

JOSEPH BENJAMIN LANDAU
Fordham University School of Law
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ACADEMIC APPOINTMENTS

FORDHAM UNIVERSITY SCHOOL OF LAW

- *Associate Dean for Academic Affairs, July 2021-Present*
- *Professor of Law, September 2016-Present*
- *Associate Professor of Law, July 2010-August 2016*

COLUMBIA UNIVERSITY SCHOOL OF LAW

Visiting Professor of Law, Fall 2018

COLUMBIA UNIVERSITY SCHOOL OF LAW

Associate-in-Law, July 2008-July 2010

EXECUTIVE EXPERIENCE

CHAIR, FORDHAM LAW STRATEGIC PLAN, 2016-17

Crafting and Leading Strategic Planning Process, Engaging Key Stakeholders, Developing and Drafting Plan

CHAIR, SEARCH COMMITTEE, ASSISTANT DEAN OF FORDHAM LAW'S CAREER PLANNING CENTER, 2019

CHAIR, BOARD OF DIRECTORS, IMMIGRATION EQUALITY / IMMIGRATION EQUALITY ACTION FUND, 2010-14 (Member, Board of Directors, 2007-14)

Strategic Planning, Oversight of Fundraising, Development Strategy, Budget, and Board Personnel

ASSISTANT MANAGING EDITOR, THE NEW REPUBLIC MAGAZINE, 1997 – 1999

Development and Management of Weekly Magazine and Personnel Management

AWARDS AND HONORS

FORDHAM LAW SCHOOL'S TEACHER OF THE YEAR AWARD, MAY 2020

IMMIGRATION EQUALITY'S GLOBAL VISION AWARD, MAY 2014

FORDHAM LAW SCHOOL'S TEACHER OF THE YEAR AWARD, MAY 2013

NATIONAL LGBT BAR ASSOCIATION'S BEST LGBT LAWYERS UNDER 40, SEPTEMBER 2012

EDUCATION

YALE LAW SCHOOL

J.D., June 2002

DUKE UNIVERSITY

B.A., May 1995, Political Science and French

Honors: *summa cum laude*, Phi Beta Kappa

ACADEMIC SCHOLARSHIP

Rescinding Rights, 106 MINNESOTA LAW REVIEW 1681 (2022)

Broken Records: Reconceptualizing Rational Basis Review to Address “Alternative Facts” in the Legislative Process, 73 VANDERBILT LAW REVIEW 425 (2020)

Process Scrutiny: Motivational Inquiry and Constitutional Rights, 119 COLUMBIA LAW REVIEW 2147 (2019)

New Majoritarian Constitutionalism, 103 IOWA LAW REVIEW 1033 (2018)

Bureaucratic Administration: Innovation and Immigration Law, 65 DUKE LAW JOURNAL 1173 (2016)

Roberts, Kennedy, and the Subtle Differences That Matter in Obergefell, 84 FORDHAM LAW REVIEW 101 (2015)

Due Process and the Non-Citizen: A Revolution Reconsidered, 47 UNIVERSITY OF CONNECTICUT LAW REVIEW 879 (2015)

Presidential Constitutionalism and Civil Rights, 55 WILLIAM & MARY LAW REVIEW 1719 (2014)

Chevron Meets Youngstown: National Security and the Administrative State, 92 BOSTON UNIVERSITY LAW REVIEW 1917 (2012)

DOMA and Presidential Discretion: Interpreting and Enforcing Federal Law, 81 FORDHAM LAW REVIEW 619 (2012)

Symposium Foreword to The Defense of Marriage Act: Law, Policy, and the Future of Marriage, 81 FORDHAM LAW REVIEW 537 (2012)

Muscular Procedure: Conditional Deference in the Executive Detention Cases, 84 WASHINGTON LAW REVIEW 661 (2009)

“Soft Immutability” and “Imputed Gay Identity”: Recent Developments in Transgender and Sexual Orientation-Based Asylum Law, 32 FORDHAM URBAN LAW JOURNAL 237 (2005)

Marriage as Integration, in SAME SEX MARRIAGE: PRO AND CON (Andrew Sullivan ed., 1997)

Book Review, Oakeshott’s *Politics of Faith and Politics of Skepticism*, *The Wilson Quarterly*, Winter 1996

A Question of Ethics, ERUDITIO (Duke Univ., 1996); reprinted in EPISTEME (Denison Univ., 1996)

ADDITIONAL PUBLICATIONS

Opinion, *Law Schools Must Embrace AI*, NEW YORK LAW JOURNAL, July 12, 2023, at 2 (with Ron Lazebnik)

Opinion, *Law Schools Must Implement Meaningful Adjustments*, NEW YORK LAW JOURNAL ONLINE, June 29, 2021 (with Matthew Diller)

Why Chief Justice John Roberts Might Support Gay Marriage, THE NEW YORK TIMES, April 27, 2015

Kids, Gay Marriage and the Supreme Court, THE HILL, April 24, 2015

Beyond Marriage, THE NEW REPUBLIC, March 11, 2011

Indefinite Detention Center, THE NEW REPUBLIC, November 13, 2008

Reversal of Fortune, THE NEW REPUBLIC, March 11, 2004

Judge Advocates, THE NEW REPUBLIC, February 25, 2004

Misjudged, THE NEW REPUBLIC, February 9, 2004

Ripple Effect, THE NEW REPUBLIC, June 23, 2003

- Cited in BREST ET AL., PROCESSES OF CONSTITUTIONAL DECISIONMAKING 1476 (5th ed. 2006)

Out of Order, THE NEW REPUBLIC, May 5, 1997

BLOG POSTS

The Justices' Most Pressing Questions about DOMA, THE STRANGER, Mar. 27, 2013

The Tough Questions in the Supreme Court's Prop. 8 Case, THE STRANGER, Mar. 26, 2013

JUDICIAL CLERKSHIPS

Hon. Betty Binns Fletcher, U.S. Court of Appeals for the Ninth Circuit
Law Clerk, 2005 – 2006

Hon. David G. Trager, U.S. District Court, Eastern District of New York
Law Clerk, 2004 – 2005

ADDITIONAL EXPERIENCE

NEW YORK CITY BAR ASSOCIATION, LGBT RIGHTS COMMITTEE
2011 – 2014

CLEARY GOTTlieb STEEN & HAMILTON LLP, NEW YORK, NEW YORK

Associate, 2002 – 2004; 2006 – 2008

Summer Associate, 2001

- Expertise in defense-side class action securities suits in state and federal court.
- Co-Director of Firm's *pro bono* practice group in immigration and international human rights.

VLADECK, WALDMAN, ELIAS & ENGELHARD, NEW YORK, NEW YORK

Law Clerk, Summer 2000

BENJAMIN N. CARDOZO SCHOOL OF LAW

Adjunct Professor, Fall 2007

SAME-SEX MARRIAGE: PRO AND CON (Vintage) (edited volume)

Research Assistant to Andrew Sullivan (principal author and editor), 1996

SCHOLARLY PRESENTATIONS

Lethal Process, Early Stage (10-10) Workshop, Fordham Law School, New York, New York, May 24, 2022

Rescinding Rights, Targeted Workshop, Fordham Law School, New York, New York, November 1, 2021

Process Scrutiny: Motivational Inquiry and Constitutional Rights, Faculty Workshop, Columbia Law School, New York, New York, October 9, 2018

Process Scrutiny: Motivational Inquiry and Constitutional Rights, Faculty Workshop, University of Nebraska Law School, Lincoln, Nebraska, October 2, 2018

Animus and the Counter-Majoritarian Problem, Loyola University Chicago School of Law 8th Annual Constitutional Law Colloquium, Chicago, Illinois, November 2-3, 2018

Process Scrutiny: Motivational Inquiry and Constitutional Rights, Faculty Workshop, Fordham Law School, New York, New York, August 30, 2018

Process Scrutiny: Motivational Inquiry and Constitutional Rights, Faculty Workshop, Rutgers Law School, Camden, New Jersey, April 5, 2018

The New Consensus, Targeted Workshop, Fordham Law School, New York, New York, April 19, 2017

The New Consensus, Loyola University Chicago School of Law 7th Annual Constitutional Law Colloquium, Chicago, Illinois, November 4-5, 2016

The New Consensus, Faculty Workshop, Pace University School of Law, White Plains, New York, January 18, 2017

Bureaucratic Experimentation and Immigration Law, Faculty Workshop, Case Western Reserve University School of Law, Cleveland, Ohio, September 8, 2015

Bureaucratic Experimentation and Immigration Law, Faculty Workshop, Fordham Law School, New York, New York, August 27, 2015

Panelist, AALS Academic Symposium, *Congressional Dysfunction and Executive Law Making During the Obama Administration*, Washington, D.C., January 5, 2015

Due Process and the Non-Citizen: A Revolution Reconsidered, Loyola University Chicago School of Law 5th Annual Constitutional Law Colloquium, Chicago, Illinois, November 7-8, 2014

The Right to Raise Children, Seventh Annual Faculty Scholarship Retreat, Fordham Law School, New York, New York, May 12, 2014

Foreign Affairs in an Age of Legal Process, Faculty Workshop, University of California Davis School of Law, Davis, California, March 10, 2014

Panelist, *The American Dream: The Future of Immigration Policy and Reform*, University of Connecticut Law School, Hartford, Connecticut, February 21, 2014

Presidential Constitutionalism and Civil Rights, Faculty Workshop, Seattle University School of Law, Seattle, Washington, November 4, 2013

Presidential Constitutionalism and Civil Rights, Faculty Workshop, Vanderbilt University Law School, Nashville, Tennessee, October 24, 2013

Panelist, *Civil Rights & Civil Justice: 50 Years Later*, University of Minnesota Law School, Minneapolis, Minnesota, October 18, 2013

Presidential Constitutionalism and Civil Rights, Loyola University Chicago School of Law 4th Annual Constitutional Law Colloquium, Chicago, Illinois, November 1-2, 2013

Presidential Constitutionalism and Civil Rights, Faculty Workshop, Fordham Law School, New York, New York, July 31, 2013

DOMA and Presidential Discretion: Interpreting and Enforcing Federal Law, Middlesex University College of Law, London, England, March 14, 2013

The President and the Passive Virtues, Junior Federal Courts Faculty Symposium, William and Mary Law School, Williamsburg, Virginia, October 26, 2012

The President and the Passive Virtues, 5th Annual Faculty Scholarship Retreat, Fordham Law School, New York, NY May 24, 2012

Chevron Meets Youngstown, Faculty Workshop, Fordham Law School, New York, New York, April 26, 2012

Chevron Meets Youngstown, Faculty Workshop, Drexel University School of Law, Philadelphia, Pennsylvania, April 4, 2012

Chevron Meets Youngstown, Columbia School of Law Associates and Fellows' Workshop, New York, New York, September 28, 2011

The Legacy of Guantánamo, 2009 Columbia Law School Summer Law Institute Speaker Series, August 5, 2009, New York, New York

Adjudicatory Integrity: An Administrative Law Approach to Boumediene, 2009 Law and Society Annual Meeting, Denver, Colorado, May 28-31, 2009

LGBT and HIV-Positive Asylum Cases and the Role of Mental Health Experts, National Immigrant Justice Center, Northwestern Univ. Law School, Chicago, Illinois, March 27, 2009

Procedure with Bite, Columbia School of Law Associates and Fellows' Workshop, New York, New York, Feb. 18, 2009

Global Transgender Asylum and Refugee Law, International Conference on LGBT Human Rights, Palais des congrès, Montréal, July 26 – 29, 2006

Transgender Asylum Litigation and Imputed Gay Identity, 2004 Lavender Law Conference, Fordham Law School, New York, New York

ADDITIONAL PRESENTATIONS

Panelist, *The Promise and Limitations of Obergefell v. Hodges*, Fordham Law School, October 13, 2015.

Moderator, *Executive Action and the Future of Immigration Reform*, Fordham Law School, New York, New York, December 1, 2014)

Moderator, *Chevron at 30—Big Deal? Good Deal? Bad Deal?*, *Fordham Law Review* Symposium, Fordham Law School, New York, New York, March 7, 2014

Panelist, 25th Anniversary of the Fordham LL.M. Program, Fordham Law School, New York, New York, October 5, 2013

Moderator, *Gaining and Losing Citizenship in the National Security Context*, *Fordham Law Review* Symposium, Fordham Law School, New York, New York, September 30, 2013

Keynote Speaker, 19th Annual Student Excellence Awards Ceremony, Fordham Law School, New York, New York, September 18, 2013

Presenter of Andrew Kent, *Why Are Damages Different?: Bivens and National Security Litigation*, Sixth Annual Fordham Law School Faculty Scholarship Retreat, New York, NY, May 22, 2013

Moderator, *Private Attorneys General Defendants and LGBT Rights*, *Fordham Law Review* Symposium, Fordham Law School, New York, New York, March 30, 2012

Respondent, *Presidential Influence over Administrative Action: Recent Developments*, *Fordham Law Review* Symposium, Fordham Law School, New York, New York, November 12, 2010