

# CHARLTON C. COPELAND

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## ACADEMIC EXPERIENCE

<b>University of Miami School of Law</b> , Miami, FL	2007-Present
M. Minnette Massey Chair	2015-Present
Professor	2013-Present
Associate Professor	2007-2013

Richard Hausler Golden Apple Award “Outstanding Professor of the Year” 2014-2015.

Courses: Civil Procedure I & II; Administrative Law; Federal Jurisdiction;  
The Regulatory State; Comparative Constitutional Law; Federal Policy Making.

<b>Tulane University School of Law</b> , New Orleans, LA	Fall 2009
Visiting Associate Professor.	

<b>Northwestern University School of Law</b> , Chicago, IL	2006-2007
Visiting Assistant Professor.	

## TEACHING AND RESEARCH INTERESTS

- *Primary Interests:* Federal Jurisdiction; Constitutional Law (Federalism); Administrative Law; Civil Procedure and Litigation; Legislation, Civil Rights Enforcement; Race and the Law; Theological Foundations of Religion and Politics; Law and Literature.

## EDUCATION

<b>The Johns Hopkins University</b> , Baltimore, MD	2015-Present
Doctoral Student, Political Science (American Politics)	

**Yale Law School**, New Haven, CT  
J.D., 2003 (Completed coursework 2002).

- YALE LAW AND POL’Y REV., Editor, 1999; 2000-2001.
- Research Assistant to Bruce Ackerman on “We the People” Project and the Civil Rights Movement.

**Yale Divinity School**, New Haven, CT  
M.A.R., 2002 (Master of Arts in Religion, Ethics concentration).

- Marquand Scholar, 1999-2002.

**Amherst College**, Amherst, MA  
A.B., *cum laude*, Political Science and Economics, 1996.

- Senior Honors Thesis in Political Science.
- Recipient of the Edward Jones Prize for Outstanding Senior Thesis on Africa or the Black Diaspora, 1996.
- Research Assistant to Professors Robert Gooding-Williams and David W. Blight on Bedford Edition of *The Souls of Black Folk*.

## **PUBLICATIONS**

*Beyond Separation in Federalism Enforcement: Medicaid Expansion, Coercion and the Norm of Engagement*, 15 U. PA. J. OF CONST. L. 91-182 (2012) (article selected for online response by health law and federalism scholar, Elizabeth Weeks Leonard).

*Creation Stories: Stanley Hauerwas, Same-Sex Marriage and Narrative in Theology and Law*, 75 LAW & CONTEMP. PROBS. 87-113 (2012). (Theological Argument in Law: Engaging with Stanley Hauerwas Symposium) (Winner of the 2013 Dukeminier Award for Best Sexual Orientation or Gender Identity Law Review Articles given by the Williams Institute at UCLA).

*Federal Law in State Court: Judicial Federalism Through a Relational Lens*, 19 WM. & MARY BILL OF RTS. J. 511-589 (2011) (article selected for presentation at 2009 Junior Federal Courts Scholars workshop) (cited in Low, Jeffries & Bradley, *Federal Courts and the Law of Federal-State Relations* (7<sup>th</sup> ed.)).

“Fists and the Sorrowful Voices of Women’: Race, Gender and the Reconstruction of the Word in Toni Morrison’s *Jazz*,” in AFRICAN AMERICAN CULTURE AND LEGAL DISCOURSE (Lovalerie King and Rich Schur, eds., 2009) 130-158.

Ex parte Young: *Sovereignty, Immunity and the Constitutional Structure of American Federalism*, 40 U. TOL. L. REV. 843-888 (2009) (symposium) (cited in LOW, JEFFRIES & BRADLEY, *FEDERAL COURTS AND THE LAW OF FEDERAL-STATE RELATIONS*, 7<sup>th</sup> ed.).

*God-Talk in the Age of Obama: Theology and Religious Political Engagement*, 86 DENV. U. L. REV. 663-691 (2009) (Obama Phenomenon: Facets of an Historic Campaign Symposium).

*Private Pathologies and Public Policies: Race, Class and the Failure of Child Welfare*, 20 YALE LAW & POL’Y REV. 513 (2002) (reviewing DOROTHY E. ROBERTS, *SHATTERED BONDS: THE COLOR OF CHILD WELFARE*).

## **SHORTER PUBLICATIONS**

*Means, Ends and Institutions: A Reply to Professor Coleman’s Civil-izing Federalism*, 89 TUL. L. REV. 369-382 (forthcoming, 2014).

*Wrestling with Healthcare: The Supreme Court Honors States Rights*, MIAMI LAW MAGAZINE (Winter, 2013).

“Ripeness,” in ENCYCLOPEDIA OF THE SUPREME COURT OF THE UNITED STATES (Tanenhaus, et. al., eds., 2008).

## **WORKS IN PROGRESS**

“Race, Federalism and Anti-Monopolization” (This article explores the relationship between race and federalism. By looking at the advancement of black equality in the United States, this paper argues that racial advancement has involved the engagement of multiple institutional actors at both levels of government. The paper also argues that equality movements are, however, always on a collision course with federalism in that departures from nationalized equality norms are always challenged by resort to national authority. This article argues for alternative ways of framing such conflicts that do not fall into the “national supremacy”/“state inferiority” paradigm).

“The Racial Narrative of Federal Courts Law” (this article begins with the underlying debate over the independent and adequate state grounds doctrine in *Bush v. Gore*. There, Justice Ginsburg argued that the majority’s use of the doctrine failed to take seriously its specific context. This article explores the role that race has played in the development of federal court’s doctrine. To highlight this issue, it returns to the Warren Court era to examine the debate among the Supreme Court justices regarding

whether federal courts doctrine would be conscious of race as a special category, or whether it federal courts law should understand race as but one example of larger structural vulnerabilities about which federal courts should be concerned).

“Legislative Preemption of Agency Regulatory Authority: A Public Choice Analysis” (this project begins with the Supreme Court’s decision in *FDA v. Brown & Williamson*’s conclusion that Congress may preempt an agency’s regulatory authority without clear-statements of preemptive intention; it argues that public choice analysis supports the conclusion that this conclusion is wrong, and that there should be a clear-statement of Congress’ preemptive effect).

### **MEDIA APPEARANCES**

NPR, C-Span, Local Miami News Affiliates (television appearances) addressing the Affordable Care Act, Voting Rights, Marriage Equality Litigation.

Boston Globe, local Florida newspapers (commentary) addressing ethics in public service, voting rights, the Affordable Care Act.

### **OTHER PROFESSIONAL/CIVIC EXPERIENCE**

**Miami Dade Commission on Ethics and Public Trust** 2010-2014  
Chair, 2012-2013.  
Vice Chair, 2011-2013.  
Member, 2010-2011; 2013-2014.

**Hogan & Hartson LLP**, Washington, DC 2004-2005  
Associate.

**The Honorable R. Guy Cole, Jr.** 2003-2004  
United States Court of Appeals, Sixth Circuit, Columbus, OH  
Judicial Law Clerk.

**Constitutional Court of South Africa**, Johannesburg, South Africa 2002-2003  
Foreign Judicial Clerk.

**MBIA Insurance Corp.**, Armonk, NY 1996-1998  
Public Finance Analyst.

### **SELECTED PRESENTATIONS**

Invited Presenter, Chicago-Kent Law School, Legal Theory Workshop, April, 2016.

Invited Presenter, AALS Constitutional Law Section Panel, January 2016.

Presenter, “Race, Federalism and Anti-Monopolization,” Mid-Atlantic People of Color Legal Scholarship Conference, Baltimore, MD, January 2014.

Invited Presenter, “The Spending Clause in Context: The Eleventh Circuit, Justice Breyer, and National Federation’s Missed Moment,” American Association of Law Schools Annual Conference, New Voices in Administrative Law, January 2013.

Invited Lecture, “Race, Trust and American Federalism: Reconsidering the Warren Court,” Thurgood Marshall School of Law, Texas Southern University, November 2012.

Invited Presenter, “Federalism’s Global Generality,” Constitutional Law Schmooze, University of Maryland Law School, February, 2012.

Invited Presenter, “Reconsidering the Warren Court’s Federalism,” at 2012 Federal Courts Workshop, Florida International University Law School, February 2012. (commentator, Suzanna Sherry).

Invited Presenter. “Reconsidering the Warren Court’s Federalism,” at University of Miami Department of Political Science, January, 2012.

Invited Presenter, “From Allocation to Engagement in Tenth Amendment Jurisprudence: Medicaid Expansion and the Bureaucratic Life of Federalism Enforcement,” at University of Pennsylvania Journal of Constitutional Law, Philadelphia, PA, January, 2012.

Invited Presenter, “Race, Trust and American Federalism,” at Annual Constitutional Law Colloquium, Loyola University Law School, Chicago, IL, October, 2011.

Invited Presenter, “From Allocation to Engagement: Medicaid Expansion and the Bureaucratic Life of Federalism Enforcement,” at Annual Constitutional Law Colloquium, Loyola University Law School, Chicago, IL, October, 2011.

Invited Presenter, “Narrative, Community and Liberation in Law and Theology,” at Theological Argument in Law: Engaging with Stanley Hauerwas,” Duke Law School and Duke Divinity School, September, 2011.

Invited Presenter, “Federalism, the Old and the New: From Roosevelt to Obama,” Southeast Association of Law Schools, July, 20011 (Panelists include: Jamal Greene; Mark Tushnet; and Louise Weinberg).

Invited Presenter, “Race, Trust and American Federalism,” John Mercer Langston Writing Conference, DePaul College of Law, Chicago, IL, June, 2011.

Invited Presenter, “The Failure of Words and the Impossibility of Silence: Post-modernism and Normativity in Law and Theology,” Law & Society Conference, June, 2011.

Invited Chair/Discussant, "Race in American Constitutionalism in American Constitutional Politics" Panel, Law & Society Conference, June, 2011.

Invited Presenter, Law and Religion Section Panel, American Association of Law School, January, 2011. (Panelists included: Emily Hartigan; Paul Horwitz; and Andrew Koppelman).

Invited Discussant, The Ethics of Interpretation, Center for Humanities, Princeton University, August, 2010.

Presenter, “Federalism’s Duty,” John Mercer Langston Writing Conference, Southern Methodist University, Dedman School of Law, Dallas, TX, June, 2010.

Invited Presenter, “Federal Law in State Court: Judicial Federalism Through a Relational Lens,” Cumberland Law School Work-in-Progress Workshop, April, 2010.

Invited Presenter, “Federal Law in State Court: Judicial Federalism Through a Relational Lens,” Florida International University Law School Work-in-Progress Workshop, April, 2010.

Presenter, “Constraining Federalism Politics: The Role of Administrative Law in Shaping Presidential Policy Space,” University of Miami Law Review Symposium, January, 2010.

Participant, Federalist Society Debate on the Supreme Court’s Use of Foreign Law, Tulane University Law School (with Ilya Shapiro), November 2009.

Presenter, “A Tree Meant for Healing: Lynching, Racial Spectacle, Federalism and the Promise of the New South in Ravi Howard’s *Like Trees Walking*,” Celebrating Contemporary African American Literature: The Novel Since 1988 (Law & Literature Panel), October 2009.

Presenter, “Federalism Beyond Power: Judicial Mediation of the National-State Relationship,” Junior Federal Courts Scholars Conference, Michigan State Law School, October, 2009 (commentator Martin H. Redish).

Presenter, “Counter-Interpretation: An African American Hermeneutic Tradition,” Villanova Law School’s First Annual Law & Literature Symposium, October 2009.

Discussion Leader, “Critical Race Theory and Indigenous People,” CRT 20: Honoring Our Past, Charting Our Future Conference, University of Iowa School of Law, April 2009.

Invited Presenter, “*Ex parte Young* and the Constitutional Structure of Sovereign Immunity,” University of Toledo School of Law Symposium on the 100<sup>th</sup> Anniversary of *Ex parte Young*, April 2009.

Invited Presenter, “Federalism Beyond Power: Judicial Mediation of the National-State Relationship,” Tulane University Law School, February 2009.

Presenter, “Federalism Beyond Power: Judicial Mediation of the National-State Relationship,” 4<sup>th</sup> Annual Prawfsfest, University of Miami School of Law, December 2008.

Invited Presenter, “Barack Obama and the Search for a Usable Religion: The Promise and Peril of Relevant Faith in Liberal Democracy,” University of Denver Law School, August 2008.

Presenter, “Anti-Constitutional: Towards a Theory of Judicial Invalidation of Constitutional Amendments,” Southeast Association of Law Schools, July 2008.

Presenter, “The Political Theology of American Federalism,” Institute for Constitutional Studies, George Washington University, Summer Research Seminar in Religious Influences on Constitutional Thought, June 2008.

Presenter, “Anti-Constitutional: Towards a Theory of Judicial Invalidation of Constitutional Amendments,” Law and Society Symposium, June 2008.

Presenter, “‘Fists and the Sorrowful Voices of Women’: Race, Gender and the Law’s Violence in Toni Morrison’s *Jazz*,” Rights, Ethics, Law & Literature International Colloquium, Swansea University, July 2007.

Presenter, “Anti-Constitutional: The Legitimacy and Limits of Judicial Invalidation of Constitutional Amendments,” Institute for Constitutional Studies, George Washington University, Summer Research Seminar in Constitutionalism, June 2007.

#### **OTHER PROFESSIONAL ACTIVITIES**

Outside Legal Counsel, Illinois State Senator Jacqueline Collins. Provided legal advice on the re-enactment of the Illinois Act to end Atrocities and Terrorism in the Sudan (“Illinois Sudan Act”), April-May 2007.

#### **BAR ADMISSION**

Washington, DC (2005).