

GUHA KRISHNAMURTHI

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Academic Positions

University of Oklahoma College of Law, Norman, OK

Associate Professor of Law, August 2021–Present

Teaching: Constitutional Law, Criminal Procedure

South Texas College of Law, Houston, TX

Assistant Professor of Law, August 2020–August 2021

Teaching: Criminal Law, Criminal Procedure

Harvard Law School, Cambridge, MA

Climenko Fellow and Lecturer in Law, August 2018–July 2020

Teaching: Legal Research and Writing, Intersections of Criminal Law and Tort

Education

The University of Texas School of Law, J.D., May 2010, with *High Honors*

2010 Chancellors; Order of the Coif

TEXAS LAW REVIEW, Book Review Editor, Volume 88

AMERICAN JOURNAL OF CRIMINAL LAW, Manuscript Editor, Volume 36

Teaching Assistant for Criminal Law; Contracts; Legal Research and Legal Writing

Dean's Achievement Awards in Criminal Law and Torts

Supreme Court Clinic; National Security Clinic

Student–Faculty Appointments Committee, Student Representative

The University of Texas, Dept. of Philosophy, M.A. Philosophy, May 2007

Teaching Assistant Fellowship, August 2005–May 2007

Training in Sanskrit at Kuppaswami Sastri Research Institute (Chennai, TN, India)

The University of Michigan, Dept. of Mathematics, M.S. Mathematics, May 2005

2005 Angell Scholar

Teaching Assistant Fellowship in Dept. of Philosophy, January 2005–May 2005

The University of Michigan, B.S. Mathematics, May 2004, with *High Distinction*

2004 Angell Scholar

Clerkships

Honorable Goodwin H. Liu, Supreme Court of California, San Francisco, CA

August 2017–August 2018

Honorable Andrea R. Wood, U.S. District Court for N.D. Ill., Chicago, IL

September 2016–August 2017

Honorable Diane P. Wood, U.S. Court of Appeals for the Seventh Circuit, Chicago, IL

August 2010–August 2011

Practice Experience

Munger, Tolles & Olson, LLP, Los Angeles, CA

Associate, Litigation Practice Group, January 2014–August 2016

Trial and appellate practice focused on antitrust, white collar, and general commercial litigation:

Represented defendant brand-name pharmaceutical companies against antitrust and criminal claims brought by federal authorities.

Represented defendant insurance broker against variety of tortious claims brought by insured.

Represented defendant for-profit college against tortious and criminal claims brought by numerous state and federal authorities.

Represented criminal defendant police officer, as court appointed appellate counsel before the Seventh Circuit, in case involving allegations of excessive force.

Coauthored United States Supreme Court *amicus* brief on behalf of consortium of health law professors in *King v. Burwell*.

Irell & Manella, LLP, Newport Beach, CA

Associate, Litigation Practice Group, October 2011–December 2013

Summer Associate, June 2009–August 2009

Trial and appellate practice focused on intellectual property, white collar, and general commercial litigation:

Represented plaintiff computer security company in patent lawsuit against competitor relating to firewall technology.

Represented defendant military contractor in breach of contract and trade secret case brought by competitor.

Represented family trusts against tax and criminal claims brought by federal and state authorities.

Coauthored Ninth Circuit brief for asylum case involving China's forced sterilization and forced abortion practices.

Selected Articles & Working Papers

Futility of the Recidivist Premium (working paper 2021).

A Hartian Account of Genuine Theoretical Disagreement (Harvard Law School working paper 2019).

Optional Legislation, 107 MINN. L. REV. (forthcoming 2022) (coauthored with Jacob Bronsther).

The Constitutional Right to Bench Trial, 100 N.C. L. REV. (forthcoming 2022).

The Case for the Abolition of Criminal Confessions, S.M.U. L. REV. (forthcoming 2022).
[2021 AALS Scholarly Paper Competition](#), Honorable Mention (1 of 4 papers recognized).

Highlighted on [The Crime Report](#) and [CrimProf Blog](#).

Bostock Was Bogus: Textualism, Pluralism, and Title VII, 97 NOTRE DAME L. REV. 67 (2021) (coauthored with Mitchell N. Berman).

Highlighted on [How Appealing](#) (twice), [The Originalism Blog](#), [Balkinization](#), and [National Review](#).

False Positivism: The Failure of the Newest Originalism, 46 B.Y.U. L. REV. 401 (2021).

The Constitutional Oath Doesn't Require Originalism, HARV. L. & POL'Y REV. (forthcoming 2022) (coauthored with Erik Encarnacion).

Discussed at [The Originalism Blog](#).

For Judicial Majoritarianism, 22 U. PA. J. CONST. L. 1201 (2020).

Cited by The President's Commission on the Supreme Court of the United States, [The Court's Role in the Constitutional System](#).

Symposium & Special Issue Publications

Foreword: Ending Mass Incarceration, 75 OKLA. L. REV. (2022).

Reparations, Constitutionality, and the Model of Civil Damages, 57 TULSA L. REV. 303 (2022) (coauthored with Peter Salib) (Symposium on 100th Anniversary of Tulsa Race Massacre).

The Iron Rule, 42 CARDOZO L. REV. 2889 (2022) (coauthored with Jacob Bronsther) (in special issue on Supreme Court nomination of then-Judge Amy Coney Barrett).

Selected Online Publications

Term Limits and Embracing the Political Supreme Court, 107 MINN. L. REV. Headnotes (forthcoming 2022).

Small Arms Races, U. CHI. L. REV. Online (forthcoming 2022) (coauthored with Peter Salib). Highlighted on [The Crime Report](#).

[*Not the Standard You're Looking For: But-For Causation in Anti-Discrimination Law*](#), 108 U. VA. L. REV. Online 1 (2022).

[*Principal Officers and the Function of Section 4 of the 25th Amendment*](#), 54 U.C. DAVIS L. REV. Online 89 (2021) (coauthored with Peter Salib).

[*Post-Election Litigation and the Paradox of Voting*](#), U. CHI. L. REV. Online (2021) (coauthored with Peter Salib). Highlighted on [Election Law Blog](#).

[*Title VII and Caste Discrimination*](#), 134 HARV. L. REV. Forum 456 (2021) (coauthored with Charanya Krishnaswami). Discussed by C. Christine Fair, [*Caste Apartheid: India's Other Export to the United States*](#), FIRSTPOST. (Feb. 9, 2022).

[*Bostock and Conceptual Causation*](#), YALE J. REG. Notice & Comment (July 22, 2020) (coauthored with Peter Salib). Highlighted on [How Appealing](#).

[*Sitting One Out: Strategic Recusal on the Supreme Court*](#), 11 CALIF. L. REV. Online 387 (2020).

An Elementary Defense of Judicial Majoritarianism, 88 TEX. L. REV. See Also 91 (2009) (coauthored with Shane Pennington, Michael J. Stephan & Jon N. Reidy). Discussed by Jeremy Waldron, *Five to Four: Why Do Bare Majorities Rule on Courts?*, 123 YALE L.J. 1692 (2014).

[*He Went Back, Jack, and Did It Again: Thoughts on Retributivism, Recidivism as Omission, and Notice*](#), 88 TEX. L. REV. See Also 91 (2009). Cited by [Criminal History Enhancement Sourcebook](#).

Shorter & Popular Publications

[*Making a Legal Academic*](#), 100 TEX. L. REV. Online 100 (2022).

[*Fourth Amendment Subjectivity and Its Undetermined Utility*](#), JOTWELL (May 24, 2021) (reviewing Orin S. Kerr, *The Questionable Objectivity of Fourth Amendment Law*, 99 TEX. L. REV. 447 (2021)).

[*Is Retributivist Corporate Punishment Possible?*](#), JOTWELL (Dec. 8, 2020) (reviewing Samuel W. Buell, *Retiring Corporate Retribution*, 83 LAW & CONTEMP. PROBS. (forthcoming 2020)).

The Court's Friends, 19 SCRIBES J. LEG. WRITING 187 (2020).

[*How the Supreme Court's Progressive Minority Could Prevent a Stolen Election*](#), SLATE (Apr. 24, 2020).

Presentations

Optional Legislation

National Conference of Constitutional Law Scholars (February 2022)

Constitutional Law and Economics Workshop (January 2022)

Chicagoland Junior Scholars Conference (October 2021)

Small Arms Races

University of Houston Law Center Faculty Workshop (January 2022)

Caste Discrimination & U.S. Law

South Asian Bar Association Panel: Caste, The Diaspora, and The South Asian Legal Community (January 2022)

EEOC, OFCCP, and DOJ Listening Session on Caste-Based Discrimination (September 2021)

The Futility of the Recidivist Premium

The Political Turn(s) in Criminal Law (September 2021)

The Constitutional Right to Bench Trial

Loyola Law School – Los Angeles Faculty Workshop (October 2021)

Junior Faculty Forum at University of Richmond School of Law (September 2021)

Central States Law Schools 2021 Scholarship Conference (September 2021)

CrimFest (July 2021)

The Case for the Abolition of Criminal Confessions

SMU Deason Criminal Justice Reform Center (July 2021)

[On Confessions, Ipse Dixit Podcast](#) (presenting the paper *The Case for the Abolition of Criminal Confessions*) (December 2020)

Ideal Theory, Notice, and the Criminal Law

Ideal Theory in Criminal Law, The Political Turn(s) in Criminal Law (July 2021)

Reparations, Constitutionality, and the Model of Civil Damages

University of Tulsa Law Review, Symposium Commemorating the 100th Anniversary of the Tulsa Race Massacre (May 2021)

Bostock was Bogus: Textualism, Pluralism, and Title VII

UCLA Law Faculty Colloquium (April 2021)

University of Pennsylvania Carey Law School Faculty Ad Hoc Workshop (March 2021)

Sovereignty, Jeopardy, and Gamble

Texas Tech Law Review Criminal Law Symposium (April 2021)

Presentations (continued)

Caste Discrimination and U.S. Employment Law

Jasol Dialogue Series at Manipal University–Jaipur School of Law (December 2020)

Seinfeld Criminal Law, Yada Yada Law School (providing online lectures on legal subjects on the backdrop of the TV show Seinfeld) (July 2020)

False Positivism: The Failure of the Newest Originalism

Junior Faculty Forum at University of Richmond School of Law (May 2020)
(accepted; canceled due to COVID-19 pandemic)

For Judicial Majoritarianism

Berkeley Law Courts and Judicial Process Colloquium (February 2020)

Junior Faculty Forum at University of Richmond School of Law (June 2019)

Climenko Fellowship Reunion (March 2019)

A Hartian Account of Genuine Theoretical Disagreement

AALS New Jurisprudence Scholars Panel (January 2020)

Academic Service

Symposium Faculty Advisor, OKLAHOMA LAW REVIEW

Faculty Advisor, SOUTH TEXAS LAW REVIEW

Reviewer, STANFORD LAW REVIEW (Notes)

Reviewer, CRIMINAL LAW & PHILOSOPHY

Reviewer, HARVARD LAW REVIEW

Reviewer, HARVARD CIVIL RIGHTS-CIVIL LIBERTIES LAW REVIEW

Certifications & Skills

Member of the California bar, U.S. Court of Appeals for the Seventh Circuit, U.S. Court of Appeals for the Ninth Circuit, U.S. District Court for the Central District of California, U.S. District Court for the Northern District of California, U.S. District Court for the Northern District of Illinois.

Proficiency in Tamil (speaking, reading, writing) and Sanskrit (reading).

Nonprofit Service

Board of Directors, National Chapter of [The Arc](https://thearc.org/) (https://thearc.org/).

Research Assistants

Zachary Smith (Harvard Law School)

Paras Shah (Harvard Law School)

Alexandre Diniz de Oliveira (Harvard Law School)

Kareem Carryl (Harvard Law School)

Teaching Assistants

Kyle Tramonte (Harvard Law School)

Alice Guo (Harvard Law School)

Gabriel Levin (Harvard Law School)

Brian Beaton (Harvard Law School)

Jung Min Jasmine Shin (Harvard Law School)

Julie McClintock (South Texas College of Law)

Jared Vann (South Texas College of Law)

References

The Honorable Goodwin H. Liu
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Professor Mitchell N. Berman
University of Pennsylvania Law School
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mitchberman@law.upenn.edu

Professor Alon Harel
Hebrew University of Jerusalem
alon.harel@mail.huji.ac.il

The Honorable Diane P. Wood
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The Honorable Andrea R. Wood
U.S. Dist. Ct. for the N.D. Ill.
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