

KIMBERLY L. WEHLE¹
kwehle@ubalt.edu

EDUCATION

J.D., University of Michigan Law School Ann Arbor, MI
cum laude; Note Editor, Michigan Law Review

B.A., Cornell University Ithaca, NY
magna cum laude, English; Phi Beta Kappa; English department award for best honors thesis

PROFESSIONAL EXPERIENCE

University of Baltimore School of Law Baltimore, MD
Professor of Law (with tenure) 2009 - present
Teach courses on complex civil litigation skills and practice, including Civil Procedure, Administrative Law, Federal Courts, and Introduction to Legal Skills. Publish articles on executive power, federal jurisdiction, separation of powers, the privatization of government, and the use of private sector surveillance data and technologies for national security and law enforcement. Served as consultant to the Federal Bureau of Investigation's Biometric Center of Excellence on issues related to privacy and the Fourth Amendment. Developed software concept and secured provisional patent for "gamifying" litigation training for law students and lawyers. Taught Comparative Administrative Law at the University of Aberdeen in Aberdeen, Scotland, Summer 2016.

CBS News Washington, D.C.
On Air and Off-Air Legal Expert, Analyst and Commentator February 2019-present
Under an exclusive contract with CBS News for legal analysis, particularly as it relates to Trump and the Constitution.

BBC World News Washington, D.C.
Contributor February 2019-present

MSNBC, CNN, NPR, PBS November 2017-present
Frequent guest weekly commentator and legal expert on numerous prime-time shows on MSNBC, CNN, and NPR on various legal issues, with particular emphasis on the myriad constitutional questions raised in connection with the Robert Mueller investigation and the Trump Administration. For clips, see www.kimwehle.com.

The Hill September 2017-present
Regular Op-Ed Contributor.

The Bulwark January 2019-present
Regular Op-Ed and Podcast Contributor.

Miller Friel, PLLC Washington, D.C.

¹ Formerly Kimberly N. Brown.

Of Counsel

January 2017-present

Of counsel in boutique firm that specializes exclusively in maximizing corporate clients' return on their insurance coverage. Participate in all stages of civil litigation and arbitration across the country, in both state and federal courts.

Aegis Law Group, LLP

Washington, D.C.

Of Counsel

June 2017-present

Of counsel in boutique firm that specializes in white collar defense, compliance and internal investigations, and general civil litigation. Participate in all stages of civil and criminal process across the country, in both state and federal courts.

Wehle Law, LLC

Chevy Chase, MD

Principal

September 2015 - present

Provide appellate, criminal, and civil litigation counsel to support fluctuating demands of law firms as well as individual clients. Deep substantive expertise in federal administrative law, including *Chevron* and arbitrary and capricious review, as well as federal jurisdiction and civil procedure. Recent engagements include providing strategic advice in a case before the Federal Circuit involving the Tariff Act of 1930 and *Chevron* review; preparing briefs *amicus curiae* in the Redskins trademark appeal to the Fourth Circuit, in an appeal to the Federal Circuit in *Apple, Inc. v. Samsung Electronics Co., Inc.*, and in *State of West Virginia v. Environmental Protection Agency*, a challenge to the Obama Administration's Clean Power Plan in the D.C. Circuit; and drafting summary judgment briefs in a large-scale insurance recovery dispute involving complex choice of law and jurisdictional issues.

George Washington University Law School

Washington, D.C.

Visiting Professor of Law

2007 - 2009

Courses taught: Civil Procedure, Federal Courts, Administrative Law.

University of Oklahoma College of Law

Norman, OK

Associate Professor of Law

2006 - 2008

Courses taught: Civil Procedure, Federal Courts, Administrative Law.

Caplin & Drysdale, Chartered

Washington, D.C.

Of Counsel, Litigation Group

2000 - 2006

Represented candidates for national office in federal court litigation against the Federal Election Commission. Drafted pleadings and briefs, conducted discovery, and argued dispositive motions in federal court on behalf of creditor committees appointed in complex asbestos-related bankruptcy litigation pending in U.S. Bankruptcy Court, U.S. District Courts and U.S. Circuit Courts of Appeals. Served as lead counsel for an official committee of asbestos personal injury creditors in the Celotex Corporation's bankruptcy case.

Office of the United States Attorney

Washington, D.C.

Assistant United States Attorney, Civil Division

1997 - 1999

Represented numerous federal agencies in litigation docket of approximately 45 civil cases in U.S. District Court for the District of Columbia and the U.S. Court of Appeals for the D.C. Circuit.

Drafted pleadings, engaged in settlement negotiations, conducted discovery, and appeared in federal court on a near-daily basis for status conferences, motions hearings, and appellate arguments on a range of subject areas, including the Administrative Procedure Act, the Federal Torts Claims Act, the Freedom of Information Act, Title VII of the Civil Rights Act, the Rehabilitation Act, and the U.S. Constitution. Appearance before Judge Garland as counsel for the plaintiff-appellant in *Anderson v. Zubieta*, 180 F.3d 329 (D.C. Cir. 1999), was included on the Obama Administration’s short list of representative cases for bar review of his nomination to the United States Supreme Court.

Independent Counsel Kenneth W. Starr Washington, D.C.
Associate Independent Counsel, Whitewater Investigation 1996 - 1997
Participated in grand jury investigations. Drafted briefs filed in U.S. District Courts, U.S. Courts of Appeals, and the U.S. Supreme Court.

Federal Trade Commission Washington, D.C.
Staff Attorney, Bureau of Consumer Protection, Division of Enforcement 1995 - 1996
Conducted investigations of compliance with administrative orders relating to violations of federal consumer protection laws.

The Honorable Charles R. Richey Washington, D.C.
Law Clerk, United States District Court for the District of Columbia 1994 - 1995

Morrison Foerster San Francisco, CA
Summer Associate, Litigation Group Summer 1993

California Indian Legal Services Oakland, CA
Law Clerk Summer 1992
Provided specialized legal representation to Indians and Indian tribes on issues that included federal tribal recognition, the First Amendment, and individuals’ eligibility for public benefits.

BAR ADMISSIONS

Admitted in the District of Columbia and California. Admitted to practice in D.C., Federal, Second and Fourth Circuit Courts of Appeal as well as the U.S. District Court for the District of Columbia.

PUBLICATIONS

BOOKS

HOW TO READ THE CONSTITUTION—AND WHY (forthcoming HARPERCOLLINS June 2019).

WHAT YOU NEED TO KNOW ABOUT THE RIGHT TO VOTE—AND WHY (forthcoming HARPERCOLLINS July 2020).

THE OUTSOURCED CONSTITUTION: HOW BIG DATA SURVEILLANCE AND PRIVATIZED GOVERNMENT ERODE DEMOCRACY (forthcoming CAMBRIDGE UNIV. PRESS).

ARTICLES

Defining Lawmaking Power, 41 WAKE FOREST L. REV. 881 (2016).

Public Laws and Private Lawmakers, 93 WASH. U. L. REV. 615 (2016).

Insourcing, Data Outsourcing, and the Irrelevant Constitution, 49 GEORGIA L. REV. 607 (Spring 2015).

Anonymity, Faceprints, and the Constitution, 21 GEORGE MASON L. REV. 409 (Winter 2014).

“We the People,” Constitutional Accountability, and Outsourcing Government, 88 IND. L.J. 1347 (Fall 2013).

Government by Contract and the Structural Constitution, 87 NOTRE DAME L. REV. 491 (2011).

Presidential Control of the Elite “Non-Agency,” 88 N.C. L. REV. 71 (Dec. 2009).

Justiciable Generalized Grievances, 68 MARYLAND L. REV. 221 (2008).

What’s Left Standing? FECA Citizen Suits and the Battle for Judicial Review, 55 KANSAS L. REV. 677 (April 2007).

SELECTED OP-EDS²

Four Legal Takeaways from a Sad Day at the Supreme Court, THE HILL (Sept. 28, 2018).

Mueller’s Fate Without the Rosenstein Shield, THE HILL (Sept. 24, 2018).

Nice Idea, But 25th Amendment Is No Fix for a Dysfunctional Presidency, THE HILL (Sept. 11, 2018).

GOP’s Maneuvering During the Kavanaugh Confirmation Will Seriously Damage the Supreme Court’s Legitimacy, THINK, NBCNEWS.COM (Sept. 6, 2018).

Trump’s Gag Orders Undermine First Amendment, THE HILL (Aug. 19, 2018).

It’s Time We Start Thinking About a Post-Trump America, THE HILL (July 29, 2018).

Why Conservatives Should Support Roe v. Wade, THE HILL (July 08, 2018).

Trump Is Testing Constitutional Safeguards Against Unbridled Government Power, THE HILL (May 11, 2018).

² For a more complete (but not exhaustive) list of op-eds and media appearances, with links, see www.kimwehle.com and click on “IN THE NEWS.”

CDC Gag Order and the First Amendment, THE HILL (Dec. 22, 2017).

Presidential Plea Deal Is Better Than Impeachment, THE HILL (Dec. 8, 2017).

How Hollywood Is Better at Purging Sexual Predators Than Congress, THE HILL (Nov. 21, 2017).

Straight Talk About Gun Rights, THE HILL (Nov. 8, 2017).

Manafort and the Pardon Power, THE HILL (Nov. 3, 2017).

Constitutional Basics in the Age of Trump, THE HILL (Oct. 6, 2017).

#TakeAKnee Controversy and the First Amendment, THE HILL (Sept. 26, 2017).

Constitutional Implications of the iPhone X, THE HILL (Sept. 19, 2017).

DACA and the Power to Execute the Law, THE HILL (Sept. 8, 2017).

The Constitution Does Not Apply to a Private Military, THE HILL (Sept. 2, 2017).

Trump and the Pardon Power, BALTIMORE SUN (Aug. 28, 2017).

SELECTED PRESENTATIONS

Panelist, *Symposium on Presidential Lawmaking*, American University Washington College of Law (March 2019).

Panelist, *Delegations to Private Actors*, Antonin Scalia Law School, George Mason University (March 2019).

Panelist and Organizer, *Trump, the Mueller Investigation, and the Constitution: A Discussion with Chuck Rosenberg*, University of Baltimore School of Law (February 2019).

Panelist and Organizer, *Restoring the Promise of Democracy: A Panel Discussion on Electoral Reform with former U.S. Representative Donna Edwards*, University of Baltimore School of Law (October 2016).

Panelist and Organizer, *The Kavanaugh Confirmation Hearings*, University of Baltimore School of Law (October 2016).

Panelist, Constitution Day, *Trump, Mueller, Kavanaugh: The Constitutional Landscape Ahead*, University of Baltimore School of Law (October 2016).

Presenter, University of Copenhagen, CEVIA – Centre for Enterprise Liability, *Private Actors as Providers of Welfare and Security Services – Responsibility and Liability* (November 2016).

Panelist, *The 2015 Amendments to the Federal Rules of Civil Procedure Symposium: The View from the Bench and Bar*, University of Baltimore School of Law (September 2016).

Panelist, *Is Law Review Scholarship Passé?*, University of Baltimore School of Law, Conference: The Fate of Scholarship in American Law Schools (March 2016).

Panelist, Teleforum, *The 21st Century PUC: Dealing with Disruption*, New York Law School Advanced Communications Law & Policy Institute (Feb. 2016).

Presenter, *Due Process and Administrative Adjudications*, District of Columbia Office of Administrative Hearings Judiciary (May 2015).

Presenter, *Insourcing, Data Outsourcing, and the Irrelevant Constitution*, University of Baltimore School of Law (2014).

Panelist, *The Privatization of America*, American Constitution Society for Law and Policy (ACS) Convention; Washington, D.C. (June 2014).

Presenter, *Procedural Due Process and Administrative Adjudications: An Analytic Framework*, District of Columbia Association of Administrative Law Judiciary (June 2014).

Panelist, *Constitution Day SCOTUS Preview Panel*, University of Baltimore School of Law (2013 & 2014).

Participant, *Madness or Badness: Duran and the Evolution of the Insanity Defense in the D.C. Circuit*; The Historical Society of the District of Columbia Circuit and the Litigation Section of the District of Columbia Bar; Ceremonial Courtroom of the E. Barrett Prettyman U.S. Courthouse; Washington, D.C. (2012).

Moderator, *Precedent on the U.S. Supreme Court: Theory and Practice*; panel entitled, “The Normative Foundations of Constitutional Precedent,” University of Baltimore School of Law (2012).

Moderator, *Trends in the Legal Market: An Evolving Landscape*, University of Baltimore School of Law (2012).

Moderator, *Center on Applied Feminism’s Fifth Annual Feminist Legal Theory Conference: Applied Feminism and Democracy*; panel entitled, “Reflecting on the Experiences of Muslim Women as the Arab Spring Moves to Winter,” University of Baltimore School of Law (2012).

Presenter, *“We the People” and Constitutional Accountability: A Path for Delimiting Privatized Government*, University of Baltimore School of Law (2011).

Presenter, *Government by Contract and the Constitutional Continuum*, University of Baltimore School of Law (2011).

Moderator, *A Vision for Voting: Celebrating 45 Years, Creating a Vision for the Future*, University of Baltimore School of Law (2010).

Presenter, *Privatization and the Structural Constitution*, University of Baltimore School of Law (2010).

Moderator, *George Washington University Law Review's Annual Scholar's Review of Administrative Law*, 2008 ABA Administrative Law Conference, Washington, D.C. (2008).

OTHER

Peer Reviewer, COLUMBIA LAW REVIEW (2019).

Member, Facial Recognition Task Force, The Constitution Project at POGO (2018).

Peer Reviewer, Netherlands Organisation for Scientific Research, Innovational Research Incentives Scheme Veni Grant (2017).

Participated in review of the nomination of Judge Merrick Garland for the United States Supreme Court at the request of the ABA Standing Committee on Federal Judiciary and the Executive Committee of the New York City Bar.

Peer Reviewer, CAMBRIDGE UNIVERSITY PRESS (2016).

Peer Reviewer, Netherlands Organisation for Scientific Research, Innovational Research Incentives Scheme Veni Grant (2016).

Peer Reviewer, STANFORD LAW REVIEW (2013).

REFERENCES

Available upon request.