

**Ethan J. Leib**  
**University of California—Hastings College of the Law**  
**200 McAllister Street**  
**San Francisco, CA 94102**  
**(415) 581-8815 (o) / (917) 763-9888 (m) / leibe@uchastings.edu**

## EXPERIENCE

**University of California—Hastings College of the Law**, San Francisco, CA (July 2005-Present)  
*Professor of Law* (effective July 1, 2010); *Associate Professor of Law* (March 2007-Present); *Assistant Professor of Law* (July 2005-March 2007); voted tenure in November 2009

**Courses:** Contracts; Constitutional Law I; Legislation

- 1066 Foundation Faculty Award (2008); Roger Traynor Scholarly Publication Award (2008)
- Affiliated Faculty Member, Kadish Center for Morality, Law, and Public Affairs at UC-Berkeley Law* (September 2007-Present)
- Board of Scholars, Initiative & Referendum Institute at the University of Southern California School of Law* (2008-2010)

**Columbia University**, New York, NY (January 2009-July 2009)  
*Scholar-in-Residence*, Columbia University School of Law; *Visiting Scholar*, Dept. of Political Science

**University of California—Berkeley Law (Boalt Hall)**, Berkeley, CA (Spring 2010)  
*Visiting Associate Professor of Law* (**Course:** Legislation)

**Brooklyn Law School**, Brooklyn, NY (Fall 2006)  
*Visiting Professor of Law* (**Courses:** Contracts I; Contracts II)

**Debevoise & Plimpton**, New York, NY (Fall 2004-Summer 2005; Summer 2002)  
*Litigation Associate*

**The Honorable John M. Walker, Jr., Chief Judge, United States Court of Appeals, Second Circuit**,  
New Haven, CT (2003-04)  
*Law Clerk*

## EDUCATION

### Yale University

**Yale Law School**, J.D., 2003

Senior Editor, YALE LAW JOURNAL; Articles Editor, YALE JOURNAL OF LAW & THE HUMANITIES

**Yale Graduate School**, Ph.D., Political Science, 2004

Qualifying exams in Philosophy; International Relations; and Political Theory (with distinction)

**Yale College**, B.A., *magna cum laude*, Philosophy (with distinction), 1997

Phi Beta Kappa; The James S. Metcalfe Prize in Theater Studies

### University of Cambridge

**Clare College**, M.Phil., Political Thought and Intellectual History, 1998

## PUBLICATIONS

### *Books*

DELIBERATIVE DEMOCRACY IN AMERICA: A PROPOSAL FOR A POPULAR BRANCH OF GOVERNMENT (Penn State Press 2004) (reviewed in POLITICAL SCIENCE QUARTERLY; PERSPECTIVES ON POLITICS; PUBLIC ADMINISTRATION REVIEW; JOURNAL OF PUBLIC DELIBERATION; CHOICE; CHRONICLE OF HIGHER EDUCATION; POLITICAL STUDIES REVIEW; CAMPAIGNS & ELECTIONS; INTERNATIONAL JOURNAL OF PUBLIC OPINION RESEARCH) (paperback 2005) (Chinese edition 2008)

THE SEARCH FOR DELIBERATIVE DEMOCRACY IN CHINA (Palgrave Macmillan 2006) (co-edited with Baogang He) (reviewed in PACIFIC AFFAIRS) (new paperback edition, forthcoming 2010)

PRIVILEGE OR PUNISH? CRIMINAL JUSTICE AND THE CHALLENGE OF FAMILY TIES (Oxford University Press 2009) (with Jennifer Collins & Dan Markel)

FRIEND V. FRIEND: FRIENDSHIPS AND WHAT, IF ANYTHING, THE LAW SHOULD DO ABOUT THEM (Oxford University Press, forthcoming 2010)

### *Articles*

*Contracts and Friendships*, 59 EMORY L.J. (forthcoming 2010), *excerpted in* RANDY BARNETT, PERSPECTIVES ON CONTRACT LAW (4<sup>th</sup> ed., Aspen 2010)

*Rethinking Family Status in Criminal Justice*, 119 YALE L.J. (forthcoming 2010) (with Dan Markel & Jennifer Collins)

*Friends as Fiduciaries*, 86 WASH. U. L. REV. 665 (2009)

*Voluntarism, Vulnerability, and Criminal Law: A Reply to Professors Hills and O'Hear*, 88 B.U. L. REV. 1449 (2008) (with Dan Markel and Jennifer Collins)

*Punishing Family Status*, 88 B.U. L. REV. 1327 (2008) (with Jennifer Collins & Dan Markel)

*Interpreting Statutes Passed Through Referendums*, 7 ELECTION L.J. 49 (2008) (peer-reviewed)

*Adding Legislation Courses to the First-Year Curriculum*, 58 J. LEGAL EDU. 166 (2008) (invited essay, faculty-edited)

*Democratic Principle and Electoral College Reform*, 106 MICH. L. REV. FIRST IMPRESSIONS 105 (2008), <http://www.michiganlawreview.org/firstimpressions/vol106/leibmark.pdf> (with Eli J. Mark)

*A Comparison of Criminal Jury Decision Rules in Democratic Countries*, 5 OHIO ST. J. CRIM. L. 629 (2008) (faculty-edited)

*Why Supermajoritarianism Does Not Illuminate the Interpretive Debate Between Originalists and Non-Originalists*, 101 NW. U. L. REV. 1905 (2007)

*The Perpetual Anxiety of Living Constitutionalism*, 24 CONSTITUTIONAL COMMENTARY 353 (2007) (faculty-edited)

*Representation in America: Some Thoughts on Nancy Pelosi, Gavin Newsom, Tim Johnson, and Deliberative Engagement*, 16 THE GOOD SOCIETY 1 (2007) (with David L. Ponet) (faculty-edited)

*Friends and the Law: Can Public Policy Support the Institution of Friendship?*, 145 POL'Y REV. 55 (October & November 2007)

*Friendship & the Law*, 54 UCLA L. REV. 631 (2007)

*Criminal Justice and the Challenge of Family Ties*, 2007 UNIV. OF ILL. L. REV. 1147 (with Dan Markel & Jennifer Collins)

*Can Direct Democracy Be Made Deliberative?*, 54 BUFFALO L. REV. 903 (2006) (invited contribution)

*Responsibility and Social/Political Choices About Choice*, 25 LAW & PHIL. 453 (2006) (peer-reviewed)

*Supermajoritarianism and the American Criminal Jury*, 33 HASTINGS CON. L.Q. 141 (2006)

*On Collaboration, Organizations, and Conciliation in the General Theory of Contract*, 24 QUINNIPIAC L. REV. 1 (2005)

*Rorty's New School of American Pride*, 34 POLITY 175 (2004) (peer-reviewed)

*The Politics of Family and Friends in Aristotle and Montaigne*, 31 INTERPRETATION: J. POL. PHIL. 165 (2004) (peer-reviewed)

*Redeeming the Welshed Guarantee: A Scheme for Achieving Justiciability*, 24 WHITTIER L. REV. 143 (2002)

*Towards a Practice of Deliberative Democracy: A Proposal for a Popular Branch*, 33 RUTGERS L.J. 359 (2002)

*On the Sorites: Toward a Better Understanding of Chrysippus*, 21 ANCIENT PHIL. 147 (2001) (peer-reviewed)

### ***Chapters in Books***

*Pragmatism in Designing Popular Deliberative Institutions in the United States and China*, in THE SEARCH FOR DELIBERATIVE DEMOCRACY IN CHINA 113 (Ethan J. Leib & Baogang He eds., 2006), *translated into Chinese in* DEVELOPMENT OF DELIBERATIVE DEMOCRACY: A COLLECTION OF ESSAYS ABOUT CHINESE LOCAL AND DELIBERATIVE INSTITUTIONS 161 (Chen Shengyong & Baogang He eds., 2006)

### ***Book Reviews***

*Some New Empirical Work Targeting Deliberative Democracy*, 5 PERSPECTIVES ON POL. 154 (2007)

*Rooted Cosmopolitans*, 137 POL'Y REV. 89 (June & July 2006)

*On Seymour Martin Lipset and Jason M. Lakin's THE DEMOCRATIC CENTURY*, 120 POL. SCI. Q. 159 (2005)

*On Martin Loughlin's THE IDEA OF PUBLIC LAW*, 14 LAW & POL. BOOK REV. 458 (2004)

*On the Difficulty of Imagining an Aesthetic Politics*, 12 YALE J.L. & HUMAN. 151 (2000)

### ***Op-Eds and Popular Writing***

*Budgets by the People, for the People*, NEW YORK TIMES, July 28, 2009, at A25 (with Chris Elmendorf)

*This is a Job for Superdelegates*, LEGAL TIMES, Feb. 25, 2008, at 50 (with David L. Ponet)

*The Ethics of Representative-Constituent Relations*, FINDLAW'S WRIT: LEGAL COMMENTARY, July 26, 2007, at [http://writ.news.findlaw.com/commentary/20070726\\_ponet.html](http://writ.news.findlaw.com/commentary/20070726_ponet.html) (with David L. Ponet)

*Democracy and Bicameralism in the U.S. and Britain: Term-Limits and the Legislation to Put House of Lords Members Up for Election*, FINDLAW'S WRIT: LEGAL COMMENTARY, April 13, 2007, at [http://writ.news.findlaw.com/commentary/20070413\\_ponet.html](http://writ.news.findlaw.com/commentary/20070413_ponet.html) (with David L. Ponet)

*PBS's "The Supreme Court": A Conventional View of the Cathedral*, FINDLAW'S WRIT: LEGAL COMMENTARY, February 6, 2007, at [http://writ.news.findlaw.com/commentary/20070206\\_leib.html](http://writ.news.findlaw.com/commentary/20070206_leib.html)

*Why Pelosi Should Leave Impeachment "On the Table"*, LEGAL TIMES, Nov. 6, 2006, at 60.

*Why Not Dial-In Democracy, Too?* WASHINGTON POST, May 28, 2006, at B02

*The Problem of Hung Juries – and How to Solve It*, FINDLAW'S WRIT: LEGAL COMMENTARY, May 12, 2006, at [http://writ.news.findlaw.com/commentary/20060512\\_leib.html](http://writ.news.findlaw.com/commentary/20060512_leib.html)

*Surprise Witness: Three Surprises from Alito's Testimony*, NEW REPUBLIC, Jan. 11, 2006, at <http://www.tnr.com/doc.mhtml?pt=R3Jo3lCfI%2BZi0JgvBGMXPY%3D%3D>

*Alito and Abortion: Mixed Signals*, NEW REPUBLIC, Nov. 2, 2005, at <http://www.tnr.com/doc.mhtml?pt=j/k9mNmSlezWdZmsQT5JZW==>

*A Third Option on Gay Marriage*, S.F. CHRON., Sept. 20, 2005, at B7 (with Vikram Amar)

*The Overlooked Legal Option That Would Let Governor Schwarzenegger Fully Respect Proposition 22 and the Will of the People, Yet Also Sign the Gay Marriage Bill*, FINDLAW'S WRIT: LEGAL COMMENTARY, Sept. 16, 2005, at [http://writ.news.findlaw.com/commentary/20050916\\_leib.html](http://writ.news.findlaw.com/commentary/20050916_leib.html) (with Vikram Amar)

*A Man's Right To Choose: Men Deserve Voice in Abortion Decision*, LEGAL TIMES, Apr. 4, 2005, at 60

*Ugly White Districts: What Should Sandy Do?*, 7 J.L. & SOC. CHALLENGES 169 (2005) (invited contribution)

*The Chinese Communist Party and Deliberative Democracy*, 1 J. PUB. DELIBERATION 1 (2005) (invited contribution)

### **PROFESSIONAL ACTIVITIES**

Member, American Political Science Association & American Association for Political & Legal Philosophy  
Member, New York Bar

Essay Editor, JOURNAL OF PUBLIC DELIBERATION  
Contributor, <http://prawfsblawg.blogs.com>  
Guest Writer, *Freakonomics Blog* at the NEW YORK TIMES