

Below is a profile on UCI Law Professor Richard L. Hasen, featured in the Los Angeles Daily Journal's annual list of the "Top 100 Lawyers in California," published Sept. 21, 2016.

Richard L. Hasen



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In early September, Hasen was in Philadelphia for a political science conference and watching as Tropical Storm Hermine moved up the East Coast in his direction. Hasen, a prominent educator, observer, analyst and commentator on all things electoral, this year published "Plutocrats United," which argues for a fundamental rethinking of 40 years of campaign finance decisions from the U.S. Supreme Court. The American Bar Association Journal's "Blawg 100" has included his Election Law Blog among the best websites by lawyers for lawyers for six consecutive years. Oncoming tropical storm aside, for an election law maven the real heavy weather was in the ugly conflicts roiling the U.S. presidential campaign.

"Election years are important because the public has the most interest then. People turn to what needs fixing in our electoral system. Given what's happening this year, some things are terrifying," Hasen said. "There are more and more fights over the rules of the game. Donald Trump's claims that elections are rigged could cause people to lose confidence. But elections are not rigged. The system is not quite that fragile."

Hasen is the kind of academic who doesn't shy from close analysis of current events. He's been watching and opining frequently on President Barack Obama's nomination of Chief Judge Merrick Garland of the U.S. Court of Appeals for the District of Columbia Circuit to the high court and Senate Republicans' refusal to give him a confirmation hearing. "Garland is indeed a moderate," he wrote on his blog, "someone who will not excite the Democratic base the way other nominations would" in part too

because, at age 63, he isn't the young candidate with a potential extended future on the court many would like. "In short, Garland's age, which may make some liberals oppose his nomination, may be precisely what is attractive to the President who actually wants to appoint someone to #SCOTUS, and not just put up the human piñata."

In an interview, Hasen added that Garland, "as a moderate, not a flamethrower," would be a hard nominee to improve upon. "If Obama had nominated a more liberal candidate, the fight would have been about whether he or she is 'too extreme.' Garland deprives the Republicans of that argument and lets Democrats portray them as unreasonable."

If Hillary Clinton is elected, Hasen predicted the Republicans might cave, as Senate Judiciary Committee Chairman Chuck Grassley hinted in a recent interview. "When Grassley indicated he might hold some hearings in the lame duck, it showed the most likely scenario is that they'll grab him if they can," Hasen said. "They'd be smart to do it, to get a more moderate candidate. Clinton is more likely to nominate someone more liberal and younger."

— John Roemer

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