

Ann Althouse

Academic and Legal Work Experience:

Robert W. & Irma M. Arthur-Bascom Professor, University of Wisconsin Law School, 1997-present
Visiting Professor, Brooklyn Law School, Fall 2007-Spring 2008
Professor, University of Wisconsin Law School, 1993-1997
Associate Professor, University of Wisconsin Law School, 1989-1993
Visiting Professor, University of Colorado School of Law, Spring 1991
Visiting Professor, Boston University School of Law, Fall 1990
Assistant Professor, University of Wisconsin Law School, 1984-1989
Associate, Sullivan & Cromwell, 1982-1984
Law Clerk, Hon. Leonard B. Sand, Southern District of New York, 1981-1982

Scholarly Publications:

"Law And Judicial Duty: The Historical Ordinarity of Judicial Review," 78 George Washington Law Review, 1123 (2010)(Symposium: "Judicial Review: Historical Debate, Modern Perspectives, and Comparative Approaches:").

"Stepping Out of Professor Fallon's Puzzle Box: A Response to 'If *Roe* Were Overruled,'" 51 St. Louis Law Journal 761 (2007)

"Why a Narrowly Defined Legal Scholarship Blog is Not What I Want: An Argument in Pseudo-Blog Form," (Symposium: "Bloggership: How Blogs Are Transforming Legal Scholarship") 84 Washington University Law Review 1221 (2006)

"Chief Justice Rehnquist and the Search for Judicially Enforceable Federalism," 10 Texas Review of Law & Politics 275 (2006)

"Let the Law Journal Be the Law Journal and the Blog Be the Blog," 116 Yale L.J. Pocket Part 8 (2006)

"Why Not Heighten the Scrutiny of Congressional Power When the States Undertake Policy Experiments?" 9 Lewis & Clark Law Review 779 (2005) (Symposium: "Federalism After *Gonzales v. Raich*")

"Justices Story and Holmes in the Realm of the 'Brooding Omnipresence': Traces of Theology in the Move to Judicial Restraint," chapter in *The Place of Theology in the Liberal State and the Globalized World* (University of Wisconsin Press 2005)

"The Place of *Bush v. Gore* in the Rehnquist Court's Federalism Oeuvre," chapter in *The Final Arbiter: The Consequences of *Bush v. Gore* for Law and Politics* (State University of New York Press 2005)

"Vanguard States, Laggard States: Federalism and Constitutional Rights," 152 University of Pennsylvania Law Review 1745 (2004)

"The Vigor of Anti-Commandeering Doctrine in Times of Terror," 69 Brooklyn Law Review 1231 (2004) (Symposium: "Our New Federalism? National Authority and Local Autonomy in the War on Terror")

"The Authoritative Lawsaying Power of the State Supreme Court and the United States Supreme Court: Conflicts in Judicial Orthodoxy in the Bush-Gore Litigation," 61 University of Maryland Law Review 508 (2002) (Symposium: "Litigating the Presidency: The Election 2000 Dispute and Its Ramifications for the Supreme Court")

"Response to Ann Woolhandler's Treaties, Self-Execution, and the Public Law Litigation Model," 42 Virginia Journal of International Law 789 (2002) (Symposium: "Federal Courts and Foreign Affairs")

"Why Talking About 'States' Rights' Cannot Avoid the Need for Normative Federalism Analysis: A Response to Lynn Baker and Ernest Young," 51 Duke Law Journal 363 (2001) (Symposium: "The Constitution in Exile")

"Electoral College Reform: Déjà Vu," 95 Northwestern University Law Review 993 (2001) (review of Alexander M. Bickel, Reform and Continuity; The Electoral College, The Convention, and the Party System; Judith Best, The Case Against Direct Election of the President: a Defense of the Electoral College, and Lawrence D. Longley and Alan G. Braun, The Politics of Electoral College Reform)

"Inside the Federalism Cases: Concern About the Federal Courts," 574 The Annals of Political and Social Science 132 (2001) "Invoking *Rashomon*," 2000 Wisconsin Law Review 503

"On Dignity and Deference: The Supreme Court's New Federalism," 68 University of Cincinnati Law Review 245 (2000)

"The *Alden* Trilogy: Still Searching for a Way to Enforce Federalism," 31 Rutgers Law Review 631 (2000) (Symposium: "Federalism After *Alden*")

"Reconstructing Atticus Finch? A Response to Professor Lubet," 97 Michigan Law Review 1363 (1999) (review of Harper Lee, *To Kill a Mockingbird*)

"Enforcing Federalism After *United States v. Lopez*," 38 Arizona Law Review 793 (1996) (Symposium: "Major Issues in Federalism")

"Federal Jurisdiction and the Enforcement of Federal Rights: Can Congress Bring Back the Warren Era?" 20 Law & Social Inquiry 1088 (1995) (review of Larry Yackle, *Reinventing the Federal Courts*)

"Who's to Blame for Law Reviews?" 70 Chicago-Kent Law Review 81 (1994)
(Symposium: "The Struggle Between Author and Editor for Control of the Text")

"Time for the Federal Courts to Revive the Guarantee Clause? A Response to
Professor Chemerinsky," 65 University of Colorado Law Review 881 (1994)
(Symposium: Guaranteeing a Republican Form of Government")

"Federalism, Untamed," 47 Vanderbilt Law Review 1207 (1994) (Symposium:
"Federalism's Future")

"Late Night Confessions in the Hart and Wechsler Hotel," 47 Vanderbilt Law
Review 993 (1994) (Symposium: "The Future of Federal Courts Scholarship")

"The Lying Woman, The Devious Prostitute, and Other Stories from the Evidence
Casebook," 88 Northwestern Law Review 914 (1994)

"Variations on a Theory of Normative Federalism: A Supreme Court Dialogue,"
42 Duke Law Journal 979 (March 1993)

"Thelma and Louise and the Law: Do Rape Shield Rules Matter?" 25 Loyola Law
Review 757 (1992) (Symposium: "Does Evidence Law Matter?")

"Beyond King Solomon's Harlots: Women in Evidence," 65 Southern California
Law Review 1265 (1992)

"Saying What Rights Are: In and Out of Context," 1991 Wisconsin Law Review
930

"Standing, in Fluffy Slippers," 77 Virginia Law Review 1177 (1991)

"Tapping the State Court Resource," 44 Vanderbilt Law Review 953 (1991)

"The Humble and the Treasonous: Judge-Made Jurisdiction Law," 40 Case
Western Reserve Law Review 1039 (1990) (Symposium: "The New Separation of
Powers Analysis")

"When to Believe a Legal Fiction: Federal Interests and the Eleventh
Amendment," 40 Hastings Law Journal 1123 (1989)

"The Misguided Search for State Interest in Abstention Cases: Observations on
the Occasion of *Pennzoil v. Texaco*," 63 New York University Law Review 1051
(1988)

"How to Build a Separate Sphere: Federal Courts and State Power," 100 Harvard
Law Review 1485 (1987)

"The Use of Conspiracy Theory to Establish In Personam Jurisdiction: A Due Process Analysis," 52 Fordham Law Review 234 (1983)

"Broadcast Deregulation and the First Amendment: Restraints on Private Control of the Publicly Owned Forum," 55 New York University Law Review 517 (1980) (student note)

Opinion and Commentary:

"Questions for Judge Sotomayor," op-ed contributor, The New York Times, July 12, 2009

Review of Jeffrey Toobin, The Nine: Inside the Secret World of the Supreme Court, The New York Sun, September 27, 2007

Guest Columnist, The New York Times, "A Word Too Far" (March 3, 2007), "A License to Blog?" (February 27, 2007), "Rudy & Mitt Hem & Haw On Abortion" (February 24, 2007), "A Skull Full Of Mush" (February 20, 2007), "An Awkward Plea" (February 17, 2007)

"No Exit: Judicial Activism Is Inevitable," op-ed, The Wall Street Journal, October 21, 2006

"Can Blogging Derail Your Career?: Exposed in the Blogosphere," 52 Chronicle of Higher Education: The Chronicle Review B7, July 28, 2006

"A Law Unto Herself," op-ed, The New York Times, August 23, 2006

"The Conformist," (Review of Kenji Yoshino, Covering : The Hidden Assault on Our Civil Rights), The New York Times Book Review, January 22, 2006

"Is Alito the right choice?" op-ed, Milwaukee Journal Sentinel on November 5, 2005

"Separated at the Bench," op-ed, The New York Times, November 2, 2005

"Who is Harriet Miers?" op-ed, Milwaukee Journal Sentinel on October 16, 2005

"Innocence Abroad," op-ed, The New York Times, September 19, 2005

"The People's Court" (review of Richard Davis, Electing Justice, Fixing the Supreme Court Nomination Process), The New York Times Book Review, July 3, 2005

"The Revolution Will Be Posted," co-author, op-ed, The New York Times,

November 2, 2004

“The Federalist Five,” ABA Journal (Supreme Court Review), January, 1990

“The Burger Years,” ABA Journal (book review), May, 1987

On-line activities:

Blogger, “Althouse,” althouse.blogspot.com, daily writing on legal and other topics since January 2004

Guest-blogger: Instapundit.com, March 11-16, 2007, July 27-August 7, 2006, October 25-November 3, 2004 and August 8-14, 2005

GlennReynolds.com, MSNBC.com, February 21-25, 2005 and June 13-17, 2005

SCOTUSblog.com, participated in group blogs dedicated to the Supreme Court’s medical marijuana case and Ten Commandments cases, June 2005

Podcaster, “Audible Althouse,” althouse.libsyn.com, weekly/semi-weekly downloadable spoken word, since September 2005

Bloggingheads.tv, an online split-screen video debate, semi-weekly appearances since August 2006

Photographer, www.flickr.com/photos/althouse/

Founder and administrator of the CivPro and FedCourts e-mail lists for law faculty, 1995-2006

Education:

New York University School of Law, J.D. 1981

University of Michigan, School of Architecture and Design, B.F.A. 1973

Academic Honors:

University Graduation Prize (for Highest Cumulative Average), 1981

New York University Alumnae Club Key Pin (for Outstanding Woman Graduate), 1981

Order of the Coif, 1981

Law Review, Senior Note and Comment Editor, 1980-1981

Law Review, Staff Member, 1979-1980

American Judicature Society Prize, 1979-80

John Norton Pomeroy Prize, 1978-79 and 1979-80

American Jurisprudence Prize, 1979

Bar membership:

New York, admitted 1981

Teaching:

Federal Jurisdiction

Religion and the Constitution

Constitutional Law I & II

Civil Procedure II

Award: Teacher of the Year, 2002, Wisconsin Law Alumni Association

University Service (selected):

Tenure Committee, 1992-1994, 1995-1998, 2000-2001, 2009-present (chair since 2010)

Retentions Committee, 1998-present, 1999-2006

Research Committee, Fall 1992-Spring 2003, 2009-present

Appointments Committee, 1986-1988, 1993-1995 (Chair, 1994-1995), Chair Fall 2006-Spring 2007

Supreme Court Tuesdays, coordinating a lecture series at the UW Law School

Admissions Committee, 1984-1987, 1988-1989, 1992-1993, 2001-2005

Law School Self-Study Committee, 1997-Spring 1999

Academic Planning Council, 1989-1992

Law School Dean Search Committee, 1990

University Committee on Minority Faculty and Staff Hiring, 1993-1994

Presentations (selected list):

"Judicial Review: Historical Debate, Modern Perspectives, and Comparative Approaches," panelist, George Washington Law School, October 16, 2009.

“The Rise of Law Blogs & Their Impact on the Law and the Administration of Justice,” panelist, 2007 Seventh Circuit Bench-Bar Conference, May 7, 2007

“Mass Communication for the Masses: The Power of Weblogs,” panelist, The Rockefeller Center, Dartmouth College, April 19, 2007

“Writing About the Law: From Bluebook to Blogs and Beyond,” panelist, New York Law School, February 16, 2007

“Frank S. Meyer & the Fusion of Freedom and Tradition,” invited participant, Liberty Fund Conference, December 12-15, 2007

Response to “If *Roe* Were Overruled: Abortion and the Constitution in a Post-*Roe* World,” Childress Lecture by Richard S. Fallon, October 13, 2006, Saint Louis University School of Law.

“The 2005 Supreme Court Term,” Presentation to the Dane County Bar Association, September 26, 2006

Panelist, symposium: “Bloggiship: How Blogs are Transforming Legal Scholarship,” The Berkman Center for Internet & Society at Harvard Law School, April 28, 2006

Panel discussion on the nomination of Samuel Alito, hosted by the Federalist Society and the American Constitution Society, University of Wisconsin Law School, November 29, 2005

Presentation on the nomination of Samuel Alito, American Constitution Society, Madison, November 18, 2005

Presentation on Supreme Court appointments and abortion rights, University of Wisconsin Medical School, October 6, 2005

“The 2004 Supreme Court Term,” Presentations to the Dane County Bar Association, May 10 and October 11, 2005

Presentation to UW faculty on recent Ten Commandments cases, July 12, 2005

Presentation on blogging to the Madison Chaos and Complex Systems Seminar, University of Wisconsin Physics Department, February 15, 2005

“New Federalism and Health Law: Medical Marijuana and the Commerce Power,” presentation at the opening plenary session of The 28th Annual Health Law Teachers Conference of the American Society of Law, Medicine & Ethics, at Seton Hall University, June 3, 2004

“The Supreme Court and the Free Exercise Clause: *Locke v. Davey*,” Presentation

to the American Constitution Society, at the University of Wisconsin Law School, March 3, 2004

“The Vigor of Anti-Commandeering Doctrine in Times of Terror,” presentation at David G. Trager Public Policy Symposium “Our New Federalism? National Authority and Local Autonomy in the War on Terror,” at Brooklyn Law School, November 21, 2003

Constitutional Law Conference, University of Virginia School of Law, September 13 & 14, 2003, series of workshops on papers including “Vanguard States, Laggard States: Federalism and Constitutional Rights”

“Justices Story and Holmes in the Realm of the ‘Brooding Omnipresence’: Traces of Theology in the Move to Judicial Restraint,” presentation, October 12, 2002, at Conference at UW Law School on “The Place of Theology in the Liberal State and the Globalized World”

“The Place of *Bush v. Gore* in the Rehnquist Court’s Federalism Oeuvre,” at “Final Arbiter: The U.S. Supreme Court, Presidency and the Politics of Election 2000” conference at the Ray C. Bliss Institute of Applied Politics in Akron, Ohio, February 8, 2002

Panelist on teaching materials for Federal Courts, AALS Federal Courts Section Conference, May 2002

Panelist on the Constitutional Implications of *Bush v. Gore* at “Final Arbiter: The U.S. Supreme Court, Presidency, and the Politics of Election 2000,” a symposium sponsored by the Constitutional Law Center of the University of Akron and the Ray C. Bliss Institute of Applied Politics, February 8, 2002

Panelist on teaching Civil Procedure, Civil Procedure Section, AALS Annual Meeting, January 4, 2002

Presentation to UW faculty on recent *Good News Club* Supreme Court case, August 7, 2001

Panel discussion on the *Bush v. Gore* litigation, University of Wisconsin Law School, March 31, 2001

Presentation on the oral argument and decision in *Bush v. Palm Beach County* for UW students and faculty, December 4, 2000

Responder to Lynn A. Baker & Ernest A. Young’s “Federalism and the Double Standard of Judicial Review,” Duke Law School symposium: “The Constitution in Exile: Is It Time to Bring it in from the Cold?” October 5-6, 2000

Presentation on *University of Wisconsin v. Southworth* for UW students and faculty, May 5, 2000

Lecture on "The Supreme Court's New Federalism," University of Cincinnati College of Law on December 2, 1999

Symposium on Federalism After *Alden*, Rutgers School of Law on October 15, 1999

Symposium on *Seminole Tribe* Case, Wisconsin Department of Justice, June 4, 1996

Symposium on Federalism, University of Arizona College of Law, March 22, 1996

Panel on *United States v. Lopez*, meeting of National Conference of State Legislatures, Milwaukee, Wisconsin, July 16, 1995

Symposium on the Guarantee Clause, University of Colorado School of Law, March 18, 1994

Lecture on "The Lying Woman, the Devious Prostitute, and Other Stories from the Evidence Casebook," for Harvard Women Law Students Association, February 10, 1994

Symposium on "Federalism's Future," Vanderbilt Law School, February 4-5, 1994

Panel on "The Struggle Between Author and Editor for Control of the Text," Proposed Section on Legal Scholarship, AALS Annual Meeting, January 9, 1994

Panel on "The Future of Federal Courts Scholarship," Federal Courts Section, AALS Annual Meeting, January 8, 1994

Lecture on The Glen River Rape Case for workshop "Sex, Lives and Stereotypes," University of Wisconsin Health and Human Issues Division of University Outreach, July 9, 1993

Lecture on "Beyond King Solomon's Harlots: Women in Evidence," and Panelist, "Which Rules of Evidence Are Really Important?" at AALS Evidence Section Conference, June 1991

Panel on "The New Separation of Powers Analysis," Federal Courts Section, AALS Annual Meeting, January 6, 1990

Liberty Fund Conference on Federalism (invited participant), New York City, September 1987