

(August 2020)

Mariano-Florentino (Tino) Cuéllar

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EDUCATION

STANFORD UNIVERSITY, Stanford, CA

Ph.D. 2000 Political Science (1994-1995; 1999-2000)

Teaching: Intro. to American Law (Head Teaching Assistant), American Politics & Policy

Fields: Organizations; American Politics & Policy; International & Comparative Politics

A.M. 1996 Political Science (1994-1995)

YALE LAW SCHOOL, New Haven, CT

J.D. 1997 (1993-1994; 1996-1997)

HARVARD COLLEGE, Cambridge, MA

A.B. 1993 Government & Political Psychology, *Magna Cum Laude* (1990-1993)

PROFESSIONAL EXPERIENCE

SUPREME COURT OF CALIFORNIA, San Francisco, CA (2015-present)

Justice (2015-present)

- Nominated by Gov. Jerry Brown and retained in the November 2014 statewide election (with 67.7% of 5.3 million votes cast) to serve on the highest court of the country's largest judiciary. Opinions address separation of powers, federalism, public finance, education, environment and land use, privacy and technology, criminal justice, health law, regulation, and other matters.
- As Chair of the Implementation Task Force on Language Access (2015-2019), managed language access policy implementation and reform in California's courts to better meet the needs of over 7 million limited English speakers, including \$30 million in new annual funding for interpreters (for a total of \$121 million) financing interpreters in civil and criminal proceedings, technology oversight, public and legislative outreach, data collection, and long-term strategic planning. Also serve as Chair of the Publication Committee (2018-present).

STANFORD UNIVERSITY, Stanford, CA (2001-present)

Stanford Law School and School of Humanities and Sciences (2001-present)

Herman Phleger Visiting Professor, Law School (2015-present)

Stanley Morrison Professor of Law, Law School (2012-2015)

Professor (by courtesy) of Political Science, School of Humanities & Sciences (2010-2015)

Professor of Law and Deane Johnson Faculty Scholar, Law School (2007-2012)

Associate Professor of Law, Law School (2003-2006)

Assistant Professor of Law, Law School (2001-2003)

Freeman Spogli Institute for International Studies (2004-2015)

Director, Freeman Spogli Institute for International Studies (2013-2015)

Co-Director, Center for International Security and Cooperation (2011-2013)

Senior Fellow, Freeman Spogli Institute for International Studies (2010-2015)

Executive Committee, Center for International Security and Cooperation (2007-2015)

Director, Honors Program in International Security Studies (2004-2006)

- Led a staff of 250 employees and a faculty of 50 scholars as Director of the Freeman Spogli Institute, Stanford's principal institution for research, education, and policy outreach on international affairs. Managed an annual budget of \$35 million for an institution with a \$200

million endowment, graduate and undergraduate programs in international affairs, and 12 centers and programs on governance and development, international security, health policy, food security and the environment, education policy, and contemporary Asia, as well as the Stanford Center at Peking University. Expanded the Institute's research and initiatives on global poverty and development, nuclear security, cybersecurity, health policy, migration and climate policy, and Latin America, and established new partnerships with the UN High Commissioner for Refugees (to improve refugee resettlement planning), the Stanford Graduate School of Business (to spur applied research on global poverty alleviation), and the Stanford Graduate School of Education (to enhance knowledge of effective interventions in rural education). Previously led the Institute's Center for International Security and Cooperation (CISAC), and directed the Institute's Honors Program in International Security Studies.

- Served as Faculty Director, Stanford University Cyber Initiative (2014-2015); Faculty Co-Director, Stanford University Global Development and Poverty Initiative (2013-2015); Chair, Law School Appointments Committee (2008-2009; member 2012); Chair, Law School Research Workshops (2004-2006); and member, Provost's Task Force on Systemic Social Change and Public Policy (2013-2014), Haas Center for Public Service Faculty Steering Committee (2007-2008), John Gardner Public Service Fellowship Selection Committee (2006-2008), Law School Building Committee (2006-2008, 2010-2012), Graduate and International Programs Committee (2004-2008), Law and Public Policy Committee (2004-2008), and Admissions Committee (2001-2003).
- Research interests focus on how change happens in areas of law and policy particularly affected by complex organizations and political economy, including administrative law and legislation, cyberlaw and artificial intelligence, public health and safety law, environmental and regulatory policy, and international affairs (international security and international law, law and development, migration and citizenship, and transnational regulatory and criminal enforcement). Courses taught include Administrative Law; Legislation and Administration; Executive Power; Legislation; Regulating Artificial Intelligence; Criminal Law; International Criminal Law; International Law Theory; Citizenship and the State; Pivotal Moments in the History of American Institutions and Public Law; International Security; Rethinking Refugee Communities; and Law and Development: Poverty, Institutions, and Geopolitics.

U.S DEPARTMENT OF EDUCATION, Washington, DC (2011-2013)

Co-Chair, Equity and Excellence Commission

- Co-chaired the Department's congressionally-chartered commission to analyze disparities in meaningful educational opportunities giving rise to the achievement gap in U.S. public education, with a focus on systems of finance. Delivered a unanimous report to the Secretary of Education from 27 commissioners, focusing on federal, state, and local policy changes, and including a roadmap for reform of the No Child Left Behind Act that Congress partially enacted in the Every Student Succeeds Act.

THE WHITE HOUSE, DOMESTIC POLICY COUNCIL, Washington, DC (2009-2010)

Special Assistant to the President for Justice and Regulatory Policy

- Led the White House Domestic Policy Council staff and interagency teams working to implement the President's justice and regulatory policy agenda (civil and criminal justice; public health; regulatory reform; rural education, development, and natural resource/agricultural policy; and immigration) through presidential decisions, budget plans, agency actions, and legislative changes. Led working groups on food safety and public health, sentencing, technology and law enforcement, civil rights, rural and agricultural policy, and immigrant integration. Adjudicated disputes between federal agencies with overlapping jurisdiction, including on seafood safety response following the Deepwater Horizon oil spill.

- Advised the President and senior White House officials on civil and criminal justice (including agency budgets, state and local law enforcement assistance, technology and regulatory issues affecting law enforcement, federal sentencing policy, youth violence prevention, equal pay issues, and repeal of the military's Don't Ask/Don't Tell policy), public health and food safety (including passage and implementation of the Food Safety Modernization Act and the Family Smoking Prevention and Tobacco Control Act, public health preparedness and response, and matters involving the Food and Drug Administration), and immigration.

OBAMA-BIDEN TRANSITION PROJECT, Washington, DC (2008-2009)

Co-Chair, Immigration Policy Working Group

- Led the presidential transition staff and advisers working on immigration, border, and refugee policy. Supervised the production of legal analyses, legislative proposals, agency reviews, and planning efforts on national security and foreign policy issues involving immigration, citizenship and immigration services, immigrant integration and education, migration and the economy, and refugees. Briefed the President and cabinet nominees.

U.S. COURT OF APPEALS FOR THE NINTH CIRCUIT, Phoenix, AZ (2000-2001)

Law Clerk to Chief Judge Mary M. Schroeder

U.S. DEPARTMENT OF THE TREASURY, Washington, DC (1997-1999)

Senior Advisor to the Under Secretary (Enforcement), Office of Enforcement

- Provided counsel on agency administrative and regulatory functions, led inter-agency negotiations, and worked on budget and legislative plans to support the Under Secretary (Enforcement), the Secretary, and other senior Treasury officials in implementing Department priorities for disrupting money laundering, investigating financial crimes, administering economic sanctions and firearms policies, managing trade and border inspections, and enhancing cooperation with other governments to prevent and investigate financial offenses. Led a department-wide review of Treasury's financial crime enforcement and prevention activities and presented recommendations to the Secretary. Co-chaired the Initiatives Subcommittee of the U.S. Attorney General's Council on White Collar Crime. Represented Treasury at National Security Council meetings on Haiti.

Short-Term Visiting Positions: New York University, New York, NY – Distinguished Jurist in Residence (taught Crises of Democracy, Globalization, and Technology) (2018-2020, February); Harvard University, Cambridge, MA – Visiting Professor of Law (taught Frontiers of Cyberlaw: Artificial Intelligence, Information Security, and Human Computer Interaction)(2016-2017, January).

Earlier Positions (Before Law School Graduation): Council of Economic Advisers, Executive Office of the President, Washington, DC – Research Staff Intern (1996, summer); Stanford University, Department of Political Science, Stanford, CA – Graduate Research Assistant (1994-1995); White House Domestic Policy Council, Washington, DC – Intern (1994, summer); U.S. Senate, Office of Senator Barbara Boxer, Washington, DC – Legal Intern (1994, summer); Yale University General Counsel's Office, New Haven, CT – Legal Intern (1994); Upward Bound Program, San Diego State University, San Diego, CA – Youth Coordinator (1993, summer); American Bar Foundation, Chicago, IL – Undergraduate Research Fellow (1992, summer); University of California, Berkeley, CA – Research Assistant, Graduate School of Education (1991, summer).

SELECTED PUBLIC SERVICE AND PROFESSIONAL ACTIVITIES

A. Current Activities

Harvard University — The President and Fellows of Harvard College (the Harvard Corporation) (2019-present), **Board of Overseers** (2017-2019)

Corporation committees: Facilities and Capital Planning, Shareholder Responsibility, Honorary Degrees (chair)

Overseers and visiting committees: Institutional Policy (2017-2019), Social Science (2017-2019), Medical School (2018-2019), International and Area Studies (chair) (2018-2019), Graduate School of Design (2017-2018)

Stanford Human-Centered Artificial Intelligence Institute — Advisory Board (2019-present)

AI Now Institute at New York University — Chair, Advisory Board (2017-present)

Center for Advanced Study in the Behavioral Sciences at Stanford University — Chair, Board of Directors (2015-present; chair since 2016)

Board committees: Executive (chair), Nominations and Governance, Academic Affairs

Stanford Graduate School of Business, Institute for Innovation in Developing Economies (Stanford Seed) — Chair, Advisory Board (2015-present; chair since 2017)

The William and Flora Hewlett Foundation — Board of Directors (2014-present)

Board committees: Investment, Nominations and Governance, Audit, Education, U.S. Democracy, Environment, Rethinking the Economy

American Law Institute — Council (Board of Directors) (2014-present; member since 2008)

Board committees: Early Career Scholars Award (chair), Nominations

B. Past Activities

American Bar Foundation — Board of Directors (2012-2017)

Hoover Institution — Task Force on American Foreign Policy (2013-2015)

American Constitution Society — Board of Directors (2011-2015; resigned because of judicial service)

The Constitution Project — Board of Directors (2010-2015; resigned because of judicial service)

American Association of Law Schools — Administrative Law Section Executive Committee (2010-2015), **Presidential and Officer Nominating Committee** (2014)

Administrative Conference of the United States — Council (appointed by President Obama, 2010-2015; resigned because of judicial service)

Democratic Party — National Platform Drafting Committee (2012)

Asylum Access — Board of Directors (2007-2008; resigned because of government service)

OMB Watch — Task Force on Government Management of the Regulatory Process (2008)

Santa Clara County Bar Association, President’s Commission on Diversity in the Legal Profession – Commissioner (2006 - 2007)

City of Mountain View, California — Pro Bono Legal Consultant and Member, Mayor’s Award Jury (2003)

Silicon Valley Blue Ribbon Task Force on Aviation Security — Commissioner (2002)

San Francisco Lawyers’ Committee for Civil Rights, Asylum Pro Bono Program — Volunteer Lawyer (1999 - 2000)

SCHOLARLY RESEARCH AND PUBLICATIONS

A. Books and Monographs

GOVERNMENT BY ALGORITHM: ARTIFICIAL INTELLIGENCE IN FEDERAL ADMINISTRATIVE AGENCIES (Admin. Conf. of the U.S., 2020)(with David Engstrom, Daniel Ho, and Cathy Sharkey)

ADMINISTRATIVE LAW: THE AMERICAN PUBLIC LAW SYSTEM - TEACHERS' MANUAL (8th ed., West 2020)(with Jerry Mashaw, Richard Merrill, Peter Shane, Elizabeth Magill, and Nicholas Parrillo)(and earlier editions)

ADMINISTRATIVE LAW: THE AMERICAN PUBLIC LAW SYSTEM (8th ed., West 2019)(with Jerry Mashaw, Richard Merrill, Peter Shane, Elizabeth Magill, and Nicholas Parrillo)(and earlier editions)

GOVERNING SECURITY: THE HIDDEN ORIGINS OF AMERICAN SECURITY AGENCIES (Stanford Univ. Press, 2013)(Outstanding Academic Title Award, *Choice: Current Reviews for Academic Libraries*)

B. Scholarly Articles and Book Chapters

Economies of Surveillance, 133 HARV. L. REV. 1280 (2020)(with Aziz Huq)

Privacy’s Political Economy and the State of Machine Learning, 73 ANN. SURV. AM. LAW ___ (2020) (with Aziz Huq)

Arguing Over Algorithms: Mapping the Dilemmas Inherent in Operationalizing “Ethical” Artificial Intelligence, in OXFORD HANDBOOK OF LAW AND ALGORITHMS (Woodrow Barfield, ed., Oxford Univ. Press 2020)(with Robert MacCoun)

Twentieth Century America as a Developing Country: Conflict, Institutional Change, and the Evolution of Public Law, 57 HARV. J. LEGIS. 25 (2020) (with Margaret Levi and Barry Weingast)

The Political Economy of the Opioid Crisis, 38 YALE LAW & POL'Y REV 1 (2020) (with Keith Humphreys)

A Common Law for the Age of Artificial Intelligence: Incremental Adjudication, Institutions, and Relational Non-Arbitrariness, 119 COLUM. L. REV. 1773 (2019)

From Doctrine to Safeguards in American Constitutional Democracy, 65 UCLA L. REV. 1398 (2018)

The Federal Judiciary: Strengths and Weaknesses, by Richard A. Posner (Review), 16 PERSP. ON POLITICS 838 (2018)

Adaptation Nation: Three Pivotal Transitions in American Law and Society Since 1890, 70 OKLA. L. REV. 321 (2017)(The Henry Lecture, University of Oklahoma)

A Simpler World? On Pruning Risks and Harvesting Fruits in an Orchard of Whispering Algorithms, 51 UC DAVIS L. REV. 27 (2017)(Keynote Address, UC Davis Law Review Symposium)

Beyond Weber: Law and Leadership in an Institutionally Fragile World, 69 STAN. L. REV. 1781 (2017)

Cyberdelegation and the Administrative State, in ADMINISTRATIVE LAW FROM THE INSIDE OUT: ESSAYS IN HONOR OF JERRY L. MASHAW (Nicholas Parrillo, ed., Cambridge Univ. Press, 2017)

Economic Analysis of Regulation, in OXFORD HANDBOOK OF LAW AND ECONOMICS (Francesco Parisi, ed., Oxford Univ. Press 2017)(with Jerry Mashaw)

Humanitarian Innovation, Integration, and the Architecture of Refugee Protection, in MIGRATION AND INTEGRATION (Roland Hsu and Christopher Reinprecht, eds., Univ. of Vienna Press)(2016)(with Alexander Betts and Aparna Surendra)

James Landis and the Dilemmas of Administrative Government, 83 GEO. WASH. L. REV. 1330 (2015)

Administrative War, 82 GEO. WASH. L. REV. 1343 (2014)(article selected as foreword for annual administrative law issue)

Modeling Partial Autonomy in Public Health Policymaking, 15 THEORETICAL INQUIRIES IN LAW 471 (2014)

Less Than the Sum of Its Parts: Institutional Realities and Legal Aspirations in Early Twenty-First Century American Immigration, 18 CITIZENSHIP STUD. 141 (2014)

Institutions, Interests, and Incentives in American Food and Agriculture Policy, in THE EVOLVING SPHERE OF FOOD SECURITY (Rosamond L. Naylor, ed., Oxford Univ. Press, 2014) (with David Lazarus, Walter P. Falcon, and Rosamond L. Naylor)

Coalitions, Autonomy, and Regulatory Bargains in Public Health Law, in PREVENTING CAPTURE; SPECIAL INTEREST INFLUENCE IN POLICYMAKING AND HOW TO LIMIT IT (Daniel Carpenter and David Moss, eds., Cambridge Univ. Press, 2013)

American Executive Power in Historical Perspective, 36 HARV. J. LAW & PUB. POL'Y 53 (2013)

Earmarking Earmarking, 49 HARV. J. LEGIS. 249 (2012)

The Political Economies of Immigration Law, 2 U.C. IRVINE L. REV. 1 (2012)

Envisioning a Responsive Regulatory State: An American Perspective on Administrative Process and Regulatory Policy, ANNUAL PROCEEDINGS OF THE ITALIAN ASSOCIATION OF ADMINISTRATIVE LAW PROFESSORS 153 (2011)

The Arms of Democracy: Economic Security in the Nation's Broader National Security Agenda, in SHARED RESPONSIBILITY, SHARED RISK: GOVERNMENTS, MARKETS, AND SOCIAL POLICY IN THE TWENTY-FIRST CENTURY (Jacob Hacker and Ann O'Leary, eds., Oxford Univ. Press 2011) (with Connor Raso)

The Institutional Logic of Preventive Criminal Enforcement, in PROSECUTORS IN THE BOARDROOM (Anthony Barkow and Rachel Barkow, eds., NYU Press 2011)

From Federal Security to Homeland Security: Law, Politics, and Organization in the American Security Agenda, THE LEGAL WORKSHOP: U. CHI. L. REV. (May 31, 2010)

"Securing" the Nation: Law, Politics, and Organization at the Federal Security Agency, 1939-1953, 76 U. CHI. L. REV. 587 (2009)

The Political Economies of Criminal Justice, 75 U. CHI. L. REV. 941 (2008)

The Limits of the Limits of Idealism: Rethinking American Refugee Policy in an Insecure World, 1 HARV. L. & POL. REV. 401 (2007)

The Untold Story of Al Qaeda's Administrative Law Dilemmas, 91 MINN. L. REV. 1302 (2007) (reprinted in the 2007 selection of the ten best pieces of legal scholarship on global justice and security, published by Oxford Univ. Press)

Crisis Bureaucracy: Homeland Security and the Political Design of Legal Mandates, 59 STAN. L. REV. 673 (2006)(with Dara Cohen and Barry Weingast)

Auditing Executive Discretion, 82 NOTRE DAME L. REV. 227 (2006)

Refugee Security and the Organizational Logic of Legal Mandates, 37 GEO. J. INT'L L. 583 (2006)

Rethinking Regulatory Democracy, 57 ADMIN. L. REV. 411 (2005)

Reflections on Sovereignty and Collective Security, 40 STAN. J. INT'L L. 211 (2004)

The Mismatch Between State Power and State Capacity in Transnational Law Enforcement, 22 BERKELEY J. INT'L L 15 (2004)

The International Criminal Court and the Political Economy of Antitreaty Discourse, 55 STAN. L. REV. 1597 (2003)

The Tenuous Relationship Between the Fight Against Money Laundering and the Disruption of Criminal Finance, 93 J. CRIM. L. & CRIMINOL. 311 (2003)

Past as Prologue: International Civil Aviation Agreements as Precedents for International Cooperation Against Cyber Terrorism and Cyber Crime, in INTERNATIONAL APPROACHES TO

COOPERATION AGAINST CYBER CRIME AND CYBER TERRORISM (Abraham D. Sofaer and Seymour Goodman, eds., Hoover Institution Press 2001)

C. Works in Progress

Democratic Regulation of Artificial Intelligence: A Prolegomenon (with Aziz Huq)

How Would AI Regulation Change Firms' Behavior? Evidence From Thousands of Managers (with Yong Suk Lee, Benjamin Larson, and Michael Webb)

Taming Systemic Corruption: The American Story in Global Perspective (with Matthew Stephenson)

Herbert Simon's Law: Organized Reason, Artificial Cognition, and the Political Economy of Institutions

Toxic Flower: Institutions and Social Choice in a Time of Climate Change, Nuclear Risk, and Artificial Intelligence

Weberian Statutory Interpretation and Political Economy

D. Dissertation

THE RULE OF LAW IS THE TIP OF THE ICEBERG: POLITICAL RESPONSES TO INTERPRETIVE DECISIONMAKING IN UNITED STATES CRIMINAL PROCEDURE, FEDERAL PREEMPTION, AND INTERNATIONAL FINANCE, Stanford University, Department of Political Science (2000) (Committee: Barry Weingast, John Ferejohn, and David Brady)

E. Other Publications

What To Do About Artificially-Intelligent Government, THE HILL (Feb. 25, 2020)(with David Engstrom, Dan Ho, and Cathy Sharkey)

Interview with Justice Mariano-Florentino Cuéllar of the Supreme Court of California, 22 HARV. LATINX L. REV. 1 (2019)

Lessons From the Old El Centro Courthouse, CALMATTERS (Jun. 16, 2019)

How to Ensure Equal Access to the Courts When We Speak 200 Languages, CALMATTERS (Feb. 3, 2019); also published in twelve other California media outlets

Reconciling Law, Ethics, and Artificial Intelligence: The Difficult Work Ahead, STANFORD HAI NEWS & BLOG (Jan. 26, 2019)

Access to Justice in Any Language, DAILY JOURNAL (Apr. 23, 2018)

An Attack on the Integrity and Independence of California Courts, THE RECORDER (March 26, 2018); also published as *To Ignore Integrity is to Attack Integrity*, DAILY JOURNAL (March 27, 2018)

Change is Coming: An Open Letter on AI From a State Supreme Court Justice, QUARTZ (Nov. 17, 2017)

Will Software Eat the Bureaucracy? REG. REVIEW (Dec. 22, 2016)

Preparing for Cyberdelegation and Its Risks, REG. REVIEW (Dec. 21, 2016)

The Surprising Use of Automation by Regulatory Agencies, REG. REVIEW (Dec. 20, 2016)

Machines as Bureaucrats, REG. REVIEW (Dec. 19, 2016)

For Equal Justice, Interpreters are Needed, SACRAMENTO BEE (Feb. 29, 2016)(with Dennis Hayashi)

Learning Curves and Collaboration: Reconceiving Refugee Settlements, FORCED MIGRATION REVIEW 11 (Sept. 2014)(with Aparna Surendra)

Domestic Security and Foreign Policy, HOOVER INSTITUTION FOREIGN POLICY WORKING GROUP ESSAY SERIES: DOMESTIC FOUNDATIONS – IDEAS AND CHALLENGES IN A COMPLEX WORLD (March 18, 2014)

The Domestic Foundations of American Grand Strategy, HOOVER INSTITUTION FOREIGN POLICY WORKING GROUP ESSAY SERIES: GRAND STRATEGY – IDEAS AND CHALLENGES IN A COMPLEX WORLD (Jan. 7, 2014)

On Government Service, Politics, and the Super Committee, 85 STANFORD LAWYER (interview of Congressman Xavier Becerra)(Oct. 28, 2011)

On International Cooperation and Security, 83 STANFORD LAWYER (interview of Interpol President Ronald K. Noble)(Nov. 8, 2010)

Restoring Habeas Corpus and the Great Writ, Statement by Professor Mariano-Florentino Cuéllar, U.S. SENATE, COMMITTEE ON THE JUDICIARY, HEARING ON RESTORING HABEAS CORPUS: PROTECTING AMERICAN VALUES AND THE GREAT WRIT, Sen. Hearing 110-145 (May 22, 2007)

The Hidden Environmental and Regulatory Implications of Homeland Security, AMERICAN CONSTITUTION SOCIETY FOR LAW AND POLICY: ISSUE BRIEF (May 2007)(reprinted in ADVANCE: JOURNAL OF THE AMERICAN CONSTITUTION SOCIETY ISSUE GROUPS [Spring 2008])

Notice, Comment, and the Regulatory State: A Case Study From the USA Patriot Act, 28 ADMIN. L. & REG. NEWS 3 (2003)

Choosing Anti-Terror Targets by National Origin and Race, 6 HARV. LATINO L. REV. 9 (2003)

How Much Do We Give Up for Security? SAN JOSE MERCURY NEWS (March 2003)

When Security and Liberty Collide, SAN JOSE MERCURY NEWS (May 23, 2002)

Security and Freedom, SAN JOSE MERCURY NEWS (October 2001)

SELECTED GRANTS

Human-Centered Artificial Intelligence Institute, Stanford University – Towards Grounded, Adaptive Communications Agents (2020-2021): Participating Faculty (\$459,000)

Carnegie Corporation of New York – Research, Training, and Outreach for a More Secure World, Center for International Security and Cooperation (2013-2015): Principal Investigator (\$1,000,000)

Office of International Affairs, Stanford University – Violence and Crime in Latin America (2014): Co-Principal Investigator (\$10,000)

Global Underdevelopment Action Fund, Stanford University – Crime, Violence, and Governance in Latin America: Sharing Data and Building a Web-Based Research Network to Expand Knowledge (2012-2014): Principal Investigator (\$50,000)

Global Underdevelopment Action Fund, Stanford University – Rethinking Refugee Communities (2013): Principal Investigator (\$15,000)

Carnegie Corporation of New York – Knowledge to Make a More Cooperative World, Center for International Security and Cooperation (2010-2012): Co-Principal Investigator (\$750,000)

SELECTED INVITED PRESENTATIONS

Improving Democracy Through Technology, “Demo Days” Webinar, Aspen Tech Policy Hub, San Francisco, CA (August 2020)

Hacking Democracy: Elections and Beyond, Plenary Session, American Bar Association Annual Conference, Washington, DC (July 2020)

Polarization and Contentious Politics in a Time of COVID, Center for Advanced Study in the Behavioral Sciences, Stanford University, Stanford, CA (July 2020)

Artificial Intelligence in Federal Agencies, Symposium on Artificial Intelligence in Federal Agencies, Administrative Conference of the United States, Washington, DC (June 2020)

Reflections on America as a Developing Country, Center for Advanced Study in the Behavioral Sciences, Stanford University, Stanford, CA (June 2020)

The California Judicial Branch: Challenges and Opportunities, New York University Law School, New York, NY (February 2020)

Whose Responsibility is AI Safety? Legislative Process, Civil Justice, & Federalism, Conference on Ethics and Governance of Artificial Intelligence, Stanford Human-Centered Artificial Intelligence Institute, Stanford, CA (October 2019)

The Elements of Artificial Intelligence Safety Law: The Current Landscape and Emerging Challenges, Stanford Center for AI Safety Annual Retreat, Stanford University, Stanford, CA (August 2019)

Law and Artificial Intelligence, American Law Institute, Annual Meeting, Washington, DC (May 2019)

Mobilizing Technology for Policy, 30th Anniversary Conference, School of International Policy and Strategy, University of California, San Diego, San Diego, CA (April 2019)

People Argue for a Reason: Postcards from the Edge of an AI Future, Public Lecture, Edmond J. Safra Center on Ethics, Harvard University, Cambridge, MA (April 2019)

A Common Law for the Age of Artificial Intelligence, Keynote Address, Symposium on Artificial Intelligence and the Common Law, Columbia Law Review, Columbia University, New York, NY (April 2019)

The Shifting Criminal Justice Landscape in California, Criminal Law Colloquium, New York University Law School, New York, NY (February 2019)

Elephants in the Room and the Elements of Justice, Passing of the Gavel Ceremony, Los Angeles County Superior Court, Los Angeles, CA (December 2018)

Implicit Value Conflicts and Institutional Tradeoffs in the Definition of "Ethical AI," Keynote Address, Bay Area Robotics Symposium, Stanford University, Stanford, CA (November 2018)

Making the Courts Accessible in America's Largest Judicial System, University of Washington Law School, Seattle, WA (October 2018)

Loyalty to Voice and Exit: On the Preconditions for Shared Learning, Class Address, Induction Ceremony, American Academy of Arts and Sciences, Cambridge, MA (October 2018)

Notes From The Near Future: Three Problems (or One?) in Law and Artificial Intelligence, Nathaniel Nathanson Memorial Lecture, University of San Diego, San Diego, CA (September 2018)

Mapping the Social Dilemmas of Law and Artificial Intelligence in Health and Medicine, Stanford University Presence Center, Artificial Intelligence in Medicine - Equity and Inclusion Conference, Stanford, CA (August 2018)

The New Moral Economy in an Age of Artificial Intelligence, Stanford Human-Centered Artificial Intelligence Faculty Meeting, Stanford, CA (May 2018)

The Near-Impossibility of Regulating Artificial General Intelligence (and How to Change That), Berkeley Center for Human-Compatible Artificial Intelligence Workshop, Tomales Bay, CA (April 2018)

Conflict, Institutions, and Public Law: Reflections on the United States as a Developing Country, Harvard Law School Public Law Workshop, Cambridge, MA (March 2018)

A Message from the Near Future: Legal and Institutional Change as Society Adapts to Artificial Intelligence, Conference on Artificial Intelligence and Regulation, LUISS University, Diritto e Regole per Europa Amministrazione e Mercati, Rome, Italy (February 2018)

The Potential Decline (and Possible Resurgence) of an Immigration Superpower, New York University Law School, New York, NY (February 2018)

Law, Artificial Intelligence, and Machine Learning, New York University Law School, Forum on Accountability in an Age of Artificial Intelligence, New York, NY (February 2018)

Five Ideas for Understanding Safeguards in American Constitutional Democracy, Keynote Address, UCLA Law Review Symposium on the Safeguards of a Constitutional Republic, Los Angeles, CA (January 2018)

AI Now, Later: A Message From the Near Future, Keynote Address, AI Now Launch Event, New York, NY (November 2017)

Integrity and Friendship in a Time of Polarization, Rodel Fellows Annual Meeting, Aspen Institute, Washington, DC (October 2017)

Transitions and Justice, Bernard Witkin Memorial Lecture, California Judicial Branch, Bernard Witkin Annual Judicial College, San Ramon, CA (August 2017)

Judges on Star Wars, San Diego Comic-Con, San Diego, CA (July 2017)

Law and Artificial Intelligence: The Challenges and Opportunities Ahead, Plenary Panel, Ninth Circuit Judicial Conference (July 2017)

Reflections of State Supreme Court Justices, Law School Deans' Workshop, American Bar Association, Washington, DC (June 2017)

Perspectives on Refugee Law and Policy in an Imperfect World, Stanford Journal of International Law Symposium on the Global Refugee Crisis: Past, Present, Future, Stanford Law School, Stanford, CA (April 2017)

Institutions, Migrants, and Machines: Three Transitions in American Law and Society Since 1890, Lloyd Cutler Lecture, American Academy, Berlin, Germany (February 2017)

A Simpler World? Mapping the Emerging Dilemmas of Law and "Artificial Intelligence," UC Davis Law Review Symposium on "Future-Proofing" Law, Davis, CA (January 2017)

The American State and Federal Judiciaries in Institutional Perspective, Conference on Comparative Perspectives on Chinese Judicial Reform, Beijing, China (December 2016)

Adaptation Nation: Three Transitions in American Law and Society Since 1890, Henry Family Lecture, University of Oklahoma College of Law, Norman, OK (November 2016)

Choosing Artificially Intelligent Futures Intelligently: Implications for Law, Keynote Address, Federal Judicial Center, West Coast Judges' Workshop, San Diego, CA (July 2016)

Where Lawyers Boldly Go: Star Trek and the Law, San Diego Comic-Con, San Diego, CA (July 2016)

Law and Artificial Intelligence: Useful Tool or Computers Gone Wild?, Keynote Address, California Judiciary Appellate Attorneys Institute, Anaheim, CA (April 2016)

Ankle Holsters, Machine Learning, and Haiti: Reflections on the U.S. Department of the Treasury in the Early 1990s, Berkman Center for Internet and Society, Harvard Law School, Cambridge, MA (January 2016)

The Future of Legal Services, Keynote, American Bar Association Summit on the Future of the Legal Profession, Stanford, CA (May 2015)

Stanford Cyber Initiative: Goals and Principles for a University-wide Initiative, Freeman Spogli Institute Advisory Board, Stanford, CA (November 2014)

Borders, Earthquakes, and Islands, American Law Institute, Bay Area Meeting, San Francisco, CA (November 2014)

Immigration, Citizenship, and the Future of the Nation-State: Implications for the United States, Stanford Connects, Pasadena, CA (February 2014)

Administrative War, Legal History Workshop, University of Michigan Law School, Ann Arbor, MI (November 2013)

American Immigration Policy in Transition, North America Forum, Mexico City, Mexico (September 2013)

Modeling Partial Agency Autonomy in Public Health Policymaking, Conference on Approaches to Building a Healthier Society, Cegla Center, Tel Aviv University, Tel Aviv, Israel (May 2013)

Governing Security, Stanford University Libraries, Stanford, CA (May 2013)

What Borders Tell Us About the World, TEDx Talk, Stanford, CA (May 2013)

Equity and Excellence in Education, Panel with Education Secretary Arne Duncan on the U.S. Department of Education and Equity and Excellence in Public Education, Fremont High School, Sunnyvale, CA (May 2013)

Governing Security, Mershon Center for International Security Studies, Ohio State University, Columbus, OH (March 2013)

The Political Economies of Immigration, Boyd School of Law, University of Nevada, Las Vegas, NV (March 2013)

Administrative War, Duke Law School Research Workshop Series (February 2013)

Cybersecurity Threats in a Changing World, Off-the-Record Speaker Series, Foreign Policy Association, New York, NY (February 2013)

Governing Security: Implications for U.S. Science Policy, Risk Regulation, and Homeland Security, SRI Café Scientifique Silicon Valley, Menlo Park, CA (February 2013)

Policy-Relevant Legal Scholarship, Annual Meeting, American Association of Law Schools, New Orleans, LA (January 2013)

Administrative War, Harvard Law School Public Law Workshop (December 2012)

The Architecture of Refugee Protection, Barbara Harrell-Bond Lecture, Oxford University, Oxford, UK (November 2012)

Immigrants, Citizens, and American Law, Annual Constitution Day Lecture, Washington University, St. Louis, MO (September 2012)

Tracking and the Government: What is the Government Learning About Us? Should We Be Concerned? Plenary Panel at Ninth Circuit Judicial Conference, Maui, HI (August 2012)

Crime, Regulation, and the Regulation of Crime, Roundtable on William Stuntz's "The Collapse of American Criminal Justice," Law and Society Association Annual Meeting, Honolulu, HI (June 2012)

Mexico's Security Crisis: An American Perspective, Judicial Conference, U.S. District Court, Northern District of California, Monterey, CA (April 2012)

Redesigning Regulatory Democracy, American Bar Association Section of Administrative Law and Regulatory Practice, Midyear Conference, Princeton University, Princeton, NJ (April 2012)

Governing Security, Cornell Law School, Faculty Colloquium, Ithaca, NY (April 2012)

Governing Security, University of California, Hastings College of Law, Faculty Colloquium, San Francisco, CA (April 2012)

Education Excellence and Equity in Perspective, Education Funders Meeting, Ford Foundation, New York, NY (March 2012)

Executive Power in Historical Perspective, Federalist Society Annual Student Convention, Stanford Law School, Stanford, CA (March 2012)

Shadow Governance and the Regulation of Illicit Activity, American Australian Leadership Dialogue, Stanford, CA (January 2012)

Regulation in the Age of Obama, Annual Meeting, American Association of Law Schools, Administrative Law Section, Washington, DC (October 2011)

The American Executive Branch in the Early 21st Century: Challenges and Opportunities, Stanford Alumni Association, Stanford, CA (October 2011)

Shadow Governance and the Regulation of Illicit Activity, Violence, Drugs, and Governance: Mexican Security in Comparative Perspective, Freeman Spogli Institute of International Studies, Stanford University, Stanford, CA (October 2011)

Envisioning a Responsive Regulatory State: An American Perspective on Administrative Process and Regulatory Policy, National Association of Italian Professors of Administrative Law, Bari, Italy (September 2011)

Securing the Nation, Korea University School of International Studies, Seoul, Republic of Korea (August 2011)

Earmarking Earmarking, University of Chicago, Law School, Public Law and Legal Theory Workshop (May 2011)

Food Security, Instability, and the Domestic-International Nexus, Conference on Connecting the Dots: Food, Water, Energy, and Climate, Woods Institute on the Environment, Stanford, CA (April 2011)

Organization, Security, and the Domestic-International Nexus, MacArthur Foundation, Chicago, IL (March 2011)

The Political Economies of Immigration, University of California, Irvine School of Law, Law Review Symposium on Immigration Law and Policy, Irvine, CA (January 2011)

The Executive in Crisis, Conference on the Constitution in the Financial Crisis, Stanford Constitutional Law Center, Stanford Law School, Stanford, CA (November 2010)

Administering Emergencies, American Association of Law Schools, Administrative Law Section, Annual Meeting, San Francisco, CA (October 2010)

Institutional Reality and Aspiration in the American Immigration System, Conference on Citizenship and Immigration: Perspectives from the Immigrant Democracies, University of New South Wales, Sydney, Australia (July 2010)

Regulation in the Age of Obama, American Constitution Society National Convention, Washington, DC (June 2010)

Law and Society in the White House: Some Domestic Policy Challenges for Americans in the Early 21st Century, Presidential Invited Address, Law and Society Association, Chicago, IL (May 2010)

The Role of the Executive Branch in Public Health Policy, Institute of Medicine, Committee on Public Health Strategies, Washington, DC (May 2010)

Fighting Drug Abuse, National Conference, High-Intensity Drug Trafficking Areas Program, Washington, DC (April 2010)

The Federal Role in Criminal Justice, American Constitution Society Panel on Criminal Justice, Washington, DC (December 2009)

The New Administration's Drug Policy, Federalist Society for Law and Public Policy National Convention, Washington, DC (November 2009)

The Importance of Reentry in Criminal Justice Policy, American Bar Association Summit on Reentry, Washington, DC (November 2009)

The Obama Administration's Domestic Policy Agenda, Equal Employment Advisory Council Annual Meeting, St. Louis, MO (October 2009)

Coalitions, Autonomy, and the Regulatory State, International Legal Theory Colloquium, Georgetown University Law Center, Washington, DC (December 2008)

Coalitions, Autonomy, and the Regulatory State, International Law Colloquium, School of Law, University of California, Berkeley, CA (November 2008)

A Fresh Start for a New Administration: Reforming Law and Justice Policies, American Constitution Society Panel, Washington, DC (October 2008)

Immigration and the Challenge of Civil Discourse, National Association of Counties, Annual Convention, Kansas City, MO (July 2008)

Outsourcing Government? The Privatization of Public Responsibilities, American Constitution Society National Convention, Washington, DC (June 2008)

Institutions, Politics, and American Immigration Law, Department of Sociology, California State University, Long Beach (May 2008)

Immigration and the Election of 2008, Immigration Law Workshop, University of Miami, Coral Gables, FL (May 2008)

Securing Bureaucracy: Forging Law and Politics at the Federal Security Agency, 1939-1953, Faculty Workshop, Southwestern University Law School, Los Angeles, CA (April 2008)

Securing Bureaucracy: Forging Law and Politics at the Federal Security Agency, 1939-1953, Faculty Workshop, University of North Carolina, Chapel Hill School of Law, Chapel Hill, NC (April 2008)

Running Aground: The Hidden Environmental and Regulatory Implications of Homeland Security, American Constitution Society, Phoenix, AZ (February 2008)

Environmental and Regulatory Implications of the Homeland Security Act, American Constitution Society, Bay Area Chapter, San Francisco, CA (December 2007)

Securing Bureaucracy: Forging Law and Politics at the Federal Security Agency, 1939-1953, Faculty Workshop, Arizona State University College of Law, Phoenix, AZ (October 2007)

The Law and Politics of the Congressional Immigration Reform Process, Stanford Alumni Association, Chicago, IL (October 2007)

Polarization, Pressure Valves, and American Immigration Policy, Stanford Alumni Association, Los Angeles, CA (September 2007)

“Securing” the Bureaucracy: The Federal Security Agency and the Political Design of Legal Mandates, 1939-1953, Faculty Workshop, College of Law, University of Iowa, Iowa City, IA (August 2007)

Rediscovering the Federal Security Agency, Administrative Law Conference, School of Law (Boalt Hall), University of California, Berkeley, CA (August 2007)

The Costs and Benefits of Regulatory Analysis in a Second-Best World, Plenary Session on the Future of Regulatory Analysis, American Bar Association Annual Meeting, San Francisco, CA (August 2007)

The Untold Story of al Qaeda’s Administrative Law Dilemmas, Law and Society Association Annual Meeting, Berlin, Germany (July 2007)

The Untold Story of al Qaeda’s Administrative Law Dilemmas, Minnesota Law Review Symposium on “9/11 Five Years On: A Comparative Look at the Global Response to Terrorism,” University of Minnesota Law School, Minneapolis, MN (October 2006).

Crisis Bureaucracy: Homeland Security and the Political Design of Legal Mandates, Stanford Center for International Security and Cooperation, Social Science Seminar, Stanford, CA (October 2006).

“Securing” the Bureaucracy: The Federal Security Agency and the Political Design of Legal Mandates, 1939-1953, New York University Law School, Workshop on Law, Politics, and Economics, New York, NY (September 2006).

“Securing” the Bureaucracy: The Federal Security Agency and the Political Design of Legal Mandates, 1939-1953, University of Oregon Law School, Legal Theory Workshop, Eugene, OR (September 2006).

Rethinking “Security” in the Bureaucratic State: Learning From the Federal Security Agency, 1939-1953, Law and Society Association Annual Meeting, Baltimore, MD (August 2006).

The Mechanics of American Security, U.S.-Japan Foundation Annual Meeting, Seattle, WA (July 2006).

The Political Economy of Preventive Criminal Enforcement, University of Chicago, Criminal Law Conference, Chicago, IL (May 2006).

The Political Economy of Preventive Criminal Enforcement, University of Illinois College of Law, Criminal Law Workshop, Champaign, IL (April 2006).

Refugee Security and the Organizational Logic of Legal Mandates, University of Minnesota Law School, Legal Theory Workshop, Minneapolis, MN (March 2006).

Auditing Executive Discretion, University of Michigan Law School, Legal Theory Workshop, Ann Arbor, MI (December 2005).

Terrorism, National Security, and the American Legal System, Foreign Authority Forum, Seoul National University, Republic of Korea (November 2005).

The Purposes of the Anti-Money Laundering System, RAND Corporation Conference on Money Laundering and Terrorist Financing, Arlington, VA (September 2005).

Rethinking Regulatory Democracy, Faculty Workshop, Law School, Washington University in St. Louis, MO (April 2005).

Rulemaking and Democracy, Conference on Rulemaking, Center for the Study of Rulemaking, American University, Washington, DC (March 2005).

Rethinking Regulatory Democracy, Conference on Administrative Law, University of California, San Diego and University of San Diego School of Law, San Diego, CA (January 2005).

Rethinking Public Engagement in the Administrative State, Center for Law and Society, School of Law, University of California, Berkeley, CA (November 2003).

The Tenuous Relationship Between the Fight Against Money Laundering and the Disruption of Criminal Finance, Law and Society Association Annual Meeting, Pittsburgh, PA (July 2003).

Citizenship, National Security, and Democracy: Three Strands of Law, Travers Conference on Ethics, University of California, Berkeley, CA (April 2003).

Section 314 of the Patriot Act and Public Engagement in the Administrative State, Faculty Workshop, School of Law, University of California, Los Angeles, CA (April 2003).

Offing Benjamin: Domestic Enforcement and International Law Problems in the Drive to Disrupt Criminal Finance, Berkeley Journal of International Law 2003 Stefan A. Riesenfeld Symposium, School of Law, University of California, Berkeley, (March 2003).

The Political Economy of Antitreaty Discourse, Faculty Workshop, School of Law, University of California, Davis, CA (February 2003).

Narco-Dry Cleaners, Money Passports, and Other Problems in the Political Economy of Anti-Money Laundering Enforcement, Centro de Investigación y Docencia Económica, Mexico City, Mexico (August 2002).

Cross-Border Crime, Prosecutions, and the Rule of Law in Mexico, Advisory Board, Institute for International Studies, Stanford University, Stanford, CA (May 2002).

Legal and Ethical Constraints on Terrorism Prevention Technology, presented at the Hoover Institution Conference on Terrorism Prevention Technology, Stanford University, Stanford, CA (March 2002).

Rethinking the Security-Civil Liberties Balance, Center for Law and Social Justice, School of Law (Boalt Hall) University of California, Berkeley, CA (October 2001).

Challenges of Globalization and Economic Development in Latin America: Politics, Institutions, and the Rule of Law, Conference on Economic Challenges for Mexico in the Twenty-First Century, Universidad de las Américas, Puebla, Mexico (January 2000).

Why Institutions Matter More than Technology: International Aviation Treaties as Precedents for International Cooperation Against Cyber Threats, Conference on International Responses to Cyber

Crime and Cyber Terrorism, Hoover Institution and Center for International Security and Cooperation, Stanford University, Stanford, CA (December 1999).

SELECTED HONORS AND AWARDS

Selected as Edward Levi Distinguished Jurist, University of Chicago (2020)
 Cruz Reynoso “Sowing the Seeds of Justice” Award, University of California, Davis (2020)
 Castle Lecturer on Ethics, Politics, and Economics, Yale University (2019)
 Commencement Address, University of California, Berkeley School of Law (2019)
 Leadership Award for Service to the California Judiciary, California Judicial Council (2019)
 Zale Award for Public Service, Public Policy Program, Stanford University (2019)
 Fellow, American Academy of Arts and Sciences (2018)
 Judicial Achievement Award, National Hispanic Bar Foundation (2018)
 Commencement Address, Stanford University (126th Commencement) (2017)
 Commencement Address, Chapman University, School of Law (2017)
 Hayward Kenniston Lecturer, University of Michigan (2017)
 Lloyd Cutler Distinguished Visitor, American Academy in Berlin (2017)
 Doctor of Laws (honorary), Santa Clara University (2016)
 Commencement Address, San Diego State University (Imperial Valley Campus) (2015)
 Commencement Address, University of California, Davis School of Law (2015)
 Honoree, Mexican American Bar Association of Los Angeles (2015)
 Honoree, Philippine American Bar Association of Los Angeles, (2015)
 Outstanding Academic Title Award from *Choice: Current Reviews for Academic Libraries* (for *Governing Security: The Hidden Origins of American Security Agencies*)(2014)
 Barbara Harrell-Bond Distinguished Lecturer, Oxford University (2012)
 Constitution Day Distinguished Visitor and Lecturer, Washington University in St. Louis (2012)
 Community Impact Award, Asian Law Alliance (2012)
 Commencement Address, Evergreen Community College (San Jose) (2011)
 Civil Rights Champion Award, Asian Pacific American Bar Association of Silicon Valley (2011)
 Lawyer of the Year, San Francisco La Raza Lawyers’ Association (2011)
 Life Member, Council on Foreign Relations (2010)
 First Annual Public Service Award, Fresno Latino Rotary Club (2010)
 Presidential Invited Address, Law and Society Association (2010)
 Commencement Address, Rio Hondo Community College (Whittier) (2010)
 Member, American Law Institute (2008)
 Fellowship, U.S.-Japan Foundation (2004)
 Faculty Fellowship, Stanford Center for International Security and Cooperation (2004)
 Faculty Fellowship, Stanford Center on Conflict and Negotiation (2003)
 Lilly and Henry Budde Fellowship, Stanford University (1999)
 Under Secretary's Distinguished Service Award, U.S. Department of the Treasury (1999)
 Elliott Goldstein Scholarship, Yale Law School (1996)
 Connecticut Bar Foundation Scholarship (1994)
 Harvard Foundation Achievement Award (1993)