

Jacob Eisler

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Academic Positions

Florida State University College of Law, Tallahassee, FL *from June 2023*
James Edmund and Margaret Elizabeth Hennessy Corry Professor

Southampton Law School, University of Southampton, Southampton, UK *September 2018*
Associate Professor of Public Law

Jesus College, University of Cambridge, Cambridge, UK *October 2015-August 2018*
College Lecturer and Yates Glazebrook Fellow in Law

Education

Harvard University, Department of Government, Cambridge, MA *2016*
PhD, Political Science, for dissertation “Personhood and the Law of Corruption in Federal Courts”
Advisors: Professors Nancy Rosenblum, Eric Nelson, Jim Alt, and Eric Beerbohm

Harvard Law School, Cambridge, MA *2010*
JD, magna cum laude

Emmanuel College, University of Cambridge, Cambridge, UK *2006*
MPhil in Political Thought and Intellectual History
Advisors: Professors John Dunn and Quentin Skinner

Williams College, Williamstown, MA *2004*
BA in Political Science with highest honors and English, *magna cum laude*, Phi Beta Kappa

Publications

Books

THE LAW OF FREEDOM: THE SUPREME COURT AND DEMOCRACY (Cambridge University Press, 2023)

DATA-DRIVEN PERSONALISATION IN MARKETS, POLITICS AND LAW (ed., with Uta Kohl) (Cambridge University Press, 2021)

Articles

Rethinking the Government Speech Doctrine, Post-Trump (with Michael Kang), 2022 U. ILLINOIS L. REV. 1943 (invited symposium contribution)

-available at https://papers.ssrn.com/sol3/papers.cfm?abstract_id=4031177

Conceptualising Corruption and the Rule of Law, 85 MODERN L. REV. 1072 (2022) (peer reviewed)

-available at <https://onlinelibrary.wiley.com/doi/abs/10.1111/1468-2230.12694>

Constitutional Formalities, Power Realities, and Comparative Anglophone Responses to Foreign Campaign Meddling, 20 ELECTION L. J. 32 (2021) (peer reviewed)

-available at <https://www.liebertpub.com/doi/10.1089/elj.2020.0653>

The Limits and Promise of Instrumental Legal Analysis, 47 J. LAW & SOC'Y 499 (2020) (peer reviewed)

-available at <https://onlinelibrary.wiley.com/doi/epdf/10.1111/jols.12238>

Federal Oversight of State Primaries: The Troubling Drift from Equal Protection to Association, 71 MERCER L. REV. 735 (2020) (invited symposium contribution)

-available at https://digitalcommons.law.mercer.edu/jour_mlr/vol71/iss3/6/

Dissonant Referendum Design and Turmoil in Representation, [2019] PUBLIC LAW 622 (peer reviewed)

-available at https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3378642

Partisan Gerrymandering and the Constitutionalization of Statistics, 68 EMORY L. J. 978 (2019)

-available at https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3145191

Partisan Gerrymandering and the Illusion of Unfairness, 67 CATH. U. L. REV. 229 (2018)

-available at <https://scholarship.law.edu/lawreview/vol67/iss2/6/>

McDonnell and Anti-Corruption's Last Stand, 50 UC DAVIS L. REV. 1619 (2017)

-available at https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2837814

The Deep Patterns of Campaign Finance Law, 49 CONN. L. REV. 57 (2016)

-available at http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2747403

The Unspoken Institutional Battle over Anti-Corruption: Citizens United, Honest Services, and the Legislative-Judicial Divide, 9 FIRST AMEND. L. REV. 363 (2011)

-available at http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1780323

Book Chapters in Edited Collections

'One Person, One Vote', in THE OXFORD HANDBOOK OF AMERICAN ELECTION LAW (Oxford University Press, Gene Mazo, ed.) (forthcoming 2023)

'A. v. National Blood Authority: An Experiment in Radical Consumer-centric Strict Liability for Products', in LANDMARK CASES IN CONSUMER LAW (Hart, Jodi Gardner and Iain Ramsay, eds.) (forthcoming 2023)

'Campaign Speech and the Universal Dilemma in the Common Law of Elections: A Lesson from the Anglo-American Divide', in COMPARATIVE ELECTION LAW (Edward Elgar; Jim Gardner, ed., 2022)

'Conclusion: Balancing Data-Driven Personalisation and Law as Social Systems', in DATA-DRIVEN PERSONALISATION IN MARKETS, POLITICS AND LAW (Cambridge University Press: Uta Kohl and Jacob Eisler, eds.) (2021)

Shorter Pieces (Editorials, Case Notes, Book Reviews, Blog Posts) (selected)

Climate change and the challenge to liberalism (with Suzanne Kang, Jonathan Havercroft, Jo Shaw, and Antje Wiener), 12 GLOBAL CONSTITUTIONALISM 1 (2023)

The Elections Act in Uncertain Times: Democracy, Partisanship, and the Uncodified Constitution, U.K. Const. L. Blog (May 16, 2022)

Democracy on Thin Ice, VERFASSUNGSBLOG (May 3, 2022)

Electoral Oversight under Government Control, VERFASSUNGSBLOG (February 24, 2022)

The pendulum swings back: New authoritarian threats to liberal democratic constitutionalism (with Jonathan Havercroft, Jo Shaw, Antje Wiener, and Suzanne Kang), 11 GLOBAL CONSTITUTIONALISM 1 (2022)

Voter ID and the Elections Bill 2021: Legislative Manipulation of Democratic Procedure and the Limits of Judicial Review, U.K. Const. L. Blog (September 29, 2021)

The Narrowing of Electoral Access: The Elections Bill 2021, VERFASSUNGSBLOG (September 11, 2021)

Review of Chilton and Versteeg, WHY CONSTITUTIONAL RIGHTS MATTER, 137 LAW QUARTERLY REV. 530 (2021)

After Trump (with Jonathan Havercroft, Jo Shaw, Antje Wiener, and Val Napoleon), 10 GLOBAL CONSTITUTIONALISM 1 (2021)

Decolonizing global constitutionalism (with Jonathan Havercroft, Jo Shaw, Antje Wiener, and Val Napoleon), 9 GLOBAL CONSTITUTIONALISM 1 (2020)

Case Note, *Statutory Formalism and Political Realism in Judicial Oversight of Campaigns*, 78 CAMBRIDGE L. J. 257 (2019)

Review of McGann et. al, GERRYMANDERING IN AMERICA, 77 CAMBRIDGE L. J. 414 (2018)

Case Note, *Robinson v. Chief Constable of West Yorkshire Police*, 2018 UKSC 4, U.K. Const. L. Blog (May 14, 2018)

Review of Bartels, PLATO'S PRAGMATIC PROJECT, 77 CAMBRIDGE L. J. 223 (2018)

Case Note, *One Step Forward and Two Steps Back in Product Liability: The Search for Clarity in the Identification of Defects*, 76 CAMBRIDGE L. J. 233 (2017)

Academic Grant Funding Received

Southampton Law School Research Fund (2022), £7,000 dedicated funding to finalization of *The Law of Freedom: The Supreme Court and Democracy*

Southampton Law School Research Fund (2019), £2,000 dedicated funding to support research projects: i) book conference on *Election Law and the Crisis of Mass Democracy* and ii) Feasibility Study on Data Mining and Text Analysis

Fellows Conference Grant, Intellectual Forum at Jesus College (Winter 2018): £10,000 to support Social Science and Law Interdisciplinary Conference

China Centre, Jesus College (Winter 2018): £5,000 to support Social Science and Law Interdisciplinary Conference

Centre for Research in the Arts, Social Sciences, and Humanities Early Career Fellowship, University of Cambridge (Winter 2018): £2,000 Teaching Replacement Buyout

Yorke Fund, Cambridge University (Spring 2016): £1,500

Public and Policy Engagement

Written Evidence for Parliamentary Call for Evidence, ‘Electoral Law: The Urgent Need for Review’, April 2019; noted and discussed in First Parliamentary report

Written Evidence for Parliamentary Call for Evidence, ‘The Work of the Electoral Commission’, November 2020; noted and discussed in Second Parliamentary report

Extensive Media Coverage of 2020 US presidential election and post-election events, UK regional and national radio (particularly BBC and affiliates)

Awards and Scholarships

Highly Commended, ‘Most Engaging Lecturer’, Southampton University Student Awards (University-wide, student-initiated recognition for teaching quality), 2022 (one of two so recognized across Faculty of Social Science)

Nominee, ‘Best Academic Support’, Southampton University Student Awards, 2022

Southampton Law School, Staff Achievement Award (Band 3) (Head of School-nominated Southampton internal award for contributions to ‘collegiate, sustained, contribution’; Band 3 is highest level award) (2018-2019)

Nominee, ‘Most Engaging Lecturer’, Southampton University Student Awards, 2019

Harvard Law School, Recipient, Donald G. Kempf, Jr. Scholarship

Williams College, Dr. Herchel Smith Fellowship (funding study at Emmanuel College, Cambridge)

Williams College, Herbert H. Lehman Scholarship (awarded for service to Williams and wider community)

Teaching Experience

Southampton Law School

Public Law (Introductory Constitutional Law)

- mandatory year-long first year course: ~180 students enrolled per year
- module lead: responsibility for course organization and oversight, including syllabus content and design, examinations, and delivery of teaching
- lectures and small group teaching

Remedies (Advanced Tort and Contract)

- core second year course: ~160 students enrolled per year
- module lead: (as with Public Law above)
- lectures and small group teaching

Tort (mandatory first year course): small group teaching

Jesus College, University of Cambridge

Supervisions provided in Tort; Contract; Jurisprudence

Tripes Examiner for Department of Land Economy, Paper 9 (Private Law) (2016-17)

Tripes Assessor for Faculty of Law, Paper 13 (Tort) (2017-2018)

Harvard University

Teaching Fellow for Moral Reasoning 22: Justice, Government 10: Foundations of Political Theory;

Lecturer for Social Studies 10a: Introduction to Social Studies

Academic and Institutional Service and Affiliations (selected)**Southampton University** (all posts held 2018-present unless otherwise noted)

Co-director of Post-Graduate Research (PhD) Programme, responsible for training and development of all PhD students in the Law School

Co-director, Centre for Global Constitutionalism (2020-present)

Research (Scholarship) Committee

School Programmes (Teaching and Education) Committee

Faculty Graduate School Committee

Jesus College, University of Cambridge

Dean of College (Discipline) (2018)

Director of Studies, Law (Part II 2015-2016; Part IB 2016-2018)

Property Committee (2015-2016)

Investment Committee (2015-2016)

Harvard University

Harvard Law & Policy Review, Executive Editor 2009-2010; Senior Policy Editor 2008-2009

Harvard University: Board of Academic Advisors, Committee on Degrees in Social Studies (2010)

Editor, GLOBAL CONSTITUTIONALISM (from September 2019)

-responsible for all scholarly aspects of journal activity: managing articles through peer review (including initial substantive review; identification and recruitment of peer reviewers; decisions following peer review feedback); developing journal as leader in public law and constitutionalism through activities such as design and promotion of Annual Young Scholar's Workshop; advancing journal mission and ethos in consultation with other editors

Research Associate, Centre for Business Research, Judge Business School, University of Cambridge (2017-present)

Peer Reviewer: Cambridge University Press; Oxford University Press; Hart Publishing; Cambridge Law Journal; Computer Law & Security Review; Election Law Journal; Keele Law Review

Conferences Organized

'Trends in Global Constitutionalism: Thoughts for ECR Scholars' (Icon-S Mundo, July 2021)

'Election Law and the Crisis of Mass Democracy' (Book Conference on Manuscript under revision with CUP) (Southampton, July 2019)

'Data-Driven Personalisation in Markets, Politics and Law Conference' (Southampton, June 2019) (with Uta Kohl and James Davey)

‘Inaugural Social Sciences and Law Interdisciplinary Conference’ (Cambridge, March 2018)
(with Simon Deakin)

Academic Presentations (selected)

- ‘The Law of Freedom: The Supreme Court and Democracy’, Southeastern Association of Law Schools Conference, July 2023
- ‘The Law Review Article v. The Monograph’, Southeastern Association of Law Schools Conference, July 2023
- ‘New Voices in Election Law’, American Association of Law Schools Conference, January 2023
- ‘Philosophy of Election Law’, Southeastern Association of Law Schools Conference, August 2022
(workshop with leading election law scholars on draft of *The Law of Freedom*)
- Keynote Address, “Political Personalisation and the Adaptive Algorithm,” Society of Legal Scholars CyberLaw Section, Durham University, August 2021
- “GlobCon Junior Scholars’ Workshop 2021: Diversity in Global Constitutionalism”, Commentator and Co-Organizer, July 2021
- “Strangers in Strange Lands: Constitutional Formalities, Power Realities, and Comparative Anglophone Responses to Foreign Election Meddling”, Panel on Foreign Interference, Elections, and Democratic Speech: Comparative Approaches to a Global Challenge, Icon-S Mundo, July 2021
- “Political Non-Domination and the Application of Constitutional Standards to State Speech”, University of Illinois Law Review 2022 Symposium ‘The Government’s Speech and the Constitution’, April 2021
- “Popular Self-Rule and Data-Driven Personalisation: The New Frontier of Campaign Meddling”, American Branch of the International Law Association (ABILA), University of Georgia Law School, April 2021
- “The Law of Freedom”, American Association of Law School Annual Conference Panel on New Voices in Election Law, January 2021
- “GlobCon Junior Scholars’ Workshop 2020: New Approaches to Global Constitutionalism”, Commentator and Co-Organizer, July 2020
- “Algorithmic Identification of language patterns and case influence” at Artificial Intelligence and Dispute Resolution Workshop, Cambridge University Faculty of Law, December 2019
- “From Equal Protection to Association: The Collectivist Turn in the Federal Oversight of State Primaries” at Mercer Law Review Symposium, ‘Contemporary Issues in Election Law’, Mercer Law School, September 2019
- “Theorizing the Law of Democracy”, UGA Faculty Colloquium, University of Georgia School of Law, September 2019
- “Election Law and the Crisis of Mass Democracy”, Discussion Group on New Directions in Election Law, Southeastern Association of Law Schools Conference, July 2019
- “The Brexit Referendums and Electoral Design”, Post-Brexit Options for the UK: Legal Analysis, Cambridge University, November 2018

- “Epistemic Assumptions and Democratic Design: Understanding the Impact of Judicial Interpretation of Speech and Voting Rights”, Roundtable on Systems Theory and Human Rights, Lancaster Law School, October 2018
- “Favouring Choice over Protection in Product Liability Defect Analysis”, Centre for Private Law, Work in Progress Seminar, University of Cambridge, March 2018
- “Thinking like a Lawyer in the Midst of Creative Disruption”, Social Science and Law Interdisciplinary Conference Keynote, University of Cambridge, March 2018
- “The Pathologies of Mass Democracy in a Neoliberal Age”, Centre for Research in the Arts, Social Sciences and Humanities Work in Progress Seminar, University of Cambridge, January 2018
- “Expectations, Lotteries, and Identification of Defect: Protection versus Choice Maximisation in Product Liability”, UK IVR Annual Conference: Law, Rationality and the Market, University of Sheffield School of Law, November 2017
- “Blanket Primaries and the Equal Protection Clause”, Discussion Group on Reforming the Presidential Nomination Process, Southeastern Association of Law Schools Conference, August 2017
- “American Regulation of International Capital Markets in Theory and Practice”, Texas A&M Global Law Program in Jersey, May 2017 (invited)
- “Disorder and Renewal in the Law of Product Liability: Consumer Autonomy and Moral Luck”, Centre for Private Law, Work in Progress Seminar, University of Cambridge, May 2017
- “Democratic Legitimacy and the Liberal Whipsaw”, Faculty of Law, Chinese University of Hong Kong, March 2017 (invited)
- “Trump, Brexit, and the Crisis of Neoliberalism: Elections, Economic Slowdown and Class Anxiety”, Faculty of Law, Chinese University of Hong Kong, March 2017 (invited); Faculty of Philosophy, Yale-National University of Singapore, March 2017 (invited)
- “Partisan Gerrymandering and the Illusion of Unfairness”, Cambridge University Workshop in Political Philosophy, March 2017
- “Donald Trump: What Happened, What Will Happen, and Where to Go from Here” (Chair), inaugural Director’s Discussion, Center for Intellectual Engagement, Jesus College, January 2017
- “Democracy and Fellowship”, President’s Presentation to the Fellowship, Jesus College, October 2016 (invited)
- “Electoral systems and political elites: entrenchment as a challenge to the deliberative defense of partisanship”, MANCEPT Conference, Manchester Centre for Political Theory, September 2016
- “Why Trump’s Candidacy Breaks Lessig’s ‘Dependence Corruption’ (and How Madison Would Fix It)”, Harvard Political Theory Workshop, May 2016
- “The Corruption of Campaign Finance Jurisprudence, the Deep Patterns of the Judicial Divide, and the Problem of Political Baselineing”, Harvard Political Theory Workshop, September 2015
- “The Processes that Shape Corruption Law”, Harvard Political Theory Workshop, March 2013
- “Institutional Corruption and Universalizable Theory”, Cambridge Forum on Legal & Political Philosophy, December 2012

“Towards a Universalized Rigorous Definition of the Corrupt Act”, Harvard Political Theory Workshop, September 2011

“Property, Unity, and the Threat of the Private: Wealth and Corruption in Plato’s Politics”, Princeton Graduate Conference in Political Theory, April 2011

“A Struggle Visible but Unseen: Citizens United, Honest Services, and the Unspoken Institutional Conflict over Corruption”, Harvard Public Law Workshop, October 2010

“The Struggle to Identify Corrupt Acts: The Need for a Robust Statutory Solution”, Harvard Public Law Workshop, November 2009

“From Bribes to BCRA: Corruption and Democratic Representation in American Jurisprudence”, Harvard Political Theory Workshop, September 2009

Professional Experience

Herbert Smith Freehills LLP, London, UK, Associate, October 2014-August 2015

Chambers of the Honorable Gerard E. Lynch, United States Court of Appeals for the Second Circuit, New York, NY, Law Clerk, August 2013-August 2014

Allen & Overy LLP, London, UK, Associate, September 2011-July 2013; Summer Associate, 2009; 2010

United States Attorneys’ Office, Public Corruption Division, Boston, MA, Intern, Fall 2009

Sullivan & Cromwell, New York, NY, Summer Associate, 2008

Lerach Coughlin Stoia Geller Rudman and Robbins (now Robbins Geller Rudman & Dowd) San Diego, CA, Summer Associate, 2007

Professional Qualifications: Member of New York State Bar (from January 2012)