

# Michael D. Gilbert

Martha Lubin Karsh and Bruce A. Karsh Bicentennial Professor of Law  
University of Virginia

434-243-8551 | [mgilbert@law.virginia.edu](mailto:mgilbert@law.virginia.edu) | [@profmikegilbert](https://twitter.com/profmikegilbert)

## ACADEMIC APPOINTMENTS

---

### University of Virginia School of Law

Martha Lubin Karsh and Bruce A. Karsh Bicentennial

Professor of Law (three-year research chair)	2019 – present
Professor of Law	2014 – present
Sullivan & Cromwell Professor of Law (three-year research chair)	2015 – 2018
Associate Professor of Law	2009 – 2014

- Courses: Building the Rule of Law, Constitutional Law and Economics, Direct Democracy, Judicial Decision-Making, Law and Economics I (private law), Law and Economics II (public law), Legislation, Regulation of the Political Process
- UVA Corruption Lab on Ethics, Accountability, and the Rule of Law (CLEAR) <http://clearlab.virginia.edu>
- Director, Center for Public Law and Political Economy <https://www.law.virginia.edu/academics/program/center-public-law-and-political-economy>
- All-University Teaching Award (2020); UVA Student Council Distinguished Teaching Award (2015)

## EDUCATION

---

### University of California, Berkeley

Berkeley, CA

Ph.D., Jurisprudence and Social Policy

2008

- Dissertation: *An Economic Analysis of Direct Democracy and the Single Subject Rule*
- Committee: Robert Cooter (Chair), Daniel Farber, Rui de Figueiredo, Daniel Rubinfeld
- National Science Foundation Doctoral Dissertation Grant
- Other honors: Chancellor's Dissertation Fellowship, Dean's Normative Time Fellowship, Jurisprudence and Social Policy Fellowship, John M. Olin Fellowship in Law and Economics

J.D., 2005

- Order of the Coif (graduated first in law school class)
- Articles Editor, *California Law Review*
- Riesenfeld Fellow

**Tulane University**

New Orleans, LA

B.S., Economics and Political Science

1999

- Graduated *summa cum laude*, Phi Beta Kappa
- J. Ernest Tanner Award, Senior Scholar in Economics

**PROFESSIONAL EXPERIENCE**

---

U.S. Court of Appeals for the Ninth Circuit

San Francisco, CA

Law Clerk, Judge William A. Fletcher

2008 – 2009

World Bank Group

Washington, DC

Consultant, Doing Business Project

2005

Skadden, Arps, Slate, Meagher &amp; Flom (UK) LLP

London, England

Summer Associate

2005

Clifford Chance LLP

San Francisco, CA

Summer Associate

2004

Board of Governors of the Federal Reserve System

Washington, DC

Research Assistant, International Finance Division

1999 – 2002

Central Intelligence Agency

Langley, VA

Intern (paid), Directorate of Intelligence

1998

**RESEARCH**

---

PUBLIC LAW &amp; ECONOMICS (book draft, coauthor: Robert Cooter)

Conflict Avoidance in Constitutional Law, 107 *Virginia Law Review* (Forthcoming 2021) (coauthor: Charles Barzun)Constitutional Locks, *International Journal of Constitutional Law* (Forthcoming 2021) (coauthors: Mauricio Guim and Michael Weisbuch)Active Virtues, *Washington University Law Review* (Forthcoming 2021) (coauthor: Mauricio Guim)Do Good Citizens Need Good Laws? Economics and the Expressive Function, *Theoretical Inquiries in Law* (Forthcoming 2020) (coauthor: Andrew T. Hayashi)Constitutional Law and Economics, Forthcoming in *Research Methods in Constitutional Law: A Handbook* (Malcolm Langford & David S. Law eds., Edward Elgar, 2020) (coauthor: Robert Cooter)

- Spanish translation, Iberoamerican Journal of Law and Economics, forthcoming

Polling Place Quality and Access, in *The Future of Election Administration* 83-100 (Mitchell Brown, Kathleen Hale, & Bridgett A. King eds., Palgrave, 2019) (with coauthors)

The Law and Economics of Entrenchment, 54 *Georgia Law Review* 61 (2019)

Insincere Evidence, 105 *Virginia Law Review* 1115 (2019) (coauthor: Sean Sullivan)

Waiting to Vote in the 2016 Presidential Election: Evidence from a Multi-county Study, *Political Research Quarterly* 1 (2019) (with coauthors)

Transparency and Corruption: A General Analysis, 2018 *University of Chicago Legal Forum* 117 (2018)

Pedagogical Value of Polling-Place Observation by Students, 51 *PS: Political Science & Politics* 831 (2018) (with coauthors)

Aggregate Limits in the States, in *Democracy by the People: Reforming Campaign Finance in America* 328-343 (Timothy K. Kuhner & Eugene D. Mazo eds., Cambridge University Press, 2018)

Entrenchment, Incrementalism, and Constitutional Collapse, 103 *Virginia Law Review* 631 (2017)

Aggregate Corruption, 104 *Kentucky Law Journal* 651 (2016) (coauthor: Emily Reeder)

- Prepared for symposium entitled Issues in the 2016 Election, March 25, 2016, University of Kentucky

The Coordination Fallacy, 43 *Florida State University Law Review* 399 (2016) (coauthor: Brian Barnes)

- Prepared for symposium entitled The Law of Democracy at a Crossroads: Reflecting on Fifty Years of Voting Rights and the Judicial Regulation of the Political Thicket, Mar. 27-28, 2015, Florida State University

Insincere Rules, 101 *Virginia Law Review* 2185 (2015)

The Problem of Voter Fraud, 115 *Columbia Law Review* 739 (2015)

- Reprinted in *Civil Rights Litigation and Attorney Fees Annual Handbook* (Steven Saltzman ed., Vol. 31, 2016)

Disclosure and Corruption, 14 *Election Law Journal* 148 (2015) (coauthor: Benjamin Aiken)

Judicial Independence and Social Welfare, 112 *Michigan Law Review* 575 (2014)

Campaign Finance Disclosure and the Information Tradeoff, 98 *Iowa Law Review* 1847 (2013)

Interpreting Initiatives, 97 *Minnesota Law Review* 1621 (2013)

- Prepared for symposium entitled A More Perfect Union? Democracy in the Age of Ballot Initiatives, Oct. 26, 2012, University of Minnesota

Disclosure, Credibility, and Speech, 27 *Journal of Law and Politics* 627 (2012)

- Prepared for symposium entitled Disclosure, Anonymity, and the First Amendment, Oct. 29, 2011, University of Virginia

Does Law Matter? Theory and Evidence from Single Subject Adjudication, 40 *Journal of Legal Studies* 333 (2011)

Direct Democracy, Courts, and Majority Will, 9 *Election Law Journal* 211 (2010)

- Book review of Kenneth P. Miller, *Direct Democracy and the Courts* (2009)

Reply to Hasen and Matsusaka, 110 *Columbia Law Review Sidebar* 59 (2010) (coauthor: Robert Cooter)

A Theory of Direct Democracy and the Single Subject Rule, 110 *Columbia Law Review* 687 (2010) (coauthor: Robert Cooter)

Less Can Be More: Conflicting Ballot Proposals and the Highest Vote Rule, 38 *Journal of Legal Studies* 383 (2009) (coauthor: Joshua Levine)

Single Subject Rules and the Legislative Process, 67 *University of Pittsburgh Law Review* 803 (2006)

## **ADDITIONAL TEACHING**

---

### **Universidad Torcuato di Tella**

Visiting Professor of Law 2020

### **Young African Leader Initiative**

James Madison's Montpelier 2017

### **University of Nevada, Reno**

Visiting Professor of Law, Judicial Studies Program 2016

### **University of Münster, Germany**

Visiting Professor of Law 2015

### **University of California, Berkeley**

- Outstanding Graduate Student Instructor Award

## **PROFESSIONAL SERVICE**

---

### **Referee**

American Law and Economics Review, American Politics Research, California Law Review, Cambridge University Press, Columbia Law Review, Election Law Journal, Harvard Law Review, Journal of Empirical Legal Studies, Journal of Law and Courts, Journal of Politics, Law & Social Inquiry, Regulation and Governance, University of Chicago Law Review, Virginia Law Review, Yale Law Journal

### **University of Virginia Law School**

Center for Public Law and Political Economy (director, 2020 – current)  
Appointments Committee (chair, 2020 – 2021; 2016 – 2017; 2014 – 2015)  
Tenure Committee (2019 – 2020; 2017 – 2018)  
Clinical Search Committee (chair, 2019)  
Faculty Retreat and Workshops Committee (chair 2018 – 2019; 2010 – 2011)  
Law & Economics Committee (co-chair, 2017 – 2019)  
Ad Hoc Committee on Centers (2018)  
Ad Hoc Teaching Load Committee (2015 – 2017)  
Curriculum Committee (2015 – 2016)  
Graduate Program Committee (2015 – 2016)  
Admissions Committee (2014 – 2015)  
Empirical Legal Studies Committee (2010 – 2011; 2012 – 2014)  
Academic Placement Committee (2011 – 2012)  
Graduation Writing Awards Committee (2011)  
Order of the Coif Committee (2009 – 2010)

### **University of Virginia**

CLEAR: UVA Corruption Lab on Ethics, Accountability, and the Rule of Law (current)  
Leadership in Academic Matters (Spring 2016)

## **SELECTED PRESENTATIONS**

---

“Conflict Avoidance in Constitutional Law,” Virtual Workshop in Constitutional Law and Economics, May 2020.

“Do Good Citizens Need Good Laws? Economics and the Expressive Function,” presented at symposium entitled How Law Changes What You Want: Positive and Normative Effects of Law on Values and Preferences, Berkeley Law School, Feb. 2020.

“Excerpts from PUBLIC LAW & ECONOMICS,” Latin American Workshop on Law and Economics, ITAM, Mexico City, Nov. 2019.

“Corruption and Anti-Corruption 101: An Open Discussion with the CLEAR Lab Faculty,” Miller Center, University of Virginia, Nov. 2019.

“Impeachment, Bribery, and Corruption,” University of Virginia, Oct. 2019 (with Prof. Deborah Hellman)

“Insincere Evidence,” presented at Political Economy and Public Law Conference, Princeton, June 2019; American Law & Economics Association annual meeting, NYU, May 2019; University of Chicago Law School, Feb. 2019; Duke Law School, Jan. 2019; University of Michigan Law School, Nov. 2018; Law & Society Association annual meeting, Toronto, Canada, June 2018.

“Promoting Transparency and Accountability in Government,” Center for the Constitution, James Madison’s Montpelier, Mar. 2019.

Commentator on Ronald Krotoszynski, “Do Words Matter?: The Limited Relevance of Constitutional Text to Securing the Freedom of Speech,” Comparative Constitutional Law Roundtable, James Madison’s Montpelier, Oct. 2018.

“Active Justices: A Portfolio Theory of Supreme Court Power,” presented at ICON-S Conference, Hong Kong, June 2018; UVA Law School, June 2018; Constitutional Law Colloquium, University of Illinois Champaign-Urbana, Apr. 2018.

“Optimal Entrenchment of Legal Rules,” presented at American Law & Economics Association annual meeting, Boston University, May 2018; Comparative Constitutional Law Roundtable, James Madison’s Montpelier, Oct. 2017; University of San Diego Law School, Sept. 2017; George Mason University, April 2017; University of California, Berkeley, Feb. 2017; Political Economy and Public Law Conference, Cornell Law School, June 2016; University of Virginia, June 2016.

Commentator on Jeffrey K. Staton et al., “Appointment Rules and Gender Diversity on High Courts,” Comparative Constitutional Law Roundtable, George Washington University, Mar. 2018.

“Public Law and Economics,” presented at Universidad Espiritu Santo (Guayaquil, Ecuador) and Universidad San Francisco (Quito, Ecuador), Nov. 2017.

“Law and Business,” Congreso Internacional de Ciencias de la Empresa, Universidad Espiritu Santo (Guayaquil, Ecuador), Nov. 2017.

“Transparency and Corruption: A General Analysis,” presented at University of Chicago Legal Forum, Nov. 2017.

Elections in America, University of Virginia, June 2017

Speaker on panel titled Legislative Privilege, Virginia Coalition for Open Government, Montpelier, Dec. 2016.

“Entrenchment, Incrementalism, and Constitutional Collapse,” presented at Political Economy and Public Law Conference, Cornell Law School, June 2016; University of Virginia, June 2016.

Commentator at symposium entitled Democracy By the People: Reforming Campaign Finance in America Today, Seton Hall Law School, Apr. 2016.

“Aggregate Corruption,” presented at symposium entitled Issues in the 2016 Election, University of Kentucky, Mar. 2016.

“The Coordination Fallacy,” presented at symposium entitled The Law of Democracy at a Crossroads: Reflecting on Fifty Years of Voting Rights and the Judicial Regulation of the Political Thicket, Florida State University, Mar. 2015.

“Insincere Rules,” presented at University of Virginia, Nov. 2014; American Law & Economics Association annual meeting, University of Chicago, May 2014; Berkeley Law School, Feb. 2014.

“The Problem of Voter Fraud,” presented at American Constitution Society Scholars’ Schmooze, Washington, DC, June 2014; Midwest Political Science Association annual conference, Chicago, IL, Apr. 2014; Constitutional Law Schmooze, University of Maryland, Feb. 2014; symposium entitled The Voting Wars: Elections and the Law from Registration to Inauguration, University of Virginia, Mar. 2013.

Commentator on Lynda W. Powell, *The Influence of Campaign Contributions in the Legislative Process*, and Raymond La Raja, “Campaign Finance and Partisan Polarization,” presented at symposium entitled The Future of Campaign Finance Reform, Duke Law School, Feb. 2014.

“Campaign Finance Disclosure and the Information Tradeoff,” presented at American Law & Economics Association annual meeting, Vanderbilt University, May 2013; Midwest Law & Economics Association annual meeting, Washington University, Oct. 2012; and University of Virginia, Sept. 2012.

Speaker on panel entitled Disclosure—What Should Be Disclosed, When, By Whom?, conference sponsored by the Center for the Constitution at Montpelier entitled Can Campaign Finance Be Reformed?, May 2013.

“Judicial Independence and Social Welfare,” presented at Georgetown Law Center, Apr. 2013; Tel Aviv University School of Law, Dec. 2012; Political Economy and Public Law Conference, Harvard Law School, June 2011; American Law & Economics Association annual meeting, Columbia Law School, May 2011; and University of Virginia, March 2011.

Commentator on Brandice Canes-Wrone, Jason Kelly, and Tom Clark, “Judicial Selection and Death Penalty Decisions,” Conference on Empirical Legal Studies, Stanford University, Nov. 2012.

“Interpreting Initiatives,” presented at symposium entitled A More Perfect Union? Democracy in the Age of Ballot Initiatives, University of Minnesota, Oct. 2012.

Commentator on Douglas Spencer and Abby Wood, “Citizens United, States Divided: Evidence of Elasticity in Independent Expenditures,” Political Economy and Public Law Conference, University of Virginia, May 2012.

Commentator on David S. Law and Mila Versteeg, “Sham Constitutions,” University of Virginia, Jan. 2012.

“Disclosure, Credibility, and Speech,” presented at symposium entitled Disclosure, Anonymity and the First Amendment, University of Virginia, Oct. 2011.

“Does Law Matter? Theory and Evidence from Single Subject Adjudication,” presented at Law and Economics Workshop, Georgetown Law Center, Nov. 2010; JSP Dissertation Colloquium, U.C. Berkeley, Oct. 2010; American Law & Economics Association annual meeting, Princeton University, May 2010. Between October 2008 and February 2009 I presented this paper at workshops at Berkeley, Boston University, University of Chicago, Duke University, Hastings College of the Law, New York University, University of Pennsylvania, University of Southern California, University of Virginia, and Washington University.

Commentator on Robert Cooter and Neil S. Siegel, “Taxes, Regulations, and Health Care: Part II of Collective Action Federalism,” Rational Choice and Constitutional Law Conference, University of Chicago School of Law, Sept. 2010.

Commentator on Thomas J. Miles, “Racial Disparities in the Allocation of Wiretap Applications across Federal Judges,” paper presented at conference on Law and Economics of Criminal Law, University of Virginia, Mar. 2010.

Presentation on Congressional redistricting, Miller Center of Public Centers, University of Virginia, Oct. 2009.

“Less Can Be More: Conflicting Ballot Proposals and the Highest Vote Rule,” presented at American Law & Economics Association annual meeting, Harvard Law School, May 2007, and Western Political Science Association annual meeting, Las Vegas, NV, Mar. 2007.

Speaker on panel entitled Judges Overruling the Electorate?: The Single Subject Rule, Federalist Society’s National Lawyers Convention, Washington, DC, Nov. 2006.



“Political Questions in International Law,” presented at Law & Society Association annual meeting, Baltimore, MD, July 2006.

“Chaos, Direct Democracy, and the Single Subject Rule,” presented at American Law & Economics Association annual meeting, U.C. Berkeley, May 2006, and Law & Economics Workshop, U.C. Berkeley, Feb. 2006.

“Single Subject Rules and Public Choice Theory,” presented at Workshop on Strategic Theory of the U.S. Constitution, U.C. Berkeley, Aug. 2005.