

(April 2019)

## **Mariano-Florentino (Tino) Cuéllar**

Supreme Court of California, 350 McAllister Street, San Francisco, CA. 415.865.7080  
cuellar-chambers@jud.ca.gov

### **EDUCATION**

STANFORD UNIVERSITY, Stanford, CA

**Ph.D. 2000 Political Science** (Sept. 1994-December 1995; April 1999-December 2000)  
(Teaching Assistant, Intro. to American Law; Research Assistant, Hoover Institution)  
**A.M. 1996 Political Science** (Sept. 1994-December 1995)

YALE LAW SCHOOL, New Haven, CT

**J.D. 1997** (Sept. 1993-May 1994; January 1996-May 1997)

HARVARD COLLEGE, Cambridge, MA

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

### **PROFESSIONAL EXPERIENCE**

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

*Justice* (2015-present)

*Chair, Calif. Judiciary's Implementation Task Force on Language Access* (2015-2019)

- Nominated by Governor Jerry Brown and retained by voters in the November 2014 statewide election to serve on the highest court of the country's largest judicial system. As Chair of the California Judiciary's Implementation Task Force on Language Access, led language access policy implementation and reform throughout California's courts, including expansion of the \$107 million annual interpreter reimbursement fund to provide interpreters in civil as well as criminal proceedings, technology programs, public and legislative outreach, data collection, and strategic planning.

STANFORD UNIVERSITY, Stanford, CA (August 2001-present; full-time August 2001-January 2015)

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

*Herman Phleger Visiting Professor (& Visiting Prof. of Law), 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)

- Directed Stanford's principal institute for research, education, and policy outreach on international studies. Led a faculty of approximately 50 scholars with academic appointments at the Institute and a staff of over 250 employees. Oversaw an annual budget of \$35 million for an institution with a \$200 million endowment, a graduate program in international policy studies, and 12 centers and programs — including centers on governance and development, international security, health policy, food security and the environment, and contemporary Asia, as well as the Stanford Center at Peking University. Expanded the Institute's research and programs on nuclear security, global poverty and development, cybersecurity, health policy, migration, international education, and Latin America. Previously led the Institute's Center for International Security and Cooperation (CISAC), served as Executive Committee Member of CISAC, and directed the Institute's Honors Program in International Security Studies.
- Served as university-wide Faculty Director, Stanford Cyber Initiative (2014-2015); Co-Chair, Stanford Global Development and Poverty Initiative (2013-2015); Member, Provost's Task Force on Systemic Social Change and Public Policy (2013-2014); Chair, Law School Appointments Committee (2008-2009; member 2012); Member, Haas Center for Public Service Faculty Steering Committee (2007-2008); Member, John Gardner Public Service Fellowship Selection Committee (2006-2008); Coordinator, Law School Workshop Series (2004-2006); and Member, Law School Building Committee (2006-2008, 2010-2012), Graduate and International Programs Committee (2004-2008, 2011-2012), Law and Public Policy Committee (2004-2008), and Admissions Committee (2001-2003).
- Courses taught include Administrative Law; Legislation and Administration; Criminal Law; Executive Power; Legislation; International Criminal Law; Citizenship and the State; Pivotal Moments in the History of American Institutions and Public Law; International Security in a Changing World; Rethinking Refugee Communities; Law and Development: Poverty, Institutions, and Geopolitics; and Regulating Artificial Intelligence. Research interests focus on administrative law and legislation, cyberlaw and artificial intelligence, law and development, criminal justice, public health and safety, citizenship and immigration, international security, and the history of institutions.

**NEW YORK UNIVERSITY**, New York, NY (February 2018, February 2019)

***Distinguished Jurist in Residence***

- Taught Crises of Democracy, Globalization, and Technology: Implications for Law and Lawyers (2019) and Topics in Artificial Intelligence, Cybersecurity, and Law (2018), delivered lectures, and advised students.

**HARVARD UNIVERSITY**, Cambridge, MA (January 2016, January 2017)

***Visiting Professor of Law***

- Taught Frontiers of Cyberlaw: Artificial Intelligence, Information Security, and Human-Computer Interaction, and advised students.

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

***Special Assistant to the President for Justice and Regulatory Policy***

- Advised the President and senior White House officials on criminal and civil justice (including the Justice Department budget, 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, and matters involving the Food and Drug Administration), and immigration.

- Led Domestic Policy Council staff and interagency teams working to implement administration priorities on justice and regulatory policy through presidential decisions, budget priorities, interagency task forces, and legislative changes. Adjudicated disputes between federal agencies with overlapping jurisdiction, including on seafood safety response following the BP oil spill. Drafted and negotiated provisions in sentencing reform, tobacco regulation, and food safety statutes.

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

***Co-Chair, Immigration Policy Working Group***

- Led the presidential transition team working on immigration, borders, and refugee policy. Supervised analyses of statutes, legislative proposals, agency practices, national security and foreign policy issues involving immigration, citizenship and immigration services, immigrant integration and education policy, migration and the economy, and refugee policy. Briefed the President, cabinet nominees and the Transition Board.

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

***Law Clerk to Chief Judge Mary M. Schroeder***

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

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

- Provided counsel and assistance to the Under Secretary (Enforcement), the Secretary, and other senior Treasury officials on the Department's activities to combat money laundering, investigate financial crimes, administer economic sanctions and firearms policies, manage trade and border inspections, and enhance cooperation with other governments in disrupting 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.
- Negotiated agreements governing the division of investigative responsibility between Justice and Treasury Department agencies in money laundering and bank secrecy cases. Reviewed policy development and implementation activities at the Secret Service; Customs Service; Bureau of Alcohol, Tobacco and Firearms; Financial Crimes Enforcement Network; and Office of Foreign Assets Control.

**Earlier Positions:** Council of Economic Advisers, Executive Office of the President, Washington, DC – Research Intern (regulatory policy, international economic affairs)(May 1996-September 1996); Stanford University, Department of Political Science, Stanford, CA – Graduate Research Assistant (administrative, regulatory, and social policy; international affairs) (October 1994-January 1996); White House Domestic Policy Council, Washington, DC – Intern (health and regulatory policy)(July 1994-September 1994); U.S. Senate, Hon. Senator Barbara Boxer, Washington, DC – Legal Intern (Whitewater/Madison Guaranty investigation, regulatory crime, financial regulation)(May 1994-July 1994); Yale University General Counsel's Office, New Haven, CT – Legal Intern (education, real estate, and insurance law) (January 1994-May 1994); Upward Bound Program, San Diego State University, San Diego, CA – Youth Coordinator (May 1993-August 1993).

## **PUBLIC SERVICE AND PROFESSIONAL ACTIVITIES**

### **Harvard University – Board of Overseers (2017-2019)**

Board committees: Institutional Policy, Social Science, and Honorary Degrees  
Visiting committees: Medical School, Graduate School of Design

### **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)**

### **Stanford Graduate School of Business, Stanford 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: Nominations and Governance, Audit, Cyber Initiative, Education Program, Madison Initiative

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

Board committees: Chair, Early Career Scholars Award Committee; Nominations

### **American Bar Foundation – Board of Directors (2012-2017)**

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

### **U.S. Department of Education, Equity and Excellence Commission – Co-Chair and Commissioner (appointed by Secretary of Education Arne Duncan, 2011-2013)**

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

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

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

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

### **Democratic Party, National Platform Drafting Committee – Member (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

ADMINISTRATIVE LAW: THE AMERICAN PUBLIC LAW SYSTEM (7<sup>th</sup> ed., West 2014)(with Jerry Mashaw, Richard Merrill, Peter Shane, Elizabeth Magill, and Nicholas Parrillo)

ADMINISTRATIVE LAW: THE AMERICAN PUBLIC LAW SYSTEM - TEACHERS' MANUAL (7<sup>th</sup> ed., West 2014)(with Jerry Mashaw, Richard Merrill, Peter Shane, Elizabeth Magill, and Nicholas Parrillo)

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

*Privacy's Political Economy and the State of Machine Learning*, 73 ANN. SURV. AM. LAW \_\_ (2019) (with Aziz Huq)

*Twentieth Century America as a Developing Country: Conflict, Institutional Change, and the Evolution of Public Law*, 56 HARV. J. LEGIS. \_\_ (2019) (with Margaret Levi and Barry Weingast)

*The Political Economy of the Opioid Crisis*, 37 YALE LAW & POL'Y REV \_\_ (2019) (with Keith Humphreys)

*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. Scholarly Works in Progress**

*Arguing Over Algorithms: Mapping the Dilemmas Inherent in Operationalizing "Ethical" Artificial Intelligence* (with Rob MacCoun)

*A Common Law for the Age of Artificial Intelligence: Institutions, Incremental Adjudication, and Machine Dancing*

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

*Panopticon Economics and the Distribution of Cyber Power* (reviewing SHOSHANA ZUBOFF, THE AGE OF SURVEILLANCE CAPITALISM)(with Aziz Huq)

### **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

*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 to the AI Community 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

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 (beginning 2011)(\$750,000)

### SELECTED INVITED PRESENTATIONS

*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 Judiciary 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, National Equity and Excellence, 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 21<sup>st</sup> 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)

*Tomorrow*, Commencement Address, Evergreen Community College, San Jose, CA (May 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 21<sup>st</sup> Century*, Presidential Invited Address, Law and Society Association, Chicago, IL (May 2010)

*Tomorrow*, Commencement Address, Rio Hondo Community College, Whittier, CA (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**

Fellow, American Academy of Arts and Sciences (2018)  
Judicial Achievement Award, National Hispanic Bar Foundation (2018)  
University Commencement Speaker, 126th Commencement, Stanford University (2017)  
Hayward Kenniston Lecturer, University of Michigan (2017)  
Commencement Speaker, Chapman University Law School (2017)  
Lloyd Cutler Distinguished Visitor, American Academy in Berlin (2017)  
Doctor of Laws (honorary), Santa Clara University (2016)  
Commencement Speaker, University of California, Davis School of Law (2015)  
Commencement Speaker, San Diego State University - Imperial Valley Campus (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)  
University Distinguished Visitor and Constitution Day Lecturer, Washington University in St. Louis (2012)  
Community Impact Award, Asian Law Alliance (2012)  
Civil Rights Champion Award, Asian Pacific American Bar Association of Silicon Valley, (2011)  
Lawyer of the Year, San Francisco La Raza Lawyers' Association (2011)  
Presidential Invited Address, Law and Society Association (2010)  
Elected Member, American Law Institute (2008)  
Fellowship, U.S.-Japan Foundation (2004-2005)  
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)