

Atiba Rondell Ellis

Professor of Law

West Virginia University College of Law
101 Law Center Drive; P.O. Box 6130
Morgantown, WV 26506-6130
(304) 293-4810; atiba.ellis@mail.wvu.edu

EDUCATION

Duke University School of Law

Juris Doctor, May 2000
William Louis-Dreyfus Scholar

Duke University Graduate School of Arts and Sciences

Masters of Arts, History, May 2000
Thesis: *The Veil of Neutrality: The Poll Tax in Virginia 1903-1966*

Duke University Trinity College of Arts and Sciences

Bachelors of Arts, *cum laude*, with Distinction in History, May 1996
Honors Thesis: *The Rhetoric of Liberty: John Wesley and the Political Rhetoric of the American Revolution*

RESEARCH AGENDA

My primary research is in the law of democracy with a focus on the theoretical, doctrinal, and ideological dimensions of vote denial. My past work has investigated how racial oppression and class-based oppression manifest through the hyper-regulation of the right to vote. My prior articles have examined how this hyper-regulation manifests in voter identification laws, voter fraud claims, felon disenfranchisement laws, and other contexts. This work has been bolstered by my theoretical explorations of tiered legal personhood in regards to privilege and subordination within citizenship status. My current research extends this agenda through two distinct projects: (1) a monograph exploring how U.S. constitutional meaning(s) of equality and democracy are transformed in the civil rights project, and (2) several articles that explore the interrelationship of dignity, identity, and the American franchise. This work leads to a comparative examination of the voter suppression phenomenon, an examination of the concept of efficiency in American constitutional law, and other research that extends my work on marginalization in democracy while incorporating my secondary research interests in political theory, critical race theory, and legal history.

VOTING AND CIVIL RIGHTS PUBLICATIONS

Reviving the Dream: Equality and the Democratic Promise in the Post Civil Rights Era, 2014 MICHIGAN ST. L. REV. 789 (2015).

Tiered Personhood and the Excluded Voter: The Jurisprudence of Disenfranchisement in Twenty-First Century America, 90 CHICAGO-KENT L. REV. 463 (2015).

Race, Class, and Structural Discrimination: On Vulnerability in the Political Process, 28 ST. JOHN'S JOURNAL OF CIVIL RIGHTS AND ECONOMIC DEVELOPMENT 35 (2015).

A Price Too High: Efficiencies, Voter Suppression, and the Redefining of Citizenship, 43 SW. L. REV. 549 (2014).

The Meme of Voter Fraud, 63 CATH. U. L. REV. 879 (2014).

Citizens United and Tiered Personhood, 44 JOHN MARSHALL L. REV. 717 (2011).

The Cost of the Vote: Poll Taxes, Voter Identification Laws, and the Price of Democracy, 86 DENVER L. REV. 1023 (2009).

OTHER RESEARCH

Polley v. Radcliffe: A New Way to Address an Original Sin, 115 W. V. L. REV. 777 (2012).

It Ain't My Fault: Hip Hop, Confrontation, and Contemplation from the Jazz Perspective, in *HIP HOP AND THE LAW* 161 (Pamela Bridgewater, et. al eds., Carolina Academic Press 2015).

The Star Trek Enrichment Series: An Exploration in Teaching and Learning, 58 HOWARD L. J. 557 (2015) (with Okianer Christian Dark).

FORTHCOMING WORK

Economic Precarity, Race, and Voting Structures, 103 KENTUCKY L. J. (forthcoming 2016).

Dignity, Citizenship, and the Recalibration of the Right to Vote, 56 WASHBURN L. J. (forthcoming 2017).

Shared History, Reparations, and Consciousness: Courts and the Recovery of a Public History of Slavery, in *SLAVERY: PAST, PRESENT, AND FUTURE* (P. Smiragina, et. al, eds., Inter-Disciplinary Press) (forthcoming 2017).

WORKS IN PROGRESS

REINVENTING AMERICAN DEMOCRATIC EQUALITY

The Ideological Context of Election Integrity Claims

Governmentality and the Construction of the Other: On the Right to Vote and Contested Conceptions of Identity

HONORS AND AWARDS

Living the Dream Award for Scholarship from the West Virginia Martin Luther King, Jr. State Holiday Commission, January 2015 (in recognition of my research and lecturing on voting rights).

Outstanding Faculty Contribution Award, West Virginia Law Review, April 2015.

Frances Bounds Excellence in Leadership Award, North Carolina Association of Student Councils, March 2008.

CO-EDITED BLOGS

Race and the Law Prof Blog, contributing editor (2015 to present)
<http://lawprofessors.typepad.com/racelawprof/>

Thoughts on Citizens United (co-editor with Jena Martin) (fall 2010)
<http://thoughtsoncitizens.blogspot.com>

SELECTED BLOG POSTS

“Antonin Scalia’s Voting rights Legacy: Weakening the Franchise for Minorities,” Oxford Human Rights Hub Blog post, (March 3, 2016)
<http://ohrh.law.ox.ac.uk/antonin-scalias-voting-rights-legacy-weakening-the-franchise-for-minorities/>

Editor, Alternative Constitution Day Online Symposium, hosted on Race Law Prof Blog, (January 30 to February 16, 2016)
<http://lawprofessors.typepad.com/racelawprof/2016/01/coming-soon-alternative-constitution-day.html> et. seq.

“The Limits of Diversity-As-Tolerance,” Race and the Law Prof Blog, (October 8, 2015)
<http://lawprofessors.typepad.com/racelawprof/2015/10/does-the-content-of-celebrating-diversity-defeat-equality.html>

“Missing Black Men, the Baltimore Uprising, and the Language Oppression,” American Constitution Society Guest Blog post (May 1, 2015) <http://www.acslaw.org/acsblog/missing-black-men-the-baltimore-uprising-and-the-language-of-oppression>

“Voter Identification, Ideology, and the Voter Fraud Meme,” American Constitution Society Guest Blog post (Nov. 3, 2014)
<http://www.acslaw.org/acsblog/voter-identification-ideology-and-the-voter-fraud-meme>

“The Constitution, Re-Invention and Equality,” American Constitution Society Guest Blog post (Sept. 19, 2014)
<http://www.acslaw.org/acsblog/the-constitution-re-invention-and-equality>

“Seeing Ferguson Through the Lens of Structural Racism,” American Constitution Society Guest Blog post (Aug. 21, 2014)
<http://www.acslaw.org/acsblog/seeing-ferguson-through-the-lens-of-structural-racism>

“*Shelby Co. v. Holder*: The Crippling of the Voting Rights Act,” American Constitution Society Guest Blog post (June 27, 2013)
<http://www.acslaw.org/acsblog/shelby-co-v-holder-the-crippling-of-the-voting-rights-act>

**LAW PROFESSOR
EXPERIENCE**

West Virginia University College of Law, Morgantown, WV

Professor of Law, June 2015 to present

Associate Professor of Law, July 2009 to June 2015

- Courses Include
 - Election Law and Policy
 - Civil Rights Litigation (Section 1983)
 - Race Racism and American Law
 - Wealth Transfers (Trust and Estates Law)
 - Estate Planning
 - Property
 - WVU Law in Brazil Study Abroad Program

- Major Service to WVU College of Law
 - Co-Chair, WVU Law Diversity and Inclusion Committee
 - Member, Editorial Board, WVU Law Alumni Magazine
 - Co-Adviser, WVU Black Law Students Association
 - Adviser, WVU Sports and Entertainment Law Society
 - Member, Promotion and Tenure Reporting Committee (2015-16)
 - Member, Dean Search Committee (2014-2015)
 - Member, Faculty Appointments Committee (2010-2012)

- Service to West Virginia University
 - Chair, Subcommittee on Compliance and Assessment, Diversity Working Group for the 2020 Strategic Plan, West Virginia University (2010)
 - Chair, *ad hoc* Committee on Policies and Procedures, West Virginia University Black Faculty Association (2010)

- Service to the Law Teaching Profession
 - Member, New Scholars Committee, Southeastern Association of Law Schools (2014 to present)
 - Member, Board of Directors, Latino and Latina Critical Legal Theory, Inc. (2014 to present)
 - Site Committee Chair, Mid-Atlantic People of Color Legal Scholarship Workshop (January 2015)
 - Member, Executive Committee, AALS Section on Legislation and the Law of the Political Process (2013)
 - SALT / LatCrit Faculty Development Workshop Planning Committee co-chair (2014); member (2012-13)
 - Site Chair, Ohio Area Legal Scholars Workshop (held at the WVU College of Law, June 2012)

- Public Service
 - Member, West Virginia State Advisory Committee to the United States Commission on Civil Rights (2015 to present)

Howard University School of Law, Washington, D.C.

Legal Writing Instructor, August 2006 to June 2009

- Full-time member of the governing faculty.
- Taught one section of first-year legal reasoning, research and writing class. Organized and moderated a symposium for the first-year legal writing class with a panel of federal judges.
- Taught second-year appellate advocacy course. Prepared syllabus, selected teaching materials, and designed problems for course.
- Co-designed and co-taught (with Associate Dean Okainer Christian Dark and Professor Andrew Taslitz) Star Trek and the Law Enrichment Series.
- Co-directed (with Professor Josephine Ross) Alternative Spring Break Program for law students to provide volunteer legal assistance in New Orleans, LA.

**JUDICIAL
CLERKSHIPS**

The Honorable Theodore A. McKee

United States Court of Appeals for the Third Circuit
September 2001-September 2002

The Honorable James A. Beaty, Jr.

United States District Court, Middle District of North Carolina
September 2000-July 2001

**OTHER PROFESSIONAL
EXPERIENCE**

Akin Gump Strauss Hauer & Feld, LLP, Washington, D.C.

Associate, October 2002 to May 2006;

Summer Associate, May 1999 to August 1999

- Represented clients in various litigation matters including antitrust, white collar criminal defense, federal contracting disputes, and other general litigation matters.
- Represented numerous clients in *pro bono* litigation in federal and state court in the District of Columbia on landlord/tenant, child custody, and family law matters.
- Represented client *pro bono* in preparing a brief for the U.S. Department of Justice Voting Rights Section.

Professor James E. Coleman, Jr., Duke University School of Law
Research Assistant, 1998-2000

- Researched legal and factual issues arising out of employment discrimination class action and drafted recommended dispositions.

The Honorable Willis P. Whichard, Associate Justice, Supreme Court of North Carolina, Raleigh, N.C.

Judicial Intern, May 1998-August 1998

PRESENTATIONS

“The Ideological Content of Election Integrity Laws.” Marquette University School of Law (Faculty Colloquy) April 18, 2016.

“Voting Rights Recalibration.” University of Kentucky College of Law (Kentucky Law Journal Election Law Symposium) March 25, 2016.

“The Meme of Voter Fraud.” Northeastern University School of Law (Law Journal Symposium on Accessing Democracy: How Law Shapes and Influences Our Elections) March 11, 2016.

“Economic Precarity and the Right to Vote.” Washburn University School of Law (Center for Law and Government and Law Journal Conference, Election Law – Today and Beyond) February 25, 2016.

“Give Us the Ballot: Martin Luther King, Jr. and the Ongoing Project of Voting Rights.” Washington and Lee University School of Law (Martin Luther King, Jr. University Holiday Celebration Panel on Voting Rights) January 18, 2016.

“The Constitutional, Institutional, and Interpersonal Imperatives of Diversity.” Crowell and Moring, LLC, Washington, DC (Diversity Speaker Series) October 14, 2015.

“Race, Class, and Structural Discrimination: Structural Inequality and the Political Underclass.” LatCrit 2015, Anaheim, CA. October 3, 2015.

“The Voting Rights Act at 50: Past Successes, Future Challenges.” West Virginia University College of Law (Constitution Day Program 2015) September 17, 2015.

“Shared History As Reparations: *Polley v. Radcliffe* As Path Towards a Public Understanding of Slavery.” Mansfield College, Oxford University (First Global Conference: Slavery: Past, Present and Future, Inter-Disciplinary.Net) July 9, 2015.

“Transforming the Second Reconstruction: The Right to Vote after *Shelby County*.” United States Department of Justice (Lecture Series on 50th Anniversary of the Voting Rights Act, Washington DC) June 9, 2015.

“Past, Present, and Future of Voting Rights.” West Virginia University College of Law (Mountain State Bar Association Annual 2015 Annual Continuing Legal Education Seminar) May 9, 2015.

“Race, Class and Voter Suppression: Structural Inequality and the Political Underclass.” Tulane Law School (Forum on the Future of Law and Inequality) November 7, 2014.

“Two Thoughts on Reviving the Dream: Race, Class, and How to Reinforce Democracy.” University of Nevada-Las Vegas (Twelfth SALT/LatCrit Faculty Development Workshop) October 9, 2014.

“Post-Racialism and the Right to Vote: A Brief Argument for Attending to the Intersection of Race and Class.” American Constitution Society Scholars’ Schmooze. June 18, 2014.

“A (Qualified) Defense of Race Conscious Remedies in Election Law.” Law and Society Annual Meeting, Minneapolis, MN. May 31, 2014.

“Voting Rights in West Virginia: Hanging By a Thread.” Testimony to the National Commission on Voting Rights, Nashville Regional Hearing, Nashville, TN. May 8, 2014.

Briefing Expert, West Virginia State Advisory Committee to the U.S. Commission on Civil Rights (discussing recent trends related to voter suppression) April 21, 2014.

Panel on “The Education Provisions in the Civil Rights Act of 1964.” (moderator) Michigan State University College of Law and University of Missouri Kansas City School of Law (symposium on “Pursuing the Dreams of *Brown* and the Civil Rights Act: A Living History of the Fight for Educational Equality”) April 11, 2014.

“A (Qualified) Defense of Race Conscious Remedies in Election Law.” University of Baltimore School of Law (Mid-Atlantic People of Color Legal Scholarship Conference) January 24, 2014.

“A Price Too High: Efficiencies, Voter Suppression, and the Redefining of Citizenship.” Southwestern Law School (Classcrits VI) November 16, 2013.

“The Meme of Voter Fraud.” Southwestern Law School (Classcrits VI) November 16, 2013.

“The Meme of Voter Fraud.” LatCrit XVII, Chicago, IL. October 4, 2013.

“The Meme of Voter Fraud.” West Virginia University College of Law (Faculty Scholarship Colloquy) February 19, 2013.

“The Meme of Voter Fraud.” Ohio State University, Moritz College of Law (Ohio Legal Scholarship Workshop) February 2, 2013.

“A Price Too High: Voter Suppression and the Redefinition of Citizenship.” University of Pennsylvania School of Law (Mid-Atlantic People of Color Legal Scholarship Conference) January 26, 2013.

“Voter Suppression and the 2012 Elections.” West Virginia University College of Law (Address to Democratic Law Caucus-sponsored event) October 29, 2012.

“The Future of the Franchise: Voting, (De)regulation, and the Viability of the Voting Rights Act.” West Virginia University College of Law (WVU/University of Villa Velia Colloquy on Law and Culture) October 12, 2012.

“A Price Too High: Voter Suppression and the Redefinition of Citizenship.” University of Maryland Francis King Carey School of Law (Society of American Law Teachers Teaching Conference) October 6, 2012.

“A Price Too High: Voter Suppression and the Redefinition of Citizenship.” West Virginia University College of Law (Ohio Legal Scholarship Workshop) June 14, 2012.

“The Political Economy of Disenfranchisement: Towards a Systemic View.” Law and Society Association Conference, Honolulu, HI. June 5, 2012.

“The Future of the Franchise: Voting, (De)regulation, and the Viability of the Voting Rights Act.” Mountain State Bar Association, Charleston, WV. May 18, 2012.

“Neutral Principles, Neutral People, and Race Neutrality: The Enduring Significance of *Towards Neutral Principles of Constitutional Law*.” West Virginia University College of Law (Legal Classics Colloquy) May 2, 2012.

“Old Exclusion in a New Guise: Voter Identification Laws and the Risk of Disenfranchisement.” Duke University School of Law (Federalist Society Debate Series) February 7, 2012.

“It Ain’t My Fault: Confrontation and Contemplation from the Jazz Perspective.” Howard University School of Law (Mid-Atlantic People of Color Legal Scholarship Conference) January 27, 2012.

“On *Space Traders*, the Power of Narrative, and Critical Race Theory: the Legacy of Derrick Bell.” West Virginia University College of Law (Legal Classics Colloquy) February 20, 2012.

“The Judicial Underpinnings of Disenfranchisement.” Race, Law and Voting—Was Creating West Virginia a Good Idea? (featured presenter) Continuing Legal Education Program sponsored by J. R. Clifford Project of West Virginia, Charleston, WV. October 19, 2011.

“The Political Economy of Disenfranchisement: Towards a Systemic View.” LatCrit XVI, San Diego, CA. October 7, 2011.

“*Citizens United* and the Concept of Personhood.” John Marshall Law School, Chicago, IL. (John Marshall Law Journal Symposium, The Impact of *Citizens United*: Corporate Speech in the 2010 Elections) March 4, 2011.

“Should the People Decide Fundamental Rights? Proposition 8 and Republican Equality.” University of Akron School of Law (Faculty Colloquy) February 16, 2011.

“From *Dred Scott* to *Citizens United*: Political Personhood and the Future of the Political Process.” Capital Law School (Ohio Area Legal Scholarship Workshop) February 5, 2011.

“Illustrating Power and Politics: Citizens United as Touchstone for Teaching about Access to the Political and Corporate Systems.” University of Hawai’i, (Society of American Law Teachers Conference on Teaching in a Transformative Age: The Law School of the Future) December 2010.

“Running from Pragmatism: The Impact of *Citizens United* on the 2010 Midterm Elections.” West Virginia University College of Law and University of Akron School of Law (Teleconference on *Citizens United*) November 2010.

“The Diversity Rationale: What it Means and Why it Matters.” West Virginia University (University-Wide Diversity Week Address) October 2010.

“Reframing the Discussion: Felon Disenfranchisement and Latent Constitutional Conflicts.” Southeast Association of Law Schools Annual Conference (New Scholars Panel on Legal Theory) August 2010.

“Political Power, Personhood and Property: Defining the Political Economy of American Democracy.” University of Kentucky College of Law (Developing Ideas Conference) May 2010.

“Yield not to Temptation: Post-Racialism, Civil Rights and the Obama Moment.” Southern University Law Center. (SULC Journal of Race, Gender, and Poverty symposium: State of the Union: The Progress Report) February 2010.

“Reframing the Discussion: Felon Disenfranchisement and Latent Constitutional Conflicts.” University of Virginia (Mid-Atlantic People of Color Legal Scholarship Conference) January 2010.

“Reframing the Discussion: Felon Disenfranchisement and Latent Constitutional Conflicts.” Howard University School of Law (Faculty Scholarship Colloquium) October 2009.

Moderator, “Arrested Development: the Almighty Pursuit of Street Cred.” West Virginia University College of Law (WVU Sports and Entertainment Law Society Symposium on The Pursuit of Street Knowledge: Hip-Hop’s Influence on Law and Culture) February 2009.

“History Repeats Itself: Voter Identification Laws and the Coming of an American Electoral Underclass.” Boston University School of Law (Northeast People of Color Legal Scholarship Conference) September 2008.

“Reflections on Gender Differences in Performance in Legal Writing Courses.” Howard University School of Law. (Workshop on Teaching Writing to People of Color) May 2008.

“History Repeats Itself: The Poll Tax as Old and New Dilemma.” Howard University School of Law (Faculty Scholarship Colloquy) November 2007.

Moderator, Economic Impact Panel on Hurricane Katrina, Howard University School of Law (Wiley A. Branton Howard Law Journal Symposium on Katrina and the Rule of Law in the Time of Crisis) October 2007.

“Reaching the NetGeners: Strategies for Teaching the Internet Generation.” Howard University School of Law (Faculty Colloquy) October 2007.

“Reasons, Rationales, and Realities: Reflections on Antidiscrimination Law in the Post-Civil Rights Era.” Presentation to the Kern County, California, Society for Human Resource Professionals. June 2007.

**COMMUNITY
ACTIVITIES**

J.R. Clifford Project, Charleston, W.V.
Member, Advisory Board, August 2010 to present

Operation Understanding D.C., Washington, D.C.
President of Board of Directors, September 2006 to September 2008
Member, Board of Directors, May 2003 to May 2009

Heritage Signature Chorale, Washington, D.C.
Baritone/Bass I singer, January 2004 to December 2006.

**COURT AND BAR
ADMISSIONS**

North Carolina State Bar	November 2002
District of Columbia Bar	September 2003
U.S. District Court, District of Columbia	February 2004