

LEAH M. LITMAN

Assistant Professor of Law, University of California, Irvine School of Law
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ACADEMIC APPOINTMENTS

University of California, Irvine School of Law June 2016-present

Assistant Professor of Law

Courses: Post-Conviction Justice; Constitutional Law; Federal Courts

Service: Clerkship Committee

Harvard Law School July 2014-June 2016

Climenko Fellow & Lecturer on Law

Taught first-year Legal Research and Writing to approximately forty students each year.

Honors: Inaugural recipient, HLS Student Government Teaching & Advising Award (2016)

EDUCATION

University of Michigan Law School, J.D., *summa cum laude* May 2010

Activities: Editor in Chief, *Michigan Law Review*
Senior Judge (Teaching Assistant for Legal Practice course)
Family Law Project

Honors: Henry M. Bates Memorial Scholarship Award (award for outstanding graduating law students); Daniel Grady Prize (highest GPA in graduating class); Class of 1908 Award (highest 2nd year GPA); Maurice Weigle Award (highest 1st year GPA); Order of the Coif; Roger A. Cunningham Prize (excellence in Property and other 1st year classes); Abram W. Sempliner Award (outstanding leadership of *Law Review*); Clarence Darrow Scholar (full-tuition merit scholarship & stipend); Certificates of Merit (best exam): Constitutional Law, Federal Courts, Jurisdiction & Choice Of Law, Criminal Law, Criminal Justice: Police Practices, Torts, Ethics, Employment Law, Transnational Law

Harvard College, A.B. (Chemistry & Chemical Biology), *cum laude* June 2006

Activities: Editor in Chief, *Harvard International Review*
Take Back The Night (chair); Coalition Against Sexual Violence (member)

Honors: Thomas Temple Hoopes Prize nominee for senior thesis
Robert T. Benjamin Prize (2006); Harvard Kennedy School Visionary Ending Violence Prize (2005); U.S. Presidential Scholar (2002)

ARTICLES

Legal Innocence and Federal Habeas, 104 VA. L. REV. _____ (forthcoming 2018)

Debunking Anti-Novels, 66 DUKE L.J. ____ (forthcoming 2017)

Potential Life in the Doctrine, 95 TEX. L. REV. SEE ALSO ____ (forthcoming 2017)

What Lurks Below Beckles v. United States, 111 NW. U. L. REV. 555 (2017) (co-written with Shakeer Rahman)

- Linked to by Douglas Berman, *What Lurks Below Beckles*, SENTENCING LAW & POLICY (Sept. 8, 2016), http://sentencing.typepad.com/sentencing_law_and_policy/2016/09/what-lurks-below-beckles.html

- Originally printed in 111 NW. U. L. REV. ONLINE 69 (2016)

Judge Gorsuch and Johnson Resentencing, 115 MICH. L. REV. ONLINE 67 (2017)

- Discussed in Radley Balko, *In Gorsuch, Trump gave Democrats a gift. They should take it.*, WASHINGTON POST (Feb. 1, 2017), https://www.washingtonpost.com/news/the-watch/wp/2017/02/01/in-gorsuch-trump-gave-democrats-a-gift-they-should-take-it/?tid=ss_tw-amp&utm_term=.4c9c4f5a2713

How The Sentencing Commission Does and Does Not Matter in Beckles v. United States, 165 PENN. U. L. REV. ONLINE 33 (2016) (co-written with Luke C. Beasley)

- Cited in Merits Brief of Court-Appointed Amicus Curiae In Support of Judgment Below, *Beckles v. United States* (U.S. No. 15-8544)
- Linked to by Douglas Berman, *Jurisdiction And Resentencing*, SENTENCING LAW & POLICY (Oct. 17, 2016), http://sentencing.typepad.com/sentencing_law_and_policy/2016/10/how-the-sentencing-commission-does-and-does-not-matter-in-beckles-v-united-states.html

Jurisdiction And Resentencing, 101 CORNELL L. REV. ONLINE 91 (2016) (co-written with Luke C. Beasley)

- Linked to by Douglas Berman, *Jurisdiction And Resentencing*, SENTENCING LAW & POLICY (Mar. 8, 2016), http://sentencing.typepad.com/sentencing_law_and_policy/2016/05/jurisdiction-and-resentencing-how-prosecutorial-waiver-can-offer-remedies-congress-has-denied.html

Inventing Equal Sovereignty, 114 MICH. L. REV. 1207 (2016)

The Exceptional Circumstances Of Johnson v. United States, 114. MICH. L. REV. FIRST IMPRESSIONS 81 (2016)

Taking Care of Federal Law, 101 VA. L. REV. 1289 (2015)

- Reviewed in Peter Shane, *A Federalism Stake in the Heart of the Unitary Executive?*, JOTWELL (July 22nd, 2016), <http://adlaw.jotwell.com/a-federalism-stake-in-the-heart-of-the-unitary-executive/>
- Discussed in Chris Walker, *Shane on Litman on Standing to Take Care of Federal Law*, YALE J. REG. NOTICE & COMMENT (Aug. 27, 2016), <http://yalejreg.com/nc/shane-on-litman-on-standing-to-take-care-of-federal-law-adlaw-bridge-series/>

Officiating Removal, 164 PENN. L. REV. ONLINE 33 (2015)

Resentencing In The Shadow Of Johnson v. United States, 28 FED. SENT'G REP. 45 (2015)

- Cited in Merits Brief of Petitioner, *Welch v. United States*, 136 S. Ct. 1257 (2016)

Residual Impact: Resentencing Implications of Johnson's Potential Ruling on ACCA's Constitutionality, 115 COLUM. L. REV. SIDEBAR 55 (2015)

- Cited in Merits Reply Brief of Petitioner, *Welch v. United States*, 136 S. Ct. 1257 (2016)
 - Cited in Merits Brief of Court-Appointed Amicus Curiae In Support of Judgment Below, *Welch v. United States*, 136 S. Ct. 1257 (2016)
 - Cited in Petition for Certiorari, *Beckles v. United States* (U.S. No. 15-8544)
 - Linked to by Douglas Berman, *Residual Impact*, SENTENCING LAW & POLICY (April 21, 2015), http://sentencing.typepad.com/sentencing_law_and_policy/2015/04/residual-impact-resentencing-implications-of-johnson-v-united-states-potential-ruling-on-accas-const.html
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WORKS IN PROGRESS

The Constitutional Significance of Legal Innocence

Habeas As A Revolution

JUDICIAL CLERKSHIPS

Supreme Court of the United States, Washington, DC July 2011-July 2012
Law Clerk to Hon. Anthony M. Kennedy

U.S. Court of Appeals for the Sixth Circuit, Columbus, OH May 2010-June 2011
Law Clerk to Hon. Jeffrey S. Sutton

OTHER WRITING

Contributing Writer, *Trials and Error*, SLATE.COM

An Easy Way to Resolve the SCOTUS Case on Title IX and Restroom Access, Dorf on Law, www.dorfonlaw.org (Mar. 2, 2017) (with Sam Bagenstos, Michael Dorf, and Marty Lederman)

A Simpler Way to Resolve the SCOTUS Case on Title IX and Restroom Access, Balkinization, www.balkin.blogspot.com (Mar. 2, 2017) (with Sam Bagenstos, Michael Dorf, and Marty Lederman)

Government workers can ignore Trump's immigration order—and we'll defend them, Boston Globe (Feb. 4, 2017) (with Daniel Epps and Ian Samuel)

Contributing Blogger, *CaseText* (invited contributor on *Johnson v. United States* resentencing issues)

What Does Montgomery v. Louisiana Mean for Johnson Retroactivity?, CASETEXT.COM (Jan. 27, 2016)

The (In)Significance Of Orders Authorizing Successive Petitions, CASETEXT.COM (Jan. 6, 2016)

Circuit Splits & Original Writs, CASETEXT.COM (Dec. 17, 2015)

- Cited in Reply Brief of Petitioner In Support of Petition for Certiorari, *In re Willie B. Sharp* (U.S. No. 15-646)

The Circuit Split On Johnson Retroactivity, CASETEXT.COM (Aug. 14, 2015)

- Discussed in Douglas Berman, *Updating the bubbling lower-court vagueness mess six months after Johnson*, SENTENCING LAW & POLICY (Dec. 18, 2015), http://sentencing.typepad.com/sentencing_law_and_policy/2015/12/updating-the-bubbling-lower-court-vagueness-mess-six-months-after-johnson.html

A Jurisprudence of Doubt & Undue Burdens: Why Deciding Not To Decide in Whole Woman's Health Would Be A Mistake, CASETEXT.COM (Mar. 3, 2016)

- Cited in Irin Carmon, *What if the Supreme Court punts on abortion?*, MSNBC.com (Mar. 8, 2016)

MEDIA

Guest Host, First Mondays FM Podcast, www.firstmondays.fm

Ian Samuel, *The Nervous Civil Servant's Guide to Defying an Illegal Order*, Slate.com (Feb. 2, 2017)

Lisa Belkin, *Civil servant? Worried about illegal orders? These lawyers want to defend you*, Yahoo!News (Jan. 30, 2017)

Lauren Evans, *Disobey Orders*, Jezebel.com (Jan. 29, 2017)

Jessica Da Silva, *Defendants Get SCOTUS Sentencing Win; Johnson Retroactive*, Bloomberg (Apr. 18, 2016)

Raishay Lin, *Challenging abortion access restrictions*, Harvard Law Today (Mar. 14, 2016)

Michael Linhorst, *That Time Ted Cruz Submitted a Supreme Court Brief Citing ... Ted Cruz*, Politico (Feb. 28, 2016)

Tara Mikkilineni, *Writing for the Supreme Court Justices*, CASETEXT.COM (Jan. 15, 2016)

Caroline Grueskin, *13 Words That Could Mean Freedom for Many*, The Marshall Project (Oct. 19, 2015)

Matt Stroud, *What Does It Matter if a White Supremacist Gets Too Much Time Behind Bars?*, Bloomberg (Apr. 20, 2015)

TEACHING INTERESTS

Primary: Constitutional Law; Federal Courts; Jurisdiction; Post-Conviction Review & Habeas Corpus; Criminal Procedure; Criminal Law

Secondary: Legislation; Civil Procedure; Administrative Law; Civil Rights

OTHER EXPERIENCE

Wilmer Cutler Pickering Hale and Dorr LLP, Washington, DC November 2012-June 2014
Associate & Senior Associate, Appellate and Government and Regulatory Litigation Groups

- Prepared court filings in litigation that raised abstention, personal jurisdiction, and venue issues
- Drafted principal briefs in federal post-conviction proceedings & amicus briefs in the marriage litigation in federal courts of appeals

Covington & Burling, Washington, DC Summer 2009
Summer Associate (received offer)

U.S. Department of Justice, Washington, DC Summer 2008
Intern, Criminal Appellate Section

Bancroft PLLC, Washington, DC July 2006-2007; Summer 2008
Research Associate

PRO BONO REPRESENTATION

Ramirez Medina v. Asber (No. 2:17-cv-00218 (W.D. Wash.)). Serving as co-counsel for petitioner, a DACA recipient, who is challenging his arrest and detention by immigration officials.

Gloucester County School Board v. G.G. (U.S. No. 16-273). Served as co-counsel on an amicus brief on behalf of four law professors in support of the respondent, arguing that school board's policy constitutes unlawful discrimination on the basis of sex when applied to the petitioner, a transgender student.

Hernandez v. Mesa (U.S. No. 15-1188). Serving as co-counsel for plaintiff in a *Bivens* action raising an unjustified deadly force claim against a border patrol agent.

Beckles v. United States (U.S. No. 15-8544). Served as co-counsel on amicus brief in support of petitioner, arguing that the career offender Guideline is unconstitutionally void for vagueness, and that a rule invalidating the career offender Guideline should apply retroactively.

- Cited in *Beckles v. United States* (U.S. No. 15-8544) (Mar. 6, 2017) (Sotomayor, J., concurring).

Whole Woman's Health v. Hellerstedt, 136 S. Ct. 2292 (2016). Served as co-counsel for plaintiffs in a successful constitutional challenge to Texas's ambulatory surgical center and admitting privileges restrictions on abortion.

Welch v. United States, 136 S. Ct. 1257 (2016). Co-counsel on amicus brief in support of petitioner, arguing for retroactivity of *Johnson v. United States*, the Supreme Court decision invalidating the Armed Career Criminal Act residual clause.

Obergefell v. Hodges, *DeBoer v. Snyder*, 135 S. Ct. 2584 (2014). Drafted opening Supreme Court merits brief in case challenging constitutionality of states' failure to recognize marriages of same-sex couples. Assisted arguing counsel in drafting reply brief and preparing for Supreme Court oral argument in cases challenging constitutionality of states' failure to license marriages of same-sex couples.

OTHER SERVICE

Member, Legal Advisory Council for Harvard Law School's Fair Punishment Project

BAR AND COURT ADMISSIONS

Maryland & District of Columbia; U.S. Courts of Appeals for the Second, Tenth, and Federal Circuits; U.S. Supreme Court