

# JOSHUA BRAVER

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## APPOINTMENTS

**University of Wisconsin Law School**, Fall 2020-Present  
Assistant Professor of Law

**Harvard Law School**, 2018-2020  
Climenko Fellow

**Tufts University**, 2017-2018  
Jonathon M. Tisch Postdoctoral Fellow, Civic Studies

## EDUCATION

**Yale Graduate School of Arts and Science**  
Ph.D. in Political Science, 2017

### **Yale Law School**

J.D., June 2011

*Activities:* Submissions Editor, *Yale Law and Policy Review*  
Finalist, Yale Moot Court Competition  
Finalist, Yale Mock Trial Competition  
Teaching Assistant, Constitutional Law with Professor Akhil Reed Amar

### **University of California, Berkeley**

B.A., Political Science, June 2006

*Honors:* Valedictorian of the 2006 Political Science Class  
Phi Beta Kappa

## TEACHING AND RESEARCH INTERESTS

*Primary:* U.S. and Comparative Constitutional Law, Jurisprudence, Legislation and Administrative Law

*Secondary:* International Business Transactions, Alternative Dispute Resolution, Contracts, Torts, Labor Law

## PUBLICATIONS AND WORKS IN PROGRESS

*How Politicians Legalize Impeachment* (Work in progress)

WE, THE MEDIATED PEOPLE: POPULIST CONSTITUTION-MAKING IN CONTEMPORARY SOUTH AMERICA (book project, under contract with Oxford University Press)

*Court-Packing in the United States* in CONSTITUTIONAL CHANGE AND INTERNATIONAL LEGAL ORDER (ed., Diego González Cadenas)

*Bolivia* in OXFORD HANDBOOK OF CONSTITUTIONAL LAW IN LATIN AMERICA (eds., Conrado Hübner Mendes, Roberto Gargarella, and Sebastián Guidi, OXFORD UNIVERSITY PRESS, 2022)

*Court-Packing: An American Tradition?*, 61 BOSTON COLLEGE LAW REVIEW 2747 (2020)

*Election Rules and Constitutional Assemblies* in THE FOUNDATIONS AND TRADITIONS OF CONSTITUTIONAL AMENDMENT (Richard Albert & Xenophon Contiades, eds., Hart Publishing, 2017)

THE U.S. CONSTITUTION AND COMPARATIVE CONSTITUTIONAL LAW: TEXT, CASES, AND MATERIALS with Steven Calabresi and Bradley Silverman, Foundation Press (2016) (available at <https://www.amazon.com/U-S-Constitution-Comparative-Constitutional-Law/dp/1628101903>)

*Hannah Arendt in Venezuela: Hugo Chávez Battles the Supreme Court over the Creation of the 1999 Venezuelan Constitution*, 14 INTERNATIONAL JOURNAL OF CONSTITUTIONAL LAW 555 (2016) (available at [https://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=2998103](https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2998103))

*Election Rules and Revolutionary Breaks and the Creation of the 1999 Venezuelan Constitution* in THE FOUNDATIONS AND TRADITIONS OF CONSTITUTIONAL AMENDMENT (Richard Albert & Xenophon Contiades, eds., Hart Publishing, 2017)

*Exporting Counter Interpretation: Redeeming the U.S. Constitution in the UK*, 47 GEORGETOWN JOURNAL OF INTERNATIONAL LAW 867 (2016) (available at [http://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=2654038](http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2654038))

## **OTHER**

Extended Book Review Essay, *Reform or Revolution?*, LAWFARE, (reviewing Noah Feldman, THE BROKEN CONSTITUTION)

*Responding to Randy Barnett's Invocation of my Work*, THE VOLOKH CONSPIRACY, Feb. 17, 2022

*Constitutional Boot-Strapping in Chile?*, I-CONNECT Blog, Nov. 2, 2021

*The Justice Department Shouldn't Open the Pandora's Box of Seditious Conspiracy*, LAWFARE, May 6, 2021

*The Republican Party's First 100 Days*, ILLINOIS LAW REVIEW, Apr. 30, 2021 (symposium on Biden's first 100 days)

*Suing Trump over the Capitol Riot: A Preliminary Assessment*, LAWFARE, Feb. 26, 2021 (with Scott R. Anderson and Alan Z. Rozenshtein)

*The Myth of Recurrent Court-Packing*, THE CONSTITUTIONALIST, Nov. 30, 2020

*What's the Rush, Why Revolutionaries Love Speed*, BALKINIZATION BLOG, Jan. 15, 2020  
(symposium on Gary Jeffrey Jacobsohn & Yaniv Roznai, CONSTITUTIONAL REVOLUTION)

Extended Book Review Essay, *Critiquing Trade from Within* 23 JOURNAL OF INTERNATIONAL ECONOMIC LAW 771 (2020) (reviewing Frank Garcia, CONSENT AND TRADE)

*Putting "Abusive Constitutionalism" in Perspective*, INTERNATIONAL JOURNAL OF CONSTITUTIONAL LAW BLOG, with response by David Landau, July 28, 2018

*New York Isn't Ready for a Constitutional Convention*, DISSENT, Nov. 6, 2017

Extended Book Review Essay, *Undemocratic Deliberation*, 35 LEGAL STUDIES 720 (2015)  
(reviewing CONSTITUTIONAL COURTS AND DELIBERATIVE DEMOCRACY (2013))

*Counter-Interpretation, Constitutional Design, and the Right to Family Life*, UK CONSTITUTIONAL LAW BLOG, Jan. 6, 2014

*What House of Cards Gets Wrong*, POLITICO, Sept. 20, 2013

## INTERVIEWS AND COVERAGE OF MY RESEARCH

[Oath Keepers face seditious conspiracy charges](#), NPR RADIO, Feb. 1, 2022

[Seditious conspiracy is rarely proven](#), THE GUARDIAN, Jan. 28, 2022

[U.S. built 'textbook' case of sedition charges for Capitol attacks](#), REUTERS, Jan. 14, 2022

[No seditious conspiracy charges emerge in U.S. Capitol riots cases](#), REUTERS, June 3, 2021

[Academic highlight: The past, present and future of court packing](#), SCOTUSBLOG, Dec. 22, 2020

Joan Biskupic, [Biden's Supreme Court commission set to launch as some liberals are eager to pack the court](#), CNN, Jan. 30, 2021

## SELECTED TEACHING EXPERIENCE

**HARVARD LAW SCHOOL, CAMBRIDGE, MA.**  
*Instructor, Legal Research and Writing*

Fall 2018-Present

**YALE LAW SCHOOL, New Haven, CT.**  
*Guest lecturer, Comparative Constitutional Law*

Fall 2015

With Professor Steven Calabresi and Akhil Reed Amar, co-led two sessions on positive rights and constitution-making using chapters I authored in a comparative constitutional law casebook.

**PROF. ALEC STONE SWEET, YALE UNIVERSITY, New Haven, CT.** Spring 2014  
*Teaching Assistant, Law and Globalization*  
Led discussion sections. Prepared and reviewed student assignments.

**PROF. AKHIL REED AMAR, YALE UNIVERSITY, New Haven, CT.** Spring 2011  
*Teaching Assistant, Constitutional Law*  
Led discussion sections. Prepared and reviewed student assignments.

## PROFESSIONAL EXPERIENCE

**Department of Justice, Office of Legal Policy, Washington, DC** July-August 2010  
*Intern.* Analyzed constitutionality of regulations and feasibility of pending legislation. Authored memo on the power of the Attorney General. Vetted judicial nominees.

**Cahill, Gordon, & Reindel LLP, New York, NY** June-July 2010  
*Summer Associate.* Prepared notes for interviews in white collar investigation. Reviewed regulations governing discovery with federal agencies.

**Campaign Legal Center, Washington, DC** Summer 2009  
*Intern.* Researched and drafted amicus briefs concerning campaign finance and standing rules.

**Department of Homeless Services Legal Affairs, New York, NY** 2006-2007  
*Urban Fellow.* Represented the agency at administrative law hearings. Drafted internal agency memos and policies concerning a wide variety of issues, such as search and seizure and funding streams in city shelters. Participated in fellowship activities, including weekly seminars.

## PROFESSIONAL SERVICE

*Trainer and Practitioner, Harvard Mediation Project, 2017-Present*

*Rapporteur, American Society of Comparative Law Committee on the Integration of Law and Social Science, 2016*

*Representative, Yale Graduate Student Assembly, 2013-2014*

*Member, Yale Graduate Student Assembly Dean's Committee on Student Grievances, 2013-2014*

*Director, Yale Colloquium on Representative Government, 2012-2013*

## FELLOWSHIPS AND AFFILIATIONS

MacMillan Center Dissertation Grant, 2016

Latin American Travel Grant, Council for Latin American Studies, 2015

Director, Yale Colloquium on Representative Government, 2011-2014

Tinker Research Grant, Council for Latin American and Iberian Studies, 2014

Pre-Dissertation Grant, Macmillan Center for International and Area Studies, 2012

UK Popular Sovereignty Network Grant, 2012

## **SELECTED PRESENTATIONS AND MEDIA APPEARANCES**

*Contextualizing Court-Packing*, Law and Society Association Conference, July 2022

*How Politicians Legalize Impeachment*

- Midwest Political Science Association Conference, April 2022
- Texas A& M Law School Speaker Series, February 2022
- American Society of Comparative Law Conference, October 2021
- International Journal of Constitutional Law Conference, August 2021
- American Political Science Review Association, September 2021

*The Politics and History of Court-Packing: A Debate with Dan McLaughlin*, Dallas and Austin Chapter of the Federalist Society, December 2020.

*Is Court-Packing Legitimate: A debate with Thomas Keck*, *The Constitutionalist*, October 2020

*Pumping the Brakes on Packing the Court*, 8 O'Clock Buzz, *Wort* 89.9, October 2020

*The Myth of Recurrent Court-Packing*

- University of Chicago Public Law Workshop, September 2021
- Global Summit Conference, January 2020
- American Political Science Association Conference, September 2020
- University of Richmond Law School, Junior Faculty Forum, May 2019
- University of Michigan Law School, Junior Scholars Conference, April 2019

*Extraordinary Adaptation as Constituent Power*

- University of Valencia Conference, Constitutional Change and Constituent Power, December 2020

*Popular Constitution-Making*,

- University of Valencia Conference,
- University of Texas at Austin Law School, Constitutional Studies Luncheon, April 2019
- Harvard Law School, *Constitution-Making Class* taught by Lawrence Lessig, October ' 2018

*Judicial Review of Constitutional Assemblies*, UCLA Law School, *Annual Works-in-Progress Comparative Law Workshop*, February 2017

*Conflicts between Governments and Constitutional Assemblies*

- Yale Law School, ACS Progressive Scholars Workshop, September 2016
- American Political Science Association Conference, September 2016

*Shifting the Median Voter*, American Society of Comparative Law Committee on Law and Social Sciences, University of Chicago, May 2016

*Conflicts between the Government and the Constituent Assembly in South America*

- Future of Democracy Conference, National Museum of Iceland, May 2016
- Yale Law School, Human Rights Workshop, October 2015

*Exporting U.S. Counter-Interpretation to the UK*, Workshop on Comparative Constitutional Law, University of Milan Department of National and Supranational Law, May 2015

*Counter-Interpretation and Constitutional Supremacy*, I-CONNECT BLOG VIDEO INTERVIEW, Jan. 23, 2015

*Hannah Arendt in Venezuela: The Battle between Hugo Chávez and the Supreme Court over the Creation of the 1999 Constitution*

- Workshop on Comparative Constitutional Amendment, Boston College Law School, May 2015
- Plenary Panel, Younger Comparative Constitutionalist Conference, Florida State University, April 2015

## LANGUAGES

Spanish

## REFERENCES

Prof. Martha Minow  
Harvard Law School  
617-495-4276  
[minow@law.harvard.edu](mailto:minow@law.harvard.edu)

Prof. Akhil Reed Amar  
Yale Law School  
203-432-4838  
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Prof. Steven G. Calabresi  
Northwestern Law School  
312-503-7012  
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512-232-1351  
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UT Austin Law School  
617-552-3930  
[richard.albert@law.texas.edu](mailto:richard.albert@law.texas.edu)

Prof. Bryan Garsten  
Yale Department of Political Science  
203-436-3696

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Prof. Andrew Arato  
New School for Social Research  
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