

KIMBERLY L. WEHLE
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TEACHING EXPERIENCE

University of Baltimore School of Law
Professor (with tenure)

Baltimore, MD
2009 – present

Teach Civil Procedure, Constitutional Law, Administrative Law, Federal Courts, and Supreme Court Seminar. Taught Comparative Administrative Law at the University of Aberdeen in Aberdeen, Scotland, Summer 2016.

American University Washington College of Law
Visiting Professor of Law and Fellow in Law and Government

Washington, D.C.
July 2022-July 2023
January 2020-June 2020

Teach Civil Procedure, Federal Courts, Election Law, American Political Process, Supreme Court Seminar.

George Washington University Law School
Visiting Professor of Law

Washington, D.C.
2007 – 2009

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

University of Oklahoma College of Law
Associate Professor of Law

Norman, OK
2006 – 2007

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

ACADEMIC AWARDS

2022 University of Baltimore School of Law Faculty Scholarship Award for Public Discourse.

2020 University System of Maryland Board of Regents Faculty Award for Excellence in Research.

EDUCATION

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

Ann Arbor, MI (1993)

B.A., Cornell University

Ithaca, NY (1990)

magna cum laude, English; Phi Beta Kappa; English department award for best honors thesis on Flannery O'Connor.

OTHER RELEVANT EXPERIENCE

ABC News
Legal Contributor

Washington, D.C.
June 2022-present

Levy Firestone Muse
Of Counsel

Washington, D.C.
January 2023-September 2023

CBS News
On Air and Off-Air Legal Expert, Analyst and Commentator

Washington, D.C.
February 2019-August 2020

BBC World News
Contributor

Washington, D.C.
February 2019-present

MSNBC, CNN, NPR, PBS, Fox News, Newsy, C-SPAN
Frequent guest commentator and legal expert.

November 2017-present

POLITICO

Regular Op-Ed Contributor

January 2020-present

The Atlantic

Regular Op-Ed Contributor

October 2019-present

All pieces are at: <https://www.theatlantic.com/author/kim-wehle/>.

The Bulwark

Regular Op-Ed and Podcast Contributor

January 2019-present

All pieces are at <https://thebulwark.com/author/kimwehle/>.

The Hill

Regular Op-Ed Contributor

September 2017-present

Protect Democracy

Advisor

Spring 2020-present

Consult on and join as signatory on briefs filed in cases of constitutional significance, including *Trump v. Vance* (SCOTUS 2020), and *Committee on the Judiciary of the House of Representatives v. McGahn* (D.C. Cir. 2020).

Miller Friel, PLLC Of Counsel	Washington, D.C. January 2017-April 2021
Caplin & Drysdale, Chartered Of Counsel, Litigation Group	Washington, D.C. 2000 - 2006
Office of the United States Attorney Assistant United States Attorney, Civil Division	Washington, D.C. 1997 - 1999
Independent Counsel Kenneth W. Starr Associate Independent Counsel, Whitewater Investigation	Washington, D.C. 1996 - 1997
Federal Trade Commission Staff Attorney, Bureau of Consumer Protection, Division of Enforcement	Washington, D.C. 1995 - 1996
The Honorable Charles R. Richey Law Clerk, United States District Court for the District of Columbia	Washington, D.C. 1994 - 1995

PUBLICATIONS

Books

HOW THE PARDON POWER WORKS—AND WHY (forthcoming WOODHALL PRESS Summer 2024).

HOW TO THINK LIKE A LAWYER AND WHY: A COMMON-SENSE GUIDE TO EVERYDAY DILEMMAS (HARPERCOLLINS 2022).

WHAT YOU NEED TO KNOW ABOUT VOTING—AND WHY (HARPERCOLLINS June 2020).

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

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

Scholarly Articles

The Stealth Posture of the Ninth Amendment: Could Federalism Swallow Unenumerated Rights?, U. MD. L. REV. (forthcoming Fall 2023).

Executive Accountability Legislation from Watergate to Trump—and Beyond, 7 U. OF PA. J. L. & PUB. AFFAIRS 37 (with Jackson Garrity) (2021).

“Law and” the OLC’s Article II Immunity Memos, 32 STAN. L. & POL’Y REV. 1 (2020).

Defining Lawmaking Power, 41 WAKE FOREST L. REV. 881 (2016).¹

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-eds

Trump Says He Has Immunity. Will the Supreme Court Beg to Differ?, POLITICO MAGAZINE (August 22, 2023).

Accountability is Everything, ATLANTIC (June 10, 2023).

The Supreme Court Just Keeps Deciding It Should be Even More Powerful, ATLANTIC (March 23, 2023).

The Supreme Court’s Extreme Power Grab, ATLANTIC (July 19, 2022).

Trump’s Pardon Abuses Expose the Myth of Unlimited Presidential Power, POLITICO (June 22, 2022).

The Best Hope for Fixing America’s Gun Crisis, ATLANTIC (June 19, 2022).

The Cost of Not Indicting Trump Is Now a Presidency Without Guardrails, POLITICO (April 21, 2022).

What We Keep Getting Wrong About Abortion, ATLANTIC (May 10, 2022).

How the Court Became a Voting Rights Foe, ATLANTIC (Feb. 23, 2022).

The Sleeper SCOTUS Case That Threatens the Separation of Church and State, ATLANTIC (Oct. 14, 2021).

SELECTED PRESENTATIONS

Moderator, *Debate on Supreme Court Reform* (with Neal Katyal and Jeffrey Rosen), Johns Hopkins Stavros Niarchos Foundation SNF Agora Institute, Johns Hopkins University, Baltimore Maryland (April 2023).

Panelist, *Independent Agencies*, Penn Federalist Society Symposium, University of Pennsylvania Law School, Philadelphia, PA (March 2023).

Presenter, *Supreme Court Roundup and the Implications for Democracy*, People for the American Way, Washington, D.C. (July 2023).

Presenter, *The Executive Pardon Power*, GARI Research Symposium, GLOBAL ACADEMIC RESEARCH INSTITUTE, Paris, France (September 2022).

Commencement Speaker, *How Ted Lasso Can Help Heal America*, Rockford University, Rockford, IL (May 2022).

Speaker, *Election Law and The Supreme Court*, Maryland State Bar Association Annual Meeting, Ocean City, MD (June 2022).

Panelist, *The State of Voting Rights Today*, National Constitution Center (May 2021).

Featured Speaker, *How to Read the Constitution—and Why*, Virginia Military Institute (March 2021).

Featured Speaker, *How to Read the Constitution—and Why*, The John Adams Institute, Amsterdam, Netherlands (March 2020).

Featured Speaker, *How to Read the Constitution—and Why*, The Montesquieu Institute, The Hague, Netherlands (March 2020).

Featured Speaker, *How to Read the Constitution—and Why*, YPO, Amsterdam, Netherlands (March 2020).

Featured Speaker, *How to Read the Constitution—and Why*, University of Amsterdam, Amsterdam, Netherlands (March 2020).

Panelist, *Trumpeachment: The Law, The Politics, The National Divide*, The Federalist Society for the American University Washington College of Law (February 2020).

Panelist, *Should President Trump Be Impeached? Part One*, National Constitution Center, Philadelphia, PA (December 2020).

Panelist, *Symposium on a Fair and Impartial Judiciary*, Rendell Center for Civics and Civic Engagement, University of Pennsylvania Law School, Philadelphia, PA (October 2019).

Featured Speaker, *How to Read the Constitution—and Why*, Oberlin College, Oberlin, OH (September 2019).

Speaker, *Trump and the Constitution*, Maryland State Bar Association Annual Meeting, Ocean City, MD (June 2019).

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, *The Kavanaugh Confirmation Hearings*, University of Baltimore School of Law (October 2018).

Panelist, Constitution Day, *Trump, Mueller, Kavanaugh: The Constitutional Landscape Ahead*, University of Baltimore School of Law (October 2018).

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

OTHER

Advisor, The Rendell Center for Civics and Civic Engagement, The Annenberg Public Policy Center of the University of Pennsylvania.

Host/Interviewer, #SimplePolitics on IGTV @kimwehle, and on YouTube.

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).

Representative legal experience:

- Drafted, solicited other law faculty signatories, and filed in U.S. Court of Appeals for the D.C. Circuit an amicus brief in *Citizens for Responsibility in Ethics in Washington v. FEC* (2021), regarding the proper presumptions that apply to agency action under the Administrative Procedure Act.
- Represented amicus in *TC Heartland LLC v. Kraft Foods Group Brands, LLC* (SCOTUS 2017), regarding venue in patent-infringement cases.
- Co-drafted amicus brief in the U.S. Court of Appeals for the Federal Circuit in *Apple v. Samsung Electronics* (2015) on issues relating to the interests of the smartphone industry.
- Drafted amicus brief in the U.S. Court of Appeals for the Fourth Circuit with Williams & Connolly's Lisa Blatt in *Pro-Football, Inc., v. Blackhorse* (2015), on behalf of Native Americans who supported the Redskins name as part of their cultural heritage.

BAR ADMISSIONS

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