

# ANDREW COAN

Professor of Law  
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## ACADEMIC EMPLOYMENT

### James E. Rogers College of Law, University of Arizona

Professor of Law, 2014-present  
Associate Director, William H. Rehnquist Center on the Constitutional Structures of Government, 2014-present  
Courses: Civil Procedure, Constitutional Theory Seminar, American Public Law System, Procedure

### University of Wisconsin Law School

Associate Professor of Law (with tenure), 2013-2014  
Assistant Professor of Law, 2008-2013  
Courses: Constitutional Law I, Federal Jurisdiction, Civil Procedure, Constitutional Theory Seminar, Reproductive Freedom Seminar

### University of Michigan Law School

Visiting Assistant Professor of Law, Fall 2009-Spring 2010  
Courses: Constitutional Law, Federal Courts

### Stanford Law School

James C. Gaither Fellow & Lecturer-in-Law, Fall 2006-Summer 2008  
Courses: Federal Courts, Constitutional Litigation Seminar

## EDUCATION

Stanford Law School, J.D., 2005, Order of the Coif, with distinction; *Stanford Law Review*, Articles Editor; James C. Gaither Fellowship; Beinecke Memorial Scholarship for Graduate Studies in the Humanities and Social Sciences; Burton Award for Legal Achievement

University of Wisconsin-Madison, B.A., 2000, English and Philosophy; first in class (tie); Phi Beta Kappa; Mark Mensink Prize (top honors thesis); Distinguished English Student Award; National Merit Scholar

#### OTHER LEGAL EMPLOYMENT

Judge Richard A. Posner, United States Court of Appeals for the Seventh Circuit,  
Law Clerk, 2005-2006

Bingham McCutchen, Summer Associate, Litigation, 2004-2005

Faegre & Benson, Summer Associate, Litigation, 2004-2005

Baker & McKenzie, Summer Associate, Global Equity Services, 2003

#### PUBLICATIONS

##### Works in Progress

- *Federalism's Invisible Hand* (with Neil Komesar)
- *McCulloch v. Maryland and the Law of Constitutional Interpretation*

##### Books

- RATIONING THE CONSTITUTION: HOW JUDICIAL CAPACITY SHAPES SUPREME COURT DECISION-MAKING (Harvard University Press, forthcoming spring 2019)
- PROSECUTING THE PRESIDENT: HOW SPECIAL PROSECUTORS HOLD PRESIDENTS ACCOUNTABLE AND PROTECT THE RULE OF LAW (Oxford University Press, forthcoming fall 2018)

##### Academic Articles

- *Article III, Representation, and Remedies* (with David Marcus) 9 ConLawNOW 97 (2018)
- *Amending the Law of Constitutional Interpretation*, DUKE J. CON. L. & PUB. POL'Y 83 (2018)
- *The Foundations of Constitutional Theory*, 2017 WISC. L. REV. 833
- *Living Constitutional Theory*, 66 DUKE L.J. ONLINE 99 (2017)
- *Implementing Enumeration*, 57 WM. & MARY L. REV. 1985 (2016)
- *Judicial Capacity and Executive Power* (with Nicholas Bullard) 102 VA. L. REV. 765 (2016)
- *Difficulty of Amendment and Interpretive Choice* (with Anuj Desai), 1 J. INST. STUD. 6 (2015)
- *Commandeering, Coercion, and the Deep Structure of Federalism*, 95 B.U. L. REV. 1 (2015)
- *Judicial Capacity and the Conditional Spending Paradox*, 2013 WISC. L. REV. 339

- *Judicial Capacity and the Substance of Constitutional Law*, 122 YALE L.J. 422 (2012)
- *Is There a Constitutional Right to Select the Genes of One's Offspring?* 63 HASTINGS L. J. 233 (2011)
- *Toward a Reality-Based Constitutional Theory*, 89 WASH. U. L. REV. 273 (2011)
- *The Irrelevance of Writtenness in Constitutional Interpretation*, 157 U. PA. L. REV. 1025 (2010)
- *Assisted Reproductive Equality: An Institutional Analysis*, 60 CASE W. RES. L. REV. 1143 (2010) (invited symposium contribution)
- *Talking Originalism*, 2009 B.Y.U. L. REV. 847
- *Well, Should They?: A Response to If People Would Be Outraged by Their Rulings, Should Judges Care?*, 60 STAN. L. REV. 213 (2007)
- *Text as Truce: A Peace Proposal for the Supreme Court's Costly War over the Eleventh Amendment*, 74 FORDHAM L. REV. 2511 (2006)
- *The Legal Ethics of Release-Dismissal Agreements: Theory and Practice*, 1 STAN. J. OF C.R. & C.L. 371 (2005)

#### Other Legal Publications

- "Policing Executive Power," *San Francisco Daily Journal*, February 11, 2015 (with Nicholas Bullard)
- "Originalism and the Supreme Court," SCOTUSblog.com, October 7, 2011
- "Is Health Care Reform Unconstitutional? Why Both Sides Are Right (and Wrong) in the Debate over Limits on Federal Power," *National Law Journal*, January, 24, 2011
- "Fighting Faith-Based Spending in Court," *Los Angeles Times*, February 22, 2007, p. A19 (reprinted in *Christian Science Monitor* and *Dallas Morning News*).
- "ISO Firmer Footing? Justices Should Step Back From the Narrow Dispute and Rethink Article III Standing," *Legal Times*, March 12, 2007.
- "On War, Democrats Reduced to Posturing for 2008," *San Jose Mercury News*, March 19, 2007.
- "Politics Can End Legal Storm," *Daily Journal*, March 27, 2007, p. 6
- "Untenable Position," *Daily Journal*, April 3, 2007, p. 6

#### PRESENTATIONS

- *Amending the Law of Constitutional Interpretation*, Duke Law School, DUKE JOURNAL OF CONSTITUTIONAL LAW AND PUBLIC POLICY Roundtable, February 2018

- *Article III, Representation, and Remedies*, University of Akron Center for Constitutional Law Symposium, November 2017
- *Rationing the Constitution*, University of Arizona, Faculty Workshop, August 2017
- *Living Constitutional Theory*, Wisconsin Discussion Group on Constitutionalism, October 2016
- *The Foundations of Constitutional Theory*, University of Arizona, Faculty Workshop, August 2016
- *Implementing Enumeration*, University of Arizona, Faculty Workshop, April 2016
- *Implementing Enumeration*, UNLV, Faculty Workshop, April 2016
- *Difficulty of Amendment and Interpretive Choice*, University of Arizona, Faculty Workshop, February 2015
- *Judicial Capacity and Executive Power*, University of Arizona, QuantLaw Workshop, January 2015
- *Judicial Capacity and Executive Power*, International Seminar on Institutional Theory, National Federal University of Rio de Janeiro, November 2014
- *Commandeering, Coercion, and the Deep Structure of American Federalism*, University of Wisconsin, Institute for Legal Studies Faculty Workshop, January 2014
- *Commandeering, Coercion, and the Deep Structure of American Federalism*, University of Arizona Law School Faculty Workshop, November 2013
- *Commandeering, Coercion, and the Deep Structure of American Federalism*, Wisconsin Discussion Group on Constitutionalism, November 2013
- *Judicial Capacity and the Substance of Constitutional Law*, New York University Law School Constitutional Theory Seminar, October 2013
- *Comparative Institutional Analysis and Global Governance* (commentator), European University Institute, Robert Schuman Centre for Advanced Studies, May 2013
- *Judicial Capacity and the Conditional Spending Paradox*, University of Arizona Law School Faculty Workshop, March 2013
- *Judicial Capacity and the Conditional Spending Paradox*, Wisconsin Junior Faculty Workshop, November 2012
- *Judicial Capacity and the Conditional Spending Paradox*, Wisconsin Law Review Symposium, “30 Years of Comparative Institutional Analysis: A Celebration of Neil Komesar”
- *Judicial Capacity and the Substance of Constitutional Law*, University of Arizona Law School Faculty Workshop, April 2012
- *Judicial Capacity and the Substance of Constitutional Law*, Wisconsin Big Ideas Café, August 2012

- *Making Sense of the Spending Power After NFIB v. Sebelius*, Summer Supreme Court Workshop Series, University of Wisconsin Law School, July 2012
- *Is the Affordable Care Act Unconstitutional?*, University of Arizona Law School, April 2012 (Joint Federalist Society/American Constitution Society Panel Discussion)
- *Judicial Capacity and the Substance of Constitutional Law*, Wisconsin Discussion Group on Constitutionalism, November 2011
- *Judicial Capacity and the Substance of Constitutional Law*, Wisconsin Junior Faculty Workshop, December 2011
- *Article I and the Limits of Judicial Capacity*, Wisconsin Big Ideas Café, August 2011
- *Bond v. United States and the Meaning of Federalism*, Summer Supreme Court Workshop Series, University of Wisconsin Law School, July 2011
- *Is Health Care Reform Unconstitutional?*, Global Health Workshop, Wisconsin Global Legal Studies Center, April 2011
- *Current Issues in American Federalism*, University of Wisconsin Global Legal Studies Center (presentation to visiting delegation of Sri Lankan Supreme Court justices), April 2011
- *Is There a Constitutional Right to Select the Gene's of One's Offspring?*, University of Texas Constitutional and Legal Theory Colloquium, February 2011
- *Is the Repeal of Collective Bargaining Rights Unconstitutional?*, University of Wisconsin Forum on Governor's Budget Repair Bill (presenter and panelist at public forum)
- *The Future of Reproductive Freedom*, Wisconsin Junior Faculty Workshop, October 2010
- *Prolegomena to a Reality-Based Constitutional Theory (or Popular Sovereignty in Empirical Perspective)*, Midwest Constitutional Law Discussion Group, October 2010
- *The Future of Reproductive Freedom*, Wisconsin Big Ideas Café, August 2010
- *The Future of Reproductive Freedom*, Hastings Women's Law Journal Symposium, "Reproductive Rights, Human Rights, and the Human Right to Health," February 2010
- *Is There a Constitutional Right to Select the Gene's of One's Offspring?*, University of Michigan Law School, January 2010
- *The Future of Reproductive Freedom*, Case Western Reserve Law Review Symposium, "Reproductive Rights, Human Rights, and the Human Right to Health," January 2010
- *The Irrelevance of Writtenness in Constitutional Interpretation*, University of Michigan Law School, November 2009

- *The Irrelevance of Writtenness in Constitutional Interpretation*, Yale Law School, October 2009
- *The Irrelevance of Writtenness in Constitutional Interpretation*, Colorado Law Colloquium, October 2009
- *The Irrelevance of Writtenness in Constitutional Interpretation*, University of Wisconsin Law School, October 2009
- *The Interpretation Rider*, The University of Wisconsin Constitutional Law Discussion Group, October 2009
- *Meet the Author: In Reckless Hands* (commentator), Law and Society Association Annual Meeting, June 2009
- *Courts and Pluralism* (discussant), University of Wisconsin Global Legal Studies Center, October 2008
- *The Future of Reproductive Freedom*, University of Wisconsin-Platteville, September 2008
- *Constitutional Legal History* (moderator), Midwest Law & Society Retreat, September 2008
- *Popular Constitutionalism for Pragmatists*, University of Wisconsin Law School Big Ideas Cafe, August 2008
- *Minimalism in Legal Scholarship*, University of Oregon Law School, November 2007
- *Minimalism in Legal Scholarship*, University of Wisconsin Law School, November 2007
- *Minimalism in Legal Scholarship*, Stanford Law School Fellows Workshop, October 2007

#### GRANTS AND AWARDS

- University of Arizona, James E. Rogers College of Law, Summer Research Competition (2015, 2016, 2017, 2018)
- University of Wisconsin Graduate School Summer Research Competition (2009, 2010, 2011, 2012)
- University of Wisconsin Law School Summer Research Competition (2009, 2010, 2011, 2012, 2013)

#### SERVICE

- Associate Director, William H. Rehnquist Center on the Constitutional Structures of Government, 2014-present
- James E. Rogers College of Law, Peer Review Committee, 2018-present (elected)
- James E. Rogers College of Law, Faculty Appointments Committee, 2018-present
- James E. Rogers College of Law, Promotion and Tenure Committee, 2018-present

- Chair, James E. Rogers College of Law, Faculty Enrichment Committee, 2017-18; member, 2014-18
- Chair, James E. Rogers College of Law, Promotion and Tenure Committee, 2016-17
- Referee for American Journal of Political Science, University of Chicago Law Review, Cambridge University Press, Routledge Law, Peer Review Scholarship Marketplace
- James E. Rogers College of Law, Undergraduate Law Major Steering Committee, 2014-present
- University of Wisconsin Law School Academic Planning Council, 2013-2014 (elected by faculty vote)
- University of Wisconsin Law School Appointments Committee, 2012-14
- Co-chair, University of Wisconsin, Situational Analysis Committee, 2013-14
- Chair, University of Wisconsin Law School Judicial Clerkships Committee, 2010-2013; member, 2013-14
- Chair, University of Wisconsin Law School Student Awards Committee, 2010-14
- University of Wisconsin Employment at Graduation Task Force, 2011
- Co-Organizer, Wisconsin Law Review Symposium, 2012
- Co-Organizer, Wisconsin Discussion Group on Constitutionalism, 2011, 2013
- University of Minnesota Civil Rights Moot Court Competition, Faculty Advisor, 2010-2012
- University of Wisconsin Faculty Senate, 2008-2009
- University of Wisconsin Law School Admissions Committee, 2008-2009
- ABA Appellate Advocacy Moot Court Competition, Faculty Advisor, 2008-09