

# AARON TANG

1721 Vine St. • Davis, CA 95616 • (203) 507-4715 • aatang@ucdavis.edu

## ACADEMIC POSITIONS

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### UNIVERSITY OF CALIFORNIA, DAVIS, SCHOOL OF LAW (KING HALL)

Professor of Law & Martin Luther King, Jr., Hall Research Scholar (2020-present)

Chancellor's Fellow (2022-present)

Acting Professor of Law (2016-2019)

*Courses:* Constitutional Law, Education Law & Policy, Supreme Court Simulation Seminar

### AFFILIATE, STANFORD CONSTITUTIONAL LAW CENTER (2023-2024)

## PUBLICATIONS

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### BOOKS

- *Supreme Hubris: How Overconfidence is Destroying the Court—And How We Can Fix It* (Yale University Press) (forthcoming 2023)

### LAW REVIEW ARTICLES & ESSAYS

- *After Dobbs: History, Tradition, and the Uncertain Future of a Nationwide Abortion Ban*, 75 STAN. L. REV. \_\_\_\_ (forthcoming 2023)
- *Consequences and the Supreme Court*, 117 NW. U. L. REV. \_\_\_\_ (forthcoming 2023)
- *Who's Afraid of Carson v. Makin?* 132 YALE L. J. FORUM 504 (2022)
- *Harm-Avoider Constitutionalism*, 109 CAL. L. REV. 1847 (2021)
- *The Radical – Incremental Change Debate, Racial Justice, & The Political Economy of Teachers' Choice*, 169 U. PA. L. REV. ONLINE 186 (2021).
- *How Do Judges Decide School Finance Cases?*, 97 WASH. U. L. REV. 1047 (2020) (with Ethan Hutt and Daniel Klasik)
- *Life After Janus*, 119 COLUM. L. REV. 677 (2019)
- *School Vouchers, Special Education & The Supreme Court*, 167 U. PA. L. REV. 337 (2019)
- *Can Unions Be Sued for Following the Law?* 132 HARV. L. REV. F. 24 (2018) (with Fred Smith)
- *Rethinking Political Power in Judicial Review*, 106. CAL. L. REV. 1755 (2018)
  - Winner, Association of American Law Schools' Scholarly Paper Competition (2018)
  - Selected for Presentation at Yale / Stanford / Harvard Junior Faculty Forum (2018)
  - Reviewed by Fred Smith, *The Politically Powerful and Judicial Review*, Jotwell, at://courtslaw.jotwell.com/the-politically-powerful-and-judicial-review/ (Sept. 2018)
- *Whose Money Is It Anyways: Have We Been Wrong About Agency Fees All Along?*, 131 HARV. L. REV. F. 154 (2018) (invited contribution)
- *Reverse Political Process Theory*, 70 VAND. L. REV. 1427 (2017)
  - Reviewed by Matthew A. Seligman, *Neutral Principles and Political Power: A Response to Reverse Political Process Theory*, 70 VAND. L. REV. EN BANC 301 (2017).

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### LAW REVIEW ARTICLES & ESSAYS (CONT.)

- *Public Sector Unions, the First Amendment, and the Costs of Collective Bargaining*, 91 N.Y.U. L. REV. 144 (2016)
- *Double Immunity*, 65 STAN. L. REV. 279 (2013)
- *The New Education Malpractice Litigation*, 99 VA. L. REV. 419 (2013) (with Ethan Hutt)
- *The Ethics of Opposing Certiorari in the Supreme Court*, 35 HARV. J.L. & PUB. POL'Y 933 (2012)
- *Privileges & Immunities, Public Education, & the Case for Public School Choice*, 79 GEO. WASH. L. REV. 1103 (2011)
- *Broken Systems, Broken Duties: A New Theory for School Finance Litigation*, 94 MARQ. L. REV. 1195 (2011)
- *Reading the School Finance Litigation Tea Leaves: What Lies Ahead for Plaintiff School Children?*, 4 HARV. L. & POL'Y REV. (Online) (January 28, 2011) (essay)
- "Teacher Employment and Collective Bargaining Laws in California," POLICY ANALYSIS FOR CALIFORNIA EDUCATION (February 2011) (with William S. Koski) (policy brief)

### WORKS IN PROGRESS

- *Children and the Supreme Court* (Article)

### POPULAR MEDIA PUBLICATIONS

- "Did the Supreme Court's Leak Investigation Let the Justices Off the Hook?" THE NEW YORK TIMES (January 20, 2023)
- "Originalism on Trial at the Supreme Court," SLATE (November 3, 2022)
- "The Supreme Court Will End Affirmative Action. What Happens Next?" THE LOS ANGELES TIMES (October 30, 2022)
- "There's A Way to Outmaneuver the Supreme Court, and Maine Has Found It," THE NEW YORK TIMES (June 23, 2022)
- "What Justice Alito Can Learn From A 114-Year-Old Sex Abuse Scandal," SLATE (June 2, 2022)
- "The Supreme Court Flunks Abortion History," THE LOS ANGELES TIMES (May 5, 2022)
- "Here's How Biden Can Fix the Supreme Court's Terrible Mistake in the Vax-or-Mask Case," THE LOS ANGELES TIMES (Jan. 15, 2022)
- "Did the Supreme Court Tip Its Hand On the Blockbuster Gun Case It's Hearing Wednesday?" THE LOS ANGELES TIMES (Nov. 1, 2021)
- "A Middle Ground on Abortion That Originalists Should Embrace," THE WASHINGTON POST, (Oct. 26, 2021)
- "SCOTUS: Union Organizers Cannot Access California Farms," NPR'S ALL THINGS CONSIDERED (June 23, 2021)
- "Why Supreme Court Case About Cheerleader's Snapchat Rant Matters To Students Everywhere," USA TODAY (Apr. 28, 2021)

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### POPULAR MEDIA PUBLICATIONS (CONT.)

- “The Simple Principle That Can Fix American Law,” THE ATLANTIC (Apr. 2, 2021)
- “Just One Supreme Court Case Could Blow Up Unions, Child Protection and Anti-Discrimination Law,” THE WASHINGTON POST (Mar. 18, 2021)
- “The New Supreme Court is Sending Surprisingly Centrist Signals,” THE LOS ANGELES TIMES (Nov. 25, 2020)
- “(Threaten to) Pack the Courts,” THE NEW YORK TIMES (Oct. 27, 2020)
- “A Constitutional Right to Literacy for Detroit’s Kids?” THE NEW YORK TIMES (Apr. 26, 2020) (with Ethan Hutt and Daniel Klasik)
- “What if the Court Saw Other Rights as Generously as Gun Rights?” THE ATLANTIC (Mar. 7, 2020)
- “Conservative Hypocrisy Makes Its Case at the Supreme Court,” THE NEW YORK TIMES (Nov. 26, 2019)
- “Will the Supreme Court Call Out the Administration’s Lies About DACA?” SLATE (Nov. 6, 2019)
- “A US Border Patrol Agent Shot Their Unarmed, 15-Year-Old Son. Will the Supreme Court Deny the Hernandez Family Their Day in Court?” THE HILL (Nov. 3, 2019)
- “Do States Have the Right to Seize Vehicles for Minor Offenses? The Supreme Court is Set to Decide,” SLATE (Nov. 26, 2018)
- “Viewpoint: Any Janus Solution That Ignores Free Riders is Star-Crossed and Unfair,” LABOR NOTES (July 27, 2018)
- “After *Janus*, How to Tilt the Balance of Power Back to Workers,” IN THESE TIMES (July 16, 2018) (with Jessica Stites)
- “A Tax Cut for Workers and Financial Security for Their Unions,” THE AMERICAN PROSPECT (July 11, 2018)
- “Kennedy’s Retirement Also Jeopardizes Public Education for Undocumented Children,” SLATE (July 5, 2018)
- “There’s A Simple Way to Neutralize Janus—If State Legislators Have The Will,” SALON (June 28, 2018)
- “The *Janus* Ruling Doesn’t Have to Be Fatal for Unions. Here’s How.” THE SACRAMENTO BEE (June 27, 2018)
- “An Open Letter: Justice Kennedy, Please Stay on the Supreme Court,” THE NATIONAL LAW JOURNAL (Dec. 26, 2016)

### BLOG POSTS

- *What’s Really at Stake in the Supreme Court’s Religious School Vouchers Case?* Harv. L. Rev. Blog (Feb. 4, 2020) (blog post)
- *The Supreme Court is Poised to Blow A Giant Hole in Gun Control. Here’s How the Liberal Justices Can Intervene,* Harv. L. Rev. Blog (Oct. 21, 2019) (blog post)

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### BLOG POSTS (CONT.)

- “Could A Ruling Against LGBT Rights in *Bostock* Allow Employers to Discriminate on the Basis of Religion?” TakeCareBlog.com (Oct. 7, 2019) (blog post)
- “The Doomed—And Dangerous—Demand for Refunds from Public Sector Unions,” TakeCareBlog.com (July 19, 2018) (blog post)
- *Janus and the Law of Opt-Out Rights*, Harv. L. Rev. Blog (July 2, 2018) (blog post)

### EDUCATION

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**STANFORD LAW SCHOOL – J.D.**

Palo Alto, CA – June 2011

**Awards:**

- *Gerald Gunther Prize for Outstanding Performance* in • Constitutional Law: Speech & Religion • Federal Courts • Torts • Civil Procedure • Contracts • Property • Corporations • Criminal Law • Evidence • Capital Markets • Over-The-Counter Derivatives
- *John Hart Ely Prize for Outstanding Performance* in • Law, Litigation, and Educational Policy • Legal Ethics • Educational Inequality
- *Judge Thelton E. Henderson Prize for Outstanding Performance* in • Supreme Court Litigation Clinic: Clinical Practice

**YALE UNIVERSITY – B.A., Political Science, *summa cum laude***

New Haven, CT – May 2005

**Awards:** Yale University’s Alpheus Henry Snow Prize; Harry S. Truman Scholar; USA Today All-USA College Academic First Team; Echoing Green Fellow; Phi Beta Kappa.

### CLERKSHIPS

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**Law Clerk to the Honorable Sonia Sotomayor**  
Supreme Court of the United States

Washington, DC (2013-2014)

**Law Clerk to the Honorable J. Harvie Wilkinson III**  
United States Court of Appeals for the Fourth Circuit.

Charlottesville, VA (2012-2013)

### LEGAL EXPERIENCE

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**Jones Day, Associate**

Washington, DC (2014-2016)

**Stanford Law School Constitutional Law Center, Associate Fellow**

Palo Alto, CA (2011-2012)

**Goldstein & Russell, P.C., Associate**

Washington, D.C. (2011-2012)

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### SELECTED PRESENTATIONS

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- *Controlling the Supreme Court: Now and 'Far Into the Future'*, panelist at Wisconsin Law Review's Annual Symposium (Oct. 28, 2022)
- *After Dobbs: History, Tradition, and the Uncertain Future of a Nationwide Abortion Ban*, University of Southern California Gould School of Law (Oct. 21, 2022)
- *Abortion, Choice, and SCOTUS*, panelist for the American Historical Association "History Behind the Headlines" program (July 6, 2022).
- *Supreme Hubris*, invited presenter at Duke Law School's Civil Rights Enforcement Colloquium (Feb. 10, 2022)
- *The Originalist Case for an Abortion Middle Ground*, invited speaker at Federalist Society event held at UC-Davis School of Law (Feb. 8, 2022)
- *Supreme Myths Podcast*, Invited Guest (Jan. 27, 2022)
- *Consequences & The Supreme Court*, presentations at the University of Pennsylvania Carey School of Law (Dec. 6, 2022); Duke Law School (Nov. 9, 2022); the Judging Hard Cases Conference at the University of Virginia (May 13, 2022); and the Harvard Law & Politics Workshop (Nov. 16, 2021)
- *American Constitution Society National Supreme Court Preview 2021-2022*, panelist (Sept. 21, 2021)
- *2020-21 Supreme Court Review*, panelist in American Constitution Society California chapter event (Aug. 5, 2021)
- *Is A Politics-Free Supreme Court Possible?*, panelist for Federal Hall's "Debate Defends Democracy" program, moderated by NY Times writer Emily Bazelon (May 18, 2021)
- *Fixing SCOTUS Redux: Court Reform in the Biden Era*, panelist for NYU American Constitution Society event (Apr. 1, 2021)
- *Reinvigorating American Democracy Through Court Reform*, panelist in Boston College Law School Dean's Distinguished Program (Jan. 27, 2021)
- *Judicial Independence*, interviewed for National Public Radio feature on judicial politics (aired nationally in January 2021)
- *Harm-Avoider Constitutionalism*, presentations at the University of Pennsylvania Law School's, course on Law & Inequality (2021), the University of Virginia Law School faculty workshop (2020), University of Southern California, Gould School of Law faculty workshop (2019), Northern California Junior Faculty Workshop at the University of California Hastings School of Law (2019), and Constitutional Law Colloquium at Loyola University Chicago (2019)
- *Education, Teachers Unions, and US-China Relations*, invited guest on *What Happens Next?* Podcast (Sept. 27, 2020)
- *2019-2020 Supreme Court Review*, panelist in American Constitution Society California chapter event (July 29, 2020)

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- *“Adversity Boosting”* – faculty speaker (elected by graduating 3L class) at 2019 UC-Davis law school commencement ceremony (May 2019)
- *School Vouchers, Special Education, & The Supreme Court*, presentation at Arizona State University, Sandra Day O’Connor College of Law (October 2018)
- *Partisanship in the Judiciary*, invited panelist for event sponsored by the UC-Davis Federalist Society (October 2018)
- *The Future of the Supreme Court*, presentation to more than 100 attendees at event hosted by the Sacramento Stanford Alumni Association (September 2018)
- *Life After Janus*, presentation at the Culp Colloquium, Stanford Law School (June 2018)
- *Rethinking Political Power in Judicial Review*, presentations at the American Association of Law Schools’ Scholarly Papers Competition (January 2018), the National Conference of Constitutional Law Scholars (March 2018), and the Yale / Stanford / Harvard Junior Faculty Forum (June 2018), Stanford Law School Faculty Workshop (September 2018)
- *NFL Anthem Protests & The First Amendment*, presentation for the Black Law Students Association at UC-Davis School of Law (November 2017)
- *Marijuana Federalism*, invited commenter, Federalist Society presentation by Ilya Shapiro
- *Supreme Court Year In Review*, presentation at UC-Davis sponsored panel in Sacramento, CA (July 2017) and radio interview on Capitol Public Radio (July 2017)
- *The Endrew F. Case*, presentation for the Disability Rights Law Association at UC-Davis School of Law (April 2017)
- *Reverse Political Process Theory*, presentations at the Culp Colloquium, Duke Law School (May 2017) and the American Association of Law Schools Section on Legislation, Law, & the Political Process “New Voices in Legislation” program (January 2017)
- *Public Sector Unions, the First Amendment, and the Costs of Collective Bargaining*, job talk presentations at law school faculty workshops at Alabama, Boston College, Iowa, Richmond, UC-Davis, Vanderbilt, and William & Mary (September-November 2015)

### SERVICE

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- UC-Davis Committee on Academic Freedom & Responsibility, Member (2019-21, 2022-23)
- UC-Davis Academic Senate Representative (2019-21)
- UC-Davis Law School Admissions Committee, Member (2019-20, 2022)
- UC-Davis Law School Intellectual Enrichment Committee, Member (2022-23)
- UC-Davis Law Library Advisory Committee, Chair (2021-22); Member (18-19, 20-21)
- UC-Davis Law School Academic Appeals Committee, Member (2017-19)
- AALS Section on Education Law, Chair (2018-19); Treasurer (17-18)
- AALS Committee to Review Scholarly Papers, Member (2018)