

DAVID SCHRAUB

215 Law School Building
Berkeley, CA 94720

Email: dschraub@berkeley.edu
Phone: 240-447-1556

EMPLOYMENT

UNIVERSITY OF CALIFORNIA, BERKELEY SCHOOL OF LAW, BERKELEY, CA

Lecturer in Law & Senior Research Fellow, California Constitution Center, 2016 – present

Darling Foundation Fellow in Public Law, 2014 – 2016

- Courses Taught: Constitutional Law (Spring 2015, Summer 2020); Energy Law (Summer 2016)
- Coordinator: Public Law Workshop (Spring & Fall 2015); Law, Political Theory, and Philosophy Workshop (Spring 2017)
- Areas of Research and Teaching Interest: Constitutional Law (including First Amendment, Fourteenth Amendment, and Separation of Powers), Civil Procedure, Energy Law
- Additional Teaching Interests: American Indian Law, Federal Courts, Administrative Law

COVINGTON & BURLING LLP, WASHINGTON, DC

Associate, 2013 – 2014

- Practice Groups: Energy, Environmental, Litigation
 - Substantial focus on American Indian law issues across practice groups
- Administrator and Contributor: *Inside Energy & Environment*

JUDGE DIANA E. MURPHY, U.S. COURT OF APPEALS FOR THE EIGHTH CIRCUIT, MINNEAPOLIS, MN

Law Clerk, 2012 – 2013

UNIVERSITY OF ILLINOIS COLLEGE OF LAW, URBANA-CHAMPAIGN, IL

Visiting Assistant Professor, 2011 – 2012

- Courses Taught: Anti-Discrimination (Fall 2011); Constitutional Law I (Spring 2012)

PUBLICATIONS

The Distinctive Political Status of Dissident Minorities, __ AM. POL. SCI. REV. __ (forthcoming) (peer-reviewed)

Sadomasochistic Judging, __ CONST. COMM. __ (forthcoming) (reviewing RICHARD H. FALLON, JR., LAW AND LEGITIMACY IN THE SUPREME COURT (2018)) (invited contribution)

Deliberation and Dismissal, 22 U. PA. J. CONST. L. __ (forthcoming)

- Featured, as “Dismissal,” in *Jotwell: Journal of Things We Like (Lots)*

Epistemic Injustice in Collecting and Appraising Evidence, in THE ROUTLEDGE COMPANION TO EVIDENCE (Maria Lasonen-Aarnio & Clayton Littlejohn, eds. forthcoming 2020) (invited contribution) (with Joel Sati)

Doctrinal Sunsets, 93 S. CAL. L. REV. 431 (2020)

White Jews: An Intersectional Approach, 43 ASSOCIATION FOR JEWISH STUDIES (AJS) REV. 379 (2019) (peer-reviewed)

Torgerson’s Twilight: The Antidiscrimination Jurisprudence of Judge Diana E. Murphy, 103 MINN. L. REV. 65 (2018)

Finding the “Sovereign” in “Sovereign Immunity”: Lessons from Bodin, Hobbes, and Rousseau, 29 CRIT. REV. 388 (2017) (peer-reviewed)

Post-Racialism and the End of Strict Scrutiny, 92 IND. L.J. 599 (2017)

Unsuspecting, 96 B.U. L. REV. 361 (2016)

Playing with Cards: Discrimination Claims and the Charge of Bad Faith, 42 SOC. THEORY & PRAC. 285 (2016) (peer-reviewed)

Racism as Subjectification, 17 BERKELEY J. AF.-AM. L. & POL'Y 3 (2016)

The Siren Song of Strict Scrutiny, 84 UMKC L. REV. 859 (2016) (invited symposium contribution)

Renewing Electricity Competition, 42 FLA. ST. U. L. REV. 937 (2015)

- Excerpted in RENEWABLE ENERGY: LAW, POLICY & PRACTICE (West American Casebook Series 2018).

Sticky Slopes, 101 CALIF. L. REV. 1249 (2013)

Our Divine Constitution, 44 LOY. U. CHI. L.J. 1201 (2013) (reviewing ROBERT A. BURT, IN THE WHIRLWIND: GOD AND HUMANITY IN CONFLICT (2012))

The Perils and Promise of the Holder Memo, 2012 CARDOZO L. REV. DE NOVO 187 (invited symposium contribution)

The Price of Victory: Political Triumphs and Judicial Protection in the Gay Rights Movement, 77 U. CHI. L. REV. 1437 (2010) (comment)

When Separation Doesn't Work: The Religion Clause as an Anti-Subordination Principle, 5 DARTMOUTH L.J. 145 (2007)

SHORTER WORKS

Clean Air Act Developments - 2013, ALI CLE Course of Study Materials (Feb. 2014) (with E. Donald Elliott & Thomas R. Brugato)

Academic Freedom versus Academic Legitimacy, 9 FLA. INT'L U. L. REV. 71 (2013)

Book Review, 30 L. & HIST. REV. 935 (2012) (reviewing SERENA MAYERI, REASONING FROM RACE: FEMINISM, LAW, AND THE CIVIL RIGHTS REVOLUTION (2011))

WORKS-IN-PROGRESS

(The Limits of) Judicial Resegregation

Broken Windows Policing Reform

EDUCATION

UNIVERSITY OF CALIFORNIA, BERKELEY, BERKELEY, CA

M.A., with distinction; Ph.D. candidate, Political Science

- Subfields: Contemporary Political Theory, History of Political Thought, Public Law
- Dissertation: "Hard Thoughts and Safe Spaces: Dilemmas of Deliberation, Dismissal, and Democracy"
 - Committee: Sarah Song (Chair), Mark Bevir (Co-Chair), Joshua Cohen, Christopher Kutz
- Graduate Student Instructor:
 - Introduction to American Politics (Fall 2016)
 - Just Political Participation (Spring 2017, Fall 2017)
 - Introduction to Political Theory (Spring 2018)
- Kadish Center Graduate Fellow (Spring 2017)
- Departmental Fellowship (Fall 2018 - Spring 2020)

UNIVERSITY OF CHICAGO LAW SCHOOL, CHICAGO, IL

J.D., with high honors

- Articles Editor, *The University of Chicago Law Review*
- Kirkland & Ellis Scholar (Top 5% of Class)
- Casper Platt Award for Most Outstanding Paper
- Morrison & Foerster Award for Outstanding Appellate Brief-Writing

- Order of the Coif
- Research Assistant, Profs. David Strauss and Emily Buss
- Teaching Assistant, Prof. Lisa Bernstein, Legal Scholarship Workshop

CARLETON COLLEGE, NORTHFIELD, MN

B.A., magna cum laude, with distinction in Political Science

- Class of '63 Fellowship for Independent Research
- Research Assistant, Prof. Anna Moltchanova, Dept. of Philosophy

SELECTED PRESENTATIONS

LOYOLA UNIVERSITY CONSTITUTIONAL LAW COLLOQUIUM, CHICAGO, IL

- Presenter: *Sadomasochistic Judging* (Nov. 8, 2019)

ASSOCIATION FOR POLITICAL THEORY CONFERENCE, IRVINE, CA

- Presenter: *Uncle Toms & As-a-Jews: The Distinctive Political Status of Dissident Minorities* (October 25, 2019) (Jeremy Elkins, discussant)

BERKELEY POLITICAL THEORY WORKSHOP, BERKELEY, CA

- Presenter: *Uncle Toms & As-a-Jews: The Distinctive Political Status of Dissident Minorities* (October 21, 2019) (Kristin Zuhone, discussant)

AMERICAN POLITICAL SCIENCE ASSOCIATION, WASHINGTON, DC

- Presenter: *Uncle Toms & As-a-Jews: The Distinctive Political Status of Dissident Minorities* (poster session: "Exploring the Dynamics of Race, Ethnicity, and Politics") (August 29, 2019)

GOETHE-INSTITUT, SAN FRANCISCO, CA

- Panelist: "Lest We Forget: Perspectives on Historic and Contemporary Anti-Semitism," (May 13, 2019) (Sue Fishkoff, moderator)

NATIONAL CONFERENCE OF CONSTITUTIONAL LAW SCHOLARS, TUCSON, AZ

- Presenter: *Doctrinal Sunsets* (March 9, 2019) (Aziz Huq, discussant)

BERKELEY RACE, RESISTANCE, AND INEQUALITY WORKSHOP, BERKELEY, CA

- Presenter: *Discursive Dismissal* (Nov. 8, 2018)

LOYOLA UNIVERSITY CONSTITUTIONAL LAW COLLOQUIUM, CHICAGO, IL

- Presenter: *Resegregation as Remedy* (Nov. 3, 2018)

BERKELEY GRADUATE STUDENT POLITICAL THEORY WORKSHOP, BERKELEY, CA

- Presenter: *Against (In)Humanism* (Oct. 11, 2018)

WESTERN POLITICAL SCIENCE ASSOCIATION, SAN FRANCISCO, CA

- Presenter: *White Jews: An Intersectional Approach* (panel on "Truth Telling: Resisting Through Testimony and Lived Experience") (Mar. 29, 2018) (Ainsley LeSure, discussant)

BERKELEY INSTITUTE FOR JEWISH LAW AND ISRAEL STUDIES GRADUATE STUDENT WORKSHOP, BERKELEY, CA

- Presenter: *White Jews: An Intersectional Approach* (Mar. 5, 2018)

BERKELEY GRADUATE STUDENT POLITICAL THEORY WORKSHOP, BERKELEY, CA

- Presenter: *White Jews: An Intersectional Approach* (Jan. 23, 2018)

NORTHWESTERN UNIVERSITY LEGAL SCHOLARSHIP WORKSHOP, CHICAGO, IL

- Presenter: *Dismissal* (Nov. 7, 2017)

UNIVERSITY OF CHICAGO LEGAL SCHOLARSHIP WORKSHOP, CHICAGO, IL

- Presenter: *Dismissal* (Nov. 6, 2017)

LOYOLA UNIVERSITY CONSTITUTIONAL LAW COLLOQUIUM, CHICAGO, IL

- Presenter: *Doctrinal Sunsets* (Nov. 3, 2017)
- UNIVERSITY OF CALIFORNIA LAW, PHILOSOPHY, & POLITICAL THEORY WORKSHOP, BERKELEY, CA**
- Discussant: Kate Manne, *Women, All Too Human* (Feb. 3, 2017)
- LOYOLA UNIVERSITY CONSTITUTIONAL LAW COLLOQUIUM, CHICAGO, IL**
- Presenter: *Dismissal* (Nov. 4, 2016)
- UNIVERSITY OF CALIFORNIA LAW, PHILOSOPHY, & POLITICAL THEORY WORKSHOP, BERKELEY, CA**
- Discussant: Clarissa Hayward, *Motivated Ignorance and Disruptive Politics* (Sept. 16, 2016)
- SAN DIEGO STATE UNIVERSITY "ISRAEL IN THE 21ST CENTURY: NEW HOPES, NEW CHALLENGES" LECTURE SERIES, SAN DIEGO, CA**
- Presenter: *An Intersectional Failure: Situating Mizrahi and Sephardic Jews in Contemporary Jewish Discourse* (April 25, 2016) (with Analucia Lopezvoredodo)
- UNIVERSITY OF CALIFORNIA LAW, PHILOSOPHY, & POLITICAL THEORY WORKSHOP, BERKELEY, CA**
- Discussant: Barbara Fried, *Facing Up to Risk* (Jan. 29, 2016)
- UNIVERSITY OF CALIFORNIA LAW, PHILOSOPHY, & POLITICAL THEORY WORKSHOP, BERKELEY, CA**
- Discussant: Avani Mehta Sood, *Does Criminal Egregiousness Influence Judges in Search-and-Seizure Cases?: An Empirical Triangulation of Motivated Admissibility Decisions* (Nov. 13, 2015)
- UNIVERSITY OF CALIFORNIA, BERKELEY, CA**
- Presenter: *Racism as Subjectification*; Discussant, Nancy Leong, *Identity Entrepreneurs* (Sept. 17, 2015)
- UNIVERSITY OF CALIFORNIA FACULTY WORKSHOP, BERKELEY, CA**
- Presenter: *Dismissal* (June 9, 2015)
- UNIVERSITY OF CALIFORNIA PUBLIC LAW WORKSHOP, BERKELEY, CA**
- Presenter: *Unsuspecting* (Jan. 26, 2015)
- UNIVERSITY OF CONNECTICUT WORKSHOP ON DOMINATING SPEECH, HARTFORD, CT**
- Presenter: *Playing with Cards: Discrimination Claims and the Charge of Bad Faith* (Nov. 23, 2014)
- UNIVERSITY OF CHICAGO LEGAL SCHOLARSHIP WORKSHOP, CHICAGO, IL**
- Presenter: *Unsuspecting* (Sept. 30, 2013)
- UNIVERSITY OF ILLINOIS FACULTY WORKSHOP, CHAMPAIGN, IL**
- Presenter: *Sticky Slopes* (Oct. 6, 2011)
- UNIVERSITY OF CHICAGO LAW, CULTURE, AND SOCIETY WORKSHOP, CHICAGO, IL**
- Presenter: *Sticky Slopes* (Nov. 17, 2010) (John Acevedo, discussant)
- UNIVERSITY OF CHICAGO LAW, CULTURE, AND SOCIETY WORKSHOP, CHICAGO, IL**
- Discussant: Sheldon Lyke, *Lost in Translation or Found in Conversation? Foreign Courts' Use of Brown v. Board of Education and Cosmopolitan Innovation* (Oct. 20, 2010)
- LAW AND SOCIETY CONFERENCE, CHICAGO, IL**
- Organizer and Panelist: "Social Change in Unexpected Ways"; presented *Sticky Slopes* (May 28, 2010) (Gerald Rosenberg, discussant)
- UNIVERSITY OF VIRGINIA JEFFERSON SCHOLARS FOUNDATION, CHARLOTTESVILLE, VA**
- Presenter: *Racism as Subjectification* (Feb. 23, 2008)
- CARLETON COLLEGE CLASS OF '63 FELLOWSHIP, NORTHFIELD, MN**
- Presenter: *Racism as Subjectification* (Nov. 8, 2007)

MEMBERSHIPS

American Political Science Association
Association for Political Theory
District of Columbia Bar
Maryland Bar (inactive)