

**JON MICHAELS**  
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## **ACADEMIC APPOINTMENTS**

**UCLA School of Law**, Los Angeles, CA  
Assistant Professor, 2008–2013; Professor, 2013–

*Courses:* Administrative Law; National Security Law; Redesigning the Administrative State; Entrepreneurial Government; Architects of American Democracy; Law and Lawlessness in the Age of Trump.

*Awards:* Two-time Recipient of the American Constitution Society’s Richard Cudahy Prize for Regulatory and Administrative Law Scholarship (2010 and 2016); Selected to deliver the 13<sup>th</sup> Annual Berkeley Law & Technology Privacy Lecture (2020).

**Yale Law School**, New Haven, CT  
Anne Urowsky Visiting Professor of Law, 2013–2014

*Courses:* Administrative Law; National Security Law.

## **EDUCATION**

**Yale Law School**, New Haven, CT  
J.D. 2003

*Activities:* Yale Law Journal, Articles Editor.

**University of Oxford**, Worcester College, Oxford, UK  
M.A. (Oxon) 2006; B.A. 2000 (Philosophy, Politics, and Economics)

*Honors:* Marshall Scholar.

**Williams College**, Williamstown, MA  
B.A., *summa cum laude*, 1998 (English Literature; Political Science)

*Honors:* Harry S. Truman Scholar; *Phi Beta Kappa*.

## **JUDICIAL CLERKSHIPS**

**Hon. David H. Souter**, U.S. Supreme Court, Washington, DC  
2005–2006

**Hon. Guido Calabresi**, U.S. Court of Appeals for the Second Circuit, New Haven, CT  
2004–2005

## PUBLICATIONS

### BOOK

CONSTITUTIONAL COUP: PRIVATIZATION'S THREAT TO THE AMERICAN REPUBLIC (Harvard University Press 2017).

- Reviewed in the Harvard Law Review, Michigan Law Review, Washington Monthly, Federalist Society Review, Government Contractor, Volokh Conspiracy, and Jus Politicum (Fr.)
- Excerpted in the Guardian.
- Online symposia hosted by the Yale Journal on Regulation (eight essays) and Take Care (seven essays).

### BOOK (in progress)

PUBLIC CAPITALISM (proposal to be sent to university presses in Fall 2021)

### ARTICLES AND ESSAYS

Abandoning Presidential Administration: A Civic Governance Agenda to Promote Democratic Equality and Guard Against Creeping Authoritarianism, 69 UCLA L. Rev. \_\_ (forthcoming 2021) (with Blake Emerson).

The “Private” Option, in DEBATING THE PUBLIC OPTION (Ganesh Sitaramin & Anne Alstott, eds.) (Cambridge University Press forthcoming 2021).

The Constitutional Contours of Privatization, in THE PRIVATIZATION HANDBOOK (Avihay Dorfman & Alon Harel, eds.) (Cambridge University Press forthcoming 2021).

We the Shareholders: Government Market Participation in the Postliberal U.S. Political Economy, 120 Columbia Law Review 465-547 (2020).

Baller Judges, 2020 Wisconsin Law Review 411-438.

Sovereigns, Shopkeepers, and the Separation of Powers, 166 University of Pennsylvania Law Review 861-900 (2018).

The American Deep State, 93 Notre Dame Law Review 1653-1670 (2018).

- Response essay in Jotwell by Jodi Short, In Praise of Bureaucracy.

Tech Giants at the Crossroads: A Modest Proposal, Hoover Institution (Series Paper No. 1809) (Jul. 30, 2018).

Government Market Participation as Conflicted Government, in ADMINISTRATIVE LAW FROM THE INSIDE OUT: ESSAYS ON THEMES IN THE WORK OF JERRY L. MASHAW 451-473 (Nicholas R. Parrillo, ed.) (Cambridge University Press 2017).

Trump and the “Deep State,” Foreign Affairs (Sept./Oct. 2017), 52-56.

The Cycles of Separation-of-Powers Jurisprudence, 126 Yale Law Journal 346-437 (2016) (with Aziz Huq).

Of Constitutional Custodians and Regulatory Rivals: An Account of the Old and New Separation of Powers, 91 New York University Law Review 227-291 (2016).

- Response essays in New York University Law Review Online by Miriam Seifter, Complementary Separation of Powers; and Bijal Shah, Toward an Intra-Agency Separation of Powers.

Separation of Powers and Centripetal Forces: Implications for the Institutional Design and Constitutionality of Our National-Security State, 83 University of Chicago Law Review 199-220 (2016).

An Enduring, Evolving Separation of Powers, 115 Columbia Law Review 515-598 (2015).

- Awarded 2016 American Constitution Society's Richard Cudahy Prize for Regulatory and Administrative Law Scholarship.
- Response essays in Columbia Law Review Sidebar by David Fontana, The Administrative Difference of Powers?; and Cristina Rodriguez, Complexity as Constraint.

Running the Government Like a Business... *Then and Now*, 128 Harvard Law Review 1152-1182 (2015) (book review).

- Response essay in Harvard Law Review Forum by Nicholas Parrillo, The Salary Revolution and the Marks of Government's Distinctness.

Privatization's Progeny, 101 Georgetown Law Journal 1023-1088 (2013).

- Response essay in Jotwell by Anne Joseph O'Connell, Public Agencies Going Private.

Private Military Firms, the American Precedent, and the Arab Spring, 48 Stanford Journal of International Law 277-288 (2012).

The (Willingly) Fettered Executive, 97 Virginia Law Review 801-898 (2011).

Privatization's Pretensions, 77 University of Chicago Law Review 717-780 (2010).

- Awarded 2010 American Constitution Society's Richard Cudahy Prize for Regulatory and Administrative Law Scholarship.

Deputizing Homeland Security, 88 Texas Law Review 1435-1473 (2010).

- Excerpted as The Homeland Security Deputization Dilemma, 37 Administrative & Regulatory Law News 5 (Fall 2011).

All the President's Spies: Private-Public Intelligence Gathering in the War on Terror, 96 California Law Review 901-966 (2008).

Beyond Accountability: The Constitutional, Democratic, and Strategic Problems with Privatizing War, 82 Washington University Law Quarterly 1001-1127 (2004).

Deforming Welfare: How the Dominant Narratives of Devolution and Privatization Subverted Federal Welfare Reform, 34 Seton Hall Law Review 573-669 (2004).

To Promote the General Welfare: The Republican Imperative To Enhance Citizenship Welfare Rights, 111 Yale Law Journal 1457-1498 (2002) (Student Note).

Faith in the Courts? The Political and Legal Future of Federally Funded Faith-Based Initiatives, 20 Yale Law & Policy Review 183-225 (2002) (Student Note) (co-authored).

*ARTICLES AND ESSAYS (in progress)*

Goldilocks Government: Charting a Middle Course between Federal Gridlock and State Dysfunction (with Emme Tyler) (to be submitted to law reviews August 2021).

Courtroom Karens and Kens: Private Attorneys General Deputized to Fight America's Culture Wars (with David Noll) (to be submitted to law reviews August 2021).

Digital and Physical Company Towns in the Age of Public Capitalism (to be submitted to law reviews February 2022).

*SELECT GENERAL INTEREST ESSAYS AND OP-EDS*

The Military Deployment to the Border is a Shameless, and Dangerous, Stunt, Washington Post, Nov. 2, 2018 (with Jeffrey Smith).

Multidimensional Separation(s) of Powers and Democratic Erosion, Take Care, Oct. 29, 2018.

Advancing a Left-Liberal Jurisprudence, Take Care, Oct. 16, 2018.

The Supreme Court's Liberals Should Follow Conservative Justice Rehnquist's Lead—Dissent, Dissent, Dissent, Los Angeles Times, July 20, 2018.

Trump's Quiet Attack on the Regulatory State is Another Part of his Broader Class War, Slate, Dec. 22, 2017 (with Rajesh Nayak).

How the American Government Slowly Became a Business, Guardian, Dec. 18, 2017.

The War on Federal Employees, The American Prospect, Dec. 11, 2017.

Should America Also Have a Private Spying Agency?, Newsweek, Dec. 11, 2017.

How Trump is Dismantling a Pillar of the Administrative State, Guardian, Nov. 7, 2017.

Jared Kushner and Steve Bannon Want to Re-privatize the Military. That Would be a Big Mistake, Los Angeles Times, July 20, 2017.

What to do in Case of a Constitutional Crisis, CNN, Feb. 2, 2017.

The Folly of Trump's Palace Guard, CNN, Dec. 30, 2016.

Can Trump's Cabinet Makeover Work?, CNN, Dec. 17, 2016.

Businesslike Government and the Erosion of the Civil Service, Just Security, Nov. 22, 2016.

Administrative Checks and Balances, Just Security, Nov. 11, 2016.

The Founders Anticipated Trump. We Can Handle This, Los Angeles Times, Nov. 11, 2016.

### **LAW SCHOOL, UNIVERSITY, AND PROFESSIONAL SERVICE**

External Appointments Committee (2x; entry-level chair, 2016-17); Internal Appointments Committee (2x; chair, 2021-22); Clerkship Committee (7x; chair, 2020-21); Academic Careers Subcommittee (6x; chair, 2017-2022); Faculty Colloquium Committee (3x; chair, 2014-15); Representative to the UCLA Legislative Assembly (3x).

Peer referee for Harvard Law Review, Yale Law Journal, Stanford Law Review, and Columbia Law Review.

### **LEGAL EXPERIENCE AND PROFESSIONAL ACTIVITIES**

**Take Care** ([www.takecareblog.com](http://www.takecareblog.com))  
Contributing Author, 2017–

**Arnold & Porter LLP**, Washington, DC  
Associate, National Security Law and Public Policy Group, 2006–2008

**WilmerHale**, Washington, DC  
Associate, Litigation Group, 2003–2004

**Council on Foreign Relations**  
(Term) member, 2008–2013

**Pacific Council on International Policy**  
Member, 2017–

Admitted to Practice, New York; Washington, DC.