

ROBERT A. SCHAPIRO
Emory University School of Law
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EDUCATION

Yale Law School, J.D., 1990

Editor-in-Chief, Yale Law Journal.
Research Assistant to Professor Owen M. Fiss.
Editor, Yale Journal of Law & the Humanities.
Legal Assistance Clinic.

Stanford University, M.A., History, 1986

Passed Doctoral Candidacy Examination in History, May 1987.
Major Field: Modern European Intellectual History.

Yale College, B.A., History, with Distinction, 1984

Summa cum laude.
Phi Beta Kappa, Elected Junior Year.
Senior Essay: *John Stuart Mill and History: Noble Promise, Noble Lie.*
Vice-Chair, Yale College Council.
Executive Board, Yale Charities Drive.

HONORS AND FELLOWSHIPS

Emory Williams Distinguished Teaching Award, 2009

Awarded to faculty in Emory University for excellence in graduate education.

Ben F. Johnson Faculty Excellence Award, 2004

Awarded every three years to a faculty member at Emory Law School for excellence in teaching and scholarship.

Most Outstanding Professor, Student Bar Association, Emory Law School, 2000 - 2001 (awarded to two professors in 2000 - 2001).

Professor of the Year, Black Law Students Association, Emory Law School, 2001.

Mellon Fellowship in the Humanities, 1984 - 1987.

Graduate Fellowship, Stanford Humanities Center, 1985 - 1987.

Fellows Prize, 1984

Awarded to the senior in Jonathan Edwards College, Yale University with highest academic rank (awarded to two students in 1984).

Robert Dudley French Award, 1983

Awarded to a senior in Jonathan Edwards College, Yale University for outstanding intellectual leadership.

CLERKSHIPS

Honorable John Paul Stevens, United States Supreme Court

Law Clerk, 1991 - 1992

Honorable Pierre N. Leval, United States District Court, Southern District of New York

Law Clerk, 1990 - 1991

EMPLOYMENT

Emory University School of Law,

Professor of Law, 2003 -

Associate Vice Provost for Academic Affairs, 2011 -

Director, Center on Federalism and Intersystemic Governance, 2007 -

Associate Faculty Director, Halle Institute for Global Learning, 2008 - 2010

Associate Dean of Faculty, 2006 - 2008

Associate Professor of Law, 1998 - 2003

Assistant Professor of Law, 1995 - 1998

Subjects: Constitutional Law, Federal Courts, Civil Procedure, Legislation and Regulation

Columbia-Amsterdam-Leiden Program on American Law (Summer 2005), course on constitutional law

Duke Law School, *Lecturing Fellow*, 1993 - 1995

Sidley & Austin, Washington, D.C., *Associate*, 1992 - 1993

Debevoise & Plimpton, New York, New York, *Summer Associate*, 1990

Cravath, Swaine & Moore, New York, New York, *Summer Associate*, 1989

PUBLICATIONS

BOOKS

POLYPHONIC FEDERALISM: TOWARD THE PROTECTION OF FUNDAMENTAL RIGHTS (University of Chicago Press, 2009).

BOOK CHAPTERS

The Varieties of Federalisms in NAVIGATING CLIMATE CHANGE POLICY IN A FEDERAL SYSTEM (Edella Schlager, Kirsten Engel & Sally Rider eds., Arizona University Press (forthcoming 2011)).

Interjurisdictional Enforcement of Rights in a Post-Erie World in NEW FRONTIERS OF STATE CONSTITUTIONAL LAW: DUAL ENFORCEMENT OF NORMS (James A. Gardner & Jim Rossi eds., Oxford University Press (2011)).

From Dualism to Polyphony in PREEMPTIVE CHOICE: THE THEORY, LAW, AND REALITY OF FEDERALISM'S CORE QUESTION (William W. Buzbee ed., Cambridge University Press (2008)).

LAW REVIEWS

Judicial Federalism and The Challenges of State Constitutional Contestation, Penn State Law Rev. (forthcoming 2011).

Intersystemic Remedies for Governmental Wrongs, 41 University of Toledo L. Rev. 153

(2009).

Not Old or Borrowed: The Truly New Blue Federalism, 3 *Harvard L. & Pol'y Rev.* 33 (2009).

Monophonic Preemption, 102 *Northwestern L. Rev.* 811 (2008).

In the Twilight of the Nation-State: Subnational Constitutions in the New World Order, 39 *Rutgers L.J.* 801 (2008) (annual lecture on state constitutional law).

Federalism as Intersystemic Governance: Legitimacy in a Post-Westphalian World, 57 *Emory L.J.* 115 (2007).

From Dualist Federalism to Interactive Federalism, 56 *Emory L.J.* 1 (2006).

Justice Stevens' Theory of Interactive Federalism, 74 *Fordham L. Rev.* 2133 (2006).

Toward a Theory of Interactive Federalism, 91 *Iowa L. Rev.* 243 (2005).

The Consequences of Human Rights Foundationalism, 54 *Emory L.J.* 171 (2005).

Interjurisdictional Enforcement of Rights in a Post-Erie World, 46 *William & Mary L. Rev.* 1399 (2005).

Unidimensional Federalism: Power and Perspective in Commerce Clause Adjudication, 88 *Cornell L. Rev.* 1199 (2003) (with William Buzbee).

Article II as Interpretive Theory: Bush v. Gore and the Retreat from Erie, 34 *Loy. U. Chi. L.J.* 89 (2002).

Legislative Record Review, 54 *Stan. L. Rev.* 87 (2001) (with William Buzbee).

Conceptions and Misconceptions of State Constitutional Law in Bush v. Gore, 29 *Florida St. L. Rev.* 661 (2001).

Judicial Deference and Interpretive Coordinacy in State and Federal Constitutional Law, 85 *Cornell L. Rev.* 656 (2000).

Polyphonic Federalism: State Constitutions in the Federal Courts, 87 *Cal. L. Rev.* 1409 (1999).

Must Joe Robinson Die?: Reflections on the 'Success' of Court Packing, 16 *Const. Commentary* 561 (1999).

Contingency and Universalism in State Separation of Powers Discourse, 4 *Roger Williams U. L. Rev.* 79 (1998).

Impeachment and Accountability: The Case of the First Lady, 15 Const. Commentary 479 (1998) (with Michael J. Broyde).

Identity and Interpretation in State Constitutional Law, 84 Va. L. Rev. 389 (1998).

El mandamiento judicial legislativo: una garantía frente a la inactividad inconstitucional del legislador, Cuadernos Constitucionales de la Cátedra Fadrique Furió Ceriol, Nos. 20 & 21, at 73 (1997).

[Translation of *The Legislative Injunction: A Remedy for Unconstitutional Legislative Inaction*, 99 Yale L.J. 231 (1989).]

Balancing, Justice, and the Eleventh Amendment: Justice Stevens' Theory of State Sovereign Immunity, 27 Rutgers L.J. 563 (1996).

Note, *The Legislative Injunction: A Remedy for Unconstitutional Legislative Inaction*, 99 Yale L.J. 231 (1989).

BOOK REVIEWS

Safeguarding Federalism: How States Protect Their Interests in National Policymaking, by John Nugent, 7 Perspectives on Politics 968 (2009).

OTHER PUBLICATIONS

What Justice Stevens Stood For, CNN.com, April 12, 2010, available at <http://www.cnn.com/2010/OPINION/04/12/schapiro.justice.stevens.cases/>

Federalism Is No Bar to Health Care Reform, Atlanta Journal-Constitution, November 2, 2009, at A8.

Where School Diversity Stands: Desegregation Faces the Test of Today's Court, Atlanta Journal-Constitution, June 26, 2006, at A15.

In Praise of Treachery: The Relevance of Prior Judicial Experience, Jurist, October 13, 2005, available at <http://jurist.law.pitt.edu/forumy/2005/10/in-praise-of-treachery-relevance-of.php>.

Looking For a Way To Expand Rights? Try State Courts, Washington Post, March 26, 2000, at B2 (Outlook).

Face the Music: A New Plan to Hold the President Accountable, New Republic, November 16, 1998, at 11 (with Donald Schapiro).

PROFESSIONAL SERVICE

Member, American Law Institute

Academic Advisory Board, William H. Rehnquist Center on the Constitutional Structures of

Government, 2007 -
Faculty Counselor, Finance Committee, Emory University Board of Trustees, 2007 - 2010
Participant, Emory University Academic Leadership Program, 2009 - 2010
Member, Faculty Appointments Committee, 2004 - 2005; 2006 - 2010; chair, 2006 - 2007
Co-coordinator, Emory Legal Theory Workshop, 2000 -
Member, Executive Committee, Section on Civil Procedure, Association of American Law
Schools, 2006 - 2008
Member, Law School Faculty Advisory Committee, 2001 - 2002; 2003 - 2004
Member, Emory Law School Dean Search Committee, 2001 - 2002
Member, Emory University Faculty Council, 2000 - 2002; 2009 - 2010
Chair, Clinical Faculty Review & Promotion Committee, 2009 - 2010
Steering Committee, Emory University Symposium on Reconciliation, 1999 - 2001
Member, Judicial Clerkship Committee, 1998 - 2004, 2010 - 2011; chair, 2000 - 2001; 2002 -
2003; 2010 - 2011
Member, Colloquium and Scholarship Committee, 2000 - 2001; 2002 - 2008;
chair, 2004 - 2005
Member, Lateral Hiring Committee, 1998 - 1999
Member, Curriculum Committee, 1995 - 1998
Faculty Advisor, Emory Law Journal, 1996 - 1998; 2002 - 2003

COMMUNITY ACTIVITIES

Governing Board, Common Cause Georgia
Board of Trustees, The Temple, Atlanta, Georgia

SELECTED ACADEMIC PRESENTATIONS

Speaker, "Judicial Federalism and The Challenges of State Constitutional Contestation,"
Conference on State Constitutionalism in the 21st Century," Penn State Law School,
September 22, 2010, State College, Pennsylvania.

Speaker, "Positivism and Anti-Positivism in the Jurisprudence of Justice Stevens,"
Southeastern Association of Law Schools Annual Meeting, August 1, 2010, Palm Beach,
Florida.

Convener/Panelist, Seminars in Federalism and Plural Governance: Financial Regulation and
Reform, Emory University School of Law, Center on Federalism and Intersystemic
Governance, April 30 – May 1, 2010, Atlanta, Georgia.

Speaker, "Social and Economic Rights in American Perspective: Possibilities and Limits of
Enforcement By Courts and Other Institutions," Conference on Social and Economic
Rights, Sponsored by the Constitutional Court of Georgia, July 11, 2009, Batumi,
Georgia.

Convener/Panelist, Conference on Layering Governance: Multi-Level Regulation under Bush
and Beyond, Center on Federalism and Intersystemic Governance, May 1 -2, 2009,
Atlanta, Georgia.

Speaker, "Intersystemic Remedies for Governmental Wrongs," Symposium on *Ex parte Young*: The Font of Federal Rights Enforcement, University of Toledo Law School, March 20, 2009, Toledo, Ohio.

Speaker, "Contemporary Approaches to Constitutional Interpretation: The Experience of the United States," Conference on Interpreting the Constitution, Sponsored by the Constitutional Court of Georgia, December 20, 2008, Batumi, Georgia.

Moderator, "Comparative Federalism," Southeastern Association of Law Schools Annual Meeting, July 31, 2008, Palm Beach, Florida.

Speaker, "In the Twilight of the Nation-State: Subnational Constitutions in the New World Order," Annual State Constitutional Law Lecture, Rutgers-Camden Law School, February 28, 2008, Camden, New Jersey.

Commentator, "Federalism: Successful and Unsuccessful Models for a Future Climate Regulatory Regime," Conference on Federalism and Climate Change: The Role of the States in a Future Federal Regime, William H. Rehnquist Center, University of Arizona School of Law, February 11, 2008, Tucson, Arizona.

Panelist, "Who Is Federalism For: Liberals, Conservatives, Everyone, or Political Losers?" Association of American Law Schools Annual Meeting, January 5, 2008, New York, New York.

Panelist, "Intersystemic Governance," International Law Weekend, October 27, 2007, New York, New York.

Speaker, "Polyphonic Federalism and Monophonic Preemption," Symposium on Ordering State-Federal Relations Through Federal Preemption Doctrine, Northwestern University School of Law, April 5, 2007, Chicago, Illinois.

Speaker, "Polyphonic Federalism," Faculty Workshop, John Marshall School of Law, February 28, 2007, Atlanta, Georgia.

Speaker, "Customary International Law and Intersystemic Adjudication: The Search for Legitimacy," Randolph W. Thrower Symposium, The New Federalism: Plural Governance in a Decentered World, February 23, 2007, Atlanta, Georgia.

Speaker, "From Federalism to Intersystemic Governance," Randolph W. Thrower Symposium, The New Federalism: Plural Governance in a Decentered World, February 23, 2007, Atlanta, Georgia.

Presenter, "Polyphonic Federalism and the Perils of Preemption," Conference on Federalism in the Overlapping Territory, Duke Law School, November 10-11, 2006, Durham, North Carolina.

Speaker, "Polyphonic Federalism," Faculty Workshop, University of Oregon School of Law,

October 20, 2006, Eugene, Oregon.

Panelist, "Interactive Federalism: The Limits of State Experimentation," Randolph W. Thrower Symposium, Interactive Federalism: Filling the Gaps?, February 16, 2006, Atlanta, Georgia.

Panelist, "Keeping Church and State Separate: Redefining the Marriage Debate," American Constitution Society, Georgia Lawyers Chapter, October 26, 2005, Atlanta, Georgia.

Speaker, "Justice Stevens' Theory of Interactive Federalism," The Jurisprudence of Justice Stevens, Fordham University School of Law, October 1, 2005, New York, New York.

Moderator, "Progressivism and State Constitutional Law," American Constitution Society National Convention, July 30, 2005, Washington, D.C.

Speaker, "Toward a Theory of Interactive Federalism," Emory Law School Faculty Colloquium, February 2, 2005, Atlanta, Georgia.

Respondent, "Restoring the Lost Constitution," Emory Law School Federalist Society, March 31, 2004, Atlanta, Georgia.

Respondent, "The Moral Foundations of Law," The Foundations of Law, Emory University School of Law, March 25, 2004, Atlanta, Georgia.

Speaker, "Interjurisdictional Enforcement of Rights in a Post-*Erie* World," Conference on Dual Enforcement of Constitutional Norms, William & Mary School of Law and National Center for State Courts, November 14, 2003, Williamsburg, Virginia.

Commentator, *Interpreting States Constitutions in a Federal System: A Jurisprudence of Function*, Book Manuscript Workshop, Baldy Center for Law & Social Policy, October 9, 2003, Buffalo, New York.

Speaker, "Article II as Interpretive Theory: A Federal Law of Statutory Construction in *Bush v. Gore*," Symposium on *Bush v. Gore* One Year Later: A Constitutional Retrospective, February 16, 2002, Loyola University Chicago School of Law, Chicago, Illinois.

Speaker, "*Garrett*, Separation of Powers, and Remedial Federalism," Symposium on *Garrett*, Disability Policy, and Federalism, October 26, 2001, University of Alabama School of Law, Tuscaloosa, Alabama.

Speaker, "*Bush v. Gore* and the Threat to State Constitutional Law," Symposium on The Law of Elections: Issues in the Wake of Florida 2000, March 23, 2001, Florida State University College of Law, Tallahassee, Florida.

Moderator, "Free Speech and the Holocaust Experience," Tenenbaum Conference, Emory University, November 2, 2000, Atlanta, Georgia.

Speaker, Panels on Federalism and The Direction of the Court, Supreme Court Preview Conference, September 22-23, 2000, Institute of Bill of Rights Law, College of William and Mary, Williamsburg, Virginia.

Speaker, "Judicial Enforcement of State 'Good Faith': State Remedies for Federal Rights After *Alden* and *Seminole Tribe*," Conference on the State of State Constitutions, May 6, 2000, The Center for Constitutional Studies, Philadelphia, Pennsylvania.

Speaker, Panel on New Perspectives in State Constitutional Law, American Political Science Association Annual Meeting, September 3, 1998, Boston, Massachusetts.

Speaker, Symposium on Separation of Powers in State Constitutional Law, April 25, 1998, Roger Williams University, Bristol, Rhode Island.

Speaker, Symposium on Justice John Paul Stevens, April 7, 1995, Rutgers Law School, Camden, New Jersey.

BAR ADMISSIONS

Connecticut, District of Columbia, Georgia, New York.