

P E T E R M . S H A N E

CARNEGIE MELLON UNIVERSITY
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ACADEMIC POSITIONS

The Ohio State University, Moritz College of Law:

Joseph S. Pratt-Porter, Wright, Morris and Arthur Professor of Law, 2003 - .

Director, Center for Law, Social Science, and Public Policy, 2003 - .

H.J. Heinz III School of Public Policy and Management, Carnegie Mellon University:

Founding Director and Chair, Advisory Board, Institute for the Study of Information Technology and Society (InSITEs), and Distinguished Service Professor (Adjunct) of Law and Public Policy, 2003 - .

Director, Institute for the Study of Information Technology and Society (InSITEs), and Distinguished Service Professor of Law and Public Policy, 2001-2003.

Visiting Professor of Law and Public Policy, 2000-01.

Project Director, Community Connections, 2000 - Present.

University of Pittsburgh School of Law: Dean, 1994-98; Professor of Law, 1994-2001.

University of Iowa College of Law: Associate Professor, 1981-85; Professor of Law, 1985-1994; President, University Faculty Senate, 1988-89 .

Visiting Faculty Positions:

Inaugural Visiting "Foreign Chair," University of Ghent Program in Foreign and Comparative Law, Ghent, Belgium, December, 2001.

Harold Gill Reuschlein Distinguished Visiting Professor of Law, Villanova University School of Law, Fall, 1999.

Visiting Professor of Law, Boston College Law School, Spring, 1999.

Visiting Professor of Law, Duke University School of Law, Spring, 1986.

COURSES TAUGHT

Primary:

Administrative Law
Constitutional Law
Electronic Democracy
Separation of Powers Law
Telecommunications Law

Secondary:

Apartheid, Social Change, and the Law (co-taught)
Comparative Administrative Law
Courts and Social Integration
Education Law
Internet and the Future of Democracy (co-taught)
Law and Social Theory Reading Group
Law and the Political Process
Legislation

EDUCATION

YALE LAW SCHOOL, New Haven, CT., J.D., 1977.

HARVARD COLLEGE, Cambridge, MA., A.B. Magna cum laude in Social Studies (interdisciplinary program in history, economics, sociology, and government), 1974 (Elected to Phi Beta Kappa, 1973).

OTHER EMPLOYMENT

Contributing Editor, IntellectualCapital.Com, 1999 - 2000.

Attorney-Adviser, Office of Legal Counsel, U.S. Dep't of Justice, Washington, D.C., 1978-81.

Assistant General Counsel, Office of Management and Budget, Washington, D.C., 1981.

Law Clerk, Hon. Alvin B. Rubin, U.S. Court of Appeals, Fifth Circuit, New Orleans, LA., 1977-78.

Bar Admissions: New York, 1978; District of Columbia, 1979; Pennsylvania, 1995.

PROFESSIONAL ACTIVITIES

Funded Research

Developing and Testing A High Telepresence Virtual Agora For Broad Citizen Participation: A Multi-Trait, Multi-Method Investigation, H. John Heinz III School of Public Policy and Management, Carnegie Mellon University, 2002 - 2005.

Principal investigator (with Peter Muhlberger and Robert Cavalier) on project to develop video, audio, and text-based freeware tools that could permit any community to educate itself on complex issues, both through collaboratively sharing information and through structured discussion that can relay information and ideas among large numbers of people. The project will include an extensive multidisciplinary program of research to identify the factors that contribute to effective community engagement and individual empowerment through computer-mediated communication. The research seeks also to clarify the individual, social, and political consequences of collaborative IT, particularly on communication and decision-making processes. Funded by the National Science Foundation.

Community Connections Project, H. John Heinz III School of Public Policy and Management, Carnegie Mellon University, 2000 - .

Originator and Project Director for interdisciplinary study designed to identify most effective means of deploying web-based information technology to enable ordinary citizens to become more active participants in democratic society. Using Allegheny County as its test area, project seeks to help determine the conditions under which new information technologies can promote political engagement. Funded by the William and Flora Hewlett Foundation (with survey research supported by the Markle Foundation).

Youth Civic Participation Project, H. John Heinz III School of Public Policy and Management, Carnegie Mellon University, 2000 - .

Co-Principal Investigator (with Peter Muhlberger) for partnership with the Pittsburgh Public School System to develop on-line local history curriculum and city-wide on-line dialogue among high school students on civic projects to improve Pittsburgh's attractiveness to young adults. Funded by the Grable Foundation.

Other Higher Education Activities

Organizer, Verizon Foundation Distinguished Lecture Series on Information Technology and Society, Carnegie Mellon University, 2000-03.

Member, Advisory Group, Digital Rivers: Broadband to the People, Carnegie Mellon University-3 Rivers Connect, Pittsburgh, PA, 2000-02.

Council Member, Council on Legal Education Opportunity, Washington, D.C., 1996-.

Association of American Law Schools:

Chair, Section for the Law School Dean, 1997.

Member, Committee on Accreditation, 1995-1997.

Chair, Section on Administrative Law, 1/90 - 1/91 (Member, Executive Committee, 1988-91).

Chair, Section on Remedies, 1/92 - 1/93 (Member, Executive Committee, 1991-93).

Chair, Planning Committee, University of Iowa Symposium on "The Nature of the University," 1988-89.

Mellon Foundation Fellow of the Aspen Institute for Humanistic Studies, New York, N.Y., 6/82 - 5/83.

Adjunct Lecturer, Washington College of Law, American University, Washington, D.C. (Education Law), 6/79 - 1/80.

Other Activities in the Legal Profession and Government

Consultant, Carnegie Mellon Research Institute, Pittsburgh, PA, 2000-2001.

Member, American Law Institute, 1998-Present.

Member, Allegheny County Administrative Code Drafting Committee for County Executive Candidate Dr. Cyril Wecht, 1999.

Member, Working Group on Comparative Regulation, University of Pittsburgh Graduate School of Public and International Affairs, 1998-.

Member, Citizens for Independent Courts, Task Force on the Legislative Role in Setting Jurisdiction, Washington, D.C., 1998-99.

Chair, Judiciary-Academy-Bar Committee on Legal Education of the Pennsylvania Bar Association, Harrisburg, PA, 1997-98.

Reporter, Civil Justice Advisory Group, United States District Court for the Western District of Pennsylvania, 1996-98.

Member, Administrative Conference of the United States, 1995-96.

Allegheny County Bar Association, 1995-. (Member, Planning Committee, 1997-98; Committee on Opportunities for Minorities in the Profession, 1995-98.)

American Bar Association, Section of Administrative Law and Regulatory Practice:

Member of the Council, 1993-96.

Chair, Committee on Government Organization and Separation of Powers, 1987-91
(Vice-Chair, 1983-87, 1991-93).

Coordinator, Alliance for Justice Midwest Regional Conference on "Forging a New Vision of Justice: Law in the Public Interest," 1994.

Member, Society of American Law Teachers Committee on Access to Justice in Health Care Reform, 1994.

Consultant, National Commission on Judicial Discipline and Removal, Washington, D.C., 1992-93.

Member, Delegation to Provide Technical Assistance to the Republic of Belarus on Judicial Restructuring and Constitutional Drafting, American Bar Association Central and East European Law Initiative Program on New Independent States, Minsk, Belarus, 9/92.

Consultant, Administrative Conference of the United States, Washington, D.C., 9/88 - 12/90.

Consultant, MacArthur Justice Foundation, Niles, Illinois, 1/88 - 6/88.

Consultant, American College Testing, Iowa City, Iowa, 5/88 -8/88.

Co-counsel, *United States v. Eklund*, 733 F.2d 1287 (8th Cir. 1984) (en banc), *cert. denied*, 105 S.Ct. 1864 (1985), and *United States v. Martin*, 733 F.2d 1309 (8th Cir. 1984) (en banc), *cert. denied*, 105 S.Ct. 1864 (1985) [challenging selective criminal prosecution of draft nonregistrants].

Member, National Ad Hoc Committee on ACLU War Powers Policy, May, 1984.

Member, State Board of Directors, and Legal Committee Chair, Iowa Civil Liberties Union, 3/87 - 7/89 (Member, Legal Committee, 12/82-).

Consultant, Legal Services Task Force, Secretary of Education's Transition Team, U.S. Department of Education, Washington, D.C., 1/80 - 3/80.

Community Service Activities

Board Member, Community Justice Project, Harrisburg, PA, 1997.

Board Member, Conflict Resolution International, Pittsburgh, PA, 1996-98.

ADDITIONAL PROFESSIONAL HONORS

Recipient, Citation of the Commonwealth of Pennsylvania House of Representatives for “Outstanding contributions as dean of the University of Pittsburgh School of Law,” June 2, 1998.

Highlighted as one of 40 “Young Leaders of the Academy” in *Change: The Magazine of Higher Learning*, January-February 1998, at p. 25 (published by the American Association for Higher Education).

BIBLIOGRAPHY

Books

P. Shane & H. Bruff, *Separation of Powers Law: Cases and Materials* (Carolina Academic Press, 1996).

J. Mashaw, R. Merrill, & P. Shane, *Administrative Law: The American Public Law System* (West Group, 5th ed. 2003).

J. Mashaw, R. Merrill, & P. Shane, *Administrative Law: The American Public Law System* (West Group, 4th ed. 1998) plus Teachers Manual (239 pp.).

J. Mashaw, R. Merrill & P. Shane, *1995 Supplement to Administrative Law: The American Public Law System* (West Publishing, 1995).

J. Mashaw, R. Merrill, & P. Shane, *Administrative Law: The American Public Law System* (West Publishing, 3d ed. 1992), plus Teachers Manual (268 pp.).

P. Shane & H. Bruff, *The Law of Presidential Power: Cases and Materials* (Carolina Academic Press, 1988), plus 1992 Supplement (202 pp. plus statutory appendix).

Book Chapter

“When Academic Speech Hits the Classroom: How Lawyers Might Argue (and Judges Might Decide) Three Semihypothetical Cases,” in Patricia Meyer Spacks, ed., *Advocacy in the Courtroom* 317-341 (St. Martin’s Press, 1996) (with Martha Chamallas and Richard Seeburger).

Law Review and Other Scholarly Articles

When Interbranch Norms Break Down: Of Arms-for-Hostages, "Orderly Shutowns," Presidential Impeachments, and Judicial Coups, __ *Cornell J. L. & Pub. Pol.* ____ (2003).

Disappearing Democracy: How *Bush v. Gore* Undermined the Federal Right to Vote for Presidential Electors, 29 *Fla. St. U. L. Rev.* 535-585 (2001).

Returning Separation of Powers Analysis to its Normative Roots: The Constitutionality of *Qui Tam* Actions and Other Private Suits to Enforce Civil Penalties, 30 *Environmental L. Reporter* 11,081-11,103 (2000).

Federalism’s ‘Old Deal’: What’s Right and Wrong With Conservative Judicial Activism, 45 *Vill. L. Rev.* 201-243 (2000).

Reflections in Three Mirrors: Complexities of Representation in a Constitutional Democracy, 60 *Ohio St. L. J.* 693-709 (1999).

Interbranch Accountability in State Government and the Constitutional Requirement of Judicial Independence, 61 *Law & Contemp. Probs.* 21-54 (1998) [abstracted in *International Political Science Abstracts*].

Learning McNamara's *Lessons*: How the War Powers Resolution Advances the Rule of Law, 47 *Case W. Res. L. Rev.* 1281-1304 (1997).

Back to the Future of the American State: Overruling *Buckley v. Valeo* and Other Madisonian Steps, 57 *U. Pitt. L. Rev.* 443-459 (1996), *excerpted in* F.G. Slabach, *The Constitution and Campaign Finance Reform: An Anthology* (1998).

The Limits of Legal Realism as Biography (book review of Kim Isaac Eisler, *A Justice for All: William J. Brennan, Jr., and the Decisions that Transformed America*), 21 *Law & Social Inquiry* 205-214 (1996).

Book Review (with M. Chamallas) of Gregory Howard Williams, *Life on the Color Line: The True Story of a White Boy Who Discovered He Was Black*, 46 *J. Legal Educ.* 121-129 (1996), *excerpted in* R. Delgado and J. Stefancic, eds., *Critical White Studies: Looking Behind the Mirror* (1997).

Political Accountability in a System of Checks and Balances: The Case of Presidential Review of Rulemaking, 48 *Ark. L. Rev.* 161-214 (1995).

Presidents, Pardons, and Prosecutors: Legal Accountability and the Separation of Powers, 11 *Yale Law & Pol. Rev.* 361-406 (1993).

Voting Rights and the "Statutory Constitution," 56 *Law and Contemp. Probs.* 243-271 (1993).

Who May Remove or Discipline Federal Judges? A Constitutional Analysis, 142 *U. Penn. L. Rev.* 209-242 (1993).

Negotiating for Knowledge: Administrative Responses to Congressional Demands for Information, 44 *Admin. L. Rev.* 197-243 (1992).

The *Rust* That Corrodes: State Action, Free Speech, and the Pursuit of Responsibility, 52 *La. L. Rev.* 1585-1606 (1992).

Structure, Relationship, Ideology, or, How Would We a Know a "New Public Law" If We Saw It?, 89 *Mich. L. Rev.* 837-74 (1991).

Why Are So Many People So Unhappy? Habits of Thought and Resistance to Diversity in Legal Education, 75 *Iowa L. Rev.* 1033-56 (1990).

Independent Policymaking and Presidential Power: A Constitutional Analysis, 57 *Geo. Wash. L. Rev.* 596-626 (1989), *excerpted in* T.O. Sargentich, *Administrative Law Anthology* (1994).

Rights, Remedies and Restraint, 64 *Chi.-Kent L. Rev.* 531-572 (1989).

Separation of Powers and the Rule of Law: The Virtues of "Seeing the Trees," 30 *Wm. & Mary L. Rev.* 375-86 (1989).

Compulsory Education and the Tension Between Liberty and Equality: A Comment on Professor Dworkin, 72 *Iowa L. Rev.* 97-107 (1987).

Conventionalism in Constitutional Interpretation and the Place of Administrative Agencies, 36 *Am. U. L. Rev.* 573-99 (1987).

Equal Protection, Free Speech, and the Selective Prosecution of Draft Nonregistrants, 72 Iowa L. Rev. 359-89 (1987).

Federal Policy Making By Consent Decree: An Analysis of Agency and Judicial Discretion, 1987 U. Chi. Legal F. 241-93.

Legal Disagreement and Negotiation in a Government of Laws: The Case of Executive Privilege Claims Against Congress, 71 Minn. L. Rev. 461-542 (1987), *excerpted in* T.O. Sargentich, Administrative Law Anthology (1994).

Prophets and Provocateurs, 37 J. Legal Educ. 529-32 (1987).

School Desegregation Remedies and the Fair Governance of Schools, 132 U. Pa. L. Rev. 1041-1129 (1984).

Presidential Regulatory Oversight and the Separation of Powers: The Constitutionality of Executive Order No. 12,291, 23 Ariz. L. Rev. 1235-65 (1981).

Encyclopedia Entries

“Judicial Impeachment,” in L.W. Levy, K.L. Karst, and A. Winkler, eds., Encyclopedia of the American Constitution (2000) [also, “Nixon v. United States”].

“Humphrey’s Executor v. United States,” in Gerald S. Greenberg, ed., Historical Encyclopedia of U.S. Independent Counsel Investigations 171-173 (Greenwood Press, 2000) [also, “Bowsher v. Synar” at 31-33, and “Buckley v. Valeo,” at 38-40].

“Executive Agreements,” in II L.W. Levy and L. Fisher, eds., Encyclopedia of the American Presidency 566-568 (1993) [also, “Dames & Moore v. Regan,” I, at 342-343; “Independent Counsel,” II, at 815-817; “Morrison v. Olson,” III, at 1048-1049; “United States v. Belmont,” IV, at 1528-1529; and “United States v. Pink,” IV, at 1534].

Other Essays

Rein in the Legislature, Washington Post, Dec. 1, 2000, at A-35, *anthologized in* E.J. Dionne, Jr. and William Kristol, Bush v. Gore: The Court Cases and the Commentary (2001).

Forum: Two from Texas - too much?, Pittsburgh Post-Gazette, Aug. 6, 2000, at E1 (URL: <http://www.postgazette.com/forum/20000806edshane7.asp>).

Sacking Football Prayer, Intellectual Capital.Com., July 13-30, 2000 (URL: <http://www.intellectualcapital.com/issues/issue391/item10026.asp>).

In Whose Best Interest? Not the States', Wash. Post, May 21, 2000, at B6.

Tobacco and Telephones: Does the Supreme Court Have a "Big Business Bloc?", Intellectual Capital.Com., Apr.27-May 4, 2000 (URL: <http://www.intellectualcapital.com/issues/issue369/item9154.asp>).

Primary School: The Constitution and Candidate Selection, Intellectual Capital.Com., Mar. 16-23, 2000 (URL: <http://www.intellectualcapital.com/issues/issue355/item8812.asp>).

Eleventh Amendment Limits on the Private Enforceability of State Hospitals' Federal Legal Obligations, Hospital Law Newsletter, June, 2000, at 1-5.

Public Aid to Parochial Education: The Intractable Issues, Intellectual Capital.Com., Feb. 3-10, 2000 (URL: <http://www.intellectualcapital.com/issues/issue343/item8097.asp>)

GOP Intransigence and the Self-correcting Budget Process, Intellectual Capital.Com., Dec. 16-23, 1999 (URL: <http://www.intellectualcapital.com/issues/issue330/item7648.asp>).

Living With Constitutional Complexity, Intellectual Capital.Com., Nov. 18-25, 1999 (URL: <http://www.intellectualcapital.com/issues/issue320/item7248.asp>).

The Poisonous Politics of Judicial Selection, Intellectual Capital.Com., Oct. 21-28, 1999 (URL: <http://www.intellectualcapital.com/issues/issue312/item6922.asp>).

Clinton's Right: He Shouldn't Turn Over the Clemency Records, Wash. Post, Sept. 26, 1999, at B1 (expanded version of "Pardons Are Prerogative of the President Alone," and republished in Wash. Post Nat'l Weekly Edition, Oct. 4, 1999, at 21).

Clinton's Clemency and the Framers' Wisdom, Intellectual Capital.Com., Sept. 23-30, 1999 (URL: <http://www.intellectualcapital.com/issues/issue304/item6571.asp>).

Pardons Are Prerogative of the President Alone, L.A. Times, Sept. 22, 1999, at (republished in Newsday, Pittsburgh Post-Gazette, et al.).

Litmus Tests Undermine Judicial Independence, Intellectual Capital.Com., Aug. 26-Sept. 2, 1999 (URL: <http://www.intellectualcapital.com/issues/issue284/item6176.asp>).

Judicial Activism, Conservative-Style, Intellectual Capital.Com., July 22 - 29, 1999 (URL: <http://www.intellectualcapital.com/issues/issue259/item5807.asp>).

Requiem for the Independent Counsel Law, Intellectual Capital.Com., June 24 - July 1, 1999 (URL: <http://www.intellectualcapital.com/issues/issue251/item5511.asp>) (reprinted in Pittsburgh Post-Gazette, June 27, 1999, at E1).

Congress, the Constitution, and Columbine High School, Intellectual Capital.Com., May 28-June 3, 1999 (URL: <http://www.intellectualcapital.com/issues/issue238/item5155.asp>).

Kosovo and the Dangers of Unilateral Presidential Power, Intellectual Capital.Com., Apr. 29-May 6, 1999 (URL: <http://www.intellectualcapital.com/issues/issue225/item4250.asp>)

Thinking Structurally About the Constitution, Intellectual Capital.Com., Apr. 1-7, 1999 (URL: <http://www.intellectualcapital.com/issues/issue192/item3182.asp>)

Constitutional Lessons of the Clinton Impeachment, Intellectual Capital.Com, Feb. 18-25, 1999 (URL: <http://www.intellectualcapital.com/issues/issue170/item892.asp>).

A Detour Into Constitutional Absurdity, N.Y. Times, Jan. 27, 1999, at A27 (reprinted in News & Observer (Raleigh NC), Jan. 29, 1999, at A17).

Debasing the Impeachment Process, Newsday, Jan. 27, 1999, at A41 (reprinted in The Record, Northern New Jersey, Jan. 29, 1999, at L09).

Where No Elected President Has Gone Before, Intellectual Capital.Com, Dec. 24, 1998 - Jan. 7, 1999 (URL: <http://www.intellectualcapital.com/issues/98/1224/icnational5.asp>).

Protect the Constitution; Don't Impeach, The Gazette (Cedar Rapids, IA), Dec. 18, 1998, at 10A (with Leslea Haravon Collins and Steve M. Collins).

Impeachment: An Introduction, Intellectual Capital.Com, Sept. 10-16, 1998 (URL: <http://www.intellectualcapital.com/issues/98/0910/icopinions5.asp>).

Stop the Washington Free-for-All, Pittsburgh Post-Gazette, September 7, 1998, at A-13.

There's no lack of lawyers, just a lack of leaders, Pittsburgh Post-Gazette, June 3, 1998, at A-11.

Introduction to Symposium: "The Adequacy of Current Legal Paradigms to Meet Future Challenges," 57 U. Pitt. L. Rev. 233-235 (1996).

Introduction to Symposium: "The Adequacy of Current Legal Paradigms to Meet Future Challenges," 15 J. L. & Commerce 391-93 (1996).

Line-Item Veto's Political Web, Christian Science Monitor, Apr. 19, 1996, at 20.

Why morality is the main political issue, Des Moines Register, Feb. 4, 1988, at 5A.

Nurturing the changes at Iowa universities, Des Moines Register, Mar. 10, 1989, at 13A.

Is Bork "inconsistent" and "unprincipled?" Des Moines Register, Sept. 15, 1987, at 7A.

Special prosecutor post will survive legal test, Des Moines Register, Mar. 25, 1987, at 7A.

Who Controls the Books? The First Amendment and Public School Censorship, Iowa Advocate, Spr./Sum. 1984, at 27-30.

Consultant Reports and Unpublished Papers

Peter Muhlberger and Peter M. Shane, The Prospects for Electronic Democracy: A Survey Analysis (Version 1.0, November 1, 2001, available at www.cmu.edu/insites).

Litigation and National Security (Report to the MacArthur Justice Center, 1988) (32 pp.).

Negotiating for Knowledge: Administrative Responses to Congressional Demands for Information (Report to the Administrative Conference of the United States, 1990) (43 pp.).

Who May Remove or Discipline Federal Judges? A Constitutional Analysis (Report to the National Commission on Judicial Discipline and Removal, 1992) (50 pp.).

Works In Progress

Peter M. Shane, Checks and Balances: The Promise and Pitfalls of Shared Authority in American Government (Princeton University Press, manuscript in progress).

Peter M. Shane, The Electronic Federalist: The Internet and the Electric Institutionalization of Democratic Legitimacy (for Peter M. Shane, ed., Prospects for Electronic Democracy).

Peter M. Shane, Public Information, Technology, and Democratic Empowerment (for "Security, Technology, and Privacy: Shaping a Public Information Policy for the 21st Century," to be published by the Century Foundation, 2003).

Peter M. Shane and Bruce Maggs, Avoiding *Youngstown* in Cyberspace: Executive Authority, National Security, and the World Wide Web.

Peter M. Shane and Harold H. Bruff, Separation of Powers Law: Cases and Materials (2d ed., anticipated 2004).

CONGRESSIONAL TESTIMONY

Requested Personal Appearances:

Statement on Executive Order No. 13,233 “Further Implementation of the Presidential Records Act,” to the Subcommittee on Government Efficiency of the House Committee on Government Reform, November 6, 2001.

Statement on Reauthorization of the Administrative Conference of the United States, Fiscal Years 1995-98, to the Subcommittee on Commercial and Administrative Law of the House Committee on the Judiciary, May 11, 1995.

Statement on H.R. 5092, 100th Cong., 2d Sess., Proposed "Presidential Directives and Records Accountability Act" to the Subcommittee on Legislation and National Security of the House Committee on Government Operations, Aug. 3, 1988.

Statement on "Proposed Legislation on Retirement Pay of Lt. Col. Oliver L. North," to the Senate Committee on the Judiciary, Oct. 18, 1989.

Requested Opinion Letters:

Letter to Hon. Dave Nagle, U.S. House of Representatives, on proposals for a Balanced Budget Amendment, June 4, 1992.

Letter to Hon. Edward M. Kennedy, Chairman, Senate Committee on Labor and Human Resources, on proposed National Institutes of Health Reauthorization Act of 1992, H.R. 2507, 102d Cong., 2d Sess. (1991), Mar. 20, 1992.

Letter to Hon. Joseph R. Biden, Jr., Chairman, Senate Committee on the Judiciary, on proposed legislation on retirement pay of Lt. Col. Oliver L. North, Oct. 25, 1989.

Letter to Hon. John Conyers, Jr., Chairman, Subcommittee on Criminal Justice of the House Committee on the Judiciary, on the legality of impeachment following acquittal, June 10, 1988.

PROFESSIONAL PRESENTATIONS

Panelist, “E-Rulemaking: New Directions for Information Technology and Government Regulation, National Conference on Digital Government Research, Digital Governance Research Center, Boston, MA, May 20, 2003.

Presenter, “Institutionalizing IT-Enhanced Democratic Practice,” Faculty Seminar, The Ohio State University School of Public Policy, Columbus, OH, May 8, 2003.

Conference Co-Chair and Presenter, “Do New Technologies Support a Broadening of Public Information Rights?” Conference on Security, Technology, and Privacy: Shaping a Public Information Policy for the 21st Century (organized by Carnegie Mellon University, Georgetown University, The Century Foundation, and Carnegie Corporation of New York), Georgetown University Law Center, Washington, D.C., April 24-25, 2003.

Presenter, "Institutionalizing On-Line Democratic Deliberation," Seminar on Information, Institutions and Governance, The National Center for Digital Government, Harvard University Kennedy School of Government, Cambridge, MA, Apr. 21, 2003.

Panel Moderator, “How Political Decisions are Made: Citizen Participation and Decision-Making,” Conference on Democracy in the Digital Age, Yale Law School Information Society Project, New Haven, CT, Apr. 5, 2003.

Presenter, "When Interbranch Norms Break Down: Of Arms-for-Hostages, 'Orderly Shutowns,' Presidential Impeachments, and Judicial Coups," Symposium on "Policy at the Intersection of Law and Politics," Cornell Journal Of Law and Public Policy, Cornell Law School, November 1-2, 2002.

Conference Organizer and Presenter, "The Prospects for Electronic Democracy," Carnegie Mellon University, Pittsburgh, PA, September 21-22, 2002.

Panelist, “Information and Communications Technology Innovation for Development,” International Meeting on Education for Development, Universidad Autonoma de Nuevo Leon, Monterrey, MX, March 20, 2002.

Conference Organizer and Panel Moderator, Law and Information Technology: Promise and Pitfalls, Carnegie Mellon University, Pittsburgh, PA, February 7-8, 2002.

Principal Paper Presentation, The Law of Presidential Elections: Issues in the Wake of Florida, 2000, Florida State University College of Law, Tallahassee, Florida, March 23, 2001.

Moderator, Judicial Independence Roundtable, Mid-Year Meeting of the Conference of Chief Justices, Baltimore, Md., Jan. 24, 2001.

Panelist, The Supreme Court and Federalism, Federalist Society, Pittsburgh Chapter, Pittsburgh, PA, Sept. 25, 2000.

Harold Gill Reuschlein Distinguished Lecturer, “Federalism’s ‘Old Deal’: What’s Right and Wrong With Conservative Judicial Activism,” Villanova University School of Law, Villanova, PA, Oct. 29, 1999 [also on this topic: Faculty Workshop, Washington University in St. Louis School of Law, St. Louis, MO, Nov. 8, 1999).

Keynoter and Moderator, “Judicial Independence,” 42d Annual Washington Judicial Conference, Washington, Olympia, WA, Oct. 4, 1999.

Presenter, “Presidentialism and Representation,” Harvard Law School Faculty Workshop Series, Harvard Law School, Cambridge, Massachusetts, Jan. 29, 1999.

Presenter, “Executive Branch Oversight of Regulation,” University of Pittsburgh Working Group on Comparative Regulation, Pittsburgh, PA, Jan. 27, 1999.

Panelist, “Nixon Redux: Executive Power Issues in the 90's.” Section on Constitutional Law, Association of American Law Schools Annual Meeting, New Orleans, LA, January 9, 1999.

Presenter, “State Judicial Independence and Interbranch Accountability: A Framework For Reform,” for “Judicial Independence Challenged—A Panel Discussion About Interbranch Relationships,” American Bar Association Symposium: Bulwarks of the Republic - Judicial Independence and Accountability in the American System of Justice, Philadelphia, PA, Dec. 5, 1998.

Presenter, “Complicating the Obstacle Course: Standing, Ripeness and Other Barriers to Judicial Review of Federal Administrative Decision Making,” Third Annual Supreme Court Year in Review, University of Pittsburgh School of Law Continuing Legal Education (co-sponsored by the Western Pennsylvania Chapter of the Federal Bar Association), Pittsburgh, PA, Sept. 18, 1998 (also Panel Moderator, “Overview of the 1997 Term”).

Presenter, “Long-Term Planning,” ABA Seminar for New Law Deans, Winston-Salem, NC, June 21-22, 1998.

Organizer and Presenter, “Skills Training in Pennsylvania Law Schools,” Judiciary-Academy - Bar Committee, Pennsylvania Bar Association Annual Meeting, Hershey, Pennsylvania, May 13, 1998.

Presenter, “Dick Thornburgh as Attorney General,” University of Pittsburgh Founders Day, Presentation of the Thornburgh Archival Collection to the University of Pittsburgh, Pittsburgh, PA, February 27, 1998.

Endowed Lecture, “Reflections in Three Mirrors: Complexities of Representation in a Constitutional Democracy,” Frank R. Strong Law Forum, Ohio State University College of Law, February 4, 1998.

Organizer and Moderator, “Law Schools, Practicing Lawyers, and the Organized Bar -- What’s the Future of Our Relationship(s)?” AALS Section for the Law School Dean, AALS Annual Meeting, San Francisco, California, January 9, 1998.

Organizer, “Preparation for Deaning: A Leadership Preparation Workshop,” AALS Section for the Law School Dean, AALS Annual Meeting, San Francisco, California, January 8, 1998.

Presenter, “Alternatives to Lecturing: The Socratic Method and Other Interactive Teaching Techniques” and “The Selection and Evaluation of Faculty,” Conference on New Challenges for European Law Schools--U.S. Legal Education: A Source of Inspiration for Europe, University of Ghent, Belgium, December 8-9, 1997.

Panel Moderator, “Overview of the 1996-98 Term,” Second Annual Supreme Court Year in Review, University of Pittsburgh School of Law Continuing Legal Education (co-sponsored by the Western Pennsylvania Chapter of the Federal Bar Association), Pittsburgh, PA, Sept. 5, 1997.

Panelist, “Long-Term Planning,” ABA Seminar for New Law Deans, Winston-Salem, NC, June 12-13, 1997.

Presenter, “Learning McNamara's *Lessons*: How the War Powers Resolution Advances the Rule of Law,” Symposium on Presidential Power in the Twenty-First Century, Case Western Reserve University School of Law, Cleveland, Ohio, April 4-5, 1997.

Presenter, “The Constitutional History of Federalism,” World Federalist Association of Greater Pittsburgh, Pittsburgh, Pennsylvania, October 29, 1996.

Presenter, “Separation of Powers Under the Pennsylvania Constitution: Does Federal Law Have Lessons for State Practice?” Pennsylvania Bar Association Mid-Year Meeting, Phoenix, Arizona, October 26, 1996.

Panel Moderator, “Overview of the 1995-96 Term,” First Annual Supreme Court Year in Review, University of Pittsburgh School of Law Continuing Legal Education (co-sponsored by the Western Penn. Chapter of the Federal Bar Association), Pittsburgh, PA, Sept. 16, 1996.

Panelist, Plenary Session: Legal Educators in a Learning Society, AALS Annual Meeting, San Antonio, Texas, January 5, 1996.

Presenter, "Political Accountability in a System of Checks and Balances: The Case of Presidential Review of Rulemaking," Symposium on Law of the Presidency/Separation of Powers, University of Arkansas, Fayetteville, AK, Apr. 14-15, 1994.

Presenter, Faculty Speaker Series, Cornell Law School, Ithaca, New York, September 24, 1993.

Presenter, "The Place of 'Separation of Powers' in Constitutionalism and 'Constitutional Law I,'" AALS Conference on Constitutional Law, Ann Arbor, Michigan, June 12-16, 1993.

Panelist, "Resistance and Reformation," University of Iowa Conference on Teaching Texts and Diversity, Iowa City, Iowa, May 10-11, 1993 (also Moderator, "Diversifying Diversity").

Panelist, "Holding Government Officials Criminally Accountable: Special Prosecutors, Pardons, and the Separation of Powers," Columbia University School of Law, New York, March 31, 1993.

Presenter, "Congressional Demands for Agency Information," Administrative Conference of the United States Seminar for Congressional Staff, Washington, D.C., January 11, 1993.

Panel Moderator and Organizer, "The Rehnquist Court's War on the Structural Injunction," Section on Remedies, Association of American Law Schools Annual Meeting, San Francisco, Cal., January 9, 1993.

Presenter, "Who May Remove or Discipline Federal Judges?" National Commission on Judicial Discipline and Removal Roundtable, Washington, D.C., December 18, 1992 (televised by C-SPAN).

Lecturer, Continuing Legal Education: "The Political and Free Speech Rights of State Employees: An Overview of Recent Developments," University of Iowa College of Law, October 30, 1992.

Moderator, "Discussing the Academy," Ford Foundation-University of Iowa Faculty Seminars on Diversity in Higher Education, Iowa City, Iowa, 1992-93 (six sessions).

Panelist, "Political Correctness: Issues for Teaching," Society of American Law Teachers Workshop on Political Correctness, San Antonio, Texas, Jan. 3, 1992.

Discussant, "Race, Remedy and Identity," for "Post-Modern Constitutional Law," the Third Biennial Georgetown Discussion Group on Constitutional Law, Georgetown University Law Center, Washington, D.C., November 16, 1991.

Speaker, "The Bill of Rights: What Are We Celebrating?" University of Iowa College of Law Observance of the Bicentennial of the Bill of Rights, Iowa City, Iowa, November 7, 1991.

Panel Moderator and Organizer, "Civil Rights and Administrative Law: What Makes Agencies Effective?" Section on Administrative Law, Association of American Law Schools Annual Meeting, Washington, D.C., January 4, 1991.

Presenter, "Symposium: Is There a New Public Law?" University of Michigan Law School, Ann Arbor, Michigan, Oct. 6, 1990.

Panelist, "Teaching on the Borders of Constitutional Law and Political Science," Association of American Law Schools Administrative Law Workshop, Washington, D.C., June 22, 1990.

Panel Moderator and Organizer, "Denials and Revocations of Security Clearances: Issues of Law and Policy," Section of Administrative Law, American Bar Association 1990 Spring Meeting, Williamsburg, Virginia, April 28, 1990.

Commentator, "The New Separation of Powers Jurisprudence," Section on Constitutional Law, Association of American Law Schools Annual Meeting, San Francisco, CA, January 5, 1990.

Presenter, "Law on the Edge of Politics: The Supreme Court and the Separation of Powers in the Eighties," Iowa Conference of Political Scientists, 1989 Annual Meeting, Ames, Iowa, November 11, 1989.

Featured Speaker, "Institutional Remedies and the Seventh Circuit: Do the Courts Run Chicago?" Roundtable Discussion sponsored by IIT Chicago-Kent School of Law and The Chicago Lawyer, Chicago, Ill., December 14, 1988 (Published in Chicago Lawyer, Apr. 18, 1989, at 15-20).

Panelist, "Supreme Court Preview: What to Expect from the 1988-89 Term," Conference Sponsored by Institute of Bill of Rights Law and the National Conference of Editorial Writers, Marshall-Wythe School of Law, College of William & Mary, November 18-19, 1988.

Commentator, "The American Constitutional Tradition of Shared and Separated Powers: The Judicial Role in Umpiring Inter-branch Conflicts," Fifth Annual Bill of Rights Symposium, Marshall-Wythe School of Law, College of William & Mary, April 8, 1988.

Lecturer, Continuing Legal Education: "A Legal Primer for School Boards and Their Attorneys: Selected Developments in State and Federal Law," University of Iowa College of Law, Oct. 3, 1987.