

## EXPERIENCE

**WILLIAM & MARY LAW SCHOOL**, Williamsburg, Virginia, *Associate Professor of Law* (July 2022 - present), *Professor of the Practice of Law* (2011-2022); *Senior Lecturer* (2008-2011); *Adjunct* (2005-2008)

**COURSES:** Election Law; Alternative Dispute Resolution; Contract Law; Legislative Redistricting & Geographic Information Systems; Privacy Law; Media, Technology & the Courts; State Supreme Court “Bloginar”

*Co-Director*, Election Law Program (2008-present) (joint project of William & Mary Law School and the National Center for State Courts)

*University Ombuds* (2021-present) (assist William & Mary faculty and staff in resolving workplace conflict)

*Visiting Professor*, Brescia University Department of Law, Brescia, Italy (Fall 2023)

*Member*, National Task Force on Election Crises, Washington DC (2018-present)

Associate Reporter, American Law Institute Restatement of the Law, Election Litigation (2023-present)

## AWARDS AND FELLOWSHIPS:

2023 Plumeri Award for Faculty Excellence (university-wide award)

2016 Walter Williams Jr. Memorial Teaching Award (awarded annually by graduating class to one professor for teaching excellence)

Herbert V. Kelly Professor for Excellence in Teaching, 2019-2021

Reveley Interdisciplinary Faculty Fellowship, 2018-2021

## PUBLICATIONS

*Legal Support for Local Election Officials*, 81 WASH. & LEE L. REV. 1017 (2024)

*Comparative Redistricting Transparency* (with Lucas Della Ventura '24) (Lorenzo Spadacini, ed., *Enhancing Effectiveness of Democratic Representation*, CONSULTA, 2024 FASCICOLO SPECIALE N. 1 (June 2024))

*Partisan Parity in U.S. Election Administration*, THE OXFORD HANDBOOK OF AMERICAN ELECTION LAW (EUGENE MAZO ED.)(2024)

*FOIA-Flooded Elections*, 85 OHIO STATE L. J. 255 (2024)

*Adversarial Election Administration*, 101 N. CAROLINA L. REV. 1077 (2023)

*Election Surveillance*, 57 WAKE FOREST L. REV. 101 (2022)

*Election Observation Post-2020*, 90 FORDHAM LAW REVIEW 467 (2021)

*Redistricting Transparency and Litigation*, 71 SYRACUSE L. REV. 1121 (2021)

*Liquidating Elector Discretion*, 15 HARVARD LAW & POLICY REVIEW 53 (2020)

*How Many Votes is Too Few?* 81 OHIO STATE LAW JOURNAL ONLINE 209 (2020)

*Candidate Privacy*, 95 WASHINGTON LAW REVIEW 205 (2020)

*Digitized Election Administration*, AMERICA VOTES (Fourth Edition) (2019)(with Margaret Hu)

*Counterfeit Campaign Speech*, 70 HASTINGS LAW JOURNAL 103 (2019)

*Counterfeit Campaign Speech*, HARVARD LAW REVIEW BLOG ESSAY (October 16, 2018)

*The Surveillance Gap: The Harms of Extreme Privacy and Data Marginalization*, 42 NYU REVIEW OF LAW & SOCIAL CHANGE 253 (2018) (with Michele Gilman)

*Redistricting Transparency*, 59 WILLIAM & MARY LAW REVIEW 1787 (2018)

*Arbitrating Ballot Battles*, 103 KENTUCKY LAW JOURNAL 699 (2016)

*Rethinking Transparency in U.S. Elections*, 75 OHIO STATE LAW JOURNAL 779 (2014)

*Petitions, Privacy, and Political Obscurity*, 85 TEMPLE LAW REVIEW. 367 (2013)

*Mediation and Post-Election Litigation: A Way Forward*, 27 OHIO STATE JOURNAL OF DISPUTE RESOLUTION 325 (2012)

*Privacy and Domestic Violence in Court*, 16 WILLIAM & MARY JOURNAL OF WOMEN & THE LAW 237 (2010)

*Sequencing, Acoustic Separation, and 3-D Negotiation of Complex Barriers: Charlene Barshefsky and I.P. Rights in China*, 8 INTERNATIONAL NEGOTIATION JOURNAL OF THEORY & PRACTICE 2 (2003) (with James K. Sebenius)

*Recent Developments in the Law of Access*, COMMUNICATIONS LAW (October 2002) (with J. Steinfeld, E. Burton and S. Svonkin)

## ACADEMIC PRESENTATIONS

*The Benefits of AI for Democracy*, Case Western Reserve Law Review Symposium, Case Western Reserve University, Cleveland, OH (September 20, 2024)

*Good Faith Elections*, Wisconsin Law Review/State Democracy Research Initiative Symposium, Madison, WI (May 31, 2024)

*Legal Support for Local Election Officials*, Washington & Lee University Law School Law Review Symposium, Lexington, VA (February 16, 2024)

*Comparative Redistricting Transparency*, Brescia University Department of Law, Brescia, Italy (November 11, 2023)

*Adversarial Election Administration*, University of Alabama School of Law Junior Faculty Workshop, Tuscaloosa, AL (February 13, 2023)

*Adversarialism in Local Election Administration*, Conference on Elections and Federalism, Sandra Day O'Connor College of Law, Arizona State University, Tempe, AZ (October 8, 2022)

*Partisan Election Administration*, Oxford Handbook on Election Law, Contributors' Workshop (remote) (August 5, 2022)

*Election Transparency Mismatch*, Fordham Law Review Symposium (remote) (February 26, 2021)

*Transparency and Public Faith in Election Outcomes*, Scholars Workshop: AALS Section on Election Law (remote) (January 6, 2021)

*Transparency and Public Faith in Election Outcomes*, Symposium: Election Law & Litigation: Strict Construction or Serious Confusion?, University of Idaho College of Law (remote) (November 19, 2020)

*Too Much Privacy for Democracy?* Symposium: This is What Democracy Looks Like, Northeastern Law School, Center for Law, Innovation and Creativity (CLIC) (remote) (October 16, 2020)

*Loyalty Oaths and the Electoral College*, Symposium: The Electoral College: Open Questions, Paths Forward, Harvard Law & Policy Review, Harvard Law School, Cambridge, MA, (October 18-19, 2019)

*Candidate Privacy*, Privacy Law Scholars Conference, Boalt Law School, Berkeley, CA (June 1, 2019)

*Counterfeit Campaign Speech*, Constitutional Law Colloquium, University of Illinois College of Law, Champagne, IL (April 25, 2019)

*Counterfeit Campaign Speech*, Symposium: Tech Ethics and Governance: Kenan Institute for Ethics Conference on the Ethics of Emerging Tech, Duke Law School, Durham, NC (April 19, 2019)

*Counterfeit Campaign Speech*, Symposium: Elections: Where Law and Politics Intersect, JOURNAL OF LAW & POLITICS, University of Virginia, Charlottesville, VA (March 5, 2019)

*The Surveillance Gap* (with Michele Gilman), Privacy Law Scholars Conference, Boalt Law School, Berkeley, CA (June 2, 2017)

*Arbitrating Ballot Battles*, Symposium: Election Law Post 2016, KENTUCKY LAW JOURNAL, Lexington KY (March 25, 2016)

*Post-Election Transparency*, Privacy Law Scholars Conference, Berkeley Law School, Berkeley, CA (June 3-4, 2013)

*Post-Election Transparency*, Symposium: Administration of Elections, RICHMOND LAW REVIEW, Richmond, VA (October 6, 2012)

*Moderating Election Disputes*, Symposium: Talking the Vote: Facilitating Disputed Election Processes through ADR, OHIO JOURNAL OF DISPUTE RESOLUTION, Moritz College of Law, Columbus Ohio (February 18, 2011)

## **SELECTED SPEAKING ENGAGEMENTS**

Panelist, *Election Litigation in 2024*, Baker Institute, Rice University (December 9, 2024)

Speaker, *International Federation of Election Systems Convening of International Election Officials* (November 4, 2024)

Panelist, *Trust, Transparency and Elections*, Election Assistance Commission Webinar (July 18, 2024)

Invited speaker, *Absentee Voting Law*, American Bar Association Standing Committee on Election Law (June 28, 2024)

Invited speaker, *Educator Professional Learning Webinar: Voting Rights in America*, National Constitution Center (April 17, 2024)

Invited Speaker, *Electoral Count Reform Act and the 2024 Election*, Vote at Home Institute (January 8, 2024)

Panelist, *AI and Multiracial Democracy*, American Association of Law Schools (January 6, 2024)

Invited participant, *Bolstering Impartiality in U.S. Election Administration*, Democracy & Rule of Law Clinic session, Harvard Law School (November 29, 2023)

Speaker, *FOIA-Flooded Elections*, National Vote at Home Institute Election Administrator Webinar (January 8, 2024)

Panelist, *Virginia (and America) at a Voting Rights Crossroads*, Virginia Law Foundation Civil Rights Institute, Charlottesville, VA (October 20, 2023)

Moderator, *14<sup>th</sup> Amendment Disqualification Procedure*, Safeguarding Democracy Project, UCLA Law School (October 20, 2023)

Invited Speaker, *Adversarial Election Administration*, Public Rights Project Annual Convening, San Francisco, CA (September 21, 2023)

Invited Presenter, *Adversarial Election Administration*, Hubert H. Humphrey School of Public Affairs, Certificate in Election Administration (August 16, 2023)

Invited Speaker, *Hot Topics in Election Law*, National Association of Appellate Court Clerks Annual Meeting, Pittsburgh, Pennsylvania (July 14, 2022)

Invited Panelist, *Election Law Panel*, Third Circuit Judicial Conference, Philadelphia, Pennsylvania (May 12 2023)

Invited Panelist, *Bridging the Divide: Opportunities for Bipartisan Cooperation*, Center for Election Innovation and Research, Summit on American Democracy, Washington, DC (May 9, 2023)

Invited Panelist, *Can Proposed New Congressional Legislation on Counting Electoral College Votes Lessen the Risk of Election Subversion?*, Safeguarding Democracy Project at UCLA Law (August 24, 2022)

Invited Speaker, *Hot Topics in Election Law*, National Association of Appellate Court Clerks Annual Meeting, Berkeley Law School, Berkeley, California (July 7, 2022)

Panelist, *Voting Rights and Elections: Safeguarding Constitutional Democracy*, Penn Law Journal of Constitutional Rights, Fordham Voting Rights and Democracy Project, and the National Constitution Center (April 8th, 2022)

Panelist, *Election Subversion: Assessing the Dangers to American Democracy*, American Association of Law Schools, Hot Topics Session (January 5, 2022)

Panelist, *Redistricting, Gerrymandering, and the Voting Rights Act* American Association of Law Schools, Election Law Section (January 5, 2022)

Invited Speaker, *Voting Rights Reform: A View of the U.S. and Perspectives from Europe*, Notre Dame Kellogg Institute, South Bend, IN (December 7, 2021)

Panelist, Election Litigation, 2021 8<sup>th</sup> Circuit Judicial Conference, Colorado Springs, CO (October 28, 2021)

Participant, *How International Standards Can Support U.S. Elections* Carter Center, (May 26, 2021)

Participant, *Electoral Count Act Reform Convening*, Campaign Legal Center (April 28, 2021)

Speaker, *Voting and Virginia's Constitution*, 50<sup>th</sup> Anniversary of Virginia's Constitution, hosted by E.A. Dick Howard, Virginia Bar Association (January 22, 2021)

Invited Speaker (with Michael Li and Walter Olson), *Redistricting in 2020*, National Conference of State Legislatures (January 8, 2021)

Multiple media appearances during the 2020 General Election season (e.g., NPR, BBC, C-SPAN, PBS Newshour and others) (November 2020-January 2021)

Panelist, *The 2020 Election* (four-part series), Ohio State Election Law 2020 Roundtable Series, Ohio State, Moritz College of Law (October 29, November 19, December 17, 2020 and January 14, 2021)

Panelist, *Election 2020*, Women+ Law event with Michael Kang (Northwestern), Ellen Katz (Michigan), Sam Issacharoff (NYU), University of Chicago (October 21, 2020)

Speaker, *Corruption and U.S. Elections*, "An Election in the time of Pandemic: Protecting the Quality of Democracy and preventing from Potential Corruption," Center for Constitution Studies [PUSaKO] Faculty of Law Andalas University, Corruption Eradication Commission [KPK] of the Republic of Indonesia (remote) (June 24, 2020)

Invited Liveblog of Faithless Elector Cases on C-SPAN/SCOTUSblog (May 13, 2020) with Tom Goldstein and Derek Muller, available at <https://www.c-span.org/video/?471677-1/chiafalo-v-washington-oral-argument&live>

Panelist, *What if the 2020 Presidential Election is Disputed? An Expert Roundtable*, Ohio State, Moritz College of Law (May 4, 2020)

Invited Contributor, SCOTUSblog Symposium: Faithless Electors (April 24, 2020), available at <https://www.scotusblog.com/2020/04/symposium-liquidating-electoral-discretion/>

Speaker, *Digitized Election Administration*, ABA Standing Committee on Election Law (July 21, 2020)

Speaker, *Voting Rights in Virginia*, League of Women Voters Convention, Virginia Beach, VA (May 18, 2019)

Panelist, *Transparency in Redistricting*, University of Arizona Conference on Redistricting (October 5-6, 2018)

Panelist, *Voting Rights in Virginia*, Virginia Bar Association Annual Meeting (June 16, 2017)

Participant, *National Voting Rights Convening*, American Constitution Society (December 16, 2016)

Speaker, *Election Administration in 2016*, International Federation of Election Systems (November 7, 2016)

Speaker, *The Courts and Politics*, L'Anson-Hoffman Inn of Court, Williamsburg, Virginia (October 5, 2016)

Speaker, *Virginia Redistricting Roundtable*, Leadership Metro Richmond Forum (September 24, 2015)

Guest, *Voting Rights Restoration in Virginia*, Hearsay with Cathy Lewis, WHRV 89.5 (Norfolk, Virginia's NPR affiliate) (August 10, 2015)

Panelist, *Voting Rights: A Cause for Concern—A Call to Action*, Old Dominion Bar Association 75<sup>th</sup> Anniversary Conference, Richmond, VA (May 30, 2015)

Moderator, *Criminal Records in the Digital Age*, ABA National Summit on Collateral Consequences, Washington, DC (February 27, 2015)

Moderator, *On Democracy's Doorstep with Author J. Douglas Smith*, Coke Inn of Court, Washington, DC (January 29, 2015)

Panelist, *Election Litigation in 2014*, National Conference of State Legislatures Fall Forum, Washington, DC (December 11, 2014)

Speaker, *Redistricting in Virginia*, League of Women Voters (October 14, 2014)

Invited Testimony, *Revive My Vote: Restoring Voting Rights to Virginians*, National Commission on Voting Rights (Lawyers Committee), Richmond, VA (April 29, 2014)

Moderator, *Symposium: DC Votes: The Politics of Congressional Representation for DC Residents*, with former Virginia Congressman Tom Davis and former Obama White House Counsel Robert Bauer, (February 21, 2014)

Speaker, *Looking Ahead to 2014*, National Conference of State Legislatures Fall Forum, Washington, DC (December 3, 2013)

Moderator, *Privacy and Family Court Records*, 9<sup>th</sup> Annual Privacy and Court Records Access Conference, William & Mary Law School (October 2013)

Invited Guest, *Voting in Virginia*, Hearsay with Cathy Lewis, WHRV 89.5 (Norfolk, Virginia's NPR affiliate) (June 25, 2013)

Speaker and Organizer, *Election Law War Game*, Wisconsin Judicial Conference, Neenah, WI (December 7, 2012)

Participant, *Election Delays Debrief*, Bipartisan Policy Center, Washington, DC (November 29, 2012)

Panelist, *Voter ID and Election Transparency*, The Role of Administrative Agencies in the Political Process; A Preview of Potential Election Day Issues, American Bar Association Administrative Law Conference, Washington, DC (October 26, 2012)

Panelist, *The VRA and Voter Suppression*, Symposium: Voter Suppression 2012: Jim Crow Lives, William & Mary Africana Studies Department, Williamsburg, VA (October 18, 2012)

Moderator, *Privacy 2.0*, TPRC Research Conference on Communication, Information & Internet Policy, George Mason University School of Law, Fairfax, VA (September 22, 2012)

Panelist, *American Ideas: the Will of the People*, Colonial Williamsburg Connect Live Webcast, Williamsburg, VA (September 20, 2012)

Speaker and Organizer, "Election Law War Game," Colorado Judicial Conference, Vail, CO (September 11, 2012)

Invited Commenter, "Hate 3.0," Danielle Citron (University of Maryland), Privacy Law Scholars Conference, Washington, DC (June 7, 2011)

Speaker and Organizer, "Election Law War Game," Virginia Judicial Conference, Norfolk, VA (May 16, 2012)

Participant, *American Law Institute Election Law Project Roundtable*, Bipartisan Policy Center, Washington, DC

(February 10, 2012)

*Invited Speaker, Select Topics in Election Law*, William & Mary Constitutional Literacy Course (December 7, 2011)

Invited Guest, *Redistricting Roundtable: Redrawing the Lines*, What Matters with Cathy Lewis, WHRO Television (April 11, 2011)

Moderator, *Disclosure and Elections*, W&M Bill of Rights Journal Symposium (October 22, 2010)

Commenter, Joel Reidenberg's "The Transparent Citizen," Privacy Law Scholars Conference, Washington, DC (June 4, 2010)

Speaker, *From the Women's Suffrage Movement to Current Issues Affecting Voting Rights: Continuing the Tradition of Equal Access to the Political Process*, Virginia Women's Attorney Association Annual Meeting, Virginia Beach (June 18, 2010)

Panelist, *Cameras in the Federal Courts: Is it Time?*, Federal Bar Association Mid-Year Leadership Meeting, Alexandria, VA (March 2010)

Moderator, *The Selective Access Trend: Should Courts Limit Access to Certain Groups and/or Certain Information to Protect Privacy?*, 7<sup>th</sup> National Conference on Privacy and Access to Court Records, Williamsburg, VA (March 2010)

Presenter, *IBRL State Supreme Court Initiative*, Annual Conference of Court Public Information Officers, Minneapolis, MN (August 2009)

Participant, *2009 Technology & Privacy Roundtable*, University of Maryland School of Law, Baltimore, MD (April 16, 2009)

Presenter, *New Trends in Court Records Privacy*, New Hampshire Judicial College, with Vermont Supreme Court Justice John Dooley, Meredith, NH (May 1-2, 2008)

Panelist, *e-Filing, Court Records, and Privacy*, Court Technology Conference with Alan Carlson, President, Justice Management Institute, Tampa, FL (October 2007)

## EDUCATION

**HARVARD LAW SCHOOL**, Cambridge, Massachusetts

J.D., *cum laude*, June 2001; Training Director, Harvard Mediation Program; Article Editor, Harvard Negotiation Law Review

**HARVARD UNIVERSITY**, Cambridge, Massachusetts

M.A., Regional Studies East Asia, June 1996

**CONNECTICUT COLLEGE**, New London, Connecticut

B.A., *magna cum laude*, Phi Beta Kappa, Asian Studies and Political Science, May 1993

## PROFESSIONAL EXPERIENCE

**HINCKLEY, ALLEN & SNYDER, LLP**, Boston, Massachusetts

*Associate* (2003 –2004) *Corporate, Securities*

**HILL & BARLOW, P.C.**, Boston, Massachusetts

*Associate (2001 –2003) Media Law, Corporate, Litigation; volunteer mediator at Boston Municipal Court*

**HARVARD BUSINESS SCHOOL**, Allston, Massachusetts

*Research Associate for Professor James K. Sebenius* (Spring 1998) Wrote HBS negotiation case studies.

**UNITED STATES TRADE REPRESENTATIVE**, Washington, DC

*Deputy Director for China & Hong Kong* (1996-1997) Assisted in U.S.-China trade negotiations involving intellectual property protection and China's accession to the World Trade Organization.

## **BAR ADMISSIONS**

Massachusetts, 2001 (inactive)