# Eric Berger

Associate Dean for Faculty and Professor of Law
University of Nebraska College of Law
Ross McCollum Hall
Lincoln, NE 68583
(402) 472-1251
eric.berger@unl.edu

## ACADEMIC APPOINTMENTS

**University of Nebraska College of Law**, Lincoln, NE

| | |
|---|---|
| Associate Dean for Faculty | 2016-present |
| Professor of Law | 2015-present |
| Associate Professor of Law | 2012-2015 |
| Assistant Professor of Law | 2007-2012 |

**Institute for Legal Studies, University of Wisconsin Law School**, Madison, WI

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|---|---|
| Visiting Scholar | 2013-14 |

## EDUCATION

**Columbia Law School, J.D.,** 2003
*Columbia Law Review*, Articles Editor
James Kent Scholar (2000-01; 2001-02; 2002-03)

**Brown University, B.A.**, 1995
Honors in History
Samuel C. Lamport Prize for best paper on International Understanding and Cooperation
Rose Writing Fellow
Study Abroad: Copenhagen, Denmark (spring 1994)
Thesis: Denmark, Great Britain, and the Development of Danish Resistance, 1940-1945

## PUBLICATIONS

### Law Review and Book Chapter Publications

*Evolving Standards of Lethal Injection*, *in* THE EIGHTH AMENDMENT AND ITS FUTURE IN A NEW AGE OF PUNISHMENT (Cambridge Univ. Press) (eds. W. Berry & M. Ryan eds., forthcoming 2020)

*When Facts Don't Matter*, 2017 BYU L. REV. 525

*Of Law and Legacies*, 65 DRAKE L. REV. 949 (2017) (invited symposium contribution)

*Gross Error*, 91 WASH. L. REV. 929 (2016)

*The Executioners' Dilemmas*, 49 RICH. L. REV. 731 (2015) (invited symposium contribution)

*The Rhetoric of Constitutional Absolutism*, 56 WM. & MARY L. REV. 667 (2015)

- Reviewed on Jotwell: http://conlaw.jotwell.com/2016/03/

*Lethal Injection Secrecy and Eighth Amendment Due Process*, 55 B.C. L. REV. 1367 (2014)

*Originalism's Pretenses*, 16 U. PA. J. CONST. L. 329 (2013) (invited symposium contribution)

Lawrence*'s Stealth Constitutionalism and Same-Sex Marriage Litigation*, 21 WM. & MARY BILL RTS. J. 765 (2013)

*Deference Determinations and Stealth Constitutional Decision Making*, 98 IOWA L. REV. 465 (2013)

*Individual Rights, Judicial Deference, and Administrative Law Norms in Constitutional Decision Making*, 91 B.U. L. REV. 2029 (2011)

- Winner of the 2011 American Constitution Society's Richard D. Cudahy Writing Competition on Regulatory and Administrative Law

*On Saving the Death Penalty: A Comment on Adam Gershowitz's Statewide Capital Punishment*, 64 VAND. L. REV. EN BANC 1 (2011) (invited contribution)

*In Search of a Theory of Deference: The Eighth Amendment, Democratic Pedigree, and Constitutional Decision Making*, 88 WASH. U. L. REV. 1 (2010)

*Lethal Injection and the Problem of Constitutional Remedies*, 27 YALE L. & POL'Y REV. 259 (2009)

*Thoughts on LB 36: Problems with the Proposed Bill to Institute Lethal Injection in Nebraska*, 1 NEB. L. REV. BULL. 14 (2009) (invited contribution)

*The Collision of the Takings and State Sovereign Immunity Doctrines*, 63 WASH. & LEE L. REV 493 (2006)

*Note: The Right to Education Under the South African Constitution*, 103 COLUM. L. REV. 614 (2003)

- Excerpted in JEANNE M. WOODS & HOPE LEWIS, HUMAN RIGHTS AND THE GLOBAL MARKETPLACE: ECONOMIC, SOCIAL, AND CULTURE DIMENSIONS 772-775 (2005)

**Other Publications for Non-Academic Audiences**

*Treasure Constitution; Oppose Convention*, LINCOLN JOURNAL STAR, Sept. 15, 2018

*Midlands Voice: The Dangers of a Constitutional Convention*, OMAHA WORLD HERALD, April 4, 2018

*Midlands Voice: The Dangers of Nebraska's New Execution Protocol*, OMAHA WORLD HERALD, Jan. 28, 2018

*Midlands Voice: No to a Constitutional Convention*, OMAHA WORLD HERALD, March 24, 2017

*Local View: Law Professors Want Hearing, Vote on Garland*, LINCOLN JOURNAL STAR, April 13, 2016 (co-authored with numerous colleagues)

*How the Supreme Court Dodged the Real Issue of Lethal Injection*, CNN.COM, June 29, 2015

- Republished in several news outlets nationwide

*Midlands Voice: Death Penalty Is Expensive Failure*, OMAHA WORLD HERALD, June 16, 2015 (co-authored with Richard F. Duncan)

*How States Hide Brutal Incompetence in Lethal Injection*, CNN.COM, April 29, 2015

- Republished in several news outlets nationwide

*Same-Sex Marriage, Heightened Scrutiny and the Problem of "Animus"*, JURIST - Academic Commentary, Mar. 21, 2015

*Time Has Come to Repeal Death Penalty in Nebraska*, LINCOLN JOURNAL STAR, Mar. 22, 2013, at A7.

Baze v. Rees *and Current Issues in Lethal Injection Litigation*, HABEAS CORPUS, VOL. 22, NO. 4 (May 2009)

*Unfit to Execute*, L.A. TIMES, Nov. 26, 2007, at A17

- Republished in several other newspapers nationwide, including *Houston Chronicle*, *Oakland Tribune*, *San Mateo County Times*, etc.

**Video Lectures for Non-Legal Audiences**

*Law School for Everyone: Constitutional Law*, THE GREAT COURSES (2019) (twelve-lecture series)

## COURSES

Constitutional Law I (structure & rights)
Constitutional Law II (First Amendment)
Federal Courts
Statutory Interpretation: Practice and Policy
Constitutional History
Legislation and Regulation (for undergraduates)

## AWARDS

U. Nebraska College of Law John H. Binning Award for Excellence (2019)
Professor of the Year Award (voted by Upperclass Law Students) (2019)
Law Alumni Council Distinguished Faculty Award (2018)
Professor of the Year Award (voted by Upperclass Law Students) (2016)
Professor of the Year Award (voted by Upperclass Law Students) (2015)
Professor of the Year Award (voted by Upperclass Law Students) (2012)
Winner of American Constitution Society's Richard D. Cudahy Writing Competition on Regulatory and Administrative Law (2011)
College Distinguished Teaching Award (2010)
C.A. Sorensen Award (awarded by Nebraskans Against the Death Penalty) (2010)
Professor of the Year Award (voted by Upperclass Law Students) (2010)
Professor of the Year Award (voted by Upperclass Law Students) (2008)

## PRIOR LEGAL EXPERIENCE

**Jenner & Block LLP**, Washington, DC
*Associate* 2004-2007
*Summer Associate* Summer 2003

- Tried case challenging constitutionality of Missouri lethal injection procedure and co-authored appellate briefs in same matter (W.D. Mo., 8th Cir.)
- Co-authored merits brief in *Hill v. McDonough* arguing that lethal injection claims can properly be brought under § 1983 and are not subject to AEDPA's gatekeeping provisions (U.S. Supreme Court)
- Co-authored briefs challenging legality of military commissions created to try detainees held in Guantanamo Bay (D.D.C., D.C. Cir.)
- Briefed and argued appeal on behalf of prison inmate against whom summary judgment was granted in medical malpractice action for lack of expert witness (D.C. Cir.)
- Co-authored amicus briefs on behalf of American Psychological Association supporting rights for same-sex couples in marriage, domestic partnership, and adoption cases (several state and federal courts)
- Co-authored amicus brief on First Amendment issues in case challenging constitutionality of federal obscenity law as applied to internet (3d Cir.)
- Researched and co-authored sections of briefs representing recording industry in copyright challenge against internet-based file sharing in *MGM v. Grokster* (U.S. Supreme Court)
- Co-authored briefs representing D.C. Superior Court judges in Due Process and Takings action brought by lawyers challenging their removal from list of attorneys who could be appointed to represent indigents at the District of Columbia's expense (D.D.C)
- Co-authored briefs defending telephone company's right to run telephone lines across pre-existing railroad and utility easements (several state and federal courts)
- Co-authored petition for certiorari challenging prosecutor's absolute immunity in case where prosecutor allegedly framed plaintiff for murder (U.S. Supreme Court)

**The Honorable Merrick B. Garland**
U.S. Court of Appeals for the District of Columbia Circuit, Washington, DC
*Law Clerk* 2003-2004

**Cleary, Gottlieb, Steen & Hamilton**, New York, NY
*Summer Associate* Summer 2002

**The Honorable Sonia Sotomayor**
U.S. Court of Appeals for the Second Circuit, New York, NY
*Intern* Summer 2001

## PRIOR TEACHING EXPERIENCE

**Independent Tutor**, Philadelphia, PA 1998-2000

**Advanced Studies Program**, St. Paul's School, Concord, NH
*Master Teacher*, Writing Workshop Summer 1999
*Intern*, Writing Workshop Summer 1995

**American International School of Johannesburg**, Johannesburg, South Africa
*High School English Teacher* 1997-1998

**Hong Kong International School**, Hong Kong
*High School Social Studies Teaching Fellow* 1996-1997

**St. Paul's School**, Concord, NH
*High School Humanities Teaching Fellow* 1995-1996

## SELECTED TESTIMONY, PRESENTATIONS & PANEL DISCUSSIONS

Legislative Testimony (Written), Nebraska Legislature's Government, Military and Veterans Affairs Committee on LB 451 (proposed resolution to study issues pertaining to an Article V Constitutional Convention), Lincoln, NE (Feb. 1, 2019)

Presenter, *Eighth Amendment Norms and the Lethal Injection Stalemate*, Ninth Annual Loyola Constitutional Law Colloquium, Loyola University Chicago School of Law, Chicago, IL (Nov. 2, 2018)

Presenter, *Eighth Amendment Norms and the Lethal Injection Stalemate*, DePaul University College of Law, Chicago, IL (Nov. 1, 2018)

Panelist, "Justice Kennedy's Prose: Style and Substance" at *The Swing Justice: Reflections on the Career of Justice Anthony Kennedy*, Georgia State University College of Law, Atlanta, GA (Oct. 5, 2018) (symposium proceedings transcript published at 35 GA. ST. L. REV. 907 (2019))

Presenter, *The Supreme Court in Transition: The Legacy of Justice Kennedy and the Future of the Court*, University of Nebraska-Omaha, Omaha, NE (Sept. 19, 2018)

Presenter, *United States and Chinese Constitutional Law: Some Obvious Differences and Some (Perhaps) Surprising Similarities*, Chinese University of Political Science and Law, Beijing, China (May 18, 2018)

Presenter, *United States and Chinese Constitutional Law: Some Obvious Differences and Some (Perhaps) Surprising Similarities*, Xi'an Jiaotong University, Xi'an, China (May 11, 2018)

Legislative Testimony (Written and Oral), Nebraska Legislature's Education Committee on LB 718 (proposed bill to regulate free speech on campuses of public higher education in Nebraska), Lincoln, NE (Jan. 30, 2018)

Presenter, *First Amendment Law as Applied to Public Universities*, Presentation to Senior Administrators and Deans as part of "First Amendment and Academic Freedom" Workshop, University of Nebraska-Lincoln, Lincoln, NE (Jan. 22, 2018)

Legislative Testimony (Written and Oral), Nebraska Legislature's Government, Military and Veterans Affairs Committee on LR 181 (proposed resolution to study issues pertaining to an Article V Constitutional Convention), Lincoln, NE (Dec. 7, 2017)

Presenter, *When Facts Don't Matter*, Eight Annual Loyola Constitutional Law Colloquium, Loyola University Chicago School of Law, Chicago, IL (Nov. 3, 2017)

Presenter, *Of Law and Legacies: President Obama's Legacy and the Constitution in the Age of Dysfunction*, Wisconsin Discussion Group on Constitutionalism, University of Wisconsin Law School, Madison, WI (Oct. 7, 2017)

Presenter, *The Constitution in the Age of Political Dysfunction*, Drake Law School 2017 Constitutional Law Symposium on "President Obama's Constitutional Law Legacy," Des Moines, IA (April 8, 2017)

Presenter, *Historical Fluidity and the Problem of Originalism*, Seventh Annual Loyola Constitutional Law Colloquium, Loyola University Chicago School of Law, Chicago, IL (Nov. 5, 2016)

Presenter, *Historical Fluidity*, Wisconsin Discussion Group on Constitutionalism, University of Wisconsin Law School, Madison, WI (Oct. 1, 2016)

Presenter, *The Supreme Court in Transition: Justice Scalia's Legacy, Judge Garland's Nomination, and the Future of the Court*, University of Nebraska-Omaha, Omaha, NE (Sept. 14, 2016)

Presenter, *Justice Thomas' Originalism and the Future of Conservative Judging*, SEALS Workshop on Constitutional Law on "Justice Thomas After 25 Years," Amelia Island, FL (Aug. 3, 2016)

Presenter, *Institutional Analysis in* Glossip v. Gross, American Association of Law Schools Annual Meeting, Panel on "The Supreme Court and the Future of Lethal Injection," New York, NY (Jan. 10, 2016)

Presenter, *Lethal Injection, Institutional Analysis, and Judicial Deference*, Wisconsin Discussion Group on Constitutionalism, University of Wisconsin Law School, Madison, WI (Nov. 14, 2015)

Presenter, *Gross Error*, Sixth Annual Loyola Constitutional Law Colloquium, Loyola University Chicago School of Law, Chicago, IL (Nov. 7, 2015)

Moderator, SEALS Discussion Group on Constitutional Law on "Supreme Court Transparency," Boca Raton, FL (July 29, 2015)

Presenter, *Lethal Injection on the Roberts Court*, SEALS Workshop on Constitutional Law on "The Roberts Court at Ten," Boca Raton, FL (July 28, 2015)

Presenter, *Constitutional Law and Fact on the Roberts Court*, Law and Society Annual Meeting, Panel on "The Roberts Court at Ten," Seattle, WA (May 29, 2015) (panel organizer)

Presenter, Glossip v. Gross *and Other Current Issues in Lethal Injection Litigation*, American Constitution Society Presentation & Nebraska Bar CLE, University of Nebraska College of Law, Lincoln, NE (April 13, 2015)

Presenter, *The Rehnquist Federalism Revolution and Stealth Constitutional Decision Making*, William H. Rehnquist Center on the Constitutional Structures of Government Conference on "The Rehnquist Court: Ten Years Later," University of Arizona James E. Rogers College of Law, Tucson, AZ (Feb. 6, 2015)

Presenter, *The World According to the Court*, Wisconsin Discussion Group on Constitutionalism, University of Wisconsin Law School, Madison, WI (Nov. 21, 2014)

Presenter, *The Rhetoric of Constitutional Absolutism*, UCLA School of Law, Faculty Colloquium, Los Angeles, CA (Nov. 14, 2014)

Presenter, *The Supreme Court, Legislative Facts, and the Path of Constitutional Law*, Fifth Annual Loyola Constitutional Law Colloquium, Loyola University Chicago School of Law, Chicago, IL (Nov. 7, 2014)

Presenter, *The Executioners' Dilemmas*, University of Richmond Law Review Allen Chair Symposium on "Lethal Injection, Politics, and the Future of the Death Penalty," Richmond, VA (Oct. 24, 2014)

Presenter, *Lethal Injection Secrecy and Eighth Amendment Due Process*, University of Nebraska College of Law, Lincoln, NE (Sept. 16, 2014)

Presenter, *Current Issues in Lethal Injection Litigation*, Drake University Law School, American Constitution Society Presentation and Iowa Bar CLE, Des Moines, IA (Sept. 8, 2014)

Presenter, *Lethal Injection Secrecy and Eighth Amendment Due Process*, Drake University Law School, Faculty Colloquium, Des Moines, IA (Sept. 8, 2014)

Presenter, *The World According to the Court*, Law and Society Association Annual Meeting, Panel on "Inequality in the Eyes of the Court," Minneapolis, MN (May 30, 2014) (panel organizer)

Presenter, *The Rhetoric of Constitutional Absolutism*, Marquette University Law School, Faculty Workshop, Milwaukee, WI (Mar. 18, 2014)

Presenter, *The Rhetoric of Constitutional Absolutism*, University of Wisconsin School of Law, Faculty Workshop, Madison, WI (Feb. 12, 2014)

Legislative Testimony (Written), Nebraska Legislature's Judiciary Committee Hearing on Same-Sex Marriage in Nebraska, Lincoln, NE (Nov. 4, 2013)

Presenter, *The Politics of Constitutional Certainty*, Fourth Annual Loyola Constitutional Law Colloquium, Loyola University Chicago School of Law, Chicago, IL (Nov. 1, 2013)

Presenter, *The Rhetoric of Constitutional Absolutism*, St. Louis University School of Law, Faculty Workshop Series, St. Louis, MO (Oct. 16, 2013)

Presenter, *The Rhetoric of Constitutional Absolutism*, University of Richmond School of Law, Faculty Colloquy Series, Richmond, VA (Oct. 11, 2013)

Presenter, *Constitutional Theory's Grand Ambitions and Modest Accomplishments*, SEALS Constitutional Law panel on "Do Theories of Constitutional Interpretation Matter?", Palm Beach, FL (August 7, 2013)

Presenter, *Teaching About the Supreme Court in Constitutional Law and Statutory Interpretation*, SEALS Discussion Group on "Teaching About the Supreme Court," Palm Beach, FL (August 4, 2013)

Panelist, *Point Blank: A Conversation About Gun Violence*, with moderator S. Poser (Dean Nebraska Law), A. Allen (Nebraska Firearms Owners Association), Senator M. Christensen (Nebraska Legislature), S. Joel (Superintendent Lincoln Public Schools), M. Scalora (Psychology Dept., Univ. of Nebraska), T. Schmaderer (Chief of Omaha Police Dep't), S. Swearer (Psychology Dept., Univ. of Nebraska), University of Nebraska, Lincoln, NE (Mar. 5, 2013)

Presenter, *Lawrence's Stealth Constitutionalism and Same-Sex Marriage Litigation*, Vanderbilt Law School, Faculty Workshop, Nashville, TN (Feb. 13, 2013)

Presenter, *Originalism's Pretenses*, University of Pennsylvania Journal of Constitutional Law Symposium on "Originalism and Textualism in Constitutional Interpretation Today," University of Pennsylvania Law School, Philadelphia, PA (Jan. 25, 2013)

Presenter, *Lawrence's Stealth Constitutionalism and Same-Sex Marriage Litigation*, Third Annual Loyola Constitutional Law Colloquium, Loyola University Chicago School of Law, Chicago, IL (Nov. 2, 2012)

Presenter, *Same-Sex Marriage and Stealth Constitutional Decision Making*, Big Ten Untenured Law Faculty Conference, Maurer School of Law, Indiana University, Bloomington, IN (August 11, 2012)

Presenter, *Same-Sex Marriage and Stealth Constitutional Decision Making*, SEALS Discussion Group on "Judicial Decision Making," Amelia Island, FL (August 2, 2012)

Presenter, *The Paranoid Style of Constitutional Fundamentalism*, SEALS Constitutional Law panel on "The Constitution and the 2012 Election," Amelia Island, FL (July 30, 2012)

Participant, "Constitutional Law Schmooze," American Constitution Society Annual Convention, Washington, DC (June 14, 2012)

Presenter, *Deference Determinations and Stealth Constitutional Decision Making*, Second Annual Loyola Constitutional Law Colloquium, Loyola University Chicago School of Law, Chicago, IL (Oct. 21, 2011)

Co-moderator, *Roman L. Hruska Institute for the Administration of Justice Discussion: A Conversation About the Constitution with U.S. Supreme Court Justice Clarence Thomas*, University of Nebraska College of Law, Lincoln, NE (Sept. 15, 2011) (with Supreme Court Justice Clarence Thomas and UNL Law Professors Rick Duncan & Jo Potuto)

Presenter, *Extra-Doctrinal Decision Making and the Under-Theorized Constitution*, Big Ten Untenured Law Faculty Conference, Maurer School of Law, Indiana University, Bloomington, IN (August 3, 2011)

Presenter, *Deference Determinations and the Perils of Minimalism*, SEALS Constitutional Law panel on "To Defer or Not to Defer," Hilton Head, SC (July 29, 2011)

Presenter, *Individual Rights, Official Discretion, and Administrative Law Norms in Constitutional Decision Making*, Invited Speaker Series, Georgia State University School of Law, Atlanta, GA (Jan. 31, 2011)

Presenter, *The Death Penalty We Actually Have*, Nebraskans Against the Death Penalty Annual Awards Dinner, Lincoln, NE (Oct. 8, 2010)

Presenter, *Individual Rights, Governmental Discretion, and Administrative Law Norms in Constitutional Decisionmaking*, Midwest Regional Junior Faculty Workshop, Washington University, St. Louis, MO (Oct. 1, 2010)

Presenter, *Individual Rights and Federalism: State Counting as Window Dressing*, SEALS Constitutional Law Workshop panel on "The Rehnquist Federalism Revolution: Where Are We Now?", Palm Beach, FL (July 31, 2010)

Moderator, *Current Issues in Death Penalty and Lethal Injection Litigation*, with Prof. Ty Alper (Berkeley Law Death Penalty Clinic) and Jen Moreno (Berkeley Law Death Penalty Clinic), University of Nebraska College of Law, Lincoln, NE (Nov. 16, 2009)

Presenter, *In Search of a Theory of Deference: The Eighth Amendment, Political Process, and Constitutional Decisionmaking*, SEALS New Scholar Workshop, Palm Beach, FL (Aug. 6, 2009)

Presenter, *Death Penalty Legislation* (Plenary Session), Lethal Injection Conference (sponsored by Berkeley Law Death Penalty Clinic and Georgetown Criminal Justice Clinic), Georgetown University Law Center, Washington, D.C. (Mar. 15, 2009)

Presenter, *Remedial Issues in Lethal Injection Litigation* (Plenary Session), Lethal Injection Conference (sponsored by Berkeley Law Death Penalty Clinic and Georgetown Criminal Justice Clinic), Georgetown University Law Center, Washington, D.C. (Mar. 15, 2009)

Legislative Testimony, Nebraska Legislature's Judiciary Committee on LB 36 (proposed statute to adopt lethal injection as Nebraska's method of execution), Lincoln, NE (Jan. 29, 2009)

Presenter, *Lethal Injection and the Problem of Constitutional Remedies*, Midwest Regional Junior Faculty Workshop, Washington University, St. Louis, MO (Oct. 3, 2008)

Moderator, *First Amendment Issues in the Pentagon Papers Case*, with Anthony Lewis (formerly of *The New York Times*), Prof. Robert O'Neil (Univ. of Virginia Law School), and Prof. John Bender (Nebraska Journalism School), The Pentagon Papers Symposium: Echoes of Project X, Lied Center, University of Nebraska, Lincoln, NE (Oct. 30, 2007)

## LAW COLLEGE ADMINISTRATIVE COMMITTEES

Appointments Committee (2009-2010, 2011-2013, 2015-present) (Chair 2016-present)
Strategic Planning Scholarship Sub-Committee (2018-2019)
Lectureship Committee (2016-2017, 2018-present) (Chair 2016-2017)
Accreditation Committee (*ex officio*) (2016-2017)
Curriculum Committee (*ex officio*) (2016)
Faculty Scholarship Workshop Organizer (2014-present)
Faculty Planning Committee (2014-2015)
Faculty Clerkship Coordinator (2015-2016)
Curriculum/Self-Study Committee (2010-2011)
Committee on Committees (2011-2013, 2015-2016)
Honor Court, Alternate (2012-2015)
Committee for Nebraska Fund for Clerkships in Public Interest (2008-2013)
Library Committee (2008-2010)

## UNIVERSITY ADMINISTRATIVE COMMITTEES

Search Advisory Committee for Senior Vice Chancellor for Academic Affairs (2014-2015)
Search Advisory Committee for Law College Dean (2017)
Nebraska 150 Commission: Mission & Values Subcommittee (2018)
College Affairs Faculty Liaisons Committee (2016-present)
Advisory Council for Forsythe Program on Human Rights & Humanitarian Affairs (2016-present)

## SUPERVISION OF STUDENT GROUPS

Faculty Advisor to UNL Student Chapter of the American Constitution Society (2008-present)
Faculty Advisor to CLEP Community Outreach Program (2009-present)
Faculty Co-Advisor to UNL Student Chapter of the Innocence Project (2010-2016)
Faculty Advisor to Group of First Year Law Students (2007-present)

## SERVICE AND OUTREACH

Nebraska ACLU Lawyer Review Panel (2012-present)
Nebraskans for Civic Reform Community Advisory Board (2013-present)
Nebraska Federal Practice Committee (2014-present)
Reviewer for Book Manuscript about Constitutional Law (NYU Press) (2013)
Review for Book Prospectus about Constitutional Law (Cambridge U. Press) (2016)
Steering Committee, Southeastern Association of Law Schools (2010-2012, 2015)
ACS Convention Host Committee (2012)
Consulted (pro bono) with lawyers nationwide about lethal injection litigation and legislation (2007, 2009-2011, 2013- present)

## PROFESSIONAL ORGANIZATIONS

Member, Nebraska Bar Association
Member, District of Columbia Bar Association (inactive)
Member, Maryland Bar Association (inactive)
Member, American Bar Association
Member, Constitutional Law Section, AALS
Member, Legislation Section, AALS
Member, American Constitution Society

*This vita prepared June 2019.*