

Manoj Mate

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EDUCATION

University of California, Berkeley, Berkeley, California

Ph.D., Political Science, 2010

Mellon-Sawyer Fellow; Department Fellow; Outstanding GSI Teaching Award

Harvard Law School, Cambridge, Massachusetts

J.D., 2000

President, Law Student Council; HLS Dean's Community Service Award

University of California, Berkeley, Berkeley, California

B.A., Political Science, 1997, with *Highest Honors*

Departmental Citation Award

Phi Beta Kappa

Rhodes Scholar Finalist

Robert C. Gordon/Ida Sproul Award

ACADEMIC APPOINTMENTS

University of California, Irvine School of Law Irvine, CA July 2018-
Visiting Professor of Law

Harvard Law School Cambridge, MA 2017-2018
Visiting Scholar, East Asian Legal Studies

University of California, Berkeley School of Law Berkeley, CA Spring 2017
Visiting Associate Professor of Law

Whittier College School of Law Costa Mesa, CA 2011-2017
Professor of Law and Political Science (2017-)
Associate Professor of Law and Political Science (with tenure, 2016-), 2014-2017
Assistant Professor of Law and Political Science, 2011-2014
Awards: Faculty Marshal Teaching Award (2013, 2014)
Director, Center for International and Comparative Law 2012-2016

University of California, Berkeley, School of Law Berkeley, CA 2008-2009
Fellow in Global Comparative Law
Courses: Law in India

University of California, Berkeley, School of Law Berkeley, CA 2007-2008
Mellon-Sawyer Fellow, Center for the Study of Law and Society
Fellow for Andrew W. Mellon Foundation John E. Sawyer Seminar on Comparative Judicial Power
at the University of California, Berkeley.

PUBLICATIONS

THE RISE OF JUDICIAL POWER IN INDIA: RIGHTS, GOVERNANCE AND THE INDIAN SUPREME COURT (book manuscript).

Comparative Constitutional Law and LGBTQ Rights (work in progress).

Solar Trade Wars (work in progress).

The WTO and Development Policy Space (article under submission).

Protective Constitutionalism and Global Democracies (book review, CASS SUNSTEIN, CAN IT HAPPEN HERE? AUTHORITARIANISM IN AMERICA (2018), and TOM GINSBURG AND AZIZ HUQ, HOW TO SAVE A CONSTITUTIONAL DEMOCRACY (2018)), forthcoming, 54 TULSA L. REV. __ (2020).

Regulating Electoral Speech (in progress), in COMPARATIVE ELECTION LAW (James Gardner, ed. Elgar Press, forthcoming 2019).

Constitutional Erosion and the Challenge to Secular Democracy in India, in, CONSTITUTIONAL DEMOCRACIES IN CRISIS (Mark Graber, Sandy Levinson, and Mark Tushnet, eds.) (forthcoming, Oxford. Univ. Press, 2018) (peer reviewed).

Judicial Supremacy in Comparative Constitutional Law, 92 TULANE L. REV. 393 (2017).

Representative citations:

- M.J. Nelson, *Indian Basic Structure Jurisprudence in the Islamic Republic of Pakistan: Reconfiguring the Constitutional Politics of Religion*, ASIAN JOURNAL OF COMPARATIVE LAW (2018)
- Mark Tushnet, *Institutions Protecting Democracy: A Preliminary Inquiry*, THE LAW AND ETHICS OF HUMAN RIGHTS (2018)
- Article selected and reviewed as the “Daily Read on the Constitutional Law Prof Blog” by Ruthann Robson at <http://lawprofessors.typepad.com/conlaw/2018/01/daily-read-judicial-supremacy-and-comparative-constitutional-law.html>

Globalization, Rights and Judicial Review in the Supreme Court of India, 25 WASH. INT’L L. J. 643 (2016) (invited, symposium, “Asian Courts and the Constitutional Politics of the Twenty-First Century”).

- Article assigned as part of curriculum in National Judicial Academy of India (Official Training Institute of Government of India and Indian Judiciary), National Judicial Conference for High Court Justices, Session 3: *Superior Courts: Managing Judicial Review Within the Democratic Framework*, March 9-11, 2018.
- Article assigned as part of curriculum in National Judicial Academy of India, National Judicial Conference for Newly Elevated High Court Justices on Public Law, Session 4: *Theories of Judicial Review*, September 15-17, 2017.

Representative citations:

- GILLIAN MACNAUGHTON AND DIANE FREY, ECONOMIC AND SOCIAL RIGHTS IN A NEOLIBERAL WORLD (Cambridge, 2018).

- Stellina Jolly, *Role of Judiciary in Bio Diversity Enforcement and Compliance: Comparison between International Court of Justice and Indian Judiciary* in BIODIVERSITY: LAW, POLICY AND GOVERNANCE (Usha Tandon, Mohan Parasaran, Sidharth Luthra, eds., Routledge, 2017)

India's Participatory Model: The Right to Information in Election Law, 48 GEO. WASH. INT'L L. REV. 377 (2016).

Representative Citations:

- Cited in PO JEN YAP, COURTS AND DEMOCRACIES IN ASIA (Cambridge Univ. Press 2017).

The Rise of Judicial Governance in India, 33 B.U. INT'L L.J. 169 (2015).

Representative citations:

- Cited in Stephen Gardbaum, *What Makes for More or Less Powerful Constitutional Courts*, UCLA School of Law, Public Law Research Paper No. 17-37 (2017).
- Cited in Andrew Green, Albert H. Yoon, *Triaging the Law: Developing the Common Law on the Supreme Court of India*, 14 Journal of Empirical Legal Studies 683 (2017).
- Cited in Sujata Gadkar-Wilcox, *Revisiting Equity Jurisprudence in a Comparative Context: Learning from India's Interpretative Framework*, 15 WASH. U. GLOBAL. STUD. L. REV. 315 (2016).

State Constitutions and the Basic Structure Doctrine, 44 COLUM. HUM. RTS. L. REV. 441 (2014).

Representative Citations:

- Cited in YANIV ROZNAI, UNCONSTITUTIONAL CONSTITUTIONAL AMENDMENTS (2017).
- Cited in Rosalind Dixon and Samuel Issacharoff, *Living to Fight Another Day: Judicial Deference in Defense of Democracy*, 2016 WISC L. REV. 693 (2016).

Elite Institutionalism and Judicial Assertiveness in the Supreme Court of India, 28 TEMPLE INT'L & COMP. L.J. 361 (2014) (invited, symposium).

- Article assigned as part of curriculum in National Judicial Academy of India (Official Training Institute of Government of India and Indian Judiciary), National Judicial Conference for High Court Justices, Session 3-*Superior Courts: Managing Judicial Review*.

Representative citations:

- Cited in Samuel Issacharoff, *Comparative Constitutional Law as a Window on Democratic Institutions* in ELGAR RESEARCH HANDBOOK ON COMPARATIVE JUDICIAL REVIEW (Erin Delaney & Rosalind Dixon, eds.) (forthcoming, 2018).
- Cited in Theunis Roux, *In Defense of Empirical Entanglement: The Methodological Flaw in Waldron's Case Against Judicial Review*, THE CAMBRIDGE HANDBOOK OF DELIBERATIVE CONSTITUTIONALISM (Ron Levy et al. eds, Cambridge, 2018).
- Cited in Yves Dezalay and Bryant Garth, *The Role of Lawyers in South and East Asia*, in CHRISTOPH ANTONS, ED., ROUTLEDGE HANDBOOK OF ASIAN LAW (Routledge, 2016).

High Courts and Election Law Reform in the U.S. and India, 32 B.U. INT'L L.J. 268 (2014).

- Article assigned as part of curriculum for National Judicial Academy of India (Official Judicial Training Institute of Government of India and Supreme Court of India and High Courts), National Judicial Conference for High Court Justices, Session 6, *Free and Fair Elections-Vitalizing Our Democratic Fabric: The Way Forward*, March 23-25, 2018.
- Article assigned as part of curriculum for National Judicial Academy of India, Annual Conference on the Application of Election Laws, November 5-6, 2016.

Representative Citations:

- Cited in PO JEN YAP, *COURTS AND DEMOCRACIES IN ASIA* (2017).

Public Interest Litigation and the Transformation of the Supreme Court of India, in *CONSEQUENTIAL COURTS: NEW JUDICIAL ROLES IN COMPARATIVE PERSPECTIVE* (Diana Kapiszewski, Gordon Silverstein, Robert Kagan, eds., Cambridge University Press, 2013) (peer reviewed).

Representative citations:

- Cited in Theunis Roux, *In Defense of Empirical Entanglement: The Methodological Flaw in Waldron's Case Against Judicial Review*, *THE CAMBRIDGE HANDBOOK OF DELIBERATIVE CONSTITUTIONALISM* (Ron Levy et al. eds) (Cambridge Univ. Press 2018).
- Cited in WORLD BANK, *WORLD DEVELOPMENT REPORT 2017: GOVERNANCE AND THE LAW* (World Bank, 2017).

Priests in the Temple of Justice: The Indian Legal Complex and the Basic Structure Doctrine, in *FATES OF POLITICAL LIBERALISM IN THE BRITISH POST-COLONY: THE POLITICS OF THE LEGAL COMPLEX* (Terence Halliday, Lucien Karpik, and Malcolm Feeley, eds., Cambridge University Press, 2012) (peer reviewed).

Representative Citations:

- Mitra Sharafi, *South Asian Legal History*, 11 *ANNUAL REVIEW OF LAW AND SOCIAL SCIENCE* 309 (2015).
- Lucien Karpik and Terence Halliday, *The Legal Complex*, 7 *ANNUAL REVIEW OF LAW AND SOCIAL SCIENCE* 217 (2011).

The Origins of Due Process in India: The Role of Borrowing in Personal Liberty and Preventive Detention Cases, 28 *BERKELEY J. INT'L L.* 216 (2010).

Representative citations:

- Cited in Cheryl Saunders, *Judicial Engagement* in ROSALIND DIXON, TOM GINSBURG, EDS. *COMPARATIVE CONSTITUTIONAL LAW IN ASIA* (2014)
- Cited in GARY JACOBSON, *CONSTITUTIONAL IDENTITY* (Harvard Univ. Press, 2010).

Two Paths to Judicial Power: The Basic Structure Doctrine and Public Interest Litigation in Comparative Perspective, 12 *SAN DIEGO INT'L L.J.* 175 (2010).

Representative citations:

- Cited and favorably discussed in SAMUEL ISSACHAROFF, *FRAGILE DEMOCRACIES: CONTESTED POWER IN THE ERA OF CONSTITUTIONAL COURTS* (2015).
- Cited in Rosalind Dixon and Samuel Issacharoff, *Living to Fight Another Day: Judicial Deference in Defense of Democracy*, 2016 *WISC L. REV.* 693 (2016).
- Alexandra Huneeus, *Reforming the State from Afar: Structural Reform Litigation at the Human Rights Courts*, 40 *Yale J. Int'l L.* 1 (2015).

State Security and Elite Capture: The Implementation of Anti-Terrorist Legislation in India (with A. Naseemullah), 9 *J. HUM. RTS.* 262 (2010).

Representative citations:

- Jayanth Krishnan and Viplav Sharma, *Exceptional or Not, An Examination of India's Special Courts in the National Security Context*, in *GUANTÁNAMO AND BEYOND : EXCEPTIONAL COURTS AND MILITARY COMMISSIONS IN COMPARATIVE PERSPECTIVE* (Fionnuala Ní Aoláin and Oren Gross, eds.).

The 2000 Presidential Election Controversy, in PUBLIC OPINION AND CONSTITUTIONAL CONTROVERSY (N. Persily, Jack Citrin, Patrick Egan, eds., Oxford University Press, 2008) (with Matthew Wright) (peer reviewed).

Representative citations:

- Cited and discussed in Stephen Burbank, Sean Farhang, *The Subterranean Counterrevolution: The Supreme Court, The Media and Litigation Retrenchment*, 65 DEPAUL L. REV. 293 (2016).
- Cited in Amy Semet, Nathaniel Persily, and Stephen Ansolabehere, *Bush v. Gore in the American Mind: Reactions and Survey Results on the Tenth Anniversary of the Decision of the 2000 Election Controversy*, in ELECTION ADMINISTRATION IN THE UNITED STATES (R. Michael Alvarez, Bernard Grofman, eds., Cambridge Univ. Press, 2014).

SELECTED PRESENTATIONS

Comparative Constitutional Law and LGBTQ Rights, to be presented at the 2019 Annual Meeting of the Law and Society Association, Summer 2019.

Comparative Constitutional Law and LGBTQ Rights, presented at 4th National People of Color Legal Scholarship Conference, American University, March 21-24, 2019, presentation and comments to be published in Harvard Civil Rights-Civil Liberties Amicus Blog.

Trump and U.S. Trade Wars with China and India, presented at “International Law in Year Three of the Trump Administration”, Center for Globalization, Law and Society, University of California, Irvine School of Law, March 14, 2019.

The WTO and Development Policy Space in India, to be presented at Wake Forest University School of Law, February 27, 2018.

The WTO and Development Policy Space in India, article selected for presentation at 2019 Southern California International Law Scholars Workshop, Loyola Law School, February 15, 2019.

The WTO and Development Policy Space in India, to be presented at Faculty Scholarly Roundtable, UC Irvine School of Law, February 13, 2019.

The WTO and Development Policy Space in India, to be presented at Trade and Investment Across Asia, Joint Program of AALS Section on Law and South Asian Studies, and AALS Section on Comparative Law, January 2019.

Building Judicial Power in India, to be presented at *Comparative Constitutional Law and Judicial Politics*, AALS Section on Comparative Law Program, Annual Meeting of the American Association of Law Schools, New Orleans, Louisiana, January 2019.

Trump v. Hawaii and the Establishment Clause, plenary speaker, Western Law Professors of Color and Conference of Asian Pacific Law Faculty, UNLV Boyd School of Law, October 19, 2018.

Free Speech and Protest Rights in the NFL, to be presented at “The NFL National Anthem Controversy”, Western Law Professors of Color and Conference of Asian Pacific Law Faculty, UNLV Boyd School of Law, October 19, 2018.

Panelist, *The Trump Supreme Court*, Ruth Bader Ginsburg Evening on Law and Politics, Orange County Young Democrats, Anaheim, California, October 15, 2018.

Speaker, 10th Annual Supreme Court Review, Concerned Citizens of Laguna Woods, October 2, 2018.

Chair, *Global Trends in Election Law: Comparative Perspectives*, Comparative Law and South Asian Studies Joint Program, Annual Meeting of the American Association of Law Schools, San Diego, California, January 4, 2018.

Global Solar Trade Wars and the WTO, presented at U.C. Irvine School of Law Faculty Workshop, Irvine, California, November 8, 2017.

Comparative Constitutional Law and Indigenous Rights in Canada: Insights from India, presented at “Rewriting the Canadian Constitution” conference, The Clough Center for the Study of Constitutional Democracy, Boston College School of Law, October 19, 2017.

Global Solar Trade Wars and the WTO, presented at Harvard Law School East Asian Legal Studies Workshop, Cambridge, Massachusetts, October 16, 2017.

Judicial Power and Constitutional Transformation in India, presented at the University of California at Berkeley, School of Law, April 2017.

Reconceptualizing Judicial Supremacy, presented at the Fourth Annual Southern California International Law Scholars Workshop, University of Southern California, Gould School of Law, February 10, 2017.

Chair, *Comparative Constitutional Law in South Asia: Sources, Methods, and Applications*, AALS Annual Meeting, San Francisco, California, January 6, 2017.

Chair, *Fundamental Rights and Constitutional Transitions in South Asia*, Annual Meeting of the Association of American Law Schools (AALS), San Francisco, California, January 7, 2017.

The Elite Intellectual Origins of Judicial Empowerment, presented at panel, “Comparative Constitutionalism”, 2016 Annual Meeting of the American Political Science Association, Philadelphia, PA, September 2016.

Discussant, *Contesting Legitimacy: Legal Mobilization, Political Power, and Moral Order in Comparative Contexts*, 2016 Annual Meeting of the Law and Society Association, New Orleans, Louisiana, June 2, 2016.

Fundamental Rights and Obergefell, presented at Roundtable: LGBTQ Politics Post-Obergefell at 2016 Annual Meeting of the Western Political Science Association, San Diego, California, March 25, 2016.

Neoliberal Religiosity in the Secular State in Turkey and India (with Seval Yildirim), presented at:

- Southern California International Law Scholars (SCILS) workshop, UCLA School of Law, February 6, 2016.
- “Courts and Economic Rights in a Neoliberal Age,” 2015 Annual Meeting of the Law and Society Association, Seattle, Washington, May 30, 2015.

Neoliberalism and Development in India, presented at “Imagining Alternatives: Progressive Economics & Social Movements”, Occidental College, February 6, 2016.

Participant, APALSA Election Law Panel, U.C. Irvine School of Law, November 13, 2015.

Commentator, *Fragile Democracies: Contested Power in the Era of Constitutional Courts* (by Samuel Issacharoff, NYU Law), at Center for Democracy Development and the Rule of Law (CDDRL) Workshop, Stanford University, November 5, 2015.

India’s Participatory Model, presented at the 2015 Annual Meeting of the American Association of Law Schools, Comparative Law Session: "Comparative Law Expanded: Methodology and Public Law in Nontraditional Comparative Legal Systems" (one of two papers selected from call for papers), January 2015.

Presenter, *Voting Rights Post-Shelby: What Should Congress Do Now?* Law Week 2014, Los Angeles Law Library, May 2, 2014.

Presenter, *Is Voting a Human Right*, Law Week 2014, Los Angeles Law Library, May 2, 2014.

Rethinking The Participatory Model of Election Law, presented at the Second Annual Meeting of the Southern California Law and Social Science Forum, Whittier Law School, March 28, 2014.

Co-organizer, Second Annual Southern California Law and Social Science Forum Event, Elections, Law, and Democracy, Whittier Law School, March 2014.

Elite Institutionalism and the Supreme Court of India, presented at panel on Constitutional Conflict and Development: Perspectives from South Asia and Africa (Africa and Law and South Asian Studies Joint Program, Co-Sponsored by Sections on Comparative Law and Constitutional Law), Annual Meeting of the Association of American Law Schools, New York, NY, January 4, 2014.

Panelist, “Free Speech vs. Hate Speech”, Orange County Human Relations Commission, December 5, 2013.

Co-organizer, *The Global Medicine Challenge Symposium: The Fine Line Between Incentivizing Innovation and Protecting Human Rights*, November 2013.

Economic Liberalization, Development, and the Supreme Court of India, presented at, Sixth Annual South Asia Legal Studies Pre-Conference, sponsored by the University of Wisconsin Law School, Madison, October 17, 2013.

The Evolution of Judicial Power in the Supreme Courts of India and Pakistan, presented at the 2013 Annual Meeting of the American Political Science Association, Chicago, IL, August 2013/

High Courts and Electoral Reform in India and the U.S., presented at 2013 Annual Meeting of the

Law and Society Association, Boston, MA, May 2013.

Co-organizer, Inaugural Southern California Law and Social Science Forum Event, Law at the Fault Lines, March 2013.

Public Interest Litigation and the Expansion of Judicial Power in India, presented at the 2012 Annual Meeting of the Law and Society Association, Honolulu, Hawaii, June 2012.

The Expansion of the Power of the Supreme Court of India in Governance, presented at the 2011 Annual Meeting of the Law and Society Association, San Francisco, California, June 2011.

Priests in the Temple of Justice: Judicial Independence, the Basic Structure Doctrine and the Legal Complex in India, presented at the 2009 Annual Meeting of the Law and Society Association, Denver, Colorado, May 2009.

Rights, Governance, and the Expansion of Judicial Power in India, presented at Indian Democracy: Justice & the Law, FDRI/Berkeley Seminar on Indian Democracy, co-sponsored by the Center for South Asia Studies, University of California, Berkeley and the Foundation for Democratic Reforms in India, September 26-27, 2008.

State Security and Elite Capture: The Implementation of Anti-Terrorist Legislation in India (with A. Naseemullah), presented at the Annual Meeting of the American Political Science Association, Boston, Massachusetts, August 29, 2008 (Winner, Best Paper Award, Human Rights section).

Public Interest Litigation and the Transformation of the Indian Supreme Court, presented at the Annual Meeting of the Midwest Political Science Association Conference, Palmer House Hotel, Chicago, Illinois, April 5, 2008.

Two Paths to Judicial Power: The Basic Structure Doctrine and Public Interest Litigation, presented at the Andrew W. Mellon-Sawyer Seminar: The Dilemmas of Judicial Power in Comparative Perspective, Center for the Study of Law and Society, University of California, Berkeley, January 31, 2008.

Bush v. Gore and the Microfoundations of Public Support for the U.S. Supreme Court, (with Matthew Wright) presented at the 2006 Annual Meeting of the American Political Science Association, Philadelphia, Pennsylvania, August 31, 2006.

The Origins of Substantive Due Process: The Role of Borrowing in Personal Liberty and Preventive Detention Cases, presented at the Midwest Political Science Association Conference, Palmer House Hotel, Chicago, Illinois, April 20, 2006.

SELECTED COMMENTARY AND MEDIA COVERAGE

Daily Read: Judicial Supremacy in Comparative Constitutional Law, *Constitutional Law Prof Blog*, January 2018.

Manoj Mate, “Challenging Voting ID Laws”, *Orange County Lawyer Magazine*, November 2016.

Manoj Mate, “A Challenge to Judicial Independence in India: The National Judicial Appointments Commission,” *JURIST (University of Pittsburgh School of Law)-Commentary*, July 23, 2015.

“UCI Transfers Employee Connected to Racist Online Posts,” *Los Angeles Times*, February 5, 2014.

“O.C. Officials Review Challenges of Hate Speech as Free Speech,” *Orange County Register*, December 7, 2013.

“Protecting the Ability to Openly Challenge Government Policies Crucial for Democracy,” *India Abroad*, November 30, 2012.

SELECTED AWARDS AND FELLOWSHIPS

Faculty Marshal (Teaching Award), Whittier College School of Law (2013, 2014).

Best Paper Prize, Human Rights Section, American Political Science Association (2009).

Ford Foundation Visiting Fellowship, Centre for the Study of Law and Governance, Jawaharlal Nehru University, New Delhi, India (2006).

Honorable Mention, National Science Foundation Graduate Fellowship Program (2005).

OTHER PROFESSIONAL EXPERIENCE

Office of Mayor Julián Castro, City of San Antonio San Antonio, TX 2009-2011
Senior Policy Advisor to the Mayor

Chief Justice Earl Warren Institute on Law and Social Policy Berkeley, CA 2004-2006
Researcher for Voting Rights Act Reauthorization Initiative
Assisted in editing of *Voting Rights Act Reauthorization of 2006: Perspectives on Democracy, Participation, and Power* (Ana Henderson, ed., Berkeley Public Policy Press 2007).

The Sutton Law Firm San Francisco, CA 2003-2004
Attorney at Political and Election Law firm.

Stradling Yocca Carlson & Rauth Newport Beach, CA 2002-2003
Litigation Associate

O’Melveny & Myers, LLP San Francisco, CA 2000-2002
Litigation Associate

PROFESSIONAL ACTIVITIES AND SERVICE

Bar Admissions:

California, Northern District of California

Leadership Positions:

Chair, AALS Section on Comparative Law, 2018-2019

Chair, AALS Section on Law and South Asian Studies, 2017-2018

Co-founder and co-chair, Southern California Law and Social Science Forum, 2013-2014

Linkages and Advisory Group, American Society of Comparative Law Younger Comparativists' Committee (managed mentorship program), 2013-2014

Professional Memberships

Member, State Bar of California

Member, Law and Society Association

Member, American Political Science Association

Journal Service

Peer-reviewer for *Duke University Press, Journal of Empirical Legal Studies, American Journal of Comparative Law, Election Law Journal, Law and Social Inquiry, Transnational Environmental Law.*

