

JONATHAN DAVID SHAUB

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TEACHING APPOINTMENTS

UNIVERSITY OF KENTUCKY J. DAVID ROSENBERG SCHOOL OF LAW

Assistant Professor, Fall 2020 - present

PUBLICATIONS AND WORKS IN PROGRESS

The Executive's Privilege, 70 DUKE L.J. 1 (2020)

The Relationship of Ideology and Linguistic Markers in Supreme Court Majority Opinions (in progress) (with Emerson Tiller & Rachael Hinkle)

Expatriation Restored, 55 HARV. J. LEGIS. 363 (2018)

Delegation Enforcement by State Attorneys General, 52 U. RICH. L. REV. 653 (2018)

Children's Freedom of Speech and Expressive Maturity, 36 LAW & PSYCHOL. REV. 191 (2012)

A Positive Theory and Empirical Analysis of Strategic Word Choice in District Court Opinions,
4 J. LEGAL ANALYSIS 407 (2012) (with Rachael Hinkle, Andrew Martin, & Emerson Tiller)

Note, *A Foucauldian Call for the Archaeological Excavation of Discourse in the Post-Boumediene Habeas Litigation*, 105 NW. U. L. REV. 869 (2011)

SELECTED PRESENTATIONS AND ONLINE CONTRIBUTIONS

"The D.C. Circuit Got History Wrong in its McGahn Decision," (Sept. 3, 2020 10:10 AM), *Lawfare*,
<https://www.lawfareblog.com/dc-circuit-got-history-wrong-its-mcgahn-decision>

"Executive Privilege Should Have No Power When It Comes to an Impeachment," *The Atlantic*,
(Nov. 15, 2019), <https://www.theatlantic.com/ideas/archive/2019/11/no-executive-privilege-in-impeachment/602044>

"The Prophylactic Executive Privilege," *Lawfare Blog* (June 14, 2019 5:18 PM),
<https://www.lawfareblog.com/prophylactic-executive-privilege>

"Testimonial Immunity, Executive Privilege and the President's Authority Over Former Officials,"
Lawfare Blog (May 22, 2019 6:34 PM), <https://www.lawfareblog.com/testimonial-immunity-executive-privilege-and-presidents-authority-over-former-officials>

"What Is a 'Protective' Assertion of Executive Privilege?" *Lawfare Blog* (May 8, 2019 8:23 PM),
<https://www.lawfareblog.com/what-protective-assertion-executive-privilege>

"Executive Privilege and Compelled Testimony of Presidential Advisers: Don McGahn's Dilemma,"
Lawfare Blog (May 3, 2019 10:04 AM), <https://www.lawfareblog.com/executive-privilege-and-compelled-testimony-presidential-advisers-don-mcgahns-dilemma>

“Masters from Two Equal Branches of Government’: Trump and Congress Play Hardball,” *Lawfare Blog* (Apr. 27, 2019 10:00 AM), <https://www.lawfareblog.com/masters-two-equal-branches-government-trump-and-congress-play-hardball>

Presentation: *Ideology and Linguistic Markers in Supreme Court Majority Opinions* at “Text Analysis and Law Conference,” Northwestern University Kellogg School of Management, April. 2019

“Hoda Muthana and Shamima Begum: Citizenship & Expatriation in the U.S. and U.K.,” *Lawfare Blog* (Feb. 25, 2019 9:00 AM), <https://www.lawfareblog.com/hoda-muthana-and-shamima-begum-citizenship-and-expatriation-us-and-uk>

Presentation: *Delegation Enforcement by State Attorneys General*, at Symposium: “Defining the Constitution’s President Through Legal & Political Conflict,” University of Richmond School of Law, Oct. 2017

Presentation: *A Positive Theory and Empirical Analysis of Strategic Word Choice in District Court Opinions*, at Positive Political Theory Colloquium, Northwestern Pritzker School of Law, Feb. 2012, and at Conference on Judicial Collegiality: Positive Theories and Empirical Analyses, University of Southern California, Gould School of Law, Nov. 2011

EDUCATION

NORTHWESTERN PRITZKER SCHOOL OF LAW

J.D., *magna cum laude*, May 2011

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| <i>Honors</i> | John Paul Stevens Award for Academic Excellence (highest GPA in graduating class)
Order of the Coif
Wigmore Key (graduate most exemplifying law school’s traditions)
Honors for Senior Research with Professor Martin H. Redish
2010 Julius H. Miner Moot Court Semifinalist |
| <i>Activities</i> | <i>Northwestern University Law Review</i> , Executive Articles Editor, 2010-2011
Problem Editor, 2011 Julius H. Miner Moot Court Executive Board
Law Scholars Program
Research Assistant, Professors Marshall S. Shapo (2009-2010) & Emerson H. Tiller (2009) |

BELMONT UNIVERSITY

M.A., English (Literature & Creative Writing), December 2010 (part-time program)

VANDERBILT UNIVERSITY

B.A., Philosophy & Religious Studies (English & Astronomy minors), *magna cum laude*, May 2003

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| <i>Honors</i> | Larry Cathey Award (outstanding undergraduate student in Astronomy) |
| <i>Activities</i> | Division I-A football (safety); three-year letterman; two-year starter |

CLERKSHIPS AND FELLOWSHIPS

Office of the Solicitor General, U.S. Department of Justice, Washington, DC

Bristow Fellow, July 2012 to July 2013

Honorable Paul V. Niemeyer, U.S. Court of Appeals for the Fourth Circuit, Baltimore, MD

Law Clerk, August 2011 to July 2012

OTHER LEGAL EXPERIENCE

Office of the Tennessee Attorney General*Assistant Solicitor General*, August 2017 to June 2020

Briefed cases in U.S. Supreme Court, Sixth Circuit, and Tennessee Supreme Court; argued cases in the Tennessee Supreme Court; authored formal Attorney General opinions; drafted amicus briefs filed on behalf of numerous states in the U.S. Supreme Court

Office of Legal Counsel, U.S. Department of Justice, Washington, DC*Attorney-Adviser*, July 2014 to June 2017

Drafted formal opinions and provided legal advice to the President and Executive Branch on issues related to immigration, national security, executive privilege, and administrative law; reviewed legislation for constitutional concerns and executive orders for legality

- received Department of Justice John Marshall Award (highest award given to attorneys) in 2016 for outstanding achievement in providing legal advice

Hogan Lovells US LLP, Washington, DC*Associate*, Appellate & Supreme Court Litigation, September 2013 to July 2014

Drafted briefs and assisted in argument preparation for U.S. Supreme Court cases; lead associate on challenge to authority of CFPB; drafted white paper on novel issue of sovereign immunity

Wilmer Cutler Pickering Hale and Dorr LLP, Washington, DC*Summer Associate*, 2010

Assisted in the drafting of a Supreme Court merits brief; drafted comments to the FCC on the First Amendment implications of a proposed rule

ADMISSIONS

Tennessee, 2017

Illinois, 2012

U.S. Supreme Court, 2017

U.S. District Court, Middle District TN 2019

U.S. Court of Appeals, Sixth Circuit 2018

U.S. Court of Appeals, D.C. Circuit 2013

U.S. Court of Appeals, Fourth Circuit, 2012

U.S. District Court, District of MD, 2012