

VIKRAM DAVID AMAR
568 Dalewood Drive, Orinda, CA 94563
(925) 858-8855
vdamar@ucdavis.edu

LEGAL EMPLOYMENT:

2008 -	Associate Dean for Academic Affairs and Professor of Law, University of California, Davis School of Law
2007-	Professor of Law, University of California, Davis, CA (writing, consulting and teaching in the fields of constitutional law, civil procedure, remedies, criminal procedure and local government)
1998-2007	Professor of Law, University of California, Hastings College of the Law, San Francisco, CA
1997-1998; 2007	Visiting Professor of Law, University of California, Hastings College of the Law
Spring 1997	Visiting Professor of Law, UCLA
Spring/Fall 1995 Fall 1996 Fall 1997 Spring 1999 Spring/Fall 2000 Fall 2001 Fall 2002 Spring/Fall 2003 Spring/Fall 2004 Spring 2005 Spring 2006 Spring 2007	Visiting Professor of Law, University of California at Berkeley
1997-1998	Professor of Law, University of California, Davis
1993-1997	Acting Professor of Law, University of California at Davis
1990-1993	Associate, Gibson, Dunn & Crutcher (handled a variety of complex civil and white collar criminal litigation matters)

1989-1990 Law Clerk to Associate Justice Harry A. Blackmun, United States Supreme Court

1988-1989 Law Clerk to Judge William A. Norris, United States Court of Appeals for the Ninth Circuit

EDUCATION:

Yale Law School, New Haven, Connecticut, J.D., June 1988 (articles editor, Yale Law Journal)

University of California at Berkeley, A.B., May 1985, in History (Distinction in Scholarship, Recipient of Kraft Prize)

PUBLICATIONS -- BOOKS, ARTICLES, ESSAYS, CHAPTERS, BOOK REVIEWS, NOTES, OP-EDS AND ON-LINE PIECES:

Books Edited or Written (Current Editions Only):

FEDERAL PRACTICE AND PROCEDURE, JURISDICTION 3D Vol.17 (with Charles A. Wright, Arthur R. Miller and Edward H. Cooper, St. Paul: West Group, 2006) (with 2011 Pocket Part)

FEDERAL PRACTICE AND PROCEDURE, JURISDICTION 3D Vol.17A (with Charles A. Wright, Arthur R. Miller and Edward H. Cooper, St. Paul: West Group, 2006) (with 2011 Pocket Part)

FEDERAL PRACTICE AND PROCEDURE, JURISDICTION 3D Vol.17B (with Charles A. Wright, Arthur R. Miller and Edward H. Cooper, St. Paul: West Group, 2006) (with 2011 Pocket Part)

*These Federal Practice and Procedure Treatise volumes have been cited by the United States Supreme Court (in *Brown v. Plata* (2011)), by seven United States Courts of Appeals and by dozens of United States District Courts in the past four years.*

CONSTITUTIONAL LAW: CASES AND MATERIALS (with William Cohen and Jonathan D. Varat, 13th ed., Westbury, N.Y.: Foundation Press, 2009) (with 2010 Supp.)

CONCISE EDITION OF CONSTITUTIONAL LAW: CASES AND MATERIALS (with William Cohen and Jonathan D. Varat, 13th ed., Westbury, N.Y.: Foundation Press 2009) (with 2010 Supp.)

FREEDOM OF SPEECH: THE FIRST AMENDMENT, ITS CONSTITUTIONAL HISTORY AND CONTEMPORARY DEBATE (Prometheus Books, 2009)

GLOBAL PERSPECTIVES ON CONSTITUTIONAL LAW (with Mark Tushnet, Oxford University Press, 2009)

American Civil Procedure in R. Blanpain ed., INTERNATIONAL ENCYCLOPAEDIA OF LAWS- CIVIL PROCEDURE 2d Ed. (with John Oakley, Deventer; Boston: Kluwer Law and Taxation Publishers, 2008)

Law Review Articles and Essays (Other than Articles Written by Invitation, Which are Listed Separately):

Response: The Case for Reforming Presidential Elections by Sub-Constitutional Means: The Electoral College, the National Popular Vote Compact and Congressional Power, 100 GEORGETOWN L. J. 237 (2011)

Having A Trial When the Outcome is Foreordained: The Federal Gay Marriage Case and Lingering Questions About Summary Supreme Court Rulings “On the Merits,” (forthcoming 2011)

How Senate Confirmation Hearings Should Better Educate Senators and the American Public: The Instructional Necessity of Case-Specific Questioning, 61 HASTINGS L.J. 1407 (2010) (this article was included in a Symposium Issue)

Lessons from California’s Unusual Non-Unitary Executive Branch, 59 EMORY L. J. 469 (2009) (this article was included in a Symposium Issue)

When Avoiding Federal Questions Shouldn’t Evade Federal Review, 12 GREEN BAG 2D 381 (2009) (with Alan Brownstein)

Are Statutes Constraining Gubernatorial Power to Make Temporary Appointments to the United States Senate Constitutional Under the Seventeenth Amendment? 35 HASTINGS CONST. L. Q. 737 (2008) (A Symposium Issue was built around this article)

Academic Freedom, 9 GREEN BAG 2d 1 (2005) (with Alan Brownstein)

Adventures in Direct Democracy: Constitutional Lessons from the California Recall Experience, 92 CAL. L. REV. 927 (2004)

The Cheney Decision: A Missed Chance to Straighten Out Some Muddled Issues, 2004 CATO SUP. CT. REV. 185 (2004)

Lower Court Obedience & the Ninth Circuit, 7 GREEN BAG 2d 31 (2004)

The New 'New Federalism': The Supreme Court in Hibbs (and Guillen), 6 GREEN BAG 2d 349 (2003)

Reasonable Accommodations Under the ADA, 5 GREEN BAG 2d 361 (2002) (with Alan Brownstein)

Conduct Unbecoming a Coordinate Branch: the Supreme Court in Garrett, 4 GREEN BAG 2d 351 (2001) (with Samuel Estreicher)

Bush v. Gore and Article II: Pressured Judgment Makes Dubious Law, 48 FED. LAW. 27 (2001) (with Alan Brownstein)

The People Made Me Do It: Can the People of the States Instruct and Coerce Their State Legislatures in the Article V Constitutional Amendment Process?, 41 WM. & MARY L. REV. 1037 (2000)

The Hybrid Nature of Political Rights, 50 STAN. L. REV. 915 (1998) (with Alan Brownstein)

Indirect Effects of Direct Election: A Structural Examination of the Seventeenth Amendment. 49 VAND. L. REV. 1347 (1996)

Unlocking the Jury Box, 77 POLICY REVIEW. 38 (1996) (with Akhil Amar)

Is the Presidential Succession Law Constitutional?, 48 STAN. L. REV. 113 (1995) (with Akhil Amar)

Jury Service as Political Participation Akin to Voting, 80 CORNELL L. REV. 203 (1995)

President Quayle?, 78 VA. L. REV. 913 (1992) (with Akhil Amar)

The Senate and the Constitution, 97 YALE L.J. 1111 (1988) (Student Note)

Invited Pieces for Symposia:

Reviewing Association Freedom Claims in a Limited Public Forum: An Extension of the Distinction Between Debate-Dampening and Debate-Distorting State Action, 35 HASTINGS CONST. L. Q. 505 (2011) (with Alan Brownstein) (symposium on Christian Legal Society v. Hastings case)

Afterthoughts on Snyder v. Phelps, 2011 CARDOZO L. REV. de novo 43 (2011) (with Alan Brownstein) (collection of reactions to Snyder v. Phelps case)

The NCAA as Regulator, Litigant and State Actor, 52 B. C. L. REV 415 (2011)
(symposium on NCAA at 100).

Reflections on the Doctrinal and Big-Picture Issues Raised by the Constitutional Challenges to the Patient Protection and Affordable Care Act (Obamacare) 6 FLA. INT'L L. REV. 9 (2010) (symposium on healthcare challenges)

Death, Grief and Freedom of Speech: Does the First Amendment Permit Protection Against the Harassment and Commandeering of Funeral Mourners? 2010 CARDOZO L. REV. de novo 368 (2010) (with Alan Brownstein) (theme Issue on Snyder v. Phelps case)

California Constitutional Conundrums – State Constitutional Quirks Exposed by the Same-Sex Marriage Experience: The 21st Annual Rutgers Lecture in State Constitutional Law, 40 RUTGERS L. J. 741 (2009)

Morse, School Speech and Originalism, 42 U.C. DAVIS L. REV. 637 (2009) (symposium on school speech issues)

Business and Constitutional Originalism in the Roberts Court, 49 SANTA CLARA L. REV. 979 (2009) (symposium on the Roberts Court)

Direct Democracy and Article II: Additional Thoughts on Initiatives and Presidential Elections, 35 HASTINGS CONST. L. Q. 631 (2008) (symposium on election law)

An Enigmatic Court? Examining the Roberts Court as it Begins Year Three: Criminal Justice, 35 PEPPERDINE L. REV. 523 (2008) (symposium on the Roberts Court at three years)

Does the Military Commissions Act of 2006 Violate the Suspension Clause? 2007 PREVIEW U.S. SUP. CT. CAS. ISSUE 3 (2007) (with Whitney Clark)

The Constitution and the Courts, 2006 PREVIEW U.S. SUP. CT. CAS. ISSUE 8 (2007)

Implementing an Historical Vision of the Jury in an Age of Administrative Factfinding and Sentencing Guidelines, 47 S. TEX. L. REV. 291 (2005) (symposium on juries)

Must Parental Notification Laws Contain a Health Exception? 2005 PREVIEW U.S. SUP. CT. CAS. ISSUE 2 (Nov. 2005) (with Kelly O'Donnell)

May the Attorney General Sanction Physicians Who Comply with Oregon's Death with Dignity Act? 2005 PREVIEW U.S. SUP. CT. CAS. ISSUE 1 (2005)(with Kelly O'Donnell)

Why the Case in Favor of a Federal Constitutional Amendment to Prohibit or Regulate Gay Marriage is 'Not Proved,' 31 HASTINGS CONST. L. Q. 350 (2005) (with Alan Brownstein) (symposium on gay marriage)

Bias and the Problem of Peremptory Challenges, 5 INSIGHTS ON LAW AND SOCIETY 16 (2005)

Converse Section 1983 Suits in Which States Police Federal Agents: An Idea Whose Time Has Arrived, 69 BROOK. L. REV. 1369 (2004) (symposium on federalism)

How Much Protection Do Injunctions Against Enforcement of Allegedly Unconstitutional Statutes Provide?, 31 FORDHAM URB. L. J. 657 (2004)

Case At a Glance: Wine Importation and the Constitution, 2004 PREVIEW U.S. SUP. CT. CAS. ISSUE 3 (2004) (with William Trachman)

Case At a Glance: The Meaning of Blakely in Booker and Fanfan, 2004 PREVIEW U.S. SUP. CT. CAS. ISSUE 2 (2004)

Case At a Glance: Rasul and Al Odah, 2003 PREVIEW U.S. SUP. CT. CAS. ISSUE 7 (2004)

Making Sense of the Michigan Affirmative Action Cases, 4 INSIGHTS ON LAW AND SOCIETY 11 (2003)

Back to the Future: Minority Groups and the Supreme Court's October 2002 Term, 2005 PREVIEW U.S. SUP. CT. CAS. ISSUE 9 (2003)

Constitutional Sunsetting?: Justice O'Connor's Closing Comments in Grutter, 30 HASTINGS CONST. L.Q. 541, (2003) (with Evan Caminker) (symposium on *Grutter* case)

The New Regulation Allowing Federal Agents to Monitor Attorney-Client Conversations: Why It Threatens Fourth Amendment Values, 34 CONN. L. REV. 1163 (2002) (with Akhil Amar)

Of Hobgoblins and Justice O'Connor's Jurisprudence of Equality, 32 MCGEORGE L. REV. 823 (2001) (symposium on Justice O'Connor's jurisprudence)

The 20th Century—The Amendment and Populist Century, 47 FED. LAW. 32 (2000)

From Watergate to Ken Starr: Potter Stewart's "Or of the Press" a Quarter Century Later, 50 HASTINGS L.J. 711 (1999) (Anniversary Issue)

The Role of the People in Presidential Impeachment, ACADEMY OF ARTS AND SCIENCES BULLETIN (Fall 1999)

Some Questions and Answers Concerning Justice Blackmun in Federalism and Separation of Powers Cases, 26 HASTINGS CONST. L.Q. 153 (1999) (symposium on Justice Blackmun's jurisprudence)

State Religious Freedom Restoration Acts and the Workplace, 32 U.C. DAVIS L. REV. 513 (1999) (symposium on state law religious protections)

Reflections on the 209 Litigation, 5 ASIAN L.J. 323 (1998)

The Hunter Doctrine and Proposition 209: A Reply to Thomas Wood, 24 HASTINGS CONST. L.Q. 1010 (1997) (with Evan Caminker) (Response essay)

Equal Protection, Unequal Political Burdens, and the CCRI, 23 HASTINGS CONST. L.Q. 1019 (1996) (with Evan Caminker) (symposium on Proposition 209)

Foreword: Symposium on Developments in Free Speech Doctrine, 29 U.C. DAVIS L. REV. 465 (1996) (symposium on free speech)

Some Questions about Perfectionist Rationality Review, 45 HASTINGS L.J. 1029 (1994) (symposium on constitutional interpretation)

Chapters in Books:

What's Wrong with the Modern Jury, in R. Passantino, ed., THE BEST AMERICAN LEGAL COMMENTARY 2005 (Boca Raton, Fla.: Universal Publishers, 2005)

Why Old and New Arguments for the Electoral College Are Not Compelling, in J.C. Fortier, ed., AFTER THE PEOPLE VOTE: A GUIDE TO THE ELECTORAL COLLEGE (3d ed., Washington, D.C.: AEI Press, 2004) (with Akhil Amar)

Reforming the Jury System Would Improve the Criminal Justice System, in J. Karson, ed., CRIMINAL JUSTICE: OPPOSING VIEWPOINTS (San Diego, Calif.: Greenhaven Press, 1998) (with Akhil Amar)

Book Reviews:

Rewriting the Constitution's Basic "Structural" Provisions: When a Constitutional Convention for Electoral Change is Necessary, and What it Might be Expected to Accomplish 7 ELECTION L. J. 245 (2008) (reviewing Levinson, OUR UNDEMOCRATIC CONSTITUTION: WHERE THE CONSTITUTION GOES WRONG (AND HOW WE THE PEOPLE CAN CORRECT IT) (2006) and Sabato, A MORE PERFECT CONSTITUTION: 23 PROPOSALS TO REVITALIZE OUR CONSTITUTION AND MAKE AMERICA A FAIRER COUNTRY (2007))

The Many Ways to Prove Discrimination: A Review of Ian Ayres' Pervasive Prejudice?, 14 HASTINGS WOMEN'S L.J. 171 (2003) (reviewing Ayers, PERVASIVE PREJUDICE?: UNCONVENTIONAL EVIDENCE OF RACE AND GENDER DISCRIMINATION (2001))

The Truth, the Whole Truth and Nothing but the Truth About "High Crimes and Misdemeanors" and the Constitution's Impeachment Process, 16 CONST.

COMMENTARY 403 (1999) (reviewing Coulter, HIGH CRIMES AND MISDEMEANORS (1998))

Essay Entries in Encyclopedias:

Adarand Constructors v. Pena, in D. Tanenhaus, ed. THE ENCYCLOPEDIA OF THE SUPREME COURT OF THE UNITED STATES (Gale, 2008)

California Democratic Party v. Jones, in D. Tanenhaus, ed. THE ENCYCLOPEDIA OF THE SUPREME COURT OF THE UNITED STATES (Gale, 2008)

John Roberts, in D. Tanenhaus, ed. THE ENCYCLOPEDIA OF THE SUPREME COURT OF THE UNITED STATES (Gale, 2008)

Seventh Amendment, in D. Tanenhaus, ed. THE ENCYCLOPEDIA OF THE SUPREME COURT OF THE UNITED STATES (Gale, 2008)

Shaw v. Reno, in D. Tanenhaus, ed. THE ENCYCLOPEDIA OF THE SUPREME COURT OF THE UNITED STATES (Gale, 2008)

Voting Rights, in J. Ehrlich ed., THE ENCYCLOPEDIA OF AMERICAN CIVIL LIBERTIES, (Routledge Reference, Taylor & Francis Group) (2006)

Ballot Initiatives, in J. Ehrlich ed., THE ENCYCLOPEDIA OF AMERICAN CIVIL LIBERTIES, (Routledge Reference, Taylor & Francis Group) (2006)

Jury Service and Jury Discrimination in Roger K. Newman ed., THE CONSTITUTION AND ITS AMENDMENTS (New York: Macmillan Reference USA, 1999)

The Constitution and Juries in Roger K. Newman ed., THE CONSTITUTION AND ITS AMENDMENTS (New York: Macmillan Reference USA, 1999)

Groups and Political Rights in Roger K. Newman ed., THE CONSTITUTION AND ITS AMENDMENTS (New York: Macmillan Reference USA, 1999)

Print Op-Eds:

Finding Common Ground in Same-Sex Marriage Debate, SAN FRANCISCO CHRONICLE, May 28, 2008 (with Alan Brownstein)

Vice President: A Split-Ticket Vote? L.A. TIMES, Oct. 22, 2008

Does Affirmative Action Hurt Minorities? L.A. TIMES, Sept. 26 (2007 (with Richard Sander)

Who's the Real Alito? L.A. TIMES, Nov. 20, 2005

A Third Option on Gay Marriage, SAN FRANCISCO CHRONICLE, Sept. 20, 2005 (with Ethan Leib)

The Roberts Hearings? Blah, and More Blah, SAN JOSE MERC. NEWS, Sept. 19, 2005

Casing John Roberts? NEW YORK TIMES, July 27, 2005 (reprinted in many other papers throughout the country)

A Primer on Rules of Confirmation, SAN JOSE MERC. NEWS, July 24, 2005

Judges Rule: 'Legislating From the Bench -- It's a Matter of Opinion, L.A. TIMES, June 26, 2005 (reprinted in many other papers throughout the country)

School Districts Have the Right to Be Secular, SAN JOSE MERC. NEWS, Dec. 19, 2004

The Electoral College Votes Against Equality, L.A. TIMES, Sept. 8, 2004 (with Akhil Amar)

Better to Avoid Mistakes Than Make Amends, L.A. TIMES, March 14, 2004

A Chance to Judge the Judges: The Ninth Circuit's Performance in the Recall Case, SAN JOSE MERC. NEWS, Sept. 28, 2003, at P1

The Ninth Circuit May Stand Unjustly Accused, L. A. TIMES, Sept. 11, 2003, at B17

Life After 9/11: The Golden Rule of Racial Profiling, L.A. TIMES, Sept. 22, 2002, at M2

No Reason to Shelve the Dog-Mauling Case, L.A. TIMES, June 30, 2002, at M2 (with Akhil Amar)

Security: When Racial Profiling is Appropriate, L.A. TIMES, Sept. 30, 2001, at M2

How Do You Think? Ideology and the Judicial Nominee, LEGAL TIMES, July 9, 2001, at 50, col. 1

The Judicial Nomination Game, SAN JOSE MERC. NEWS, May 13, 2001, at C1

The Bush v. Gore Ruling in Perspective, SAN JOSE MERC. NEWS, Dec. 17, 2000, at C3 (with Roger Park)

What Are the Supremes Up To?, S. F. RECORDER, Nov. 29, 2000, at 4

The Perils of Changing Election Rules Before the Votes are Counted, L.A. TIMES, Nov. 26, 2000, at M1 (with Akhil Amar)

The Will of the People and the Presidential Election, SAN JOSE MERC. NEWS, Nov. 19, 2000, at C1

Naming Justices: More is at Stake Than Roe v. Wade, L. A. TIMES, July 9, 2000, at M2 (with Alan Brownstein)

10 Things We Learned from Starr, L. A. TIMES, Oct. 24, 1999, at M1 (with Akhil Amar)

At Breakfast with Blackmun; His Law Clerks Remember the Late Justice, Mar. 8, 1999 LEGAL TIMES 11, col. 1 (with Sharp, Rothfeld, Moore, McDaniel, & Alden, Jr.)

Debunking the Myths of Impeachment, THE S.F. RECORDER, Oct. 28, 1998, at 5

Split Decision: Voter Selection of the Vice President, 24 WASH. MONTHLY No. 11, Nov. 1992, at 22 (with Akhil Amar)

On-Line Legal Publications:

Hundreds of biweekly on-line essays for a written for prominent legal websites are viewable at <http://writ.news.findlaw.com/amar> and (for those columns after July 1, 2011) at <http://verdict.justia.com/author/amar> (Some columns were reposted on cnn.com and/or time.com)

FULL LIST OF COLUMNS OMITTED

UNIVERSITY-WIDE AND OTHER PUBLIC SERVICE:

1993-1995	Hearing Officer, UC Davis Campus Student Judicial Affairs
1993-1995	Board Member, Sacramento Chapter of Head Trauma Support Project
1995-1996	UC Davis Campuswide Educational Policy Committee
1996-1997	Advisor, Sacramento Chamber of Commerce
1996	Advisor, Colleagues in Conversation Series, UC Davis
1996-1999	Consultant, ACLU of Southern California
1995-1997	Consultant, California Minority Counsel Program
1994- Present	Instructor, Orientation in USA Law Program for Foreign Law Graduates, UC Extension

1998- 2003 Judge, High School Mock Trial Competition, San Francisco, CA

2002- Present Consultant, Center for Civic Education,
Calabasas, CA

2003-Present Consultant, National Association of Attorneys General

2003-Present Consultant, Berkeley Unified School District Board

2003-2005 Board Member and Vice-Chair, KIPP Bay Academy School
(Middle School), San Francisco, CA

2003-Present Advisory Board Member, USC-Caltech Center for the Study of
Law and Politics

2003-Present Retained Consultant, California Attorney General and Department
of Justice

2004-Present Member, Executive Committee of the Civil Procedure Section of
the American Association of Law Schools (AALS)

2006-Present Consultant, Encyclopedia of the Supreme Court of the United
States (Gale Publishing Co.)

**TALKS, PRESENTATIONS, PANEL DISCUSSIONS AND TESTIMONY
BEFORE LEGISLATIVE BODIES**

OMITTED

OTHER PROFESSIONAL AND ACADEMIC ACTIVITIES :

OMITTED