

ERIN F. DELANEY

Northwestern University Pritzker School of Law
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ACADEMIC APPOINTMENTS

NORTHWESTERN UNIVERSITY PRITZKER SCHOOL OF LAW

Associate Professor, 2015-present; *Assistant Professor*, 2012-2015

Courtesy Appointment, Department of Political Science, Weinberg College of Arts and Sciences, 2012-present

Honors: *Public Voices Fellow*, 2017-2018
Childres Award, 2015 (selected by the student body as the year's most outstanding teacher)
Outstanding Professor in a First-Year Course, 2014
Searle Fellow, Searle Center for Advancing Learning & Teaching, 2013-2014

COLUMBIA LAW SCHOOL

Academic Fellow, September 2009-June 2012

Lecturer-in-Law, Fall 2011: Constitutional Design

EDUCATION

NEW YORK UNIVERSITY SCHOOL OF LAW

J.D., *magna cum laude*, May 2007

Honors: *Sommer Memorial Award*, for outstanding scholarship, character, and professional activities
Furman Scholar, scholarship awarded to students pursuing academic careers
Order of the Coif; *Butler Scholar*; *Pomeroy Scholar*

Activities: *New York University Law Review*, Editor-in-Chief, 2006-2007
Research Assistant, Professor Samuel Issacharoff, 2005-2006
Teaching Assistant, International Law, Professor Benedict Kingsbury, Fall 2006

UNIVERSITY OF CAMBRIDGE

Ph.D., International Studies, May 2004

M.Phil., European Studies, May 2000

Dissertation: *Promoting Federation: The Role of a Constitutional Court in Federalist States*

Grants: *Board of Graduate Studies Research Award*, 2000-2001
Harvard Club of London Scholarship Award, 1999-2000
Cambridge Overseas Trust Award, 1998-1999

Activities: *Cambridge Review of International Affairs*, Editor-in-Chief, 2000-2001
Supervisor, United States Politics, Social and Political Science Tripos, 1999-2001

HARVARD COLLEGE

A.B., Government, *magna cum laude*, June 1998 (Related fields: French, Sociology)

CLERKSHIPS

THE HONORABLE DAVID H. SOUTER

Supreme Court of the United States, October Term 2008

THE HONORABLE GUIDO CALABRESI

United States Court of Appeals for the Second Circuit, 2007-2008

ACADEMIC FELLOWSHIPS & EXTERNAL AWARDS

FULBRIGHT VISITING RESEARCH CHAIR

IN THE THEORY AND PRACTICE OF CONSTITUTIONALISM AND FEDERALISM

McGill University, September-December 2014

MACCORMICK VISITING FELLOWSHIP

Edinburgh Law School, University of Edinburgh, May-June 2014

WALTER BAGEHOT PRIZE, United Kingdom Political Studies Association

Best Doctoral Dissertation in Government and Public Administration, 2004

WIENER-ANSPACH VISITING RESEARCH FELLOWSHIP

L'Institut des Etudes Européennes, L'Université Libre de Bruxelles, September 2001-August 2002

OTHER PROFESSIONAL EXPERIENCE

ROBERT H. SMITH CENTER FOR THE CONSTITUTION, Montpelier, Virginia

Co-Instructor, Seminar: Referendums: Theory, Design and Application, March 2018 (with Richard Albert)

Co-Instructor, Montpelier Summit, March 2016 (with Lauren Bell)

NATIONAL DEMOCRATIC INSTITUTE, Washington, D.C.

Independent Consultant, Somalia's Constitutional Transition, May 2015

CRAVATH, SWAINE & MOORE LLP, New York, New York

Summer Associate, Litigation Department, 2006

THE FEDERAL TRUST, London, England

Research Officer, The European Constitution Project, October 2003-July 2004

- Provided political and academic analysis of the treaty reform process in the European Union.

ADDITIONAL INFORMATION

Northwestern University:

- Courses: U.S. Constitutional Law (Spring 2013, 2014, 2015, 2016, 2018)
Constitutional Design (Fall 2012, 2013; Spring 2014)
Immigration Law (Fall 2013, 2015, 2017)
- Service: NULS, Clerkship Committee (Supreme Court), 2012-present
NULS, Faculty Advisor, American Constitution Society, 2012-present
NULS, Faculty Advisor, *Northwestern University Law Review*, 2016-present
NULS & Hamid bin Khalifa Law School (Qatar)
 - Curriculum Committee and Faculty Recruitment Committee, 2015-2016
- Dissertation
- Committees: Talia Shiff (J.D./Ph.D., Sociology), submission expected 2018
- Affiliations: Buffett Research Group on Global Politics & Religion (2016-present)
Weinberg College of Arts & Sciences, Program of African Studies (2017-present)

Professional Service & Affiliations:

- JOTWELL, Co-Editor, International & Comparative Law Section, 2016-present
American Constitution Society
 - Judging Panel, Constance Baker Motley National Student Writing Competition 2018

European Law Section, American Association of Law Schools
 - Executive Committee, 2013-present; Chair Elect, 2018-2019

American Council on Germany
American Political Science Association
International Political Science Association, RC 09 (Comparative Judicial Studies)

Referee Reports:

- University Presses:* Oxford University Press
- Journals:* International Journal of Constitutional Law; Regional and Federal Studies; Studies in American Political Development; Journal of Ethnic and Migration Studies; Ethnopolitics; Journal of Politics
- Fulbright:* Polish-U.S. Fulbright Commission: Senior & Junior Advanced Research Awards

Media Appearances:

- “British PM Surprises EU and Calls for Elections,” *Worldview*, WBEZ (4/18/17)
“Aftermath of the U.K. Elections,” *Worldview*, WBEZ (6/13/17)

Other:

- Board of Directors, The People’s Music School, Chicago, Illinois
 - Member, 2014-present; Executive Committee, 2015-present; Vice President, 2015-2017

2011 Young Leader, American Council on Germany
2010 Mentee, W.O.M.E.N. in America

Edited Books & Special Journal Issues

COMPARATIVE JUDICIAL REVIEW (Erin F. Delaney & Rosalind Dixon, eds., forthcoming 2018) (Edward Elgar)

Dividing and Sharing Power: Lessons for the European Union, Erin F. Delaney & Julie Smith, Special Editors,
15 REGIONAL & FED. STUD. (2005)

Law Review & Peer Reviewed (*) Articles

Analyzing Avoidance: Judicial Strategy in Comparative Perspective,
66 DUKE L. J. 1 (2016)

- Reviewed by Adam N. Steinman, *Comparative Avoidance*, JOTWELL (Jan. 5, 2017)
<http://courtslaw.jotwell.com/comparative-avoidance/>

Searching for Constitutional Meaning in Institutional Design: The Debate over Judicial Appointments in the United Kingdom,
14 INT'L J. CONST. L. 752 (2016) *

Judiciary Rising: Constitutional Change in the United Kingdom,
108 NW. U. L. REV. 543 (2014)

Justifying Power: Federalism, Immigration, and Foreign Affairs,
8 DUKE J. CONST. L. & PUB. POL'Y 153 (2013) (Symposium Issue)

Becoming Supreme: The Federal Foundation of Judicial Supremacy, with Barry Friedman,
111 COLUM. L. REV. 1137 (2011)

Note, *In the Shadow of Article I: Applying a Dormant Commerce Clause Analysis to State Laws Regulating Aliens*,
82 N.Y.U. L. REV. 1821 (2007)

- First Place, Constance Baker Motley National Student Writing Competition, 2007
- Cited in *Korab v. Fink*, 748 F.3d 875, 898 (9th Cir. 2014) (Bybee, J., concurring)

Credit Card Accountability, with Samuel Issacharoff,
73 U. CHI. L. REV. 157 (2006)

- Cited in *In re American Express Merchants' Litigation*, 554 F.3d 300, 303 n.2 (2d Cir. 2009)

Managing in a Federal System without an 'Ultimate Arbiter': Kompetenz-Kompetenz in the EU and the Ante-bellum United States,
15 REGIONAL & FED. STUD. 225 (2005) *

Introduction: Europe's Constitutional Future: Federal Lessons for the European Union, with Julie Smith,
15 REGIONAL & FED. STUD. 131 (2005) *

The Promotion of 'Symmetrical European Citizenship': A Federal Perspective, with Luca Barani,
25 J. EUR. INTEGRATION 95 (2003) *

The Labour Party's Changing Relationship to Europe: The Expansion of European Social Policy,
8 J. EUR. INTEGRATION HIST. 121 (2002) *

Book Chapters

Introduction, with Rosalind Dixon, in *COMPARATIVE JUDICIAL REVIEW* (Erin F. Delaney & Rosalind Dixon, eds.) (Edward Elgar Publishing, forthcoming 2018)

Brexit Optimism and British Constitutional Renewal, in *CONSTITUTIONAL DEMOCRACIES IN CRISIS?* (Mark Graber, Sanford Levinson & Mark Tushnet, eds.) (Oxford University Press) (forthcoming 2018)

Stability in Flexibility: A British Lens on Constitutional Success, in *ASSESSING CONSTITUTIONAL PERFORMANCE* (Thomas Ginsburg & Aziz Huq, eds.) (Cambridge University Press, 2016)

Shorter Works, Reviews & Encyclopedia Entries

Fantasy Island, with Christina D. Ponsa-Kraus, 2018 *YALE J. INT'L L. ONLINE* (forthcoming 2018) (responding to Joseph Blocher & Mitu Gulati, *Puerto Rico and the Right of Accession*, __ *YALE J. INT'L L.* __ (2018))

Immigration in the Age of Trump: Extremism vs. Exceptionalism, 2017 *U. ILL. L. REV. ONLINE*: Trump 100 Days <https://illinoislawreview.org/symposium/first-100-days/immigration-in-the-age-of-trump/>

Federalism, judicial systems, with Gabrielle Appleby, in *MAX PLANCK ENCYCLOPEDIA OF COMPARATIVE CONSTITUTIONAL LAW* (Rainer Grote et al., eds., 2017)

Book Review, 63 *AM. J. COMP. L.* 785 (2016) (reviewing ROBERT LECKEY, *BILLS OF RIGHTS IN THE COMMON LAW* (2015))

Book Review, 2016 *PUBLIC LAW* 168 (reviewing ELAINE MAK, *JUDICIAL DECISION-MAKING IN A GLOBALISED WORLD* (2013))

Book Review, 22 *REGIONAL & FED. STUD.* 117 (2012) (reviewing DIVERSITY AND UNITY IN FEDERAL COUNTRIES (Luis Moreno & César Colino eds., 2010))

Book Review, 41 *PUBLIUS* 349 (2011) (doi: 10.1093/publius/pjq017) (reviewing ROBERT SCHÜTZE, *FROM DUAL TO COOPERATIVE FEDERALISM: THE CHANGING STRUCTURE OF EUROPEAN LAW* (2009))

Citizenship, in *ENCYCLOPEDIA OF THE SUPREME COURT OF THE UNITED STATES* (David Tanenhaus ed., 2008)

Supranational Courts, in *ENCYCLOPEDIA OF LAW AND SOCIETY* (David S. Clark ed., 2007)

Working & Occasional Papers

Promouvoir la fédération: La Cour suprême des Etats-Unis au cours des années 1780, *NUEVO MUNDO MUNDOS NEUVOS* [En línea], Coloquios, (Elise Marienstrass trans., 2008), <http://nuevomundo.revues.org/index33903.html>

'Right to an Effective Remedy': *Judicial Protection and European Citizenship* (Fed. Trust Online Paper Series, No. 17/04, 2004), http://papers.ssrn.com/sol3/papers.cfm?abstract_id=580783

The Division of Competences Demands a Revised Judicial System, (Royal Instit. of Int'l Affairs, Apr. 2003)

Blog Posts

An Imperial Court in a Post-Colonial Context, JOTWELL (May 30, 2017) (reviewing Tracy Robinson & Arif Bulkan, *Constitutional Comparisons by A Supranational Court in Flux: The Privy Council And Caribbean Bills of Rights*, 80 MODERN L. REV. 379 (2017))
<http://intl.jotwell.com/an-imperial-court-in-a-post-colonial-context/>

Context Clues, JOTWELL (July 15, 2016) (reviewing Kristen Stilt, *Contextualizing Constitutional Islam: The Malayan Experience*, 13 INT'L J. CONST. L. 407 (2015))
<http://intl.jotwell.com/context-clues/>

The Once and Future Court, INT'L J. CON. L. BLOG (Dec. 17, 2012)
<http://iconnectblog.com/2012/12/the-once-and-future-court/>

Eurodemocracy, with Samuel Issacharoff, OPINIO JURIS (Feb. 8, 2011) (response to David Schleicher, *What if Europe Held an Election and No One Cared?*, 52 HARV. INT'L L. J. 109 (2011))
http://opiniojuris.org/2011/02/08/hilj_delaney-issacharoff-response-to-schleicher-2/

WORKS IN PROGRESS

The Federal Case for Judicial Review: From Structure to Rights

Valuing Integrity and Diversity in Federal Judicial Design, with Gabrielle Appleby

Comparing Rights and Structure in Federal Judicial Design, with Gabrielle Appleby

Reimagining Judicial Federalism, in REWRITING THE CANADIAN CONSTITUTION (Richard Albert, Kate Glover, Michael Pal & Wade Wright, eds.)

The European Constitution and Europe's Dialectical Federalism, in THE RISE AND FALL OF THE EUROPEAN CONSTITUTIONAL TREATY (Nicholas Barber, Maria Cahill & Richard Ekins, eds.)

ACADEMIC PRESENTATIONS, CONFERENCES & WORKSHOPS

“Brexit Optimism and British Constitutional Renewal”

- Presented under the title: “The United Kingdom and the Siren Song of Direct Democracy”
 - *Zodiac Group*, Northwestern Pritzker School of Law, January 2018
- Presented under the title: “Populist Nationalism and Constitutionalism in Crisis: Brexit as a European Outlier”
 - *European Law Section*, “The European Union and the Rise of Nationalist Populism”, AALS Annual Meeting, January 2018

“Rethinking Judicial Federalism”

- *Rewriting the Canadian Constitution*, Boston College Law School, October 2017

“Institutions and Inspiration: Judicial Design and Constitutional Transformation”

- *Implementing New Constitutions*, University of Chicago Law School, October 2017

“The European Constitution and Europe’s Dialectical Federalism”

- *The Rise and Fall of the European Constitutional Treaty*, St. John’s College, Oxford, September 2017

“The Federal Case for Judicial Review: From Structure to Rights”

- *Faculty Workshop*, Northwestern Pritzker School of Law, November 2017
- *Faculty Workshop*, UConn School of Law, September 2017
- *Faculty Workshop*, DePaul School of Law, September 2017
- *Faculty Colloquium*, UCLA School of Law, April 2017
- *Distinguished Speaker Series*, The Baldy Center for Law & Social Policy, University of Buffalo, March 2017
- Presented under the title: “Protecting Liberty: The Interplay between Federal Structure and Individual Rights”
 - *Zodiac Group*, Northwestern Law School, June 2016
- Presented under the title: “From Waldron to *Windsor*: Complicating the Core Case”
 - *Symposium: Judicial Supremacy v. Departmentalism*, William & Mary Law School, organized by the William & Mary Law Review, February 2016
 - *Faculty Workshop*, University of New South Wales, Melbourne, May 2015
 - *Zodiac Group*, Northwestern Law School, April 2015
 - *Judicial Supremacy and its Critics*, Wisconsin Discussion Group on Constitutionalism, Wisconsin Law School, November 2014
 - *Works-in-Progress*, Research Group on Constitutional Studies, McGill University, November 2014

“Understanding the Post-Colonial Judiciary: Judicial Independence in the African Commonwealth Countries”

- *ICON-S*, Copenhagen, Denmark, July 2017

“Integrity and Diversity: Comparing Rights and Structure in Federal Judicial Design”

- *ICON-S*, Copenhagen, Denmark, July 2017 (with Gabrielle Appleby)
- *Public Law Reading Group*, Northwestern Pritzker School of Law, April 2017 (with Gabrielle Appleby)

“Immigration and the Trump Presidency”

- Chicago Bar Association, May 2017
- *The First 100 Days*, Illinois College of Law, April 2017
- *Discussion & Debate*, Valparaiso College of Law, March 2017
- *Campus Conversation*, Office of the Provost, University of Illinois at Chicago, January 2017
- The Federalist Society Lawyer’s Division, January 2017

“Our Legal System in Comparative Perspective”

Holding Court: Many Faces of the Law, Alumnae of Northwestern Continuing Education, March 2017

Discussant, “Situating the Strike-Down” (Aileen Kavanaugh),

Continuity and Change in Public Law, Notre Dame Law School in London, United Kingdom, February 2017

Co-Convenor, *Conference on Comparative Judicial Review*, Northwestern Pritzker School of Law, October 7-8, 2016

Discussant, *Book Symposium*, STEVEN CALABRESI ET AL., THE U.S. CONSTITUTION AND COMPARATIVE CONSTITUTIONAL LAW (Foundation Press, 2016), Northwestern Pritzker School of Law, May 2016

“Constitutionalization à l’Anglaise: Lessons for Québec from the United Kingdom ”

- *Symposium: Does Quebec Need A Written Constitution?*, Yale Law School, March 2016

“Analyzing Avoidance: Judicial Strategy in Comparative Perspective”

- Presented under the title: “Judicious Power: Judicial Strategy in Comparative Perspective”
 - *Faculty Forum*, S.M.U. Dedman School of Law, January 2016
 - *Faculty Colloquium*, Duke Law School, December 2015
 - *Faculty Colloquium*, Emory Law School, October 2015
- Presented under the title: “Constructing Power: Judicial Strategy in Comparative Perspective”
 - *Montpelier Comparative Constitutional Law Roundtable*, October 2015
- Presented under the title: “Avoiding Adjudication”
 - *Faculty Workshop*, Notre Dame Law School, April 2015
 - *Constitutional Theory Colloquium*, Illinois College of Law, September 2014
 - *Comparative Constitutional Law Roundtable*, George Washington University Law School, March 2014
 - *Constitutional Law Speaker Series*, University of Pennsylvania Law School, February 2014
 - *Faculty Workshop*, Marquette Law School, February 2014

“Immigration Federalism(s)”

- *Federalism and Fundamental Rights: Europe and the United States Compared*, Yale Law School, October 2015
- *Emerging Immigration Scholars’ Conference*, U. Miami School of Law, June 2015

“Stability in Flexibility: A British Lens on Constitutional Success”

- *Big Ten Untenured Law Faculty Conference*, IU Maurer School of Law, August 2015

Discussant, “Constitutional Change, Constitutional Success & the Democratic Minimum Core”

(R. Dixon & D. Landau), *How Do Constitutions Succeed? Defining and Assessing Constitutional Performance*, University of Chicago Law School, April 2015

Discussant, *Book Symposium*, SAMUEL ISSACHAROFF, FRAGILE DEMOCRACIES: CONTESTED POWER IN THE ERA OF CONSTITUTIONAL COURTS (Cambridge University Press, 2015), Yale Law School, March 2015

Discussant, “How Many Laws do We Need?” (Paul Yowell),

The Common Law in an Age of Regulation, Notre Dame Law School in London, United Kingdom, February 2015

Delegate, *Academic Exchange Mission to Israel and the Palestinian Authority*, December 2014

Fulbright Lecture: “Precarious Power: Judicial Legitimacy in Comparative Perspective”,

Research Group on Constitutional Studies Lecture Series, McGill University, November 2014

“Judicial Power in the United Kingdom and the Debate over Judicial Appointments”

- *The Modern Judiciary Reading Group*, Harvard Law School, November 2014
- *ICON-S*, Florence, Italy, June 2014
- *Zodiac Group*, Northwestern Law School, August 2013
- *Big Ten Untenured Law Faculty Conference*, IU Maurer School of Law, August 2013
- *The Changing Nature of Judicial Power in Supranational, Federal, and Domestic Systems*, Dublin, Ireland, organized by IPSA RC 09 (Comparative Judicial Studies), July 2013

Discussant, “On the Linguistic Design of Courts—The French Capture” (Mathilde Cohen)
Montpellier Comparative Constitutional Law Roundtable, October 2014

“Judiciary Rising: Multi-level Governance and Constitutional Change in the United Kingdom”

- *MacCormick Seminar*, Edinburgh Law School, Edinburgh, United Kingdom, May 2014
- *International Perspectives on Public Law*, Notre Dame Law School in London, United Kingdom, October 2013
- *Buffett Center for International and Comparative Studies*, Northwestern University, April 2013
- *Program on Constitutional Theory, History, and Law*, Illinois College of Law, February 2013
- *22nd IPSA World Conference of Political Science*, Madrid, Spain, July 2012
- *European Legal Studies Center Lecture Series*, Columbia Law School, April 2012
- *Junior Faculty Workshop*, Columbia Law School, July 2011

“Federalism and its Many Safeguards”

- *Federalism in Flux: The United States and Beyond*, Wisconsin Discussion Group on Constitutionalism, Wisconsin Law School, November 2013
- *Constitutional Law “Schmooze”*, organized by Mark Tushnet, American Constitution Society Annual Convention, Washington, D.C., June 2013

“Accommodating Diversity or Protecting Liberty? The Limits of the American Federal Model”

- *The Art of Federalism*, Copenhagen, Denmark, organized by the Centre for International Law and Justice, Faculty of Law, University of Copenhagen, October 2013

Panelist, *Constitutional Courts in Comparative Perspective*, *Transatlantic Law Forum*, Arlington, Virginia, organized by the Law & Economics Center at George Mason Law School and the Council on Public Policy (Bayreuth, Germany), February 2013

“Justifying Power: Federalism, Immigration, and Foreign Affairs”

- *Zodiac Group*, Northwestern Law School, February 2013
- *Symposium: Perspectives on Migration, Governance, and Citizenship*, Duke Law School, organized by the Duke Journal of Constitutional Law & Public Policy, January 2013

“The [UK] Supreme Court in Comparative Perspective: A View from the United States”

- *The UK Supreme Court: An Assessment of the First Three Years 2010-2012*, London, United Kingdom, organized by Queen Mary, University of London, October 2012

“The Decisions of the U.S. Supreme Court”

- *The Style of the Opinions of Supreme and Constitutional Courts—A Comparative Analysis*, Straus Institute, New York University School of Law, November 2011

Delegate, *The 33rd American-German Young Leaders Conference*, (Conference Rapporteur), Munich and Berlin, organized by the American Council on Germany, August 2011

“Becoming Supreme: How Federalism Fostered Judicial Power,” with Barry Friedman

- *Constitutional Law Colloquium*, Cornell Law School, October 2010
- *Courts and the Legal Process Workshop*, Columbia Law School, March 2010

Delegate, *Constitutional Courts Summit*, (Working Group on Federalism), All Souls College, Oxford, organized by the Dräger Foundation and the Dedman School of Law, July 2004

“‘Right to an Effective Remedy’: Judicial Protection and European Citizenship”

- *Towards a European Constitution*, Goodenough College, London, organized by UACES and The Federal Trust, July 2004

“Promouvoir la fédération: La Cour suprême des Etats-Unis au cours des années 1780”

- *Federalism and Federations in the Americas: Utopics, Praxis, Limits*, Paris, France, organized by Universités de Paris 7, 10, 12, Universités d’Amiens et de Poitiers, June 2003

“The Division of Competences Demands a Revised Judicial System”

- *Governing Together in the New Europe*, Robinson College, Cambridge, organized by the Royal Institute of International Affairs and CONVEU 30, April 2003

Selected Participant, *Federalism Seminar*, Supreme Court Historical Society, Washington D.C., organized by the Institute for Constitutional Studies, June 2002

“The Supreme Court and the European Court of Justice: A Comparative Analysis”

- *Politics 60: Comparative Analysis of EU and US Integration Processes*, (Prof. Eric Remacle) L’Université Libre de Bruxelles, April 2002