one of the 500 most influential lawyers in America by Law Dragon in 2014, 2015, 2016

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, 2001, 2002, 2003, 2008, 2009, 2010, 2012, 2014, 2015

Named in April 2005 as one of the “top 20 legal thinkers in America” by Legal Affairs

PUBLICATIONS

Books

Closing the Courthouse Door: How the Supreme Court Has Made Your Rights Unenforceable (forthcoming Yale University Press 2017)

Renewing Freedom of Speech on College Campuses (forthcoming Yale University Press 2017) (with Howard Gillman)

The Case Against the Supreme Court (Viking, 2014)

The Conservative Assault on the Constitution (Simon & Schuster, 2010)

Constitutional Law (Boston: Aspen Law & Business, 5th ed. forthcoming 2016; 4th ed. 2013; 3^d ed. 2009; 2^d ed. 2005; 1st ed. 2001) (a casebook) (Annual supplements in 2001-2016)

Constitutional Law: Principles and Policies (Boston: Aspen Law & Business, 5th ed. 2015; 4th ed. 2011; 3^d ed. 2006; 2^d ed. 2002; 1st ed. 1997) (a one volume treatise)

Criminal Procedure (Aspen Publishers, 2^d ed. 2013; 1st ed. 2008) (with Laurie Levenson) (Annual supplements in 2008-2016) (a casebook)

Criminal Procedure: Adjudication (Aspen Publishers, 2^d ed. 2013; 1st ed. 2008) (with Laurie Levenson)

Criminal Procedure: Investigation (Aspen Publishers, 2^d ed. 2013; 1st ed. 2008) (with Laurie Levenson)

BOOKS (*continued*)

Enhancing Government: Federalism for the 21st Century (Stanford University Press, 2008)

Federal Jurisdiction (Boston: Aspen Law & Business, 7th ed. 2016, 6th ed. 2012; 5th ed. 2007; 4th ed. 2003; 3rd. 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

“Remediating Separate and Unequal: Is it Possible to Create Equal Educational Opportunity,” in The Enduring Legacy of Rodriguez (Charles Ogletree and Kimberly Jenkins Robinson eds.) (2015)

“Reconceptualizing Federalism,” in Law and the Quest for Justice (Marjorie Sue Zatz et al. eds., 2013)

“Political Ideology and Constitutional Decisionmaking: The Coming Example of the Affordable Care Act,” in The Constitutionality of the Affordable Care Act (Neil S. Siegel ed., 2012)

“*Alden v. Maine*: Sovereign Immunity – A Vestige of Monarchy Inconsistent with Democratic Values,” in We Dissent (Michael Avery ed. 2009)

“*Lyons v. City of Los Angeles*,” in Civil Rights Stories (Myriam Gilles and Risa Goluboff eds.) (2007)

“*Doe v. Santa Fe Indep. School Dist.*,” in Education Law Stories (Michael A. Olivas and Ronna Greff Schneider eds.) (2007)

“Affirmative action,” in Encyclopedia of Race and Racism (2007)

Foreword to SUSAN N. HERMAN, THE RIGHT TO A SPEEDY AND PUBLIC TRIAL xi-xiii (Praeger, Reference Guides to the United States Constitution, No. 16, 2006)

“Who Should Be The Authoritative Interpreter of the Constitution?: Why There Should Not Be a Political Question Doctrine,” in The Political Question (edited by Bruce Cain) (Oxford University Press 2006)

“The Segregation and Resegregation of American Public Education,” in School Resegregation: Must the South Turn Back (edited by John Boger and Gary Orfield) (University of North Carolina Press 2005)

CHAPTERS IN BOOKS (*continued*)

“Cruel and Unusual: *Lockyer v. Andrade*,” A Year in the Supreme Court (edited by Dave Douglas and Neal Devins) (Duke University Press 2004)

“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 (*through June 2016*)

“The 2016 Election, the Supreme Court, and Racial Justice,” 83 University of Chicago Law Review On Line 49 (2016)

LAW REVIEW ARTICLES (*continued*)

“Everything Changed: October Term 2015,” *Green Bag* (forthcoming 2016)

“The Rational Basis Test is Constitutional (and Desirable),” *Georgetown Law Journal of Law & Public Policy* (forthcoming 2016)

“Thinking About the Supreme Court’s Successes and Failures,” *69 Vanderbilt Law Review* 919 (2016)

“Compulsory Vaccination Laws are Constitutional,” *110 Northwestern University Law Review* 589 (2016) (with Michele Goodwin)

“Keynote Address,” *2015 Michigan State Law Review* 1235 (2016)

“The Return of the Jedi,” *18 Green Bag 2d* 363 (2015)

“Religion is Not a Basis for Harming Others,” *104 Georgetown Law Journal* (2015) (with Michele Goodwin)

“Judging Opportunity Lost: Assessing the Viability of Race-Based Affirmative Action After *Fisher v. University of Texas*,” *62 UCLA Law Review* 272 (2015) (with Mario L. Barnes & Angela Onwuachi-Willig)

“Cooperative Federalism and Marijuana Regulation,” *62 UCLA Law Review* 74 (2015) (with Jolene Forman, Allen Hopper, & Sam Kamin)

“Not Equal Yet: Building upon Foundations of Relationship Equality,” *48 UC Davis Law Review* 447 (2014)

“Appearances can be Deceiving: October Term 2013 Moved the Law to the Right,” *17 Green Bag 2d* 389 (2014)

“Federalism from the Neighborhood Up: Los Angeles's Neighborhood Councils, Minority Representation, and Democratic Legitimacy,” *32 Yale Law & Policy Review* 569 (2014) (with Sam Kleiner)

“Lessons from Gideon,” *122 Yale Law Journal* 2676 (2013)

“Creating a Law School that Emphasizes Public Interest Law,” *7 DePaul Journal for Social Justice* 1 (2013)

LAW REVIEW ARTICLES (*continued*)

“The Court Affects Each of Us,” 16 Green Bag 2d 361 (2013)

“Political Speech and Associational Rights After *Knox v. SEIU*,” 98 Cornell Law Review 1023 (2013) (with Catherine Fisk)

“*Hollingsworth v. Perry*: What Should the Court Do?,” 37 New York University Review of Law and Social Change 229 (2013)

“It's Now the John Roberts Court,” 15 Green Bag 2d 389 (2012)

“A Fixture on a Changing Court: Justice Stevens and the Establishment Clause,” 106 Northwestern University Law Review 587 (2012)

“Citizens United Impact on Judicial Elections,” 60 Drake Law Review 685 (2012) (with Richard Hasen & James Sample)

“Closing the Courthouse Doors,” 90 Denver University Law Review 317 (2012)

“Political Ideology and Constitutional Decisionmaking: The Coming Example of the Affordable Care Act,” 75 Law & Contemporary Problems 1 (2012)

“Formalism Without A Foundation: *Stern v. Marshall*,” 2011 Supreme Court Review 183 (2012)

“*Korematsu v. United States*: A Tragedy Hopefully Never to Be Repeated,” 39 Pepperdine Law Review 163 (2011)

“Not a Free Speech Court,” 53 Arizona Law Review 723 (2011)

“Keynote Speech: Reimagining Law Schools?,” 96 Iowa Law Review 1461 (2011)

“Closing the Courthouse Doors, October Term 2010,” 14 Green Bag 2d 375 (2011)

“The Once and Future Equal Protection Doctrine?,” 43 Connecticut Law Review 1059 (2011) (with Mario L. Barnes)

“The Roberts Court and Freedom of Speech,” 63 Federal Communications Law Journal 579 (2011)

“Supreme Court-October Term 2009 Foreword: Conservative Judicial Activism,” 44 Loyola of Los Angeles Law Review 863 (2011)

LAW REVIEW ARTICLES (*continued*)

“The Failing Faith in Class Actions: Wal-Mart v. Dukes and AT&T Mobility v. Concepcion,” 7 Duke Journal of Constitutional Law & Public Policy 73-97 (2011) (with Catherine Fisk)

“The Ideal Law School for the 21st Century,” 1 UC Irvine Law Review 1 (2011)

“A Progressive Visionary: Stephen Reinhardt and the First Amendment,” 120 Yale Law Journal 515 (2010)

“The Roberts Court and Criminal Procedure at Age Five,” 43 Texas Tech Law Review 13 (2010)

“The Future of the First Amendment,” 46 Willamette Law Review 623 (2010)

“Closing the Courthouse Doors: Transcript of the 2010 Honorable James R. Browning Distinguished Lecture in Law,” 71 Montana Law Review 285 (2010)

“Two Cheers for State Constitutional Law,” 62 Stanford Law Review 1695 (2010)

“A Post-Race Equal Protection?,” 98 Georgetown Law Journal 967 (2010) (with Mario L. Barnes & Trina Jones)

“Tucker Lecture, Law and Media Symposium,” 66 Washington and Lee Law Review 1449 (2009)

“The Disparate Treatment of Race and Class in Constitutional Jurisprudence,” 72 Law & Contemporary Problems 109 (2009) (with Mario L. Barnes).

“Why Not Clinical Education?,” 16 Clinical Law Review 35 (2009)

“The Meaning of Bush v. Gore: Thoughts on Professor Amar’s Analysis,” 61 Florida Law Review 969 (2009)

“Foreword: Judicial Opinions as Public Rhetoric,” 97 California Law Review 1763 (2009)

“Moving to the Right, Perhaps Sharply to the Right,” 12 Green Bag 2d 413 (2009)

“Losing Faith: The Supreme Court and the Abandonment of the Adjudicatory Process,” 60 Hastings Law Journal 1129 (2009)

“Foreword: Why Write?,” 107 Michigan Law Review 881 (2009)

“No Warrant for Radical Change: A Response to Professors George and Guthrie,” 58 Duke Law Journal 1691 (2009)

LAW REVIEW ARTICLES (*continued*)

“Civil Liberties and the War Terror: Seven Years After 9/11 History Repeating: Due Process, Torture and Privacy During the War on Terror,” 62 Southern Methodist University Law Review 3 (2009)

“Unpleasant Speech on Campus, Even Hate Speech, Is a First Amendment Issue,” 17 William and Mary Bill of Rights Journal 765 (2009)

“Teaching that Speech Matters: A Framework for Analyzing Speech Issues in Schools,” 42 UC Davis Law Review 825 (2009)

In Memoriam, “Charlie,” 82 Southern California Law Review 177 (2009)

“Absolute Immunity: General Principles and Recent Developments,” 24 Touro Law Review 473 (2008)

“Restoring Separation of Powers,” 35 Human Rights 6 (Fall 2008)

“The Roberts Court at Age Three,” 54 Wayne Law Review 947 (2008)

“The Essential but Inherently Limited Role of the Courts in Prison Reform,” 13 Berkeley Journal of Criminal Law 307 (2008)

“Rethinking Legal Education,” 43 Harvard Civil Rights-Civil Liberties Law Review 595 (2008)

“When it Matters Most, It Is Still the Kennedy Court,” 11 Green Bag 2d 427 (2008)

“How Will *Morse v. Frederick* Be Applied?,” 12 Lewis & Clark Law Review 17 (2008)

“Protecting Truthful Speech: Narrowing the Tort of Public Disclosure of Private Facts,” 11 Chapman Law Review 423 (2008)

“Supreme Court Review: Symposium Foreword,” 43 Tulsa Law Review 627 (2008)

Symposium Transcript, “Left Out in the Cold? The Chilling of Speech, Association, and the Press in Post-9/11 America: Secrecy and Barriers to Open Government,” 57 American University Law Review 1203 (2008) (with Glenn M. Sulmasy & David M. Hardy)

“*Washington v. Glucksberg* Was Tragically Wrong,” 106 Michigan Law Review 1501 (2008)

“Why Church and State Should Be Separate,” 49 William and Mary Law Review 2193 (2008)

LAW REVIEW ARTICLES (*continued*)

“Constitutional Problems in the 2005 Bankruptcy Amendments,” 82 *American Bankruptcy Law Journal* 1 (2008) (with The Honorable Samuel L. Bufford)

“The Rookie Year of the Roberts Court & A Look Ahead: Civil Rights,” 34 *Pepperdine Law Review* 535 (2007)

Roundtable Transcript, “Thoughts on Commercial Speech: A Roundtable Discussion (February 23, 2007),” 41 *Loyola of Los Angeles Law Review* 333 (2007) (with Ronald K. L. Collins, Steven H. Shiffrin, & Kathleen M. Sullivan)

“Toward a Practical Definition of the Rule of Law,” 46 *Judges' Journal* 4 (2007)

“In Defense of Roe and Professor Tribe,” 42 *Tulsa Law Review* 833 (2007)

“Challenging Direct Democracy,” 2007 *Michigan State Law Review* 293-306

“The Constitution and Fundamental Rights,” 18 *University of Florida Journal of Law & Public Policy* ix-xiii (2007)

“Injunctions in Defamation Cases,” 57 *Syracuse Law Review* 157-173 (2007)

“Rediscovering Brandeis’s Right to Privacy,” 45 *Brandeis Law Journal* 643-657 (2007)

“The State-created Danger Doctrine,” 23 *Touro Law Review* 1-26 (2007)

“Turning Sharply to the Right,” 10 *Green Bag 2d* 423-438 (2007)

“Was He Guilty as Charged? An Alternative Narrative Based on the Circumstantial Evidence From 12 Angry Men,” 82 *Chicago-Kent Law Review* 691-710 (2007) (with Sara Sun Beale & James E. Coleman, Jr.)

“The Assault on the Constitution: Executive Power and the War on Terrorism,” 40 *UC Davis Law Review* 1-20 (2006)

“Assessing Chief Justice William Rehnquist,” 154 *University of Pennsylvania Law Review* 1331-1364 (2006)

“The Assumptions of Federalism,” 58 *Stanford Law Review* 1763-1791 (2006)

“Federalism Cases in the October 2004 Term,” 21 *Touro Law Review* 787-807 (2006)

“The Kennedy Court,” 9 *Green Bag 2d* 335-346 (2006)

LAW REVIEW ARTICLES (*continued*)

“Making Confirmation Hearings More Meaningful,” 115 Yale Law Journal Pocket Part 38 (January 2, 2006) at <http://thepocketpart.org/content/view/28/7/>

“Reconceptualizing Federalism,” 50 New York Law School Law Review 729-755 (2006)

“The Rehnquist Court and the Death Penalty,” 94 Georgetown Law Journal 1367-1383 (2006)

“Why the Supreme Court Was Wrong About the Solomon Amendment,” 1 Duke Journal of Constitutional Law & Public Policy 201 (2006)

“Constitutional Issues Posed in the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005,” 79 American Bankruptcy Law Journal 571 (2005)

“Why Justice Breyer Was Wrong in *Van Orden v. Perry*,” 14 William and Mary Bill of Rights Journal 1 (2005)

“The End of an Era,” 8 Green Bag 345 (2005)

“Enemy Combatants and Separation of Powers,” 1 Journal of National Security Law & Policy 73 (2005)

“The Lower Federal Courts and the War on Terrorism,” 39 Valparaiso Law Review 607 (2005)

“The Constitution and Punishment,” 56 Stanford Law Review 1049 (2004)

“Losing Liberties: Applying a Foreign Intelligence Model to Domestic Law Enforcement,” 51 UCLA Law Review 1619-1643 (2004)

“In Defense of Judicial Review: A Reply to Professor Kramer,” 92 California Law Review 1013 (2004)

“Post 9/11 Civil Rights: Are Americans Sacrificing Freedom for Security,” 81 Denver University Law Review 759 (2004)

“Real Discrimination,” 16 Washington University Journal of Law & Policy 97 (2004)

“Baum Lecture: The Perils of Popular Constitutionalism,” 3 University of Illinois Law Review 673 (2004)

“Evolving Standards of Decency in 2003—Is the Death Penalty on Life Support?,” 29 University of Dayton Law Review 201-222 (2004)

LAW REVIEW ARTICLES (*continued*)

“The Need to Clarify the Meaning of U.S. Supreme Court Remands: The Lessons of Punitive Damages' Cases,” 36 Arizona State Law Journal 513-526 (2004) (with Ned Miltenberg)

“Progressive and Conservative Constitutionalism as America Enters the 21st Century,” 67 Law & Contemporary Problems 53-62 (Summer 2004)

“Putting the Gun Control Debate in Social Perspective,” 73 Fordham Law Review 477 (2004)

“Social Justice in the 21st Century: A Pro Bono Requirement for Faculty Members,” 37 Loyola of Los Angeles Law Review 1235 (2004)

“The Rehnquist Revolution,” 2 Pierce Law Review 1-16 (2004)

“Unanswered Questions: October Term 2003,” 7 Green Bag 323-334 (2004)

“What Is Commercial Speech?: The Issue Not Decided in *Nike v. Kasky*,” 54 Case Western Reserve Law Review 1143-1160 (2004) (with Catherine Fisk)

“Empowering States When It Matters: A Different Approach to Preemption,” 69 Brooklyn Law Review 1313 (2004)

“Entrenchment of Ordinary Legislation: A Response to Professors Posner and Vermeule,” 91 California Law Review 1773 (2003) (with John Roberts)

“Closing the Courthouse Door to Civil Rights Litigants,” 5 University of Pennsylvania Journal of Constitutional Law 537 (2003)

“October Term 2002: Value Choices by the Justices, Not Theory, Determines Constitutional Law,” 6 Green Bag 367 (2003)

“Separate and Unequal: American Public Education Today,” 52 American University Law Review 1461 (2003)

“The Parsonage Exemption Violates the Establishment Clause and Should Be Declared Unconstitutional,” Whittier Law Review (2003)

“The Segregation and Resegregation of American Public Education: The Role of the Courts,” 81 North Carolina Law Review 1597 (2003)

“Privacy and the Alaska Constitution: Failing to Fulfill the Promise,” 20 Alaska Law Review 29 (2003)

LAW REVIEW ARTICLES (*continued*)

“Understanding the Rehnquist Court: An Admiring Reply to Professor Merrill,” 47 St. Louis University Law Review 659 (2003)

“Ideology and the Selection of Federal Judges,” 36 UC Davis Law Review 619 (2003)

“Balancing Copyright Protections and Freedom of Speech: Why the Copyright Extension Act is Unconstitutional,” 36 Loyola of Los Angeles Law Review 83 (2002)

“Have the Rehnquist Court’s Federalism Decisions Increased Liberty,” 29 Human Rights 3 (2002)

“How Should We Think About Bush v. Gore,” 34 Loyola University of Chicago Law Journal 1 (2002)

“The Rhetoric of Constitutional Law,” 100 Michigan Law Review 2008 (2002)

“Does Federalism Advance Liberty,” 47 Wayne State Law Review 911 (2002)

“Restrictions on the Speech of Judicial Candidates Are Unconstitutional: A Reply to Professor O’Neil,” 35 Indiana Law Review 735 (2002)

“Ensuring the Supremacy of Federal Law: Why the District Court Was Wrong in *Westside Mothers v. Haveman*,” 12 Health Matrix 139 (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 Oklahoma Law Review 59 (2001)

“An Independent Analysis of the Board of Inquiry Report on the Rampart Scandal,” 34 Loyola of Los Angeles Law Review 545 (2001)

“The Expressive Interest of Associations,” 9 William and Mary Bill of Rights Journal 595 (2001) (with Catherine Fisk)

LAW REVIEW ARTICLES (*continued*)

“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 California Law Review 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 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)

“On Being a Framers: The Los Angeles Charter Reform Commission,” 2 Green Bag 131 (1999)

“The Supreme Court, Public Opinion, and the Role of the Academic Commentator,” 40 South Texas Law Review 943 (2000)

LAW REVIEW ARTICLES (*continued*)

“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 *UC 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 of Los Angeles Entertainment Law Journal* 311 (1997)

LAW REVIEW ARTICLES (*continued*)

“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 of Los Angeles Law Review* 831 (1995)

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

“Assessing Minimum Contacts: A Reply to Professors Cameron and Johnson,” 28 *UC 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)

“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 *Southern California Interdisciplinary Law Journal* 349 (1993); “Rejoinder to Epstein,” at 453

LAW REVIEW ARTICLES (*continued*)

“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 Journal 225 (1992) (with Evan Caminker)

“The Supreme Court and the Fourteenth Amendment: The Unfulfilled Promise,” 25 Loyola of Los Angeles 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)

“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)

LAW REVIEW ARTICLES (*continued*)

“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)

LAW REVIEW ARTICLES (*continued*)

“Changing the Rules of the Game: The New F.C.C. Regulations on Political Debates,” 7 *Hastings Journal of Communication and Entertainment Law* 1 (1985)

“Controlling Inherent Presidential Power: Providing a Framework for Judicial Review,” 56 *Southern California Law Review* 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 David Zarefsky & Alan S. 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 (*through June 2016*)

“No Immunity: Race, Class, and Civil Liberties in Times of Health Crisis,” Review of Eula Biss, *On Immunity: An Inoculation*, 129 *Harvard Law Review* 956 (2016) (with Michele Goodwin)

“Measuring Judging,” Review of Epstein, Landes, and Posner, *Behavior of Federal Judges: A Theoretical & Empirical Study of Rational Choice, The (Book)*, 99 *Judicature* 74 (Summer 2015)

“Unique Justice,” Review of Bruce Allen Murphy, *Scalia: A Court of One*, *Los Angeles Review of Books*, November 2, 2014

BOOK REVIEWS (*continued*)

“How Oliver Wendell Holmes Changed His Mind—and Changed the History of Free Speech in America,” Review of Thomas Healy, The Great Dissent, California Lawyer, August 2013

“The Inescapability of Constitutional Theory,” Review of J. Harvie Wilkinson III, Cosmic Constitutional Theory: Why Americans Are Losing Their Inalienable Right to Self Governance 80 U. Chi. L. Rev. 935 (2013)

“Louis D. Brandeis: A Life,” review of Melvin Urofsky, Louis D. Brandeis: A Life, California Lawyer, May 2010, at 37

“Judicial Restraint: How Kermit Roosevelt III’s Judicial Theory Undermines the Very Case for Judicial Philosophies,” 3 Democracy: A Journal of Ideas (Winter 2007) (reviewing Kermit Roosevelt III, The Myth of Judicial Activism: Making Sense of Supreme Court Decisions (Yale University Press, (2006))

“A Grand Theory of Constitutional Law?,” review of Jed Rubenfeld, Freedom and Time: A Theory of Constitutional Self-Government, 100 Michigan Law Review 1249 (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 REVIEWS (*continued*)

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)

BOOK REVIEWS (*continued*)

“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)

PUBLISHED CONFERENCE PROCEEDINGS

“Transcript of Speech Given at the First Conference of Professional and Judicial Ethics,” 84 Revista Jurídica 855 (2015)

“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 (*through June 2016*)

“The Year the Law Did Not Change,” ABA Journal, June 30, 2016

NON-LAW REVIEW PUBLICATIONS

“The Conservative Era of the Supreme Court is Over,” Los Angeles Times, June 29, 2016

“Expanding Police Power,” Orange County Register, June 29, 2016

“All Students Gain From a Ruling That Values Diversity,” National Law Journal, June 27, 2016

“Race Discrimination in Jury Selection,” Orange County Register, June 22, 2016

“Don’t Recall Judge Aaron Persky,” Orange County Register, June 15, 2016

“Gun Rights May Shift in Scalia’s Absence,” Los Angeles Daily Journal, June 14, 2016

“Trump’s Misguided, Dangerous Rhetoric,” Orange County Register, June 8, 2016

“City Council Should Retain oversight of DWP,” Los Angeles Times, June 2, 2016

“These Two Decisions Highlight How Scalia’s Absence Has Affected the Court,” ABA Journal, June 2, 2016

“Gawker Legally Exposed on Sex Tape,” Orange County Register, June 1, 2016

“Courts Cannot Force Senate to Vote on Garland,” Orange County Register, May 25, 2016

“Why North Carolina Will Lose Restroom Battle,” Orange County Register, May 18, 2016

“States Should be Subject to Suit in Other States,” Los Angeles Daily Journal, May 17, 2016

“Should SCOTUS Have Turned Down These Election Law Cases?,” ABA Journal, May 5, 2016

“Government Workers Need Speech Protections,” Orange County Register, May 4, 2016

“California 18-year-olds Should be Able to Decide Whether to Smoke,” Orange County Register, May 11, 2016

“Why Legalizing Marijuana Will be Much Harder Than you Think,” The Washington Post, April 27, 2016

“Misguided Attack on Tenure Sidetracked,” Orange County Register, April 20, 2016

“Texas Immigration Case Should be an Easy Call: Column,” USA Today, April 17, 2016

“Hateful Legislation Should be Struck Down,” Orange County Register, April 13, 2016

NON-LAW REVIEW PUBLICATIONS

“Why a Unanimous Decision in Voting Districting Case?,” Los Angeles Daily Journal, April 12, 2016

“How Will SCOTUS Rule in Contraceptive Coverage Case?,” ABA Journal, April 6, 2016

“Public Unions Dodge a Bullet From High Court,” Orange County Register, April 6, 2016

“What Students Think About Free Speech,” Chronicle of Higher Education, April 8, 2016 (with Howard Gillman)

“Don’t Mock or Ignore Students’ Lack of Support for Free Speech. Teach them,” Los Angeles Times, March 31, 2016 (with Howard Gillman)

“Senate Should Confirm Garland to High Court,” Orange County Register, March 23, 2016

“Can Merrick Garland be Confirmed?,” Los Angeles Daily Journal, March 18, 2016

“Allow Law Students to Make Informed Choice of Schools,” Orange County Register, March 16, 2016

“Judging Requires Value Choices,” Los Angeles Daily Journal, March 15, 2016

“Privacy Versus Speech in the Hulk Hogan Sex Tape Trial,” Los Angeles Times, March 14, 2016

“Fate of Texas Abortion Law Rests With Kennedy,” Orange County Register, March 9, 2016

“Court Overreaches to Halt Clean Power Plan,” Orange County Register, March 2, 2016

“What Will Scalia’s Absence Mean for Current Cases?,” ABA Journal, February 24, 2016

“Apple Could Win This Round, Still Lose War,” Orange County Register, February 24, 2016

“Scalia Introduced Conservative Activism to Supreme Court,” Orange County Register, February 19, 2016

“An Empty Seat on the Court,” Los Angeles Daily Journal, February 17, 2016

“The Failures of Scalia’s Originalism,” National Law Journal, February 15, 2016

“Justices Make Law; They Aren’t Referees,” Orange County Register, February 10, 2016

NON-LAW REVIEW PUBLICATIONS

“States Have No Standing to Challenge Obama on Immigration,” Orange County Register, February 3, 2016

“‘Potential Blockbuster’ Rulings Expected in June,” ABA Journal, February 3, 2016

“Dean’s Corner: The Importance of Clinical Legal Education,” Orange County Lawyer, February 2016

“Constitution on Obama’s Side With Gun Orders,” Orange County Register, January 27, 2016

“Of Course Obama’s Immigration Orders are Legal,” Los Angeles Times, January 21, 2016

“Is it a Good Time to Overhaul Constitution?,” Orange County Register, January 20, 2016

“Ted Cruz is Eligible to be President,” Orange County Register, January 13, 2016

“The US Supreme Court in 2016,” Los Angeles Daily Journal, January 12, 2016

“The Best, Worst and Most Surprising SCOTUS Opinions of 2015,” ABA Journal, January 7, 2016

“Legal Precedent Should Stand in Teachers’ Suit Against Union,” Orange County Register, January 6, 2016

“Major Moves in the Law During 2015,” Orange County Register, December 30, 2015

“Scalia’s Rants Don’t Belong in Court Opinions,” Orange County Register, December 23, 2015

“Why Trump’s Muslim Immigration Ban is Terribly Wrong,” Orange County Register, December 16, 2015

“Scalia’s Comments Were Offensive and Racist,” Los Angeles Daily Journal, December 15, 2015

“Mass Shooting Demand Commonsense Laws,” Orange County Register, December 9, 2015

“2 Texas Cases Before SCOTUS Could Have Big Implications for Race in the US,” ABA Journal, December 3, 2015

“Marijuana Should be Legal Throughout the U.S.,” Orange County Register, December 2, 2015

NON-LAW REVIEW PUBLICATIONS

“Feds Need to Probe O.C. District Attorney Over Informants,” Orange County Register, November 27, 2015

“Appeals Court Gets it Wrong on Death Penalty,” Orange County Register, November 18, 2015

“Supreme Court’s Johnson Decision has Enormous Implications,” November 18, 2015

“Balancing Rights of Religion, Medical Care,” Orange County Register, November 11, 2015

“Close Guantanamo, America’s Shame, Now,” Orange County Register, November 4, 2015

“For Cubs Fans, it’s Still ‘Wait ‘til Next Year’,” Orange County Register, October 28, 2015

“What are the Limits of Congressional Power to Authorize Suits?,” ABA Journal, October 28, 2015

“Court Gets it Wrong With Boy Who Killed Neo-Nazi Dad,” Orange County Register, October 21, 2015

“In California, Free Speech Meets Abortion,” Los Angeles Times, October 16, 2015

“Calls to Defy Supreme Court Ruling on Marriage are Futile,” Orange County Register, October 14, 2015

“OJ Trial Lessons Still With us Today,” Los Angeles Daily Journal, October 13, 2015

“New Term’s Most Important Cases--So Far,” ABA Journal, October 8, 2015

“Conservatives Should Like Chief Justice Roberts,” Orange County Register, October 7, 2015

“With Kennedy as Swing Vote, High Court Could Veer Right,” National Law Journal, October 5, 2015

“Big Cases, Big Issues,” California Lawyer California Lawyer, October 2015

“The Supremes,” Los Angeles Daily Journal, October 1, 2015

“10 Lessons from Chief Justice Roberts’ first 10 years,” ABA Journal, September 30, 2015

“Breyer Bound by Court Opinions,” Los Angeles Daily Journal, September 30, 2015

“Court Makeup Critical 2016 Election Issue,” Orange County Register, September 30, 2015

NON-LAW REVIEW PUBLICATIONS

“Can UC Devise a Hate-speech Policy that’s also 1st Amendment Friendly,” Los Angeles Times, September 25, 2015

“Celebrate the Constitution’s Legacy of Interpretation,” Orange County Register, September 23, 2015

“Speech Isn’t so Free in DC,” Los Angeles Daily Journal, September 15, 2015

“No Government Official is Above the Law,” Orange County Register, September 9, 2015

“Deal With It: Those Born Here are U.S. Citizens,” Orange County Register, August 26, 2015

“Real-world Value of Professors Publishing,” Orange County Register, August 19, 2015

“Majority Shuns Scalia’s Approach,” Los Angeles Daily Journal, August 18, 2015

“Why Funding for Planned Parenthood is Important,” Orange County Register, August 12, 2015

“Why do Courts Engage in ‘Judicial Activism’,” Orange County Register, August 5, 2015

“These 4 lesser-known SCOTUS decisions are Sure to Spawn More Litigation,” ABA Journal, August 5, 2015

“L.A. County Sheriff’s Department Needs Constitutional Policing Advisers,” Daily News of Los Angeles, August 2, 2015

“A Triumph for Liberty and Equality,” Orange County Lawyer, August 2015

“Time is Right to Strengthen Oversight of Law Enforcement,” Orange County Register, July 29, 2015

“Justice Dept. Should Investigate Orange County D.A.,” Orange County Register, July 24, 2015

“Justice Scalia: Why He’s a Bad Influence,” Los Angeles Times, July 14, 2015

“Judicial activism! But Only if We Lose!,” Los Angeles Daily Journal, July 14, 2015

“A High Court Term Liberals Can Cheer,” Orange County Register, July 8, 2015

“Lies Improved by High Court Rulings,” Orange County Register, July 1, 2015

NON-LAW REVIEW PUBLICATIONS

“What Does This Memorable SCOTUS Term Mean for the Future?,” ABA Journal, July 1, 2015

“Closing the Courthouse Doors,” 41 Human Rights 5, July 2015

“Free Speech, Confederate Flags and License Plates,” Orange County Register, June 24, 2015

“Supreme Court Decision Fails to Ensure Due Process of Law,” Orange County Register, June 17, 2015

“Court Backs Unchecked Presidential Power,” Orange County Register, June 10, 2015

“Are Judge Politicians? SCOTUS Renews the Question,” ABA Journal, June 4, 2015

“Court Must Defend ‘One Person, One Vote’,” Orange County Register, June 3, 2015

“Limiting the Patriot Act Protects Rights,” Orange County Register, May 27, 2015

“Once Again, Supreme Court Lets Police Officers Off the Hook,” National Law Journal, May 25, 2015 (with Karen M. Blum)

“There’s no Right to Secrecy in Charitable Donations,” Orange County Register, May 20, 2015

“Government Employees Need Speech Protection,” Orange County Register, May 13, 2015 “It’s

Time for California to Accept the Uniform Bar Exam,” Los Angeles Times, May 11, 2015

“Supreme Court Limits Duration of Police Stops,” Orange County Register, May 6, 2015

“The Supreme Court and Marriage,” Orange County Register, April 29, 2015

“Facing History, SCOTUS is Likely to Approve Same-Sex Marriages,” ABA Journal, April 27, 2015

“Criticism of Judges Should Respect Position,” Orange County Register, April 22, 2015

“Big Problems at O.C. D.A.’s Office,” Orange County Register, April 15, 2015 “Lessons from Indiana,” Orange County Register, April 8, 2015

“Timing, Scope Distinguish Indiana’s Religion Law,” Boston Herald, April 2, 2015

“Fighting Bias Against Pregnancy,” Orange County Register, April 1, 2015

NON-LAW REVIEW PUBLICATIONS (*continued*)

“3 Factors that Make Indiana’s Religion Law Different from Other State’s,” Los Angeles Times, March 31, 2015

“The Wrongly Convicted are Wronged Again by High Court,” Orange County Register, March 25, 2015

“First Amendment’s Role is to Protect Unpopular Speech,” Orange County Register, March 18, 2015

“Protect Student Speech,” Daily Journal, March 18, 2015

“Electoral Reform in Jeopardy at the Supreme Court,” Orange County Register, March 11, 2015

“Judge Got it Wrong on Immigration, Engages in Activism,” Orange County Register, February 25, 2014

“SCOTUS gets Another Look at the Affordable Care Act,” ABA Journal, February 25, 2015 “A Human Right to Death with Dignity,” National Law Journal, February 23, 2015

“‘Grey’ Exposes Why Obscenity Laws Should be Repealed,” Orange County Register, February 18, 2015

“Texas Judge’s Immigration Ruling is Full of Legal Holes,” Los Angeles Times, February 18, 2015 (with Samuel Kleiner)

“Require All Children to be Vaccinated,” Orange County Register, February 11, 2015

“It’s Time to Close Guantanamo,” Orange County Register, February 4, 2015

“It’s Shaping up to be a Momentous Term for SCOTUS,” ABA Journal, January 27, 2015

“Can the First Amendment Survive the Internet?,” Chronicle of Higher Education, January 23, 2015

“Will Supreme Court Vote on the Right Side of History on Marriage Equality?,” Orange County Register, January 21, 2015

NON-LAW REVIEW PUBLICATIONS (*continued*)

“Obama Should Have Been in Paris March,” Orange County Register, January 16, 2015

“The Importance of the Voting Rights Act,” Orange County Register, January 9, 2015

“New Year’s Reflections,” Orange County Register, December 30, 2014

“The 5 Most Important Stories About the Supreme Court in 2014,” ABA Journal, December 30, 2014

“The Terrorists Lost,” Orange County Register, December 23, 2014

“U.S. Should Prosecute Torturers,” Orange County Register, December 17, 2014

“Prosecute Torturers: It’s the Law,” Los Angeles Times, December 9, 2014

“Police Dodge Accountability for Deaths,” Orange County Register, December 5, 2014

“Obama’s Prosecutorial Discretion on Immigration,” Orange County Register, November 26, 2014

“What is a ‘True Threat’ on Facebook? SCOTUS to Decide,” ABA Journal, November 25, 2014

“On Immigration Policy, the Law and Facts are on Obama’s Side,” Los Angeles Times, November 20, 2014 (with Samuel Kleiner)

“Obama has the law—and Reagan—on His Side on Immigration,” New Republic, November 18, 2014

“Saving the University of California,” Orange County Register, November 18, 2014

“Why the 6th Circuit Was Wrong on Marriage Equality,” Orange County Register, November 11, 2014

“Don’t Let Ebola Kill Civil Liberties,” Orange County Register, November 5, 2014

“Without Actually Issuing Opinions, SCOTUS has Already Decided A Lot,” ABA Journal, November 4, 2014

“Attacking Tenure Won’t Fix Education,” Orange County Register, October 28, 2014

“Teacher Tenure: Wrong Target,” New York Daily News, October 23, 2014

NON-LAW REVIEW PUBLICATIONS (*continued*)

- “Supreme Court Errs Badly on Texas Voter ID Law,” Orange County Register, October 22, 2014
- “California Needs Law for Death with Dignity,” Orange County Register, October 14, 2014 “The Roberts Court’s 10th Year: A Term of Déjà Vu,” National Law Journal, October 13, 2014
- “Supreme Court Should Settle Marriage Issue,” Orange County Register, October 7, 2014
- “The Supreme Court’s Supremely Flawed Record,” Los Angeles Times, October 4, 2014
- “What to Expect from the Upcoming SCOTUS Term,” ABA Journal, October 2, 2014
- “Holder’s Record Deserves Scorn and Praise,” Orange County Register, September 30, 2014
- “A Supreme Failure: It’s Time for the Supreme Court to do a Better Job at Upholding the Constitution,” Politico Magazine, September 29, 2014
- “Love Ya Ruth, but it’s Time to Go: Why Justice Ginsberg Should Retire—Yesterday,” Politico Magazine, September 24, 2014
- “Federal Courts Could Turn on Next 2 Elections,” Orange County Register, September 23, 2014
- “Police Should get Warrants for Drones,” Sacramento Bee, September 23, 2014
- “Assessing the Supreme Court,” Orange County Register, September 16, 2014
- “Get Approval for Attack on ISIS,” Orange County Register, September 9, 2014
- “What These 3 Decisions Tell Us About SCOTUS Inconsistency,” ABA Journal, September 2, 2014
- “Why Labor Unions Still Matter,” Orange County Register, September 2, 2014
- “Ferguson and the Need for Oversight of Police,” Orange County Register, August 26, 2014
- “How the Supreme Court Protects Bad Cops,” New York Times, August 26, 2014
- “The Need for Transparency in Policing,” Orange County Register, August 19, 2014
- “Celebrating the Civil Rights Act of 1964,” Orange County Register, August 18, 2014

NON-LAW REVIEW PUBLICATIONS (*continued*)

“First Impressions of this Term’s SCOTUS Decisions were Misleading,” ABA Journal, August 4, 2014

“Will the ACA Survive?,” Orange County Register, July 29, 2014

“A Divisive Answer in the ACA Circuit Split,” National Law Journal, July 28, 2014 (with Samuel Kleiner)

“It’s No Accident that the Judge Who Tossed Death Penalty has Job for Life,” Orange County Register, July 22, 2014

“This Could End the Death Penalty Nationally,” Orange County Register, July 16, 2014

“Does Hobby Lobby Really Matter Much?,” Orange County Register, July 15, 2014

“It’s Time to Reform the Supreme Court—Here are Five Ways to do It,” Moyers Company, July 15, 2014

“No Restraint on Conservative Judicial Activism,” Orange County Register, July 8, 2014

“Ted Cruz Should be Ashamed,” The Hill, July 3, 2014

“High Court’s Arbitrary Line Drawing,” Orange County Register, July 1, 2014

“The Broad Reach of the Narrow Hobby Lobby Ruling,” Los Angeles Times, June 30, 2014

“Hurt by a Government Official? SCOTUS is Making it Harder and Harder to Sue,” ABA Journal, June 24, 2014

“Eliminating Teacher Tenure will not Improve Public Education,” Sacramento Bee, June 22, 2014 (with Catherine Fisk)

“What We Learned from the O.J. Trial,” Orange County Register, June 17, 2014

“A Milestone in Creating a Very Special Law School,” Orange County Register, June 10, 2014

“How Disabled is Disabled Enough to be Executed?,” Orange County Register, June 4, 2014

“The Supreme Court’s Answer to a Prayer,” ABA Journal, May 28, 2014

“Rationality in Sentencing for Cocaine,” Orange County Register, May 21, 2014

NON-LAW REVIEW PUBLICATIONS (*continued*)

“College Football Players’ Option to Unionize is Within Legal Bounds,” National Law Journal, May 19, 2014 (with Catherine Fisk)

“Constitutionality of California’s Prop. 209,” Orange County Register, May 13, 2014

“Court Obliterates Wall that Should Separate Church, State,” Orange County Register, May 6, 2014

“Expanding Police Power on Highways,” Orange County Register, April 30, 2014

“What Free Speech Rights do Government Employees Have?,” ABA Journal, April 28, 2014

“Tighten Rules for Cellphone Searches,” Orange County Register, April 15, 2014

“Don’t Skimp on Legal Training,” New York Times, April 14, 2014 (with Carrie Menkel-Meadow)

“Future of Campaign Finance Laws,” Orange County Register, April 8, 2014

“High Court’s Lifting of Campaign Finance Limits Sparks Sharp Divide,” National Law Journal, April 2, 2014

“College Athletes are Employees: Pay Them,” Orange County Register, April 1, 2014

“Clash Over Contraceptive Mandate,” Orange County Register, March 26, 2014

“Corporations, Contraception and Religious Freedom,” ABA Journal, March 24, 2014

“Time to Televisе Supreme Court Proceedings,” Orange County Register, March 18, 2014

“Much Depends on Ginsburg,” Los Angeles Times, March 15, 2014

“Who is Mentally Disabled when it Comes to the Death Penalty?,” ABA Journal, February 27, 2014

“Arizona Anti-Gay Bill Terrible Law, Terrible Policy,” Orange County Register, February 25, 2014

“Public Employee Unions in Legal Peril,” Orange County Register, February 12, 2014

“ABA Report Lacking Solutions for Law Schools,” National Law Journal, February 10, 2014

NON-LAW REVIEW PUBLICATIONS (*continued*)

“Is it Time to Go High-Tech on the Fourth Amendment?,” ABA Journal, February 4, 2014

“To Reform the Sheriff’s Dept., Look to the LAPD,” Los Angeles Times, January 28, 2014 (with Miriam Aroni Krinsky)

“Buffer Zones Protect Rights,” Orange County Register, January 15, 2014

“Post-Argument Briefs: A Small Burden with Great Benefits,” Los Angeles Daily Journal, January 14, 2014

“Arguing in the Supreme Court a Daunting Task,” Orange County Register, January 13, 2014

“Bankruptcy Case Tops a Busy January Session,” ABA Journal, January 2, 2014

“A Camera in Every Appellate Court,” Los Angeles Daily Journal, December 17,

2013 “One Teacher Can Redirect a Life,” Orange County Register, December 10, 2013

“God, Birth Control and Corporate America,” National Law Journal, December 9, 2013

“Can the Military Restrict Protests Outside Bases?,” ABA Journal, December 3, 2013

“Filibuster Action was Long Overdue,” Orange County Register, November 26, 2013

“Long-Overdue Limits on Gang Injunctions,” Orange County Register, November 13, 2013

“Who is a Gang Member?,” Daily Journal, November 11, 2013

“Why is the Obama Administration Bowing to Religion?,” Los Angeles Times, November 5, 2013

“Separation of Church and State Revisited,” ABA Journal, October 30, 2013

“Anna Nicole Smith Lives On in the U.S. Supreme Court’s Latest Term,” National Law Journal, October 21, 2013

“Can’t Cut Congress Out of Debt Debate,” Orange County Register, October 16, 2013

“High Court to Consider Affirmative Action Ban,” Los Angeles Daily Journal, October 14, 2013

NON-LAW REVIEW PUBLICATIONS (*continued*)

“Justices Mull Future of Affirmative Action,” Orange County Register, October 9, 2013

“Where Do We Go from Here?,” California Lawyer, October 2013

“Campaign Finance, Affirmative Action Will Top Supreme Court’s New Term,” ABA Journal, October 2, 2013

“Protecting Children in California,” Orange County Register, September 26, 2013

“Campaign Finance Again Before the US Supreme Court,” Los Angeles Daily Journal, September 17, 2013

“Paradox in Drug Injury Cases Must Be Solved by Congress, says SCOTUS,” ABA Journal, September 4, 2013

“The Broader Message of the Stop and Frisk Ruling,” National Law Journal, August 26, 2013

“Obama Takes Surprising Stance in Establishment Case Briefs,” Los Angeles Daily Journal, August 13, 2013

“What’s Next for Affirmative Action?,” ABA Journal, August, 6, 2013

“Limit Supreme Court Terms,” Orange County Register, August 4, 2013

“The Future of Marriage Equality in California,” Orange County Register, July 30, 2013

“Beware Before Taking Generic Drugs,” Orange County Register, July 24, 2013

“Between a Rock and Zero Liability: Immunizing Drug Manufacturers from Liability,” Los Angeles Daily Journal, July 16, 2013

“Rights Must Be Held in Equal Esteem,” Orange County Register, July 12, 2013

“Justice Kennedy's World,” National Law Journal, July 1, 2013

“Justice for Big Business,” New York Times, July 1, 2013

“Republican Philosophy Seems to Guide High Court's Conservative Justices,” The Sacramento Bee, June 30, 2013

NON-LAW REVIEW PUBLICATIONS (*continued*)

“Prop. 8 Deserved a Defense,” Los Angeles Times, June 28, 2013

“Big Business Unfairly Favored by Justices,” Orange County Register, June 28, 2013

“Majority Fails on DNA Samples: Majority Fails in DNA Collection Ruling,” Los Angeles Daily Journal, June 18, 2013

“Fix Patriot Act to Stop Indiscriminate Spying,” Orange County Register, June 14, 2013

“Viewpoints: Expanding Eligibility for Jurors Would Democratize Jury Room,” The Sacramento Bee, May 15, 2013 (with Kevin R. Johnson)

“Common Sense on Guns,” 55-MAY Orange County Law 11 (2013)

“Battling Human Rights Abuses: Litigating Against Human Right Abuses,” Los Angeles Daily Journal, May 14, 2013.

“‘Miranda’ and the Constitution,” National Law Journal, May 13, 2013

“Dzhokhar Tsarnaev Has Rights,” Los Angeles Times, April 23, 2013

“It’s Time to Comply with Prison Crisis Order: Time to Stop Defying Prison Overcrowding Order,” Los Angeles Daily Journal, April 16, 2013

“On Pot laws, Respect the States,” Los Angeles Times, March 27, 2013

“Wiretap: Rights but No Remedies: Ignorance is . . . a Bar to Vindicating your Rights?,” Los Angeles Daily Journal, March 12, 2013

“Proposition 8’s Day in Court,” Los Angeles Times, March, 4 2013

“Gay Marriage at the Supreme Court: What to Anticipate in the Marriage Equality Oral Arguments,” California Lawyer, March 2013

“Uphold Section 5 of the Voting Rights Act,” National Law Journal, February 25, 2013

“Circuit Split over Parties Expanding a Court’s Power: Circuits Vary on Ability to Expand a Court’s Power,” Los Angeles Daily Journal, February 12, 2013

“Reparative Therapy Law Passes Muster,” Los Angeles Daily Journal, January 15, 2013

NON-LAW REVIEW PUBLICATIONS (*continued*)

“Viewpoints: Regulating Firearms Poses No Threat to 2nd Amendment,” *The Sacramento Bee*, January 6, 2013 (with Juliet A. Leftwich)

“5 Commonsense Steps to Curb Gun Violence,” *San Francisco Chronicle*, January 1, 2013 (with Robert Steinbuch)

“Marriage Equity Decision May Have to Wait: Jurisdictional Hurdles Could Delay Marriage Decision,” *Los Angeles Daily Journal*, December 19, 2012

“Limiting *Citizens United*’s Ill Effect: How to Limit the Ill Effects of *Citizen United*,” *Los Angeles Daily Journal*, November 13, 2012

“Supreme Importance; If Mitt Romney Has a Chance to Appoint New Justices, We Can Expect a Frighteningly Conservative High Court,” *Los Angeles Times*, October, 30 2012

“Important Issue in Fisher Ignored?: Dispositive Issue in Fisher Remain Unmentioned,” *Los Angeles Daily Journal*, October, 17 2012

“The Future of Diversity,” 69 *National Lawyers Guild Review* 193 (2012)

“Blockbuster Cases Ahead for SCOTUS,” *California Lawyer*, October 2012

“Property Rights on Skid Row: Homeless have Constitutional Rights Too,” *Los Angeles Daily Journal*, September, 18, 2012

“Assault Weapons in the Cross Hairs,” *National Law Journal*, September 17, 2012

“Justice Roberts and Federal Power,” *Los Angeles Daily Journal*, August 14, 2012

“You Get What You Pay for in Legal Education,” *National Law Journal*, July 23, 2012

“Williams v. Illinois: Irrelevant to Substance,” *Los Angeles Daily Journal*, July 17, 2012

“High Court’s Union Dues Case May Change the Political Landscape,” *ABA Journal*, July 2, 2012

“Losing Interest,” *National Law Journal*, June 25, 2012

“Lowering the Bar for Qualified Immunity,” *Los Angeles Daily Journal*, June 18, 2012

“Effective Assistance of Counsel Now a Right in Plea Bargaining,” *ABA Journal*, June 4, 2012

NON-LAW REVIEW PUBLICATIONS (*continued*)

- “Why the 9th Circuit got Padilla Wrong,” Los Angeles Daily Journal, May 15, 2012
- “The Court and the Fourth Amendment,” National Law Journal, May 7, 2012
- “A Matter of Time,” Orange County Lawyer, May 2012
- “State Law Heads to Supreme Court,” Los Angeles Daily Journal, April 19, 2012
- “Arizona Immigration Case Closes a Momentous Term,” ABA Journal, April 18, 2012
- “Supreme Court Should Lift its Blackout,” Los Angeles Times, March 22, 2012, at A15 (with Eric J. Segall)
- “SCOTUS Tackles Law and Politics of the Health Care Act,” ABA Journal, March 20, 2012
- “Future of Diversity in Higher Education Hangs in Balance,” Los Angeles Daily Journal, March 13, 2012
- “The Choice for Justice Kennedy,” National Law Journal, March 5, 2012
- “Supreme Court Weighs First Amendment, the Stolen Valor Act and the Protection of Lies,” ABA Journal, March 1, 2012
- “Prop. 8: What will the U.S. Supreme Court do?,” Los Angeles Daily Journal, February 14, 2012
- “Prop. 8 Ruling: The Legal Path Ahead,” Los Angeles Times, February 8, 2012, at A13
- “Civil Rights Cases Will Face New Hurdles,” ABA Journal, February 1, 2012
- “Discriminating in the Name of Religion,” Los Angeles Daily Journal, January 19, 2012
- “Three Texas Election Cases with Potential for ‘Enormous’ Consequences,” ABA Journal, January 3, 2012
- “GOP Candidates: Bashing Judges, Threatening Democracy,” Los Angeles Times, December 20, 2011, at A21
- “Bad Words?,” National Law Journal, December 19, 2011
- “Televised US Supreme Court Arguments,” Los Angeles Daily Journal, December 13, 2011

NON-LAW REVIEW PUBLICATIONS (*continued*)

- “The Latest Test on the Confrontation Clause,” ABA Journal, December 1, 2011
- “Will Partisanship Shape the Healthcare Ruling?,” Los Angeles Times, November 15, 2011, at A27
- “New Limits on Class Actions,” 47 Trial 54, November 2011
- “Enforcing the Constitution,” Los Angeles Daily Journal, November 15, 2011
- “Keeping Up with the Joneses—How Far Does the ‘Reasonable Expectation of Privacy’ Go?,” ABA Journal, November 1, 2011
- “The Need for Empathy on the Court,” National Law Journal, October 31, 2011
- “Judge’s Opinion on Gay Rights was Inappropriate,” Los Angeles Daily Journal, October 12, 2011
- “Landmarks to Come?,” California Lawyer, October 2011
- “Momentous Term for the ‘Kennedy Court’?,” ABA Journal, October 3, 2011
- “Prosecuting UCI Students Unjust,” Orange County Register, September 26, 2011
- “Stanching the Cash Flow,” The American Prospect, September 19, 2011 (with James Sample)
- “Limiting Class Actions: The Full Impact of Dukes,” Los Angeles Daily Journal, September 19, 2011
- “A Devastating Decision,” 47 Trial 54, September 2011
- “Enormous Confusion,” National Law Journal, August 29, 2011
- “Health Care Law Should be Upheld,” Los Angeles Daily Journal, August 17, 2011
- “The Constitution, Obama and Raising the Debt Ceiling,” Los Angeles Times, July 29, 2011
- “Protecting the Rich in the Election System,” Los Angeles Daily Journal, July 13, 2011
- “Can California Dissolve City of Vernon?,” San Francisco Chronicle, July 10, 2011

NON-LAW REVIEW PUBLICATIONS (*continued*)

“Closing the Door to Justice; The U.S. Supreme Court Has Decided Against the Court System,” Los Angeles Times, July 6, 2011, at A11

“Abandoning the Courts,” 47 Trial 50, July 2011

“Closing the Courthouse Doors,” National Law Journal, June 21, 2011

“Unanimously Wrong,” Los Angeles Daily Journal, June 15, 2011

“Rejecting Government Lies,” Los Angeles Daily Journal, May 19, 2011

“Class (Action) Dismissed,” Los Angeles Times, May 10, 2011, at A11

“High Court Turns Blind Eye to Misconduct,” The Recorder, May 2, 2011

“The New Preemption Landscape,” 47 Trial 52, May 2011

“Head in the Sand Over Prosecutorial Misconduct,” National Law Journal, April 25, 2011

“You Get the Judges You Pay For,” New York Times, April 18, 2011, at A23 (with James J. Sample)

“Proposed Bill Major Setback for the State’s Courts,” Los Angeles Daily Journal, March 30, 2011

“Hard Cases Can Make Good Law,” Los Angeles Daily Journal, March 16, 2011

“A Supreme Court Above Reproach,” Los Angeles Daily Journal, February 15, 2011

“Criminal Charges Against Hecklers Go Too Far,” Orange County Register, February 8, 2011

“Rejecting Originalism,” Los Angeles Daily Journal, January 24, 2011

“Free Speech and the 'War on Terror',” 47 Trial 54, January 2011

“How to Ruin the UCs; Salary Caps, Freezing Fees and Greater Legislative Control Are a Recipe for Mediocrity,” Los Angeles Times, December 28, 2010, at A15

“A New Obstacle to Civil Rights Relief,” Los Angeles Daily Journal, December 15, 2010

“End Military Discrimination Now,” Los Angeles Daily Journal, November 17, 2010

NON-LAW REVIEW PUBLICATIONS (*continued*)

“Do Taxpayers Have Standing to Challenge a Tax Credit System as Violating the Establishment Clause and, if so, Is It Constitutional?,” Preview of United States Supreme Court Cases, November 2010, at 68.

“A New Justice and A New Term,” 46 Trial 50, November 2010

“Drama Awaits New Jurist,” California Lawyer, October 2011

“Why Fight it?,” Los Angeles Times, October 21, 2010, at A21

“Reclaiming Our Constitution,” Los Angeles Daily Journal, October 15, 2010

“Protecting Speech and Privacy,” Los Angeles Daily Journal, October 13, 2010

“Supremely Conservative,” Los Angeles Times, October 4, 2010, at A17

“Constitutional Protections Under Attack,” New Jersey Law Journal, September 23, 2010

“Wrong in All Aspects,” Los Angeles Daily Journal, September 15, 2010

“The Court and Guns,” 46 Trial 48, September 2010

“Wrong on the Law,” Los Angeles Daily Journal, August 18, 2010

“Prop. 8 – A Matter of Standing,” Los Angeles Times, August 15, 2010, at A30

“The Criminal Docket in October Term 2009,” Preview of United States Supreme Court Cases, August 2010, at 337.

“Too Many Secrets; It’s Not the Leaking of Classified Documents; It’s Why the Information Was Classified in the First Place,” Los Angeles Times, July 28, 2010, at A15

“The Vision of John Paul Stevens” 46 Trial 48, July 2010

“Missed in Much of the Media Commentary About Elena Kagan is that Her Advantage and Disadvantage as a Nominee is the Same: the Lack of a Paper Trail,” Los Angeles Daily Journal, May 19, 2010, at 1

“Liberty, Justice for All,” Los Angeles Times, May 11, 2010, at A13

“The Most Important Decision of the Term,” 46 Trial 54, May, 2010

NON-LAW REVIEW PUBLICATIONS (*continued*)

“Does the Fourth Amendment's Right to Privacy Protect Personal Communications over a Government-Issued Pager?,” *Preview of United States Supreme Court Cases*, April 2010, at 309

"The Vision of John Paul Stevens," *Los Angeles Daily Journal*, April 13, 2010, at 5

"A Politically Popular, But Wrong Decision," *Los Angeles Daily Journal*, March 16, 2010, at 7

“Court Keeps Tight Limits on Interlocutory Review,” 46 *Trial* 52, March, 2010

"The Implications of *Citizens United*," *Los Angeles Daily Journal*, February 18, 2010, at 5

“Free Speech and the 'Irvine 11',” *Los Angeles Times*, February 18, 2010, at A17

“Who are the Judicial Activists Now?,” *Los Angeles Times*, January 22, 2010, at A29

"Looking Back," *Los Angeles Daily Journal*, January 13, 2010, at 5

“Another Look at the Guantanamo Problem,” 46 *Trial* 46, January, 2010

"Religions Have No Immunity from Criticism," *Los Angeles Daily Journal*, December 18, 2009, at 7

"President Obama's Nobel, Unconstitutional?," *Los Angeles Daily Journal*, November 17, 2009, at 6

“A New Term, A New Justice,” 45 *Trial* 50, November, 2009

“Health Care Reform is Constitutional,” *Politico.com*, October 23, 2009

“Despite Critics' Claims, It's Not Unconstitutional to Require Americans to Buy Medical Insurance,” *Los Angeles Times*, October 6, 2009, at A23

"Stare Decisis - or Not," *California Lawyer*, October, 2009, at 14

“A Great Man: A Tribute to Justice Robert Eastaugh,” 33 *Alaska Bar Rag* 31, Fall 2009

“Court’s Conservatives Hold Sway in Employment Cases,” 45 *Trial* 52, September 2009

"Not a Minimalist Court," *Los Angeles Daily Journal*, August 12, 2009, at 6

“A Dangerous Free Speech Ruling,” 45 *Trial* 60, July, 2009

NON-LAW REVIEW PUBLICATIONS (*continued*)

"Class Action Satisfaction? There is No Basis for Charges that the Supreme Court's Ruling Will Open the Floodgate of Frivolous Lawsuits," Los Angeles Daily Journal, May 29, 2009, at 6

"The Wrong Fix for California," Los Angeles Times, May 28, 2009, at A27

"Choosing the Next Justice," National Law Journal, May 18, 2009, at 33

"Help Wanted," Los Angeles Daily Journal, May 8, 2009, at 6

"Clients Aren't a Lawyer's Secret; It's vital that Candidates for L.A. City Attorney Should Reveal Who They've Represented," Los Angeles Times, May 1, 2009, at A29

"Point: President Lacks Authority to Suspend the Constitution," 51 Orange County Lawyer 10, May, 2009

"Wyeth is Victory for Consumers, Blow to Preemption," 45 Trial 54, May, 2009

"Undermining Free Speech," Los Angeles Daily Journal, April 16, 2009, at 6

"A Dose of Skepticism: Wyeth is One of the Most Important Cases in Recent Years to Strongly Reaffirm the Presumption Against Pre-emption," Los Angeles Daily Journal, March 19, 2009, at 6

"With Court's Docket Full, Three Cases to Watch," 45 Trial 48, March 2009

"Laguna Beach is Wrong to Make Homelessness a Crime," Wall Street Journal, February 19, 2009, at A18

"High Court is Set to Tackle Profound Federalism Issues," Los Angeles Daily Journal, January 20, 2009, at 6

"The Law is on Blagojevich's Side," Los Angeles Times, January 6, 2009, at A 15

"Court Sets Higher Hurdle for Preliminary Injunctions," 45 Trial 58, January 2009

"Spin City," Los Angeles Daily Journal, December 16, 2008, at 6

"Can Obama Bring Us Back from the Dark Side?," Los Angeles Daily Journal, November 21, 2008, at 6

"October Term Surprises," 44 Trial 66, November, 2008

NON-LAW REVIEW PUBLICATIONS (*continued*)

“Not a Self-Serving Activity,” National Law Journal, October 27, 2008, at 22

“Electing the Next Court; McCain or Obama May have Three Supreme Court Openings to Fill,” Los Angeles Times, October 7, 2008, at A19

"An Important Term to Come," California Lawyer, October, 2008, at 16

“A Narrow Ruling on Punitive Damages,” 44 Trial 62, September, 2008

"Judges are Allowed to Engage in Legal Behavior That Does Not Affect Their Ability to Carry Out Their Duties," Los Angeles Daily Journal, August 4, 2008, at 6

"California, Climate Change, and the Constitution," The Environmental Forum, July/August 2008 at 50 (with Brigham Daniels, Brett Hardy, Tim Profeta, Christopher H. Schroeder and Neil S. Siegel)

“To Scalia, Judicial Restraint Means Opposing Rights He Doesn't Like,” Los Angeles Daily Journal, July 18, 2008, at 6

“A Severe Setback to Voting Rights,” 44 Trial 64, July, 2008

“The Supreme Court Gun Fight; A Case of Conservative Activism,” Los Angeles Times, June 27, 2008, at A27

"Protection or Punishment? Punishing Protected Speech Won't Help Catch Any Predators - It Will Harm Civil Liberties," Los Angeles Daily Journal, May 29, 2008, at 6

"A Blow to Democracy," Los Angeles Daily Journal, May 15, 2008, at 6

“Voter Fraud Thanks to the Supreme Court; Legislators Now Can Use ID Laws and Other Tricks to Discourage Votes for Opposing Parties,” Pittsburgh Post-Gazette, May 4, 2008, at G1

“A Troubling Trend in Preemption Rulings,” 44 Trial 62, May, 2008

"Next President Will Have Profound Impact on Lower Courts," Los Angeles Daily Journal, April 21, 2008, at 4

"Pre-Emptive Hike," Los Angeles Daily Journal, March 19, 2008, at 6

“Closing the Courthouse Doors to Civil Rights Plaintiffs,” 44 Trial 64, March, 2008

NON-LAW REVIEW PUBLICATIONS (*continued*)

"New Beginning," Los Angeles Daily Journal, February 28, 2008, at S5

"The Supreme Court Closes the Door on Federal Prisoners," Los Angeles Daily Journal, February 13, 2008, at 6

"Federal Preemption: States Powers, National Interests Richard A. Epstein and Michael S. Greve, Editors AEI Press," 44 Trial 58, February 2008

"Inner-City Schools Suffer When 'Debaters' Go Silent," USA Today, January 31, 2008, at 11A

"Attention, Shoppers," Los Angeles Daily Journal, January 18, 2008, at 6

"Will Exxon Punitive Damages Ruling Spill Over into Due Process Questions," 44 Trial 62, January 2008

"Silencing Justice," Los Angeles Daily Journal, December 18, 2007, at 6

"Rethinking Legal Education," Los Angeles Daily Journal, November 20, 2007, at S10

"The Right to Regulate Firearms: The Supreme Court Need Only Decide That Reasonable Gun Control Rules are Permitted," Newark Star-Ledger, November 26, 2007, at 15

"Break Through Bush Administration's Executive Privilege Roadblock," Baltimore Sun, November 11, 2007, at 15A

"A Clear Case of Contempt," The Raleigh News & Observer, November 9, 2007, at A13

"Two Cheers for the Boomers: They Accomplished So Much, But Fell Short of Many Lofty Ideals," California Lawyer, November 2007, at 18 (with Catherine Fisk)

"Small Docket, Big Decisions in Court's New Term," 43 Trial 70, November, 2007

"A Slow Start and a Sparse Docket," California Lawyer, October, 2007, at 13

"Chemerinskygate; Academic Freedom Matters, As My Case Proves. Professors Must Be Free to Speak Out on Vital Issues," Los Angeles Times, September 14, 2007, at A23

"The Court Deals a Blow To Pay Discrimination Plaintiffs," 43 Trial 60, September, 2007

"Don't Rush to Execution; California Must Reject Gonzales' Effort to Bend Death Penalty Rules," Los Angeles Times, August 16, 2007, at A17

NON-LAW REVIEW PUBLICATIONS (*continued*)

"Bush's Saving of Insider Libby Destroys Tradition, Abuses Presidential Power," Los Angeles Daily Journal, July 9, 2007, at 6

"Abandoning the Promise," Baltimore Sun, July 5, 2007, at 15A (with Charles Clotfelter)

"The Death of Segregation," Raleigh News & Observer, July 3, 2007, at A10 (with Charles Clotfelter)

"Conservative Justice; Forget the Promises – Roberts and Alito Delivered High Court Ideology," Los Angeles Times, June 29, 2007, at A35

"More Questions About Punitive Damages," 43 Trial 72-74, May 2007

"Judges Know Best: Debating 'Gonzales v. Carhart'," Los Angeles Daily Journal, May 15, 2007, at 6 (with Catherine Fisk)

"A Break with Precedent on Abortion," Newark Star-Ledger, April 23, 2007, at 15

"The Incredible Shrinking Docket," 43 Trial 64-65, March 2007

"Partial Birth Decision Shows Court Will Overrule Precedent," Chicago Sun Times, April 23, 2007, at 43

"On the Senate Grill, Gonzales Defiant: For His Lies to the People, AG Must Go," Los Angeles Daily Journal, April 20, 2007, at 1

"Letter Imperfect," Los Angeles Daily Journal, April 19, 2007, at 6 (Forum Column)

"Historical Parallel to Attorney Firings?," San Diego Union-Tribune, March 27, 2007, at B7

"High Court Must Allow Review for Guantanamo Detainees," Orlando Sentinel, February 22, 2007, at A15

"Off Base," Los Angeles Daily Journal, February 13, 2007, at 6

"Prisoners of the Rule Of Law," Boston Globe, February 22, 2007, A9

"A Bad LAPD Decision, Squared," Los Angeles Times, January 12, 2007, at 23

"Rehnquist Revelation," Los Angeles Daily Journal, January 10, 2007, at 8

NON-LAW REVIEW PUBLICATIONS (*continued*)

“Silencing Profanity Wastes Government Time,” Los Angeles Daily Journal, June 12, 2007, at 6

“Smoky Logic,” Los Angeles Daily Journal, March 15, 2007, at 6

“A Well-Regulated Right to Bear Arms,” Washington Post, March 14, 2007, at A15

“Workers Win in Retaliation Case,” 43 Trial 58-59, January 2007

“Blinding Schools to Race Devalues Diversity,” Los Angeles Daily Journal, December 21, 2006

“Congress Should Adopt Immediately a Federal Shield Law for Journalists,” Los Angeles Daily Journal, October 25, 2006

“Laptop Search at Border Was Illegal,” Los Angeles Daily Journal, November 29, 2006

“Roberts Court Enters A Divisive Second Year,” 42 Trial 66-68, November 2006

“The Supremes: All Eyes Are on the Roberts Court and Justice Anthony Kennedy’s Potential Swing Vote,” 26 California Lawyer 20, October 2006

“Navy Is Wrong to Force Out Guantanamo Lawyer,” Los Angeles Daily Journal, October 21, 2006

“Standing Up to Injustice in a Crisis,” Raleigh News & Observer, October 20, 2006, at A15

“Legislating Violations of the Constitution,” Washington Post, September 30, 2006

“Keeping Sources Confidential,” Orlando Sentinel, September 24, 2006, at A23

“The Supremes,” Los Angeles Daily Journal, September 20, 2006

“In Guantanamo Case, Justices Rein In Executive Power,” 42 Trial 60-62, September 2006

“New Rules For Detainees Still Fall Short,” Raleigh News & Observer, September 10, 2006, at A31

“State Supreme Court in ‘Copley’ Undermines Accountability of Police,” Los Angeles Daily Journal, September 9, 2006

“Let All Criminal Defendants Pick Their Lawyers,” Los Angeles Daily Journal, August 18, 2006

NON-LAW REVIEW PUBLICATIONS (*continued*)

“On the Roberts Court, the Police Get More Freedom,” Los Angeles Daily Journal, July 21, 2006

“Use Careful Procedures,” National Law Journal, June 5, 2006, at 27

“‘Garcetti’ Decision Ignores the People’s Right to Know,” Los Angeles Daily Journal Forum Column, June 15, 2006

“Schools Must Be Able to Limit Abusive Speech,” Los Angeles Daily Journal, May 18, 2006

“The LAPD Needs Policing,” Los Angeles Times, May 3, 2006, at California Metro13 (with Catherine Lhamon & Mark Rosenbaum)

“The First Amendment and Military Recruiting,” 42 Trial 78-79, May 2006

“Court Blasts Indecency of Criminalizing Homeless,” Los Angeles Daily Journal Forum Column, April 19, 2006

“Ruling Was a Loss For Free Speech,” Richmond Times Dispatch, March 20, 2006, at A9

“Court Snubs Free Speech to Bow to Military,” Los Angeles Daily Journal Forum Column, March 15, 2006

“Court Revisits Sovereign Immunity in Discrimination Cases,” 42 Trial 70-72, March 2006

“Roberts Court Nips a Little at Sovereign Immunity,” Los Angeles Daily Journal Forum Column, February 23, 2006

“Naming names at the LAPD: The Police Commission’s Decision Not to Disclose the Identity of Officers Involved in Shootings is an Example of Special-interest Politics at its Worst,” Los Angeles Times, February 17, 2006, at California Metro13

“A Scholar Views the Hearing – Alito Sanitizes a Career That Cries for Filibuster by the Senate – Alito Bowdlerizes Record That Cries for Filibuster,” Los Angeles Daily Journal, January 12, 2006

“Law Schools Have Right to Bar Military Recruiters,” Los Angeles Daily Journal, January 3, 2006 (Forum Column)

“Rehnquist’s Steady Conservatism Reshaped the Law,” 41 Trial 70-72, November 2005

NON-LAW REVIEW PUBLICATIONS (*continued*)

“Splitting 9th Circuit Is Costly, Conservative Ploy,” Los Angeles Daily Journal, November 15, 2005

“White House, Miers Must Reveal Her Hidden Record, Los Angeles Daily Journal,” October 19, 2005

“An Abuse of Executive Privilege,” Herald-Sun, October 17, 2005

“Senators Must Tell Miners: No Answers, No Confirmation,” Baltimore Sun, October 6, 2005

“Roberts Tap Dances Away,” The News & Observer, September 22, 2005

“Briefs Give Democrats Reason to Oppose Nomination,” Los Angeles Daily Journal, September 15, 2005

“Consider Court Nominees Together,” Herald-Sun, September 11, 2005 (with James E. Coleman, Jr.)

“The O’Connor Legacy,” 41 Trial 68-69, September 2005

“Two Scholars View the Hearing: Testimony Misleads Judiciary Panel,” Los Angeles Daily Journal, September 14, 2005

“Once Again, Just Too Conservative,” Los Angeles Times, August 31, 2005

“Judges Do Make Law – It’s Their Job,” USA Today, August 24, 2005 (with Catherine Fisk)

“Thomas, Unbridled, Would Gut 200 Years of Precedent,” Los Angeles Daily Journal, August 5, 2005

“Senators Must Insist on Answers,” News & Observer, July 21, 2005

“Reality Takes Precedence in Naming Justice,” The Times Union, July 16, 2005

“Let the Grilling Begin,” Los Angeles Times, July 13, 2005

“Age Discrimination Claims Get a Boost From the Court,” 41 Trial 76-77, July 2005

“Justices’ Opinions Make Future of Establishment Clause Unclear,” Los Angeles Daily Journal, July 18, 2005

NON-LAW REVIEW PUBLICATIONS (*continued*)

“In Wake of Deep Throat Saga, Need for Federal Shield Law Clear,” Rocky Mountain News, June 4, 2005

“Patients Need Range of Choices in the Face of Pain and Suffering,” Los Angeles Daily News, April 8, 2005 (with Judith Daar)

“Ignoring Constitution for Political Gain,” Sun-Sentinel, March 23, 2005

“Oregon’s Right to Decide,” News & Observer, March 4, 2005

“3rd Circuit Award Law Schools Victory Against Military,” Los Angeles Daily Journal, December 22, 2004

“Senate’s ‘Nuclear Option,’” Los Angeles Times, December 5, 2004 (with Michael Gerhardt)

“Separation of Church and State May Not Hold Under Bush,” Los Angeles Daily Journal, November 17, 2004

“Justices Begin Another Blockbuster Year,” 40 Trial 76, November 2004

“Congress Has No Authority to Preclude Judicial Review,” Los Angeles Daily Journal, October 12, 2004

“Another Year of Blockbusters (US Supreme Court 2004 term),” 24 California Lawyer 17, October 2004

“Criminal Justice System Regresses Under ‘Gementera,’” Los Angeles Daily Journal, September 14, 2004

“Three Decisions, One Big Victory for Civil Rights,” 40 Trial 74, September 2004

“Ruling Shows Internet Requires Great Judicial Protection,” Los Angeles Daily Journal, August 18, 2004

“The Chief Isn’t the Best One to Police the Police,” Los Angeles Times, July 16, 2004

“Rulings Encourage Police to Ignore ‘Miranda,’” Los Angeles Daily Journal, July 9, 2004

“‘Blakely’ Signifies Great Change in Sentencing in Criminal Cases,” Los Angeles Daily Journal, June 28, 2004 (with Laurie Levenson)

“Court Bars Out-of-court ‘Testimonial’ Statements,” 40 Trial 82, July 2004

NON-LAW REVIEW PUBLICATIONS (*continued*)

“9th Circuit Rightly Let Doctors Carry Out Their Patients’ Wishes,” Los Angeles Daily Journal, June 23, 2004

“Tiptoeing Around ‘Under God’,” Los Angeles Times, June 15, 2004

“Appeals Court’s Ruling Could Open Door to Hope for Lifers,” Los Angeles Daily Journal, May 21, 2004

“Government is Not Required to Aid Religion,” 40 Trial 84, May 2004

“Legal Pundits Loose Lipped,” National Law Journal, April 19, 2004 (with Laurie L. Levenson & Therese H. Maynard)

“Judges Shouldn’t Issue Gag Orders to Control High-Profile Cases,” Los Angeles Daily Journal, April 12, 2004

“Fairness the Ballot Box: What Good is the Right to Vote if Every Ballot Isn’t Counted?,” 40 Trial 32, April 2004

“First Amendment Doesn’t Prohibit Nudity or Profanities,” Los Angeles Daily Journal, March 19, 2004

“In One Key Area, (the Chief) Justice is Indeed Blind,” Los Angeles Times, March 19, 2004 (with Steven Lubet)

“Five Justices Hold Firm on ‘Soft’ Campaign Money,” 40 Trial 78, March 2004

“Life in Prison for Shoplifting: Cruel and Unusual Punishment,” 31 Human Rights 11-14 (2004)

“Wal-Mart Initiative Subverts Democracy,” Los Angeles Daily Journal, February 23, 2004

“Ban Fundraising Among L.A. City Commissioners,” Los Angeles Times; February 10, 2004 (with Laura Chick)

“Is Los Angeles’ City Attorney Qualified? Of Course He Is,” Los Angeles Daily Journal, February 5, 2004

“Who Are You? – Americans Have Right to Know More About Government’s Detainees,” Los Angeles Daily Journal, January 16, 2004

“Constitution Bars Prosecution of Long-ago Child Abusers,” 40 Trial 64, January 2004

NON-LAW REVIEW PUBLICATIONS (*continued*)

“Elections, Religion, and Federalism Top Court’s Docket in New Term,” 39 Trial 78, November 2003

“Now That It’s Finally Over, Let’s Revamp the Recall,” Los Angeles Times, October 29, 2003 (with Mark Ridley-Thomas)

“Closed Doors: Luce Forward Continues Unjust Trend of Keeping Litigants Out of Court,” Los Angeles Daily Journal, October 17, 2003

“The First Tuesday in October,” California Lawyer, October 2003

“Court Must Buck Political Pressure in Pledge Case,” Los Angeles Times, October 15, 2003

“9th Circuit Ruling Guards the Precious Right of Voter Equality,” Los Angeles Times, September 16, 2003

“The Court Marks the Limits of Federalism,” 39 Trial 78, September 2003

“On Balance: The Court’s Failure to State Levels of Scrutiny in Key Rulings Could Cause Problems,” Los Angeles Daily Journal, August 15, 2003

“Punitive Damages After Campbell, Romo and Smith,” 39 Trial 18, August 2003

“Question of Time: Supreme Court Was Right to Toss Popular Law that Put Molesters in Jail,” Los Angeles Daily Journal, July 25, 2003

“Place to Pass Judgment on Kobe Bryant Is in Court,” Los Angeles Times, July 22, 2003

“Striking Balance on Hate Speech.,” 39 Trial 78, July 2003

“Torture Tactics: Ruling in Chavez Gives Police License to Question Suspects Abusively,” Los Angeles Daily Journal, June 20, 2003

“Is Any Sentence Cruel and Unusual,” 39 Trial 78, May 2003

“Hateful Speech Doesn’t Deserve Protection If It Contains Threats,” Los Angeles Daily Journal, May 16, 2003

“Closing the Courthouse Doors,” 37 Clearinghouse Review 64 (2003)

NON-LAW REVIEW PUBLICATIONS (*continued*)

“To Prevent a Repeat of Rampart, Fix More Than the LAPD,” Los Angeles Times, April 25, 2003

“Look Closely: Senate Should Bring Judicial Nominees Under Sharp Focus,” Los Angeles Daily Journal, April 17, 2003

“Color Red, White, and Blue: Litigation Alerts in USA Patriot Act,” California Lawyer, April 2003

“By Flouting War Laws, U.S. Invites Tragedy,” Los Angeles Times, March 25, 2003

“Supreme Court’s Blockbuster Term,” 39 Trial 72, March 2003

“Majority Ignored Precedent and Changed Law in Three Strikes Case,” Los Angeles Daily Journal, March 21, 2003

“Sentencing Petty Crooks to Life for Shoplifting or Drug Use Makes No Sense Constitutionally, Morally or Financially,” Los Angeles Times, March 10, 2003

“Give Rampart Investigators a Big Stick and Then Turn Them Loose,” Los Angeles Times, March 3, 2003 (with Constance L. Rice)

“Limiting Suits to Enforce Federal Laws,” 39 Trial 70, January 2003

“Lesson in Equality: Colleges Need Affirmative Action to Bring Diverse Perspectives to Classroom,” Los Angeles Daily Journal, December 20, 2002

“Providing Equal Justice for Voiceless,” Los Angeles Daily Journal, December 19, 2002 (with Daniel Grunfeld & David Lash)

“Medipot Haze: States, Not U.S. Should Have Right to Regulate Doctors,” Los Angeles Daily Journal, November 22, 2002

“No to a Far-Right Court: Use Filibusters,” Los Angeles Times, November 11, 2002 (with Catherine Fisk)

“Judicial Elections and the First Amendment,” 38 Trial 78, November 2002

“Tensions Between Liberty and Order,” Insights on Law and Society, Fall 2002

NON-LAW REVIEW PUBLICATIONS (*continued*)

“Bratton’s Right Guy, But Will He Succeed?,” Los Angeles Daily News, October 7, 2002

“Not So Far Out After All,” National Law Journal, October 7, 2002

“Supreme Court Preview,” California Lawyer, October 2002

“We Might Get More Bang With Our Bucks: Forget War, Start Writing Checks, In the Long Term We Would Save Big,” Los Angeles Times, September 26, 2002

“Reject Conservative Shedd for Federal Court of Appeals,” Charlotte Observer, September 4, 2002

“A Plaintiff Friendly Standard for Civil Rights Cases,” 38 Trial 64, September 2002

“Right Criteria Key to Finding LAPD Chief,” Los Angeles Daily News, August 25, 2002

“Politicizing the Judicial System: Voters Should Able to Hear the Views of Jurists in Deciding How to Cast Their Ballots,” Los Angeles Daily Journal, August 16, 2002

“Expand the City Council to Expand City Services; Secession Is No Solution,” Los Angeles Times, August 7, 2002

“Court Continues to Focus on Sovereign Immunity,” 38 Trial 66, August 2002

“Ultimate Sanction: Criminal Justice System Must Handle Death Penalty Cases Differently,” Los Angeles Daily Journal, July 3, 2002

“Targeting Speech: First Amendment Doesn’t Safeguard Threats Against Abortion Doctors,” Los Angeles Daily Journal, June 19, 2002

“Constitution Does Not Allow Holding Citizens Without Safeguards,” San Francisco Chronicle, June 13, 2002

“Boroughs Are as Bad Secession: Already Adopted Reforms Should Be Given a Chance,” Los Angeles Times, May 22, 2002

“Tahoe-Sierra Ruling Lets Feds Delay Development to Ensure Adequate Consideration of Vital Interests,” Los Angeles Daily Journal, May 10, 2002

“Can Plaintiffs Make Disparate-Impact Claims in Age Discrimination Cases,” 38 Trial 72, May 2002

NON-LAW REVIEW PUBLICATIONS (*continued*)

“Blacks Would Pay a Price for Secession,” Los Angeles Times, April 26, 2002

“Justice Undone: Supreme Court’s Federalism Decisions Are Activism from the Right,” Los Angeles Daily Journal, April 26, 2002

“Parks or No Parks, LAPD Needs Reform,” Los Angeles Times, April 9, 2002

“Barrier to Entry: Recent Rulings Leave Potential Plaintiffs with Valid Claims Out in the Cold,” Los Angeles Daily Journal, March 15, 2002

“One Defeat, One Victory for Civil Rights Plaintiffs,” 28 Trial 72, March 2002

“The Rise of Federalism,” Los Angeles Lawyer, March 2002

“Petty Theft: Limitations on Three Strikes Are Welcome Corrective to Unfair Law,” Los Angeles Daily Journal, March 1, 2002

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

“Guidelines for Affirmative Action Programs After Proposition 209,” 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

NON-LAW REVIEW PUBLICATIONS (*continued*)

“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

NON-LAW REVIEW PUBLICATIONS (*continued*)

“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

NON-LAW REVIEW PUBLICATIONS (*continued*)

“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)

“Apprendi 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

NON-LAW REVIEW PUBLICATIONS (*continued*)

“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 California 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

NON-LAW REVIEW PUBLICATIONS (*continued*)

“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

NON-LAW REVIEW PUBLICATIONS (*continued*)

“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,” ABA Journal, April 1999

“Access Denied: Undocumented Aliens Cannot Raise Constitutional Challenges to Deportation,” Los Angeles Daily Journal, April 20, 1999

“Regulating the Initiative Process,” 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

“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

NON-LAW REVIEW PUBLICATIONS (*continued*)

“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

“Los Angeles Needs Elected Neighborhood Councils,” *Los Angeles Times*, June 29, 1998 (with Bennett Kayser)

“A Suggestion of Doom?: Dire Prophecies Over Bill of Rights Don’t Help Charter Reform Effort,” *Los Angeles Daily News*, May 29, 1998

“The Case for a Code of Ethics for Legal Analysts,” *National Law Journal*, May 11, 1998 (with Laurie Levenson)

“Should the City Charter Have a Bill of Rights,” *Los Angeles Times*, May 11, 1998

“Last Rites: The Recent Supreme Court Decisions May Not Be the Final Word on the Right to Physician-Assisted Suicide,” *Los Angeles Lawyer*, May 1998

“Sexual Harassment in and of Itself Should Be an Injury,” *Los Angeles Times*, April 8, 1998

“Prosecutorial Immunity: The Interpretation Continues,” *34 Trial* 80, March 1998

“Regulating the Paparazzi,” *Los Angeles Daily Journal*, February 23, 1998

“Is Tenure Necessary to Protect Academic Freedom?” *American Behavioral Scientist*, January 1998

“Limiting Government’s Power to Protect Rights,” *34 Trial* 87, January 1998

“Redesigning Our City Government to Work,” *Los Angeles Times*, November 3, 1997 (with George Kieffer)

“Making it Harder to Sue Cities,” *33 Trial* 18, November 1997

NON-LAW REVIEW PUBLICATIONS (*continued*)

“Paparazzi and First Amendment,” *New Orleans Times-Picayune*, October 22, 1997

“A Right to Physician-Assisted Suicide?” 33 *Trial* 68, September 1997

“Council, Not Mayor, Should Fund Elected Charter Commission,” *Los Angeles Daily News*, August 20, 1997 (with Gloria Romero)

“A New Obstacle in Civil Rights Litigation,” 33 *Trial* 86, July 1997

“In Defense of Speech: Judges and the First Amendment,” 4 *The Long Term View* 78, Summer 1997

“Bar Was Right Not to Discipline Lawyers in Simpson Case,” *Los Angeles Daily Journal*, June 19, 1997

“Court Allows ‘In Your Face’ Abortion Protests,” 33 *Trial* 82, May 1997

“Appellate Decision Went Too Far,” *Los Angeles Times*, April 10, 1997

“Ninth Circuit Misapplied Law in 209 Decision,” *Los Angeles Daily Journal*, April 10, 1997

“Ideology Can Be Everything,” *The Recorder*, April 9, 1997

“Cleanse Campaigns: Limit Spending,” *Newsday*, March 18, 1997

“Breakdown in the Levels of Scrutiny,” 33 *Trial* 70, March 1997

“Trial, Retrial and Contradiction,” *Los Angeles Times*, February 7, 1997

“Speech Rights of Government Contractors,” 33 *Trial* 64, January 1997

“Can a President Be Sued for Conduct that Occurred Prior to Taking Office,” *West Law News*, January 6, 1997 (WLN 14009)

“Judges Shouldn’t Be Forced to Relinquish Free Speech Rights,” *Los Angeles Daily Journal*, December 5, 1996

“Minority Voting Rights and the Constitution,” 32 *Trial* 11, November 1996

“Chemical Castration Is Cruel and Unusual Punishment,” *Los Angeles Daily Journal*, October 10, 1996

NON-LAW REVIEW PUBLICATIONS (*continued*)

“Recognize the Right to Die with Dignity,” Los Angeles Times, October 7, 1996

“Chapter Two: Expect the Simpson Civil Case to Differ Radically from the Trial of the Century,” Los Angeles Daily Journal, September 16, 1996

“A Mixed Year for Civil Rights and Civil Liberties,” Open Forum, September 1996

“Court Strikes Back,” Los Angeles Daily News, June 30, 1996

“The Shrinking Docket,” 32 Trial 71, May 1996

“Menendez Part II: Same Crime, But Different Rules,” Los Angeles Daily News, March 24, 1996

“State Taxation of Interstate Commerce,” 32 Trial 73, March 1996

“Sex Discrimination Made Legal,” Los Angeles Times, January 10, 1996 (with Laurie Levenson)

“No Harm, No Foul,” California Lawyer, January 1996

“Trial Over, Simpson Analyst Reevaluates: Educating the Public is Noble, But How Commentators Do It Needs Scrutiny,” 81 ABA Journal 100, December 1995

“Free Speech or Religious Freedom: Revisiting the Establishment Clause,” 31 Trial 16, December 1995

“Nixing Nonunanimous Juries,” Los Angeles Daily News, November 5, 1995

“The Distortions Created by a Trial’s Magnifying Glass,” Los Angeles Daily Journal, October 30, 1995

“A Pundit’s Lessons: Commenting on OJ Was an Education -- and, At Times, a Trial,” Los Angeles Daily Journal, October 12, 1995

“Race and the Supreme Court,” 31 Trial 86, October 1995

“The Fragmentation of the Federal Rules,” 79 Judicature 67, September-October 1995 (with Barry Friedman)

“The Rehnquist Court and the Tenth Amendment,” Federalism, 19 Update Law-Related Education 7, Fall 1995

NON-LAW REVIEW PUBLICATIONS (*continued*)

“State Action,” 31 Trial 82, September 1995

“Tale of the Tapes,” Los Angeles Daily News, August 27, 1995

“A Celebrity Case Is the Wrong Inspiration for Reform,” Los Angeles Times, August 18, 1995

“Gender-Based Juries,” 31 Trial 34, August 1995

“Interpreting the Constitution: A Dramatic Conservative Turn,” Res Ipsa, Los Angeles Daily Journal, August 9, 1995

“Lopez: A Major New Limit on Congressional Powers,” 15 Criminal Law News 1, Summer 1995

“Cell-Blocked: High Court Shackles Prisoners’ Due Process Rights,” Los Angeles Daily Journal, July 5, 1995

“The Year of O.J.,” Los Angeles Daily News, June 11, 1995

“Changing Course: Lopez Limits Congressional Powers,” 31 Trial 86, June 1995

“The Mysteries of Mistrial: A Simpson Mistrial Looks Unlikely Now – Rumors to the Contrary,” Los Angeles Daily Journal, April 26, 1995 (with Laurie Levenson)

“Why Prop. 187 Remains in the Courts,” Los Angeles Daily News, April 9, 1995 (with Karen Lash)

“Innocence and Habeas Corpus,” 31 Trial 79, April 1995

“Televising the Trial: Simpson Proceedings Should Not Become Pay-Per-View Event,” Los Angeles Daily News, March 12, 1995

“Are Commentators Useful to the Public?,” Los Angeles Times, February 24, 1995

“Strange Discovery: Simpson Trial Tactics Show How System Can Be Abused,” Los Angeles Daily Journal, February 7, 1995

“Why Proposition 187 Is Unconstitutional,” California Bar Journal, January 1995

“Sticks and Stones: Was the Suspension of Stephen Yagman a Violation of His First Amendment Rights?,” 17 Los Angeles Lawyer 24 (1994)

NON-LAW REVIEW PUBLICATIONS (*continued*)

“Looking Ahead to the New Term,” 30 Trial 81, December 1994

“Assembly Deadlock is Mountjoy’s Fault,” Los Angeles Daily News, December 27, 1994

“Protecting Abortion Protestors and Patients,” 30 Trial 62, December 1994

“It’s Good to Put a Human Face on a God-Like Role,” Los Angeles Times, November 16, 1994

“Punitive Damages and the Constitution,” 30 Trial 90, October 1994

“Overreacting to the Effects of Publicity,” Los Angeles Times, October 21, 1994

“Judges Aren’t Sequestered; Why Juries?,” Los Angeles Times, October 10, 1994

“The Crowded Center,” 80 ABA Journal 78, October 1994

“The End of Gender-Based Peremptory Challenges,” 30 Trial 69, August 1994

“Stopping Witnesses from Selling Their Stories,” Los Angeles Times, August 26, 1994

“Civil Rights: Important Decisions, But Not Dramatic,” Los Angeles Daily Journal, August 10, 1994

“An All-Star Defense Team,” Los Angeles Daily News, July 3, 1994

“A Passionate Voice Bids Farewell,” 30 Trial 77, June 1994

“Pretrial Publicity Isn’t a Hindrance,” Los Angeles Times, June 28, 1994

“Hold Handgun Makers and Sellers Liable,” Los Angeles Times, May 19, 1994

“Wilson’s Suit Misuses Courts for Political Gains,” Los Angeles Daily News, May 8, 1994

“Perspectives on Telephone Monitoring: The Mayor (and Staff) Calling . . .,” Los Angeles Times, May 1, 1994

“Civil Forfeiture: A Diminishing Power,” 30 Trial 66, April 1994

“The Court Confronts Sexual Harassment,” 30 Trial 72, February 1994

NON-LAW REVIEW PUBLICATIONS (*continued*)

“Looking Back to the Future,” 29 Trial 60, December 1993

“A Difficult Year for Civil Rights,” 29 Trial 76, October 1993

“Our Ailing System of Justice,” Los Angeles Daily News, October 31, 1993 (reprinted 21 CACJ Forum 85 (March 1994))

“Commercial Speech: What Degree of Protection?,” 29 Trial 66, August 1993

“A Bad Time for Civil Rights,” Daily Journal Report, August 6, 1993

“Notice Pleading,” 29 Trial 73, June 1993

“Mr. Civil Rights,” 29 Trial 66, April 1993

“Religion Clause Doctrine: Potential for Change,” 29 Trial 81, February 1993

“Supreme Court Review: Making Sense of Habeas Corpus,” 28 Trial 79, December 1992

“Supreme Court Review: A Bad Year for Environmental Protection,” 28 Trial 83, October 1992

“Harris Execution: Did Court Abuse Its Power?” 2 State Bar Bulletin 1, September 1992 (with Caminker)

“As California Goes . . .,” 12 California Lawyer 47, August 1992

“Don’t Be Fooled: It’s Still a Conservative Court,” Daily Journal Report, July 31, 1992

“A Precarious Ban on Prayer: Lee v. Weisman,” Legal Times, July 27, 1992

“Supreme Court Overview,” ACLU Open Forum, Summer 1992

“Pulling the Plug on Roe v. Wade,” Los Angeles Daily News, June 21, 1992

“Conservative Judges Disregard the Law to Make Sure Execution Was on Schedule,” Los Angeles Daily Journal, June 8, 1992

“A Fair Trial Produced an Unfair Result,” 131 New Jersey Law Journal 87, May 11, 1992 (and other American Lawyer newspapers)

NON-LAW REVIEW PUBLICATIONS (*continued*)

“Focus on the Future, Not the Verdict,” Los Angeles Daily News, May 4, 1992

“Invasion of the House Snatchers,” Los Angeles Times, April 22, 1992

“The Bill of Rights: An Illustrated History,” 11 California Lawyer, December 1991

“Next Supreme Court Term: Danger for Civil Liberties,” 67 ACLU Open Forum, September/October 1991

“Is Clarence Thomas a Stealth Nominee,” Los Angeles Daily News. July 8, 1991

“Can the Bill of Rights Survive the Rehnquist Court?” Los Angeles Daily News, May 26, 1991

“Fight Illegal Police Practices in State Courts,” Los Angeles Daily Journal, May 8, 1991 (with Sobel & Hoffman)

“DOJ Has Few Weapons Against Police Abuse,” Los Angeles Daily Journal, May 7, 1991 (with Sobel & Hoffman)

“Judicial Oversight Limited By Supreme Court,” Los Angeles Daily Journal, May 6, 1991 (with Sobel & Hoffman)

“Stunting the Constitution’s Growth,” 26 Trial 36, November 1990

“A Hero Retires,” 67 ACLU Open Forum, September/October 1990

“A Mixed Year for Civil Rights/Civil Liberties,” 67 ACLU Open Forum, September/October 1990

“No Answer, No Seat: The Souter Hearings,” Los Angeles Daily Journal, September 6, 1990

“A Mixed Year for Civil Rights and Civil Liberties,” ACLU Open Forum, September/October 1990

“Jury Nullification is Conscience of Community,” Los Angeles Daily Journal, August 31, 1990

“Church, State, and Peyote: State Now Has Free Rein to Meddle,” Los Angeles Daily Journal, May 11, 1990

“Protecting People from the Government,” Los Angeles Daily News, January 21, 1990

NON-LAW REVIEW PUBLICATIONS (*continued*)

“The Constitution and the Common Law,” 73 *Judicature* 149 (1989)

“Should Racist Speech Be Limited?,” ACLU Open Forum, November/December 1989

“A Bad Year for Civil Rights and Civil Liberties,” ACLU Open Forum, September/October 1989

“Abortion in America,” Los Angeles Herald Examiner, July 9, 1989

“The High Court Weakens the Strong '64 Civil Rights Act,” Los Angeles Daily Journal, July 3, 1989 (with Hoffman & Sobel)

“The Supreme Court and Civil Rights,” Orange County Business Journal, July 3, 1989

“Courts Place Limits on Key Tool for Civil Rights Actions,” Los Angeles Daily Journal, May 2, 1989 (with Hoffman & Sobel)

“On the Shoulders of Giants: Does Original Intent Matter?,” Los Angeles Daily Journal, February 20, 1989

“Abortion Rights and the Court,” Los Angeles Daily News, January 15, 1989

“‘Tip Wage’ in Lucas’ Court,” The Sacramento Bee, September 13, 1988

“Private Conduct and Public Values,” 22 *Beverly Hills Bar Journal* 163 (1988)

“L.A.’s Bathhouses No Civil Liberty Cause,” Los Angeles Herald Examiner, January 26, 1988

“Finding Constitutional Privacy,” *The Recorder* (San Francisco), October 26, 1987

“History as the Court Likes It,” Los Angeles Herald Examiner, September 13, 1987

“How the System Works: The Lessons of the Bork Case,” Los Angeles Daily News, October 11, 1987

“Expanding the Constitution’s Protections: The Lasting Significance of *Jones v. Alfred H. Mayer Co.*,” 34 *St. Louis Bar Journal* 27 (1987)

“How Should We Celebrate the Constitution’s 200th Year,” *ADL Bulletin*, June 1987

“Privacy: The Right the Framers Left Out,” Los Angeles Herald Examiner, April 12, 1987

NON-LAW REVIEW PUBLICATIONS (*continued*)

“Should the Voters Confirm: Yes: The High Court Critics Distort Issues and Facts at the Public’s Peril,” Los Angeles Daily Journal, October 31, 1986

“Judges Must Base Their Rulings on the Law, Not on Popular Opinion,” Palo Alto Times Tribune, October 26, 1986

“High Court Vote,” San Francisco Examiner, October 8, 1986

“The Judicial Conscience of a Conservative,” Los Angeles Herald Examiner, September 24, 1986

“Assuring Judicial Independence,” USC Law, Fall/Winter 1986

“Why the Supreme Court was Wrong on Death Qualified Juries,” Cleveland Plain Dealer (and other subscribers to the Scripps- Howard News Service), May 25, 1986

“Drug Testing: A Cure Worse than the Disease,” Los Angeles Herald Examiner, May 14, 1986

“First Amendment Protects Metzger's Rights, Too,” The Jewish Journal, April 18-24, 1986

“California’s Law on Maternity Leave Should be Upheld,” Los Angeles Herald Examiner (and other subscribers to the Scripps- Howard News Service), January 28, 1986

“Goldrush: Bar Welfare Recipients from the Lottery? Con: A Paternalistic Violation of Rights,” Palo Alto Times Tribune, March 2, 1986

“Sexual Identity is Private,” New York Times, March 13, 1985

“Protecting the First Amendment Against Legislative Encroachment: A Case Against Prohibition of Pornography,” Cogitations, Winter 1984, reprinted in Human Rights, Spring 1985

COMMUNITY SERVICE AND PROFESSIONAL ACTIVITIES

Pro bono appellate litigation, including serving as counsel of record and arguing in the United States Supreme Court in *United States v. Apel* (2013), *Scheidler v. NOW* (2005), *Van Orden v. Perry* (2005), *Tory v. Cochran* (2005), *Lockyer v. Andrade* (2003). Briefed and argued many cases in federal courts of appeals, the California Supreme Court, and other courts.

Chair, Mayor’s Blue Ribbon Commission on City Contracting in Los Angeles, 2004-2005 (report issued February 2005)

COMMUNITY SERVICE AND PROFESSIONAL ACTIVITIES (*continued*)

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

Member, Amicus Committee, American Bar Association, August 2011-August 2012

Board of Directors, Legal Aid Society of Orange County, 2009-present

Board of Directors, Western Justice Center, 2009-present

Member, Board of Directors, ACLU of North Carolina (2005-2008)

Member, Board of Directors, MAZON (2004-2010)

Fellow, Center for Excellence in Teaching, University of Southern California, 1997-2000; Senior Fellow, 2000-2004

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)

Editorial Advisory Board, Law Division, Aspen Law and Business

COMMUNITY SERVICE AND PROFESSIONAL ACTIVITIES (*continued*)

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

Member, Editorial Advisory Board, California Lawyer Magazine, 1994-2014

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

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

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