

JAMES J. SAMPLE

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EDUCATION

COLUMBIA UNIVERSITY SCHOOL OF LAW, New York, NY

Juris Doctorate, 2003

- *Columbia Law Review*, Editor (2001-02), Notes Editor (2002-03)
- James Kent Scholar (2003) Harlan Fiske Stone Scholar (2001 and 2002)

BOSTON COLLEGE, Chestnut Hill, MA

Bachelor of Arts, magna cum laude, English and Philosophy, 1995

EXPERIENCE

HOFSTRA LAW SCHOOL, Hempstead, NY

Professor of Law (2015-Present)

Associate Professor of Law (2009-2015)

- Three-time selection by graduating classes as the Law School's Professor of the Year (faculty are ineligible to be selected for two years after being selected).
- Courses include Civil Procedure, Constitutional Law, Federal Courts & Administrative Law; also teach one undergraduate course each year through the Hofstra Political Science Department.
- Frequently cited press source on legal matters, including by *The New York Times*, *NBCNews*, *CBSNews*, *The Wall Street Journal*, *The Chicago Tribune*, *U.S. News & World Report*, *The Los Angeles Times*, *The Washington Post*, *BusinessWeek*, *Bloomberg News*, *ABCNews*, *National Public Radio*, *CBS Radio News*, *Yahoo News*, *Associated Press*, *Law360*, *The National Law Journal* and regional outlets
- Lawyering role prominently featured in Laurence Leamer's non-fiction novel, "*The Price of Justice: A True Story of Greed and Corruption*," Times Books 2013
- Extensive involvement in student activities and faculty service including, *inter alia*, serving as the law school representative on the University Senate and serving on the Faculty Affairs Committee of same; stints on the law school's Clinical Appointments Committee, Curriculum Committee, and Clerkship Committee; Advisor to the Hofstra chapter of the American Constitution Society; and regular participation in a broad range of orientation, commencement, fundraising, recruiting, career, and community-building efforts within the law school.

BRENNAN CENTER FOR JUSTICE, New York University School of Law

Counsel, Democracy Program (2005 – 2009)

- Constitutional litigation in District Courts, Circuit Courts of Appeal, and Supreme Court.
- Author or co-author of legal briefs, law review, op-ed articles and nationally-cited reports.

COLUMBIA LAW SCHOOL, New York, NY

Adjunct Instructor, Legal Practice Workshop (Spring 2009)

BRIAN SCHWEITZER AND JOHN BOHLINGER FOR GOVERNOR & LT. GOVERNOR, Billings, MT

Advisor (Fall 2004)

- Staffed and advised candidates in successful gubernatorial election. Planned and executed campaign events. Participated in meetings with media and political and community leaders.

THE HON. SIDNEY R. THOMAS, U.S. COURT OF APPEALS FOR THE NINTH CIRCUIT, Billings, MT
Law Clerk (2003 – 2004)

CLEARY GOTTLIEB STEEN & HAMILTON LLP, New York, NY & Hong Kong, *Summer Associate*
(Summer 2002)

UNITED STATES ATTORNEY’S OFFICE, SDNY, New York, NY, *Legal Intern* (Summer 2001)

NBC SPORTS, New York, NY

Associate Director/Feature Producer/Production Associate (1995 – 2000)

- 3-time Emmy Award winner. Produced and directed feature stories on athletes and events.
- Key role in production of telecasts of the NBA, NFL, Tennis, PGA Tour, and Olympic Games.

ACADEMIC PUBLICATIONS

- ***Judicial Conduct & Ethics***, co-author with Charles Geyh and James Alfini of 2018 annual supplement and of forthcoming 6th edition of the leading – and only – desk reference treatise on *Judicial Conduct and Ethics*, published by LexisNexis.
- ***The Agnostic’s Guide to Judicial Selection***, 67 DePaul L. Rev. 219 (2018).
 - *Asserts that, in light of profound judicial selection stasis, instead of asking “which method of judicial selection is ‘best,’” we should ask “how can we improve our current judicial selection systems, whatever they may be?”*
- ***Textual Rights, Living Immunities***, 41 S. Ill. U. L.J. 29 (2016)
 - *Poses and analyzes whether the Supreme Court, in the Chief Justice Roberts era, is applying the interpretive methods of textualism and originalism consistently in cases involving, on the one hand, the delineation of rights and remedies, and on the other, the development of defenses and immunities.*
- ***The Electorate as More Than Afterthought***, 2015 Univ. Chicago Legal Forum, 383
 - *Analyzes improvements to voter-participatory aspects of American democracy ranging from rolling back felon disenfranchisement laws, to modernizing voter registration, adopting the National Popular Vote Compact and other proposals.*
- ***Supreme Court Recusal: From Marbury to the Modern Day***, 26 Georgetown Journal of Legal Ethics 95 (Winter 2013)
 - *Posting the abstract of this article on his highly-regarded Election Law Blog, UC-Irvine Law Professor Rick Hasen wrote “James writes some of today’s most important work on judicial elections and judicial recusal.”*
- ***Democracy at the Corner of First and Fourteenth: Judicial Campaign Spending and Equality***, 66 NYU Annual Survey of American Law 727 (2011)

- *Corresponding public commentaries in connection with this article include “You Get the Judges You Pay For,” The New York Times, April 17, 2011, with Erwin Chemerinsky, and “Stanching the Cash Flow,” The American Prospect, September 19, 2011, with Erwin Chemerinsky*
- ***Lawyer, Candidate, Beneficiary AND Judge? Role Differentiation in Elected Judiciaries***, 2011 Univ. Chicago Legal Forum, 279
 - *Upon publication in complete form in the University of Chicago Legal Forum, this article was, by invitation, adapted and excerpted for publication in Vol. 51 No. 1 (2012) of The Judges Journal of the American Bar Association*
- ***The Last Rites of Public Campaign Financing?*** 92 Nebraska L. Review 343 (2013)
 - *Highlighted in an Election Law Blog post by UC Irvine School of Law Professor Rick Hasen on January 14, 2014 in which Professor Hasen describes the article as a “convincing account,” and also comments, “I always learn from Sample’s careful work!”*
- ***Retention Elections 2.010*** 46 U. San. Fran. L. Rev., 383 (2011)
 - *Invited symposium article in connection with Democracy, Inc? Citizens United, Corporate Expenditures & the Future of Campaign Finance Law*
- ***Court Reform Enters the Post-Caperton Era***, 58 Drake L. Rev. 787 (2010) – invited symposium article
- ***The New Politics of Judicial Elections 2000-2009: Decade of Change***
 - *Lead author of national report on campaign spending in judicial elections.*
 - *Delivered numerous public presentations related to the report with, among others, Justice Sandra Day O’Connor, who graciously wrote the Foreword to the report.*
 - *Subsequently, adapted and excerpted by invitation for publication in Judicature, a refereed journal of the American Judicature Society.*
- ***Caperton: Correct Today, Compelling Tomorrow***, 60 Syracuse L. Rev. 293 (2010) – Short, invited symposium commentary
- ***Fair Courts: Setting Recusal Standards***, (Brennan Center 2008) (with David Pozen and Michael Young)
- ***The Best Defense: Why Elected Courts Should Lead Recusal Reform***,⁴⁶ Washburn Law Journal 503 (2007) (with Deborah Goldberg and David Pozen)
- ***Making Recusal More Rigorous***, The Judges Journal of the American Bar Association (Winter 2007) (with David Pozen)
- ***The New Politics of Judicial Elections 2006*** (Justice at Stake 2006) (with Lauren Jones & Rachel Weiss; Jesse Rutledge, editor),

- *Note, The Sentences That Bind (The States)*, 103 Colum. L Rev. 969 (2003).

SELECTED PRESENTATIONS

- Speaker and Panelist, “When Corporate Law and Election Law Collide: A Century of Regulating Corporate Money in Politics.” Southeastern Association of Law Schools Conference, August 6, 2014
- Guest lecture, Harvard University, Invited by Professor Lawrence Lessig and Professor William English to present on judicial elections in conjunction with their Institutional Corruption course, April, 2014
- Event organizer and opening remarks, “Proposed Federal Discovery Changes: Redressing Excess or Denying Access,” Hofstra School of Law, February 2014
- Commencement Awards Ceremony Speaker, “Look to Your Left, Look to Your Right,” May, 2014
- Panelist (on the role of the federal courts), Fueling Energy, Finance, and Public Service: Collaborative Solutions for Green Energy Efficiency & Resiliency, Co-Sponsored by Columbia Law School and SIPA, September 13, 2013 (Co-panelists included, *inter alia*, Hofstra Law’s Julian Ku)
- Speaker & Debate Participant, Campaign Finance Regulation, with William Maurer, Institute for Justice, sponsored by the Hofstra Law Federalist Society/Hofstra Law Democrats, November 2013
- Discussant/Commenter, New York Junior Faculty Workshop, Fordham Law School, Spring 2014
- Presenter, *The Last Rites of Public Campaign Financing?*, at a faculty workshop at Touro Law School, October 2, 2013
- Presenter, draft-in-progress, *The Last Rites of Public Campaign Financing?*, Hofstra Law Summer Faculty Workshop, Summer 2013
- Presenter, initial draft, *The Last Rites of Public Campaign Financing?*, Hofstra Law Junior Faculty Workshop, Spring 2013
- Speaker and co-panelist with Dean Erwin Chemerinsky and Professor Rick Hasen, “Citizens United’s Impact on Judicial Elections,” University of California-Irvine School of Law, February 6, 2012
- Commencement Awards Ceremony Speaker, Hofstra Law, “Rock the Dialogue,” May, 2012
- Speaker and Panelist, “Representing the Political Candidate in New York,” New York State Bar Association Seminar, June 2012
- Speaker and Panelist, honoring Wallace Jefferson, Chief Justice of the Texas Supreme Court, with the Morton A. Brody Distinguished Judicial Service Award, April 1, Colby College, April 1, 2012
- Panelist, Judicial Ethics, Political Activity and Beyond, ABA National Conference on Professional Responsibility, Memphis, TN, June 2, 2011

- Speaker & Panelist, Symposium entitled “Democracy, Inc? Citizens United, Corporate Expenditures & the Future of Campaign Finance Law,” San Francisco Law School, San Francisco, CA, February 2011
- Speaker & Panelist, University of Chicago School of Law Symposium on “Government and Power.” Presented talk on “Differences, Distinctions, and Elected Judges: A Developing Federal-State Dialogue.” (2010).
- Speaker & Panelist, “The New Politics of Judicial Elections,” National Press Club (2010) (Featuring Keynote by Justice Sandra Day O’Connor)
- Speaker & Panelist, Options for an Independent Judiciary in Michigan, Conference Featuring Keynote by Justice Sandra Day O’Connor, Hosted by Wayne State University School of Law (2010)
- Speaker & Debate Participant, Plenary Session of the Annual Wisconsin Supreme Court Conference, Marquette Law School, with former FEC Commissioner, Brad Smith; moderated by the Honorable Dianne Sykes, U.S. Court of Appeals for the Seventh Circuit. (December 2010)
- Keynote Speaker (on judicial independence in the state courts), 2009 Ed Likover Memorial Lecture, Cleveland Ohio (2009)
- Speaker & Panelist, Robert Zicklin Center for Public Integrity at CUNY, Symposium on “American Justice for Sale,” New York (2009)
- “Recusal Reform,” Judicial Independence conference hosted by Fordham Law School and Sandra Day O’Connor Project on the Judiciary at Georgetown, University Law Center, Fordham Law (2008)
- “Threats to Fair and Impartial Courts,” Wisconsin State Bar Annual Convention (2008)
- “Judicial Elections and Free Speech” Federalist Society Debate, Milwaukee, WI (2008)
- “The New Politics of Judicial Elections,” National Press Club, Washington, DC (2007)
- The National Struggle to Maintain Fair and Impartial Courts, Summit of Judicial Leaders, San Francisco, CA (2006)

SELECTED PRESS CITATIONS

Trump-appointed judge who donated to campaign refuses to recuse from dossier matter, [**ABC News**](#) (2018)

Justice Kavanaugh has recused himself in three Supreme Court cases so far, [**WABC**](#) (2018)

A Look at the Particulars of the Trump Travel Ban, as Refined, [**Newsday**](#) (2018)

Every justice on the West Virginia Supreme Court is facing impeachment or has resigned, [**ABC News**](#) (2018)

Justice Kavanaugh has recused himself in three Supreme Court cases so far, [**Washington Times**](#) (2018)

Kavanaugh Could Face Pressure to Recuse From Cases, [**San Francisco Chronicle**](#) (2018)

No Judgeships for Klein or Hamilton — for Now, [City & State New York](#), (2018)

Expect Partisan Battle over Justice Brett Kavanaugh to Continue, [Newsday](#) (2018)

Kavanaugh May Face Recusal Dilemmas If He’s Confirmed, [National Law Journal](#) (2018)

Students Watch Kavanaugh Hearings, [WABC](#) (2018)

States vow to fight U.S. plan to ask citizenship question on census, [Reuters](#) (2018)

Impact of SCOTUS Ruling on Sports Betting, [News12](#) (2018)

State Farm Deal Takes Spotlight Off Judicial ‘Dark Money,’ [Law360](#) (2018)

The Power and Prestige of Being a New York Judge. [WNYC](#) (2016)

Jockeying for Judges, [Newsday](#) (2016)

Supreme court rules in favor of death row inmate in judge’s recusal case, [The Guardian](#) (2016)

Most Supreme Court Candidates Are Already Assured of Election Day Success, [NY Law Journal](#) (2016)

Should Microsoft’s Top Lawyer Donate Money to Unseat a Judge?, [Big Law Business](#), (2016)

Governor Andrew Cuomo Files Suit Over New Federal Tax Law, [CBS2-New York](#), (2016)

Hanging a ‘For Sale’ Sign Over the Judiciary, Editorial by Dorothy Samuels, [The New York Times](#)

O’Connor Retired from Court, Not Discourse, [USA Today](#)

Union Donations Could Affect Justices’ Act 10 Recusals, [Milwaukee Journal Sentinel](#)

District Attorney’s Boycott of a Judge Raises Issues, Michelle Quinn, [The New York Times](#)

NY Critics Say Judge Selection Still Flawed, [The Associated Press](#)

A Deep Bench of Substitute Justices Goes Unused, [The Washington Post](#)

Health Care Rulings Reignite Judicial Bias Debate, [National Public Radio](#)

Report: Judicial Spending Doubles in Last Decade, [The Associated Press](#)

Editorial, State Judges Should be Appointed, Not Elected, [The Daily News](#)

Calls for Judicial Reform are Growing, Carol Lundberg, [Michigan Lawyers Weekly](#)

Scholar: Caperton has Fueled Real Reforms, [GavelGrab](#)

Permission to Encroach the Bench: Why bother with a congressman when you can buy yourself a judge?
[Mother Jones Magazine](#)

Elected Judges and Recusal in the Wake of Caperton v. Massey, **SCOTUSblog**

Health Care Challenge Could Trigger Recusal Debate, Zachary Roth, **Yahoo! News**, 2011

With Supreme Court deadlocked, commission drops Gableman ethics case, Patrick Marley, **Milwaukee Journal Sentinel**

Bill Would Bar Judges From Hearing Donors' Cases, **Law360**

Illinois Court Race Turns Political, **The Associated Press**

New Recusal Controversy in West Virginia High Court, **The National Law Journal**

Judges, Others Want Court to Weigh in on Judicial Campaign Speech, **The National Law Journal**

Judicial Campaign Speech Case May Be Destined for Supreme Court: Wisconsin justice faces sanctions for ad that may have gone too far, Marcia Coyle, **The National Law Journal**

Congress Set to Take Aim at Judicial Recusals, David Ingram, **The National Law Journal**

SELECTED PUBLIC COMMENTARY

- **Brett Kavanaugh Lied Brazenly and Repeatedly Under Oath, NBC News Opinion "Think,"** with Gowri Ramachandran, Oct. 3, 2018
- **West Virginia's High Court Corruption Just the Tip of the Iceberg When It Comes to Big Money's Judicial Influence, NBC News Opinion "Think,"** August 16, 2018
- **We've Always Known Roy Moore Is Lawless, It's why Alabama Republicans voted for him, Slate,** with Dahlia Lithwick, Nov. 13, 2017
- **Stanching the Cash Flow, The American Prospect,** with Erwin Chemerinsky, September 19, 2011,
- **You Get the Judges You Pay For, The New York Times,** with, Erwin Chemerinsky: (2011)
- **Roberts: Corporate Speech Good: Presidential Speech, 'Very Troubling,'** The HuffingtonPost (2010)
- **Contributions, Expenditures, and Caperton Contributions, The Election Law Blog, (2010)** (invited post)