**Kate Shaw**

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**Experience**

**Benjamin N. Cardozo School of Law** New York, NYAugust 2011 – present

*Professor of Law, August 2018* – *present.*

*Associate Professor of Law, September 2016* – *August 2018.*

*Assistant Professor of Law, August 2013* – *September 2016.*

*Visiting Assistant Professor of Law, August 2011* – *August 2013.*

Courses: Administrative Law; Constitutional Law I & II; Legislation; The Supreme Court; Elements of Law; Antitrust Law; Presidential Power & Constraint.

Service: Appointments Committee Chair, 2020 – 2021. Previous service includes: Faculty Development Committee; Clerkship Committee; Dean’s Distinguished Scholars Committee; Awards Committee; Adjunct Committee; Academic Standards Committee; Co-Director, Floersheimer Center for Constitutional Democracy. Helped develop and regularly lead annual inter-session trip: “January Seminar: Lawyering in Washington, DC.”

**ABC News** New York, NY January 2015 – present

*Supreme Court Contributor.*

Provide regular commentary and analysis on television, radio, and digital platforms.

**White House Counsel’s Office** Washington, DC January 2009 – July 2011

*Special Assistant to the President and Associate Counsel to the President*.

Provided legal advice to the President and senior White House officials on executive orders and presidential memoranda, legislation, vetting and nominations, and agency actions. Focused on national security litigation and congressional investigations, LGBT law and policy, and executive nominations. Served as designated liaison with the Departments of Defense, State, Commerce, Veterans Affairs, and the Intelligence Community.

**Presidential Transition Team** Washington, DC November 2008 – January 2009

*Associate General Counsel.*

Helped coordinate the vetting, background investigations, and onboarding of senior presidential appointees; provided ethics advice and general legal guidance to transition staff and incoming White House staff.

**Obama for America** Philadelphia, PA; Washington, DC August 2008 – November 2008 *Deputy Voter Protection Director, Pennsylvania Campaign for Change; Staff Member, Obama Transition Project*.

Member of the Obama presidential campaign’s Pennsylvania voter protection operation; beginning in September 2008, assisted with preparations for the 2008 presidential transition, particularly personnel, staffing, and security clearance needs.

**The Honorable John Paul Stevens** Washington, DC July 2007 – July 2008

**Supreme Court of the United States**

*Law Clerk.*

Reviewed cert petitions and prepared recommendation memos;assisted in the drafting of numerous opinions.

**The Honorable Richard A. Posner** Chicago, ILAugust 2006 – July 2007 **United States Court of Appeals for the Seventh Circuit**  *Law Clerk.*

Assisted in the drafting of numerous opinions and with preparation for oral argument.

**Mayer Brown** Chicago, ILSummers 2005 & 2006*Summer Associate.*

Drafted memos and contributed to multiple briefs and other filings; co-authored pro bono Sixth Circuit *amicus* brief on behalf of the Innocence Network.

**Sargent Shriver National Center on Poverty Law** Chicago, IL Summer 2004 *Summer Law Clerk.*

Prepared memos on welfare benefits, domestic violence, and employment discrimination.

**Education**

**Northwestern University School of Law**  Chicago, IL May 2006

*Juris Doctor, magna cum laude, Order of the Coif*

John Paul Stevens Award for Academic Excellence (awarded for graduating first in class)

Northwestern University Law Review, *Editor-in-Chief, 2005 – 2006*

Wigmore Prize for Student Scholarship, *2006* (awarded annually to outstanding student comment)

Public Interest Law Group, *Co-President*, *2005 – 2006*

Teaching and Research Assistant to Professor Cynthia Grant Bowman

Illinois Women’s Bar Foundation Fellow

**Brown University** Providence, RI May 2001*Bachelor of Arts in Religious Studies and Gender Studies with Honors, magna cum laude*

Honors Thesis: “Bodies, Genders, Borders: Hijras in Banares”

Joan W. Scott Award for an Outstanding Thesis in Gender Studies

**Banares Hindu University** Varanasi, India August 1999 – May 2000

*Study Abroad*

Coursework included Hinduism, advanced Hindi, introductory Urdu

**Publications—Forthcoming Works**

*Intragovernmental Speech and Sanction,* 2022 U. Ill. L. Rev.\_\_ (forthcoming) (symposium essay)

*Textualism, Judicial Supremacy, and the Independent State Legislature Theory,* 2022 Wisc. L. Rev. \_\_ (forthcoming) (with Leah Litman) (symposium essay)

*Impeachment Defenses*, Missouri L. Rev. (forthcoming 2022) (symposium essay)

**Publications—Books**

Reproductive Rights and Justice Stories (Melissa Murray, Katherine Shaw & Reva B. Siegel, eds.) (Foundation Press 2019)

**Publications—Articles & Essays**

*“A Mystifying and Distorting Factor”: The Electoral College and American Democracy* (reviewing Jesse Wegman, *Let the People Pick the President*), 120 Mich. L. Rev. 1285 (2022)

*Transition Administration,* 106 Minn. L. Rev. 607 (2021) (with Michael Herz)

*A Podcast of One’s Own,* 28 Mich. J. L. & Gender 51 (2021) (with Leah Litman & Melissa Murray)

*Conventions in the Trenches*, 108 Cal. L. Rev. 1955 (2020) (Jorde symposium response essay)

*Impeachable Speech,* 70 Emory L. J. 1 (2020)

*Justice Stevens and the Project of Perfecting the Constitution,* 114Nw. U. L. Rev.1749 (2020) (symposium essay)

*Speech, Intent, and the President,* 104 Cornell L. Rev. 1337 (2019)

* Subject of Smita Ghosh, *Jotwell—Presidential Speech in the Courts*, https://conlaw.jotwell.com/presidential-speech-in-court/

*Beyond the Bully Pulpit: Presidential Speech in the Courts,* 96Tex. L. Rev. 71 (2017)

* Winner of the American Constitution Society’s 2018 Cudahy Award
* Subject of column, Marcia Coyle, *The Justices Don’t Have Much Guidance in Handling Trump’s Tweets*, National Law Journal (June 14, 2017)
* Discussed in Dahlia Lithwick, *Trump’s Tweets Must Now Be Taken Seriously,* Slate.Com (June 12, 2017),
* Discussed in Garrett Epps, *With the Travel Ban, Federal Courts Face a New Legal Issue,* The Atlantic.com (March 21, 2017)
* Discussed in Jeffrey Toobin, *The Courts and President Trump’s Words*, The New Yorker.com (March 17, 2017)

*The Lost History of the Millionaire’s Amendment*, 16 Election L.J. 172 (2017) (symposium essay)

*State Administrative Constitutionalism,* 69 Ark. L. Rev. 527 (2016) (symposium essay)

*Friends of the Court: Evaluating the Supreme Court’s Amicus Invitations,* 101 Cornell L. Rev. 1533 (2016)

* Subject of column, Adam Liptak, *Sidebar:* *When Appointing Friends of the Court, Justices are Friendliest Toward White Men,* N.Y. Times (May 16, 2016)
* Subject of article, Dani Meyer, *Invitees to High Court Amici Party Aren’t A Diverse Bunch*, Law360.com (May 4, 2016)

*Abortion, Informed Consent, and Regulatory Spillover,* 92 Indiana L. J. 1 (2016) (with Alex Stein)

*Taking Disclosure Seriously,* Yale L. & Pol’y Rev. Inter Alia (2016) (symposium essay)

*Constitutional Nondefense in the States,*114 Colum. L. Rev. 213 (2014)

*Through a Glass, Darkly: The Rhetoric and Reality of Campaign Finance Disclosure,* 102 Geo. L.J. 1443 (2014) (with Jennifer A. Heerwig)

* Subject of response essay, Bob Bauer, *The FEC, The Big Issues, and Getting Right a Few Basics—Like Disclosure* (May 21, 2015)

*Reflections on OT07,* 106 Nw. U. L. Rev. 833 (2012) (symposium essay)

Comment, *Invoking the Penalty,* 100 Nw. U. L. Rev. 1439 (2006)

**Publications—Book Chapters**

Chapter—*Guns, Interpretation, and Executive Branch Constitutionalism, in* Guns in the Law (Austin Sarat, ed.) (University of Massachusetts Press 2019)

Chapter—*Similar in their Ability or Inability to Work:* Young v. UPS *and the Meaning of Pregnancy Discrimination*, *in* Reproductive Rights and Justice Stories (Melissa Murray, Katherine Shaw & Reva B. Siegel, eds.) (Foundation Press 2019)

Introduction, *in* Reproductive Rights and Justice Stories (Melissa Murray, Katherine Shaw & Reva B. Siegel, eds.) (Foundation Press 2019)

Chapter—*Reorienting Disclosure Debates in a Post-*Citizens United *World****,***in Democracy by the People: Reforming Campaign Finance in America Today (Cambridge University Press 2018)

*Access to Justice: Challenges, Models, and the Participation of Non-Lawyers in Justice Delivery*, *in* Access to Justice in Africa and Beyond: Making the Rule of Law a Reality(with Thomas F. Geraghty et al.) (2007)

**Publications—Select Essays, Op-Eds, and Blog Posts**

*Joe Biden’s Nomination of Ketanji Brown Jackson Wasn’t Just Delivering on a Campaign Promise*, Time.com (March 18, 2022), https://time.com/6158335/ketanji-brown-jackson-presidential-constitutionalism-supreme-court/

*Abolishing the Filibuster is Not the Only Way to Protect Voting Rights,* Time.com (Nov. 5, 2021), https://time.com/6113965/

filibuster-voting-rights/

*The Supreme Court May Rule Against Texas in Abortion Cases. But* Roe v. Wade *Still Isn’t Safe,* Time.com (Nov. 1, 2021), https://time.com/6112709/sb8-abortion-scotus-arguments-analysis*/*

Book Review Essay, *Who Defends?: Judge Sutton’s Vision and the Challenge of a Plural Executive* (Oct. 21, 2021), Sloglaw, https://www.sloglaw.org/post/who-defends-judge-sutton-s-vision-and-the-challenge-of-a-plural-executive

*The Executive-Privilege Paradox*, The Atlantic (Oct. 15, 2021), https://www.theatlantic.com/ideas/archive/2021/10/

january-6-trump-executive-privilege-biden/620393/

*The GSA’s Delay in Recognizing the Biden Transition Team and the National Security Implications,* Just Security (Nov. 10, 2020), https://www.justsecurity.org/73317/the-gsas-delay-in-recognizing-the-biden-transition-team-and-the-national-security-implications/

*The Transition is Already Happening (and it’s Going Fine So Far),* The Atlantic (Oct. 28, 2020)*,* https://www.theatlantic.com/ideas/archive/2020/10/trump-cant-single-handedly-wreck-transition/616876/

(with Michael Herz)

*A 6-3 Supreme Court Could Allow the Government to Openly Discriminate in its Policies,* Wash. Post (Oct. 21, 2020), https://www.washingtonpost.com/outlook/2020/10/21/court-census-challenge-trump-barrett/ (with Leah Litman)

*How to Counter the Bully Pulpit,* The Atlantic (Aug. 2, 2020), https://www.theatlantic.com/ideas/archive/2020/08

/how-counter-bully-pulpit/614728/

*Why President Trump’s Lawyers Should Talk Like Lawyers,* N.Y. Times (Jan. 28, 2020), https://www.nytimes.com/2020/01/28/opinion/trump-impeachment-trial.html

*The White House and Congress are Heading for a Collision. Who Will Win?,* N.Y. Times (March 6, 2019), https://www.nytimes.com/2019/03/06/opinion/executive-privilege.html

Book Review Essay, *Twitter and the Political Community*, Take Care Blog (Oct. 26, 2018), https://takecareblog.com/blog/twitter-and-the-political-community

*How Strong Does the Evidence Against Kavanaugh Need to Be*?, N.Y. Times (Sept. 20, 2018), https://www.nytimes.com/2018/09/20/opinion/kavanaugh-blasey-allegation-disqualify.html

*Statements and Standards in Trump v. Hawaii,* Harv. L. Rev. Blog (June 28, 2018), https://blog.harvardlawreview.org/

statements-and-standards-in-trump-v-hawaii/

Book Review Essay, *Impeachment and Presidential Rhetoric,* Take Care Blog (June 14, 2018), https://takecareblog.com/blog/

impeachment-and-presidential-rhetoric

*Why Did Liberals Join the Majority in the Masterpiece Cake Case?,* N.Y. Times (June 5, 2018), https://www.nytimes.com/2018/06/05/opinion/liberal-justices-concurrence-masterpiece.html?smid=tw-nytopinion&smtyp=cur

*The Travel Ban Argument and the President’s Words,* Harv. L. Rev. Blog (April 27, 2018), https://blog.harvardlawreview.org/

the-travel-ban-arguments-and-the-presidents-words/

*All is Not Clear—What John Kelly’s New Security Clearance Policy Actually Means in Practice,* Slate.com (March 6, 2018), https://slate.com/news-and-politics/2018/03/what-john-kellys-new-security-clearance-policy-actually-means-in-practice.html

Book Review Essay, *Privatization’s Other Frontiers*, Take Care Blog (Jan. 12, 2018), https://takecareblog.com/blog/

privatization-s-other-frontiers

Book Review Essay, *Congress’s Rhetoric* , Take Care Blog (August 23, 2017), https://takecareblog.com/blog/congress-s-rhetoric

*Should the President’s Words Matter in Court?,* N.Y. Times (May 31, 2017), https://www.nytimes.com/2017/05/31/opinion/trump-travel-ban-appeals-court.html?smid=tw-nytopinion&smtyp=cur&\_r=0

*Rethinking Disclosure in the Wake of* McCutcheon v. FEC, RegBlog (June 30, 2014), http://www.regblog.org/2014/06/30/30-heerwig-shaw-campaign-finance-disclosure/

**Works in Progress**

Article—*Partisanship Creep*

Article—*The State Bully Pulpit*

Article—*The President’s Speech Inside the Executive Branch*

**Congressional Testimony**

Senate Judiciary Committee, Subcommittee on Federal Courts, Oversight, Agency Action and Federal Rights, *Breaking the Logjam:*

*Principles and Practice of Congressional Oversight and Executive Privilege* (Aug. 3. 2021), https://www.judiciary.senate.gov/meetings/

breaking-the-logjam-principles-and-practice-of-congressional-oversight-and-executive-privilege

House Judiciary Committee, *Executive Privilege and Congressional Oversight* (May 15, 2019), https://judiciary.house.gov/calendar/eventsingle.aspx?EventID=1800

**Additional Information**

**Bar admissions**: State of Illinois (inactive), State of New York, United States Court of Appeals for the Seventh Circuit,

Supreme Court of the United States.

**Languages**:Proficient in French, Spanish; some knowledge of Hindi and Urdu.

**Additional activities:** Co-host, *Strict Scrutiny* podcast; Public Member, Administrative Conference of the United States;

Member, National Task Force on Election Crises; Board Member, John Paul Stevens Foundation.