

## JUSTIN LEVITT

Associate Professor of Law  
Loyola Law School  
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## EDUCATION

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### **Harvard Law School / Harvard Kennedy School**

J.D./M.P.A., *magna cum laude* (June 2002).  
HARVARD LAW REVIEW, Articles Editor, vols. 114 and 115  
Hewlett Law & Negotiation Fellowship  
Jessup Int'l Law Competition, Northeast Regional Best Oralist

### **Harvard College**

B.A. (Special Concentration), *magna cum laude* (June 1995).  
Sally and Cresap Moore Prize  
John Harvard Scholar  
Harvard National Scholar

### **Fulbright Scholarship**

Universität zu Köln, Germany (1997–98).  
Research on organizational and employee loyalty.

## TEACHING

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### **Loyola Law School, Los Angeles, CA**

*Associate Professor of Law* (2010–present).  
*Courses:* Constitutional Law, Law of the Political Process, Criminal Procedure  
Curriculum Committee, Web Redesign Committee

### **New York University School of Law, New York, NY**

*Assistant Adjunct Professor of Clinical Law* (2006–07).  
*Course:* Public Policy Advocacy Clinic

### **Harvard University, Cambridge, MA**

*Teaching Fellow* (1999–2000).  
*Courses:* The American Presidency, Globalization

**ARTICLES**

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[\*Fault and the Murkowski Voter: A Reply to Flanders\*](#), 28 ALASKA L. REV. 41 (2011).

[\*Weighing the Potential of Citizen Redistricting\*](#), 44 LOYOLA L.A. L. REV. 101 (2011).

[\*Confronting the Impact of Citizens United\*](#), 29 YALE L. & POL'Y REV. 217 (2010).

[\*Long Lines at the Courthouse: Pre-Election Litigation of Election Day Burdens\*](#), 9 ELECTION L.J. 19 (2010) (peer-reviewed).

[\*Seeing Double Voting: An Extension of the Birthday Problem\*](#), 7 ELECTION L.J. 111 (2008) (co-authored with Michael P. McDonald) (peer-reviewed).

[\*Taking the "Re" Out of Redistricting: State Constitutional Provisions on Redistricting Timing\*](#), 95 GEO. L.J. 1247 (2007) (co-authored with Michael P. McDonald).

*Developments in the Law—International Criminal Law* (pt. 2): [\*The Promises of International Prosecution\*](#), 114 HARV. L. REV. 1957 (2001).

**MONOGRAPHS AND BOOK CHAPTERS**

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[\*A CITIZEN'S GUIDE TO REDISTRICTING\*](#) (2d ed., Brennan Center for Justice 2010).

*Guarantee Clause*, in *ENCYCLOPEDIA OF THE U.S. CONSTITUTION* (David Schultz ed., 2009).

*How Data is [sic] Used by Advocates*, in [\*DATA FOR DEMOCRACY\*](#) (Paul Gronke & Michael Caudell-Feagan eds., 2008).

[\*THE TRUTH ABOUT VOTER FRAUD\*](#) (Brennan Center for Justice 2007).

*Introduction*, in [\*MAKING EVERY VOTE COUNT: FEDERAL ELECTION LEGISLATION IN THE STATES\*](#) (Andrew Rachlin ed., 2006).

[\*MAKING THE LIST: DATABASE MATCHING AND VERIFICATION PROCESSES FOR VOTER REGISTRATION\*](#) (Brennan Center for Justice 2006) (co-authored with Wendy R. Weiser and Ana Muñoz).

## WORKS IN PROGRESS

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[\*When Mistakes Matter: Election Error and the Dynamic Assessment of Materiality\*](#)

*Motive Matters: Reasserting Public Action in the Public Interest*

[\*The Legal Context for Scientific Redistricting Analysis\*](#), in NEW TECHNOLOGY AND THE OLD PROBLEMS OF REDISTRICTING (forthcoming 2011).

*Redistricting and the West: the Legal Context*, in REAPPORTIONMENT AND REDISTRICTING IN THE WEST (forthcoming 2012).

*Novel (and Not-so-Novel) Alternatives to Legislative Redistricting*, in AMERICA VOTES! A GUIDE TO MODERN ELECTION LAW AND VOTING RIGHTS (2d ed., forthcoming 2012).

## TESTIMONY

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**U.S. Senate:** *New State Voting Laws: Barriers to the Ballot?: Hearing Before the S. Comm. on Judiciary, Subcomm. on Constitution, Civil Rights & Human Rights*, 112th Cong. (Sept. 8, 2011) ([video](#), [statement](#)).

**U.S. Senate:** *In Person Voter Fraud: Myth and Trigger for Disenfranchisement?: Hearing Before the S. Comm. on Rules & Admin.*, 110th Cong. (Mar. 12, 2008) ([transcript](#), [statement](#)).

**U.S. Senate:** *Protecting Voters at Home and at the Polls: Limiting Abusive Robocalls and Vote Caging Practices: Hearing Before the S. Comm. on Rules & Admin.*, 110th Cong. (Feb. 27, 2008) ([statement](#)).

**Fed. Court:** *Democratic National Committee v. Republican National Committee*, No. 81-3876 (D.N.J. May 6, 2009) ([opinion](#)).

**Ill. Senate:** *Proposals for Changing the Current Redistricting Process in Illinois: Hearing Before the S. Redistricting Comm.*, 96th Leg. (Ill. Oct. 13, 2009) ([statement](#)).

**Ind. Joint Comm.:** *Hearing Before the Census Data Advisory Committee*, 116th Leg. (Ind. Sept. 29, 2009) ([statement](#)).

**L.A. County:** [\*Report on the Legal Standards Pertaining to the Los Angeles County Redistricting Process: Hearing Before the L.A. County Board of Supervisors\*](#) (L.A. County Aug. 9, 2011) ([video](#)).

**Mich. House:** *Hearing on H.B. 5914 Before the H. Judiciary Comm.*, 95th Leg. (Mich. Apr. 13, 2010) (with Myrna Pérez) ([statement](#)).

## TESTIMONY

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- Nev. Joint Comm.:** *National Overview of Reapportionment and Redistricting: J. Meeting Assemb. Comm. Legis. Operations & Elections & S. Comm. Legis. Operations & Elections*, 76th Reg. Sess. (Nev. Mar. 10, 2011) ([presentation](#)).
- N.Y. Assembly:** *Redistricting: Hearing on A.624, A.2056, and A.6287-a Before Assemb. Standing Comm. on Gov't Operations* (N.Y. Oct. 17, 2006) (with Kahlil Williams) ([statement](#)).
- Ore. Joint Comm.:** *What is Redistricting? A Citizen's Guide to Redistricting: Hearing Before the S. Comm. on Redistricting & the H. Comm. on Redistricting* (Ore. Feb. 4, 2011) ([audio](#)).
- Ore. Joint Comm.:** *Communities of Interest: An Overview of the Law: Hearing Before the S. Comm. on Redistricting & the H. Comm. on Redistricting* (Ore. Feb. 25, 2011).
- Tex. House:** *Hearing on S.B. 14 Before the H. Select Comm. on Voter Identification and Voter Fraud*, 82d Leg. (Tex. Mar. 1, 2011) .
- Tex. House:** *Hearing on S.B. 362 Before the H. Comm. on Elections*, 81st Leg. (Tex. Apr. 6, 2009) ([statement](#)).
- Tex. House:** *Hearing Before the H. Comm. on Elections*, 80th Leg. (Tex. Jan. 25, 2008) ([statement](#)).
- Wis. Joint Comm.:** *Hearing on A.B. 895 and 892, and S.B. 640 and 645, Before the Ass. Comm. on Elections & Campaign Reform & the S. Comm. on Labor, Elections & Urban Affairs* (Wis. Mar. 31, 2010) ([statement](#)).

## PRESENTATIONS

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- Panelist, *Redistricting Roundtable: Law and Politics in the New Decade*, 2011 American Political Science Association Annual Meeting, Seattle, WA (Sept. 2011).
- Presenter, *Election Errors and the Dynamic Nature of Materiality*, SEALS Conference, Hilton Head, SC (July 2011).
- Participant, *The Constitution in 2020*, American Constitution Society, Washington, DC (June 2011).
- Presenter, *Election Errors and the Dynamic Nature of Materiality*, Spring 2011 Southern California Junior Faculty Forum, Loyola Law School, Los Angeles, CA (May 2011).
- Speaker, *Emerging/Unresolved Issues in Case Law*, [Reapportionment and Redistricting in Idaho and the West](#), Boise State University, Boise, ID (Apr. 2011).
- Discussant, [Eligibility to Vote: Bush v. Gore, 10 Years Later](#), University of California-Irvine, Laguna Beach, CA (Apr. 2011).

**PRESENTATIONS (continued)**

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Speaker, [\*Redistricting 101: What You Need to Know to Get Involved\*](#), Arizona State University, Phoenix, AZ (Apr. 2011).

Discussant, [\*Citizen Competence in Direct Democracy\*](#), 2011 Midwest Political Science Association Annual Meeting, Chicago, IL (Mar. 2011).

Panelist, [\*Citizens United: One Year Later\*](#), American Constitution Society, UCLA Law School (Mar. 2011).

Presenter, [\*Getting a Seat at the Table: What Nonprofits Should Know about Redistricting\*](#), NonprofitVOTE Webinar, Los Angeles, CA (Mar. 2011).

Panelist, [\*Breaking Ground: The ABCs of Redistricting\*](#), Redistricting CA 2011 Conference, Los Angeles, CA (Jan. 2011).

Panelist, *Partisan Gerrymandering: The Legal Limitations and Lack Thereof*, NCSL National Redistricting Seminar, National Harbor, MD (Jan. 2011).

Kickoff Speaker, [\*Redistricting Basics and Terminology\*](#), NCSL National Redistricting Seminar, National Harbor, MD (Jan. 2011).

Speaker, [\*Redistricting 101: Legal Concepts That Apply to the Work of California's Citizens Redistricting Commission\*](#), California State Auditor, Sacramento, CA (Dec. 2010).

Moderator, *Legal Issues to Watch for in the 2010 Elections*, American Constitution Society, Loyola Law School, Los Angeles, CA (Oct. 2010).

Panelist, *Protecting the Vote 2010*, New Organizing Institute Forum, National Call (Oct. 2010).

Panelist, *Registration and Eligibility Issues*, Pew Pre-Election Journalists' Forum, San Francisco, CA (Oct. 2010).

Panelist, *Redistricting Decisions of the Last Decade*, NCSL National Redistricting Seminar, Providence, RI (Sept. 2010).

Symposium Participant, [\*The Potential of Citizen Redistricting\*](#), Rebooting California, Loyola Law School, Los Angeles, CA (Sept. 2010).

Panelist, *21st Century Voter Registration*, California Student Democracy Training, Los Angeles, CA (July 2010).

Speaker, *Redistricting — What You Need to Know to Be Effective in 2011*, League of Women Voters of the United States, 49th National Convention, Atlanta, GA (June 2010) (with Myrna Pérez).

Guest Lecture, *The Voting Rights Act and Election Administration*, University of Chicago School of Law (May 2010).

**PRESENTATIONS** (continued)

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Panelist, *Symposium 2010 - Helping America Vote: The Past, Present, and Future of Election Administration*, NYU Journal of Legislation and Public Policy, NYU School of Law (Mar. 2010).

Speaker, [Redistricting 101](#), Midwest Democracy Network, Columbus, OH (Mar. 2010).

Speaker, [Redistricting 101: Legal Concepts That Apply to the Work of California's Citizens Redistricting Commission](#), California State Auditor, Applicant Review Panel, Sacramento, CA (Feb. 2010).

Speaker, [Redistricting 101](#), Midwest Democracy Network, Chicago, IL (Feb. 2010) (with Virginia Martinez).

Speaker, *Redistricting 101*, League of Women Voters of Illinois Annual Issues Briefing, Chicago, IL (Feb. 2010).

Panelist, [The State Legislature and the State Constitution, Focus on the Legislature: Reform and Renewal](#), New York State Bar Association, Comm. on Attorneys in Public Service, New York, NY (Jan. 2010).

Speaker, [Redistricting: Embracing Lines in the Public Interest](#), Women in Government, 16<sup>th</sup> Annual State Directors' Conference, Dana Point, CA (Jan. 2010).

Panelist, *Redistricting*, League of Women Voters of Indianapolis, Indianapolis, IN (Dec. 2009).

Panelist, *Redistricting in California*, Redistricting California conference, Los Angeles, CA (Dec. 2009).

Speaker, [Hot Voting Rights Topics for Municipalities: Pre-litigation Use of Alternative Voting Systems and Redistricting Consequences of Incarceration](#), International Municipal Lawyers Association, Columbia, SC (Dec. 2009).

Speaker, [Redistricting 101—An Overview and a Timeline for Success](#), National Conference of State Legislatures, Chicago, IL (Oct. 2009).

Speaker, [Redistricting 101](#), Midwest Democracy Network, Chicago, IL (Oct. 2009).

Speaker, [Census 2010: Be Counted, Be Heard](#), National Latino/a Law Students' Conference, Chicago, IL (Sept. 2009).

Panelist, *Repairing our Democracy: Voter Registration Modernization and other Solutions*, Netroots Nation, Pittsburgh, PA (Aug. 2009).

Plenary Speaker, [Drawing the Lines: The 2010 Census and You](#), Western States Center, Community Strategic Training Initiative, Portland, OR (Aug. 2009).

**PRESENTATIONS** (continued)

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- Speaker, [\*Representation for the Next Decade: The 2010 Census and Redistricting\*](#), Western States Center, Community Strategic Training Initiative, Portland, OR (Aug. 2009).
- Speaker, [\*Redistricting and the Census\*](#), National Civic Summit, Minneapolis, MN (July 2009).
- Panelist, *Communities of Interest*, National Conference of State Legislatures, Washington, DC (Apr. 2008).
- Panelist, *The New Engines of Voter Mobilization*, American Democracy Institute, Washington, DC (Apr. 2008).
- Speaker, *Political Participation: Problems and Promise*, American Constitution Society, UCLA School of Law, Los Angeles, CA (Feb. 2008).
- Panelist, *Voter Engagement*, American Democracy Institute, Los Angeles, CA (Nov. 2007).
- Paper Presentation, *Seeing Double Voting: An Extension of the Birthday Problem*, Conference on Empirical Legal Studies, NYU School of Law, New York, NY (Nov. 2007) (presentation by co-author).
- Panelist, *Ensuring Every Vote Is Counted*, Yearly Kos, Chicago, IL (Aug. 2007).
- Panelist, *The Future of Election Reform: The 110th Congress and Beyond*, American Constitution Society, Columbia Law School, New York, NY (Mar. 2007).
- Panelist, *Voting Rights: In the South and the South Ward*, American Constitution Society, New Jersey lawyers' chapter, Newark, NJ (Mar. 2007).
- Panelist, *Can Legislation Bring Democracy to America's Capital?*, American Constitution Society, Columbia Law School, New York, NY (Feb. 2007).
- Speaker, *The 2006 Election: A Recap*, American Constitution Society, Hofstra University School of Law, Hempstead, NY (Nov. 2006).
- Discussant, *Making Every Vote Count: Federal Election Legislation in the States*, Policy Research Institute for the Region, Princeton University, Princeton, NJ (Apr. 2006).
- Speaker, *Youth Voter Mobilization and Civic Engagement*, American Democracy Institute, Philadelphia, PA (Feb. 2006).
- Speaker, *What to Expect from the 2006 Election*, American Constitution Society, Benjamin N. Cardozo School of Law, New York, NY (Oct. 2006).

**SELECTED MEDIA APPEARANCES**

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Commentator, *California redistricting*, KCBS (Aug. 2011).

[\*California GOP 'Likely' to Challenge New Political Districts at the Ballot\*](#), KPCC (Aug. 2011).

[\*Redrawing Districts in Ohio\*](#), All Sides with Ann Fisher, WOSU (July 2011).

[\*Voter ID Debate Ramping Up Again For 2012\*](#), Talk of the Nation, NPR (May 2011).

Nevada redistricting, [\*State of Nevada\*](#), KNPR (Apr. 2011).

[\*Electioneering at the polls\*](#), KPCC (Nov. 2010).

[\*Georgia Allowed to Continue Voter Verification\*](#), NPR (Sept. 2010).

[\*Gerrymandering: A New Documentary Film\*](#), Green Film Company (2010).

[\*Address Unknown\*](#), Prison Policy Initiative Podcast (May 2010).

[\*Investigative Feature: Meet Juan Crow\*](#), News21 Project (July 2008).

[\*Crawford v. Marion County\*](#), CounterSpin (syndicated) (May 2008).

[\*The Buying of the President 2008\*](#), Center for Public Integrity (Apr. 2008).

Problems at the polls, WNYC (Feb. 2008).

[\*Crawford v. Marion County\*](#), DemocracyNow! (syndicated) (Jan. 2008).

[\*Press coverage of voter fraud\*](#), OpenSource (syndicated) (Apr. 2007).

Problems at the polls, ABC News Radio (syndicated) (Nov. 2006).

Voter registration databases and purges, NPR/PRI (Oct. 2006).

*Washington Association of Churches v. Reed*, KUOW (May 2006).

Quoted as election law and redistricting expert by numerous newspapers and news services, including the Associated Press, Reuters, New York Times, Wall St. Journal, Washington Post, USA Today, The Hill, Los Angeles Times, Sacramento Bee, Miami Herald, Kansas City Star, Houston Chronicle, Pittsburgh Post-Gazette, Palm Beach Post, Milwaukee Journal-Sentinel, and St. Petersburg Times.

**OPINION**

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[\*The Real Victims of Election ID Laws\*](#), POLITICO, June 14, 2011.

[\*For Ohio Voter Rolls, A Birthday Surprise\*](#), SUMMARY JUDGMENTS blog, May 2, 2011.

[\*The Big Redistricting Story of 2011: 'We, the People'\*](#), SUMMARY JUDGMENTS blog, Dec. 14, 2010.

[\*Karl Rove Is Right About Importance of Local Elections\*](#), ROLL CALL, Mar. 23, 2010.

[\*The Voting Rights Act, Through the Looking Glass\*](#), ACSBLOG, June 9, 2009.

[\*The Hanging Chad of 2008\*](#), HUFFINGTON POST, July 3, 2008.

[\*Supreme Court Voter ID Decision More of a Whimper Than a Bang\*](#), ACSBLOG, May 1, 2008.

[\*The Most Important Elections Case Since Bush v. Gore\*](#), ACSBLOG, Jan. 9, 2008.

[\*Selling a Voter ID Law Is Like Selling Snake Oil\*](#), MORNING CALL (Allentown, Pa.), Jan. 9, 2008.

[\*Voter Fraud Fixation Needs a Good Airing\*](#), ATL. J.-CONSTITUTION, June 13, 2007.

[\*When Prosecutors Get Political\*](#), THE NATION (web), June 6, 2007.

[\*The Myth of Voter Fraud\*](#), WASH. POST, Mar. 29, 2007 (with Michael Waldman).

[\*Tuesday's Intrepid Voters\*](#), TOMPAINE.COM, Nov. 10, 2006.

[\*Raising the Dead Voter Hoax\*](#), TOMPAINE.COM, Oct. 31, 2006.

*At Issue: [\*Are Elections Nationwide Open to Systematic Voter Fraud\*](#)*, in 16 CQ RESEARCHER: VOTING CONTROVERSIES 745, 761 (2006).

[\*Re-drawing the Lines\*](#), THE HILL, June 29, 2006 (with Lisa Sandoval).

*Hayden v. Pataki: [\*Taking Race Out of the Voting Rights Act\*](#)*, ACSBLOG, May 8, 2006.

Regular contributions to blog of [Brennan Center for Justice](#) and the [Election Law Blog](#).

## **OTHER PROFESSIONAL EXPERIENCE**

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**Brennan Center for Justice at NYU School of Law**, New York, NY (2005–08, 2009–10).

*Counsel, Democracy Program.* Offered legislative and administrative counsel and pursued litigation to promote equal access to an effective vote. Representative litigation included:

- *Crawford v. Marion County Election Board* (Supreme Court; counsel for amici)
- *Johnson v. Bush* (Supreme Court; petition for certiorari)
- *Florida State Conference of the NAACP v. Browning* (11th Circuit; lead counsel)
- *Boustani v. Blackwell* (N.D. Ohio)
- *United States v. Village of Port Chester* (S.D.N.Y.; counsel for amici)

**Democratic National Committee**, Washington, DC (2008).

*National Voter Protection Counsel.* Co-managed presidential campaign's national voter protection program, directed substantive approach to election administration concerns, and oversaw recruitment and deployment of volunteer attorneys.

**America Coming Together**, Washington, DC (2004–05).

*In-House Counsel.* Provided legal support for national voter mobilization operation, focusing on election administration, campaign finance compliance, and employment law.

**Clark for President, Inc.**, Little Rock, AR (2003–04).

*Director of Strategic Targeting.* Conducted intensive analysis of voter files and directed targeting for voter contact programs; drafted and edited policy and political materials.

**U.S. Court of Appeals for the Ninth Circuit**, Los Angeles, CA (2002–03).

*Law Clerk to the Honorable Stephen Reinhardt.*

**Altshuler, Berzon, Nussbaum, Rubin & Demain**, San Francisco, CA (summer 2001).

*Summer Associate.* Drafted labor, environmental, and habeas case filings.

**Department of State, Office of War Crimes Issues**, Washington, DC (summer 2000).

*Legal Intern.* Supported ICC negotiations and ICTY prosecutions.

**McKinsey & Company**, Chicago, IL (1995–97).

*Business Analyst.* Developed quantitative and qualitative assessments of corporate performance and opportunities, and strategies for driving measurable improvement.

## **RELATED PROFESSIONAL SERVICE**

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Member, Advisory Committee, Los Angeles County Voting Systems Assessment Project