

## DANIEL M. BRINKS

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Univ. of Texas at Austin  
Government Department  
1 University Stn. A1800  
Austin, TX 78712

### CURRENT ACADEMIC APPOINTMENTS

University of Texas at Austin (2019-present)

Professor and Chair, Department of Government  
Professor (by courtesy), The School of Law  
Fellow, H. Malcolm McDonald Chair in Comparative and Constitutional Law (2016-present); Fellow, Patterson-Banister Chair (2010-2016)  
Faculty Affiliate, LLILAS/Benson (2010-present)

Christian Michelsen Institute, Bergen, Norway (2013-present)

Senior Researcher & Global Scholar, Centre on Law and Social Transformation

### PRIOR APPOINTMENTS

University of Texas at Austin

Associate Professor of Government and Law (2010-2019)  
Co-Director, Rapoport Center for Human Rights and Justice, University of Texas at Austin (2010-2019)  
Graduate Advisor, Government Department (2013-2019)

University of Notre Dame (2009-2010)

Associate Professor, Department of Political Science  
Concurrent Associate Professor, Law School  
Faculty Fellow, Helen Kellogg Institute for International Studies

University of Notre Dame (2006-2007)

Visiting Professor, Department of Political Science  
Visiting Fellow, Helen Kellogg Institute for International Studies

University of Texas at Austin (2004-2009)

Assistant Professor, Department of Government

Research Interests: law and politics in developing countries, human rights, rule of law, democracy and democratization, state building. Regional specialization, Latin America.

### EDUCATION

PhD: University of Notre Dame, Political Science, 2004

JD: University of Michigan Law School, 1987, cum laude

Contributing Editor, Michigan Law Review; Order of the Coif (national legal academic honor society)

A.B.: Calvin College, Sociology, 1985

## BOOKS

*Power, Participation and Private Regulatory Initiatives: Human Rights under Supply Chain Capitalism.* Forthcoming. Penn University Press (with Karen Engle, Julia Dehm, and Kate Taylor, eds.)

*La Ley y la Trampa en América Latina – Porqué optar por el debilitamiento institucional puede ser una estrategia política.* Forthcoming. Buenos Aires: Siglo veintiuno editores (with Steve Levitsky and Maria Victoria Murillo)

*The Politics of Institutional Weakness in Latin America.* 2020. Cambridge University Press (with Steve Levitsky and Maria Victoria Murillo, eds.)

*Understanding Institutional Weakness: Power and Design in Latin American Institutions.* 2019. Elements Series from Cambridge University Press (with Steve Levitsky and Maria Victoria Murillo)

*The DNA of Constitutional Justice in Latin America: Politics, Governance and Judicial Design.* 2018. Cambridge University Press (with Abby Blass)

Awarded the C. Herman Pritchett Award for Best Book on Law and Courts by the Law and Courts Section of the American Political Science Association (2018)

*Reflections on Uneven Democracies: The Legacy of Guillermo O'Donnell.* 2014. Johns Hopkins University Press (with S. Mainwaring and M. Leiras, eds.)

*Inequality and the Rule of Law: The Judicial Response to Police Violence in South America.* 2008, Cambridge University Press

*Courting Social Justice: The Judicial Enforcement of Social and Economic Rights in the Developing World.* 2008, Cambridge University Press (with V. Gauri, eds.)

## JOURNAL ARTICLES (\*DOUBLE BLIND PEER REVIEW; \*\*SINGLE BLIND PEER REVIEW)

\* “Human Rights and Economic Inequality.” 2020. Introduction to a special issue in *Humanity Journal*, coordinated and edited with Karen Engle and Julia Dehm (co-authors Karen Engle and Julia Dehm)

\* “Access to What? Legal Agency and Access to Justice for Indigenous Peoples in Latin America.” 2019. *Journal of Development Studies*, vol.55 (3):348-365. DOI: 10.1080/00220388.2018.1451632 (online advance copy published March 27, 2018)

\* “Rethinking Judicial Empowerment: The New Foundations of Constitutional Justice.” 2017. *International Journal of Constitutional Law*, vol.15 (2): 296-331. Co-author, Abby Blass. Awarded I.Con prize for best article published in the journal in 2017.

\*\* “Social Rights Constitutionalism: Negotiating the Tension Between the Universal and the Particular.” 2015. *Annual Review of Law and Social Science*, vol.11: 289-308. Co-authors Varun Gauri, Kyle Shen.

\* “The Law’s Majestic Equality? The Distributive Impact of Judicializing Social and Economic Rights.” 2014. *Perspectives on Politics*, vol.12 (2): 375-393. Co-author Varun Gauri.

- \* “The Transformation of the Latin American State-as-Law: State Capacity and the Rule of Law.” 2012. *RCP-Revista de Ciencia Política*, vol.32 (3): 561-583.
- \* “Human Rights as Demands for Communicative Action.” 2012. *Journal of Political Philosophy*, vol.20 (4): 407-431. Co-author Varun Gauri.
- “Social and Economic Rights in Latin America: Constitutional Courts and the Prospects for Pro-Poor Interventions.” 2011. *Texas Law Review*, vol.89 (No.7): 1943-1955. Co-author William Forbath.
- “Violencia de Estado a Treinta Años de la Democracia en América Latina.” 2010. *Journal of Democracy en Español*, vol.2 (July): 10-27.
- “Las Instituciones Informales y el Estado de Derecho: Poder Judicial y Violencia Policial en Buenos Aires y San Pablo durante la década de los '90.” 2007. *Revista Jurídica*, vol.7 (2): 85-104 (the Law Review of Palermo Law School, in Argentina).
- \* “Diffusion is no Illusion: Neighbor Emulation in the Third Wave of Democracy.” 2006. *Comparative Political Studies*, vol.39 (4): 463-489. Co-author Michael Coppedge.
- “Judicial Reform and Independence in Brazil and Argentina: the beginning of a new millennium?” 2005. *Texas International Law Journal*, vol. 40 (3): 595-622.
- \* “Informal Institutions and the Rule of Law: The Judicial Response to State Killings in Buenos Aires and São Paulo in the 1990s.” 2003. *Comparative Politics*, vol.36 (1): 1-19.
- \* “Classifying Political Regimes in Latin America, 1945-1999.” 2001. *Studies in Comparative International Development*, vol.36 (1): 37-65. Co-authors Scott Mainwaring and Aníbal Pérez-Liñán.

A Portuguese version of this article, “*Classificando Regimes Políticos na América Latina*,” appears in *Dados*, 2001, Vol.44 (4): 645-687;

A Spanish version, “*Clasificando Regímenes Políticos en América Latina*,” appears in *Revista de Ciencias Sociales*, 2003, Vol.14: 31-66.

## BOOK CHAPTERS

- “Entrenching Social Constitutionalism? Contributions and Challenges of the Left in Latin American Constitutionalism.” 2019. In M. Balán and F. Montambeault, *Legacies of the Left Turn in Latin America: The Promise of Inclusive Citizenship*. Notre Dame, IN: Notre Dame University Press. Co-author Nathalia Sandoval Rojas.
- “Implementation of Social and Economic Rights: Argentina.” Forthcoming 2020. In D. Law, ed., *Constitutionalism in Context*. Cambridge: Cambridge University Press. Co-author Julieta Rossi.
- “Social Rights Constitutionalism in Latin America.” Forthcoming. In Mendes, C. H., and R. Gargarella, eds., *Oxford Handbook of Constitutional Law in Latin America*. Oxford: Oxford University Press.
- “La justicia constitucional en América Latina: Nuevos modelos, viejos desafíos.” 2017. In Andrews, C., ed., *Un Siglo de Constitucionalismo en América Latina (1917-2017)*, Tomo I. Mexico: Editorial CIDE.

- “Solving the problem of (non)compliance in social and economic rights litigation.” 2017. In Langford, M., C. Rodríguez-Garavito, and J. Rossi, eds., *Making it Stick: Social Rights Judgments and the Politics of Compliance*. New York: Cambridge University Press.
- Also published in Spanish, as “Solucionar el problema del (in)cumplimiento en las demandas judiciales sobre derechos económicos y sociales.” 2017. En Langford, M., C. Rodríguez-Garavito, and J. Rossi, eds., *La Lucha por los Derechos Sociales. Los fallos judiciales y la disputa política por su cumplimiento*. Bogotá: Dejusticia.
- “The Impact of Legal Strategies for Claiming Social and Economic Rights.” 2015. In Haglund, L., and R. Stryker, *Economic, Social, and Cultural Rights: Emerging Possibilities for Social Transformation*. Oakland: University of California Press. Co-author Varun Gauri.
- “Inequality and the Rule of Law: Ineffective Rights in Latin American Democracies.” 2014. In Brinks, D., S. Mainwaring and M. Leiras, eds., *Reflections on Uneven Democracies: The Legacy of Guillermo O’Donnell*. Baltimore: Johns Hopkins University Press. Co-author, Sandra Botero.
- “Sobre Triángulos y Diálogos: Nuevos Paradigmas en la Intervención Judicial Sobre el Derecho a la Salud.” 2014. In Gargarella, R., ed., *Por una Justicia Dialógica: El Poder Judicial como Promotor de la Deliberación Democrática*. Buenos Aires: Siglo veintiuno. Co-author, Varun Gauri.
- “The Role of Courts and Constitutions in the New Politics of Welfare in Latin America.” 2014. In R. Peerenboom and T. Ginsburg, eds., *Law and Development of Middle Income Countries*. New York: Cambridge University Press. Co-author, William Forbath.
- “‘A tale of two cities’: The judiciary and the rule of law in Latin America.” 2012. In P. Kingstone and D. Yashar, eds., *Handbook of Latin American Politics*. New York: Routledge.
- “‘Faithful Servants of the Regime’: The Brazilian Constitutional Court’s Role under the 1988 Constitution.” 2011. In G. Helmke and J. Ríos-Figueroa, eds., *Courts in Latin America*, New York: Cambridge U. Press.
- Also published in Spanish, as “Fieles Servidores del Régimen: El papel de la Corte Constitucional de Brasil bajo la Constitución de 1988.” 2010. En G. Helmke and J. Ríos-Figueroa, eds., *Tribunales Constitucionales en América Latina*. México: Suprema Corte de Justicia de la Nación.
- “The Impact of Legal Strategies for Claiming Social and Economic Rights.” 2010. In T. Pogge, ed., *Freedom from Poverty as a Human Right*. Paris: UNESCO (with V. Gauri).
- “The rule of law as a governance issue: Lessons from the prosecution of rights violations.” 2009. In S. Mainwaring and T. Scully, eds., *Democratic Governance in Latin America*. Stanford: Stanford University Press.
- “The Legal Complex and the Response to Police Violence in South America.” In T. Halliday, L. Karpik and M. Feeley, eds., *Struggles for Political Freedom*. 2007. Oxford: Hart Publishing.
- “Classifying Political Regimes in Latin America, 1945-2004,” in G. Munck, ed., *Regimes and Democracy in Latin America*. 2007. Oxford: Oxford UP (with S. Mainwaring and A. Pérez-Liñán).

“The Rule of (Non)Law: Prosecuting Police Killings in Brazil and Argentina,” in Helmke & Levitsky, eds. *Informal Institutions and Democracy in Latin America*. 2006. Baltimore: Johns Hopkins University Press.

## BOOK REVIEWS

Critical Dialogue, *Fixing Democracy: Why Constitutional Change Often Fails to Enhance Democracy in Latin America*. By Javier Corrales. Oxford: Oxford University Press. 2018. 288p. \$ 99.00 cloth, \$31.95 paper. doi:10.101175/S37597219000002. *Perspectives on Politics*, Vol.17 (2): 509-513 (2019).

Review of *Latin American Constitutionalism, 1810–2010: The Engine Room of the Constitution*, by Roberto Gargarella (New York: Oxford University Press, 2013) and *Making Constitutions: Presidents, Parties, and Institutional Choice in Latin America*, by Gabriel L. Negretto (New York: Cambridge University Press, 2013). *Perspectives on Politics*, Vol.12 (4): 945-947 (2014).

Review of *Latin America’s Struggle for Democracy*, by L. Diamond, M. Plattner, and D. Abente Brun, eds. 2008. Baltimore, Md.: Johns Hopkins University Press. *Journal of Latin American Studies*, Vol.42: 410 (2010).

“Review of Angelina Snodgrass Godoy, *Popular Injustice: Violence, Community, and Law in Latin America*,” H-Law, H-Net Reviews, July, 2007. URL: <http://www.h-net.org/reviews/showrev.cgi?path=73661191089022>.

Review of *Enforcing the Rule of Law: Social Accountability in the New Latin American Democracies*, by E. Peruzzotti and C. Smulovitz. 2006. Pittsburgh: University of Pittsburgh Press. 2008. *Perspectives on Politics*, Vol.6 (3): 633.

Book Review of *The Dynamics of Democratization: Elites, Civil Society and the Transition Process*, by Graeme Gill. 2000. New York: St. Martin’s Press. *Canadian Journal of Political Science*, vol.34, No.2 (2001).

Book Notice: *Sanctuary: The New Underground Railroad*, *Michigan Law Review*, vol. 85, p.1035 (1987).

## OTHER PUBLICATIONS

Response to Javier Corrales’s review of *The DNA of Constitutional Justice in Latin America: Politics, Governance, and Judicial Design*. 2019. In *Critical Dialogues*, *Perspectives on Politics*, Vol. 17(2): 513-514

Review of Javier Corrales, “Fixing Democracy: Why Constitutional Change Often Fails to Enhance Democracy in Latin America” (OUP 2018). 2019. In *Critical Dialogues*, *Perspectives on Politics*, Vol. 17(2): 509-510 (also includes Corrales' review of my book with Abby Blass, *The DNA of Constitutional Justice in Latin America*)

“Human Rights and the Political Economy.” 2019. Contribution to Symposium on Amy Kapczynski’s essay, “The Right to Medicines in an Age of Neoliberalism,” (2019), *Humanity: An International Journal of Human Rights, Humanitarianism, and Development*, 10(1), 79-107. Available at <http://humanityjournal.org/blog/human-rights-and-the-political-economy>.

- “Access to what? Legal agency and access to justice for indigenous peoples in Latin America” 2016. WIDER Working paper 2016/138. United Nations University World Institute for Development Economics Research. <https://www.wider.unu.edu/publication/access-what>.
- “Castles in the Air: States and the Rule of Law in Latin America.” 2012. *LASA Forum*, Vol. XLIII (4): 18-20.
- “New Wine in Old Wineskins? New Problems in the Use of Electronic Evidence in Human Rights Investigations and Prosecutions.” 2011. Report prepared under a grant from the John D. and Katherine T MacArthur Foundation, for the Center for Research Libraries Global Resources Initiative (with Kathleen O’Neill and Della Sentilles). Currently published online at <http://www.crl.edu/sites/default/files/attachments/pages/Rapoport-E-evidence-report.pdf>
- “From legal poverty to legal agency: establishing the rule of law in Latin America.” 2009. Report prepared for D. Caputo, Agenda-Informe Para La Democracia de Bienestar en América Latina. Washington: Organization of American States.
- “Inequality, Institutions, and the Rule of Law: The social and institutional bases of rights.” 2008. Working paper in peer reviewed Helen Kellogg Institute for International Studies Working Paper Series.
- “The Impact of Legal Strategies for Claiming Economic and Social Rights: A focus on education and health rights.” 2007. *ESR Review*, vol.8 (2): 9 (with V. Gauri).
- Winds of Change. *The Caribbean Writer*, Vol.11, pp. 61-69 (1997).

#### **SELECTED WORK IN PROGRESS**

#### **SELECTED GRANTS AND FELLOWSHIPS**

- 2017 National Science Foundation, Law and Social Science program: \$289,174 grant for “Collaborative Research: Building Dynamic Research Communities in Global Legal Studies.” Co-PIs: Rachel Cichowski, Jeffrey Staton
- 2017 Ford Foundation Grant: \$600,000 for three years in core support for the Rapoport Center for Human Rights and Justice, to study the global architecture for human rights in the context of natural resource extraction and the future of work. Co-PIs: Karen Engle, Ariel Dulitzky
- 2015 Ford Foundation Grant: \$400,000 for the first two years in core support for the Rapoport Center for Human Rights and Justice, to study the global architecture for human rights in the context of natural resource extraction and the future of work. Co-PIs: Karen Engle, Ariel Dulitzky.
- 2015-16 Faculty Research Leave: Semester-long competitively awarded research leave from the College of Liberal Arts, to complete project on human rights constitutionalism in Latin America.
- 2011-12 Faculty-Led Research Initiative Grant, for the Project “The Bones of Democracy: Constructing Inclusive, Effective and Sustainable Democracies in Latin America,” from the Lozano-Long Institute for Latin American Studies, University of Texas at Austin (with Zachary Elkins).

University of Texas Faculty Development Program 2008 Summer Research Assignment, to support research on the impact of court mandated policy solutions on inequality in the developing world

Helen Kellogg Institute for International Studies Visiting Fellow, 2006-07, visiting fellowship at the University of Notre Dame, for the study of rights-based approaches to the extension of social and economic rights in the developing world

American Bar Foundation Doctoral Fellowship (2002-04), residential Fellowship in Law and Social Science

Social Science Research Council International Dissertation Research Fellowship, Field Research Grant for comparative study of rule of law in Argentina, Brazil and Uruguay (2000-01)

### **SELECTED AWARDS**

2018 Co-winner of the C. Herman Pritchett Award for Best Book on Law and Courts, awarded by the Law and Courts Section of the American Political Science Association, for *The DNA of Constitutional Justice in Latin America: Politics, Governance and Judicial Design*. 2018. Cambridge University Press (with Abby Blass)

2018 International Journal of Constitutional Law prize for Best Paper published in the journal in 2017, for “Rethinking Judicial Empowerment: The New Foundations of Constitutional Justice.” *International Journal of Constitutional Law*, vol.15 (2): 296-331. Co-author, Abby Blass

2017 Outstanding Graduate Advisor Award, University of Texas Graduate School

2006 Honorable Mention, Best Article Published in 2006 on Comparative Democratization (with Michael Coppedge), awarded by APSA Comparative Democratization section for “Diffusion is No Illusion,” *Comparative Political Studies*, Vol.39 (4): 463-489 (2006)

2004 Eli J. and Helen Shaheen Notre Dame Graduate School Award in the Social Sciences (May 2004). The Shaheen Award recognizes one outstanding graduate student from each of the four divisions of the Graduate School: Humanities, Social Sciences, Science and Engineering

### **SELECTED PAPERS PRESENTED AND INVITED LECTURES**

#### **2020:**

“Understanding Institutional Weakness,” Columbia University, January 30, 2020

#### **2019:**

Author presentation on “Author meet Critics: ‘Understanding Weak Institutions: Lessons from Latin America.’” American Political Science Association Annual Meeting. Washington, DC, August 31, 2019

“New rights and the legal opportunity structure: impact of the right to water on mobilization strategies around the world.” Law and Society Association Annual Conference, Washington DC, June 1, 2019

“Beyond the Façade: Institutional Engineering and Potemkin Courts in Latin America, 1975-2009.” Annual Congress of the Latin American Studies Association, Boston, MA, May 25, 2019.

Author presentation on “Author Meets Critics: ‘The DNA of Constitutional Justice in Latin America: Politics, Governance and Judicial Design,’” a Program Chair’s Session at the Midwest Political Science Association Annual Meeting. Chicago, Illinois, April 6, 2019.

**2018:**

“The Legal Opportunity Structure and the Emerging Right to Water,” presentation at the Bergen Exchanges, Christian Michelsen Institute, Bergen, Norway, August 24, 2018.

“The Value of the Historic Archive of the National Police of Guatemala for Developing Democracy,” Guatemala City, Guatemala, July 27, 2018.

Keynote address, “The Social Imperative in Latin American Constitutionalism,” in the workshop on Social Rights and Values Underpinning Social Policies in Middle-Income Countries - Brazil, India, China and South Africa in Comparison, Center for Interdisciplinary Research, Bielefeld University, Bielefeld, Germany, July 17, 2018.

Invited discussant on the joint project of the 2018 Working Group on Understanding Southern Welfare, Center for Interdisciplinary Research, Bielefeld University, Bielefeld, Germany, July 16-17, 2018.

Roundtable participant, “Considering Latin American constitutionalism in light of ‘The DNA of Constitutional Justice in Latin America.’” Latin American Studies Association Annual Congress, Barcelona, Spain, May 2018.

**2017:**

“Human Rights, Inequality, and Natural Resource Governance,” introductory remarks to conference on Human Rights and Inequality in the Context of Natural Resource Extraction, Lima, Peru, November 7-11, 2017.

“Laying the foundations of constitutional democratic states in Latin America since 1975,” paper presented at the Annual Meeting of the American Political Science Association, San Francisco, CA, Aug. 31- Sept. 3, 2017

“The DNA Of Constitutional Justice in Latin America: Politics, Governance and Judicial Design,” book presentation panel, at the 2017 Bergen Exchanges on Law and Social Transformation, Christian Michelsen Institute and University of Bergen, Bergen, Norway, August 21-25, 2017

“Latin American constitutional development models,” presented at the conference “Toward a New Constitutional Political Economy – Transition and Transformation,” Kramer Law School, University of Cape Town, May 20-21, 2017

“Governing with Courts: The Political Origins of Constitutional Justice in Latin America,” paper presented at the Annual Congress of the Latin American Studies Association, Lima, Perú, April 28-May 1, 2017

Invited discussant for book workshop on Yanilda González, *Authoritarian Coercion by Democratic Means: The Paradox of Police Reform in Latin America*. Kennedy School of Government, Harvard University, Cambridge, MA, February 17, 2017



“Judicial Power – Concepts and Measures,” paper presented at the second round of the “Collaborative Workshop on Data and Methods in the Comparative Study of Legal Institutions,” Georgetown University, Washington DC, February 2, 2017

**2016:**

“Efecto Económico de los Derechos Económicos y Sociales” (“Economic Effects of Economic and Social Rights”). Invited presentation, International Seminar on the Economic Effects of Constitutional Change, organized by the Interamerican Development Bank and the Ministry of Finance of Chile, Santiago, Chile, December 5-6, 2016

“Challenges in Implementing Social and Economic Rights,” invited lecture for the Global School on Economic and Social Rights, held at Universidad de Los Andes, Bogotá, October 27, 2016

“Access to what? Legal Agency and Access to Justice for Indigenous Peoples in Latin America,” paper presented at UN University-World Institute for Development Economics Research, Helsinki, Finland, October 5-6, 2016

Lectures on Comparative Constitutionalism, organized by the Institute for Global Law and Politics, Harvard Law School, in Madrid, Spain, July 15-23, 2016

“Governing with Courts: The DNA of Constitutional Justice In Latin America,” invited presentation, Indiana University, Bloomington IN, April 14, 2016

“Reflections on the Argentine coup of 1976,” Roundtable, Institute of Historical Studies, Univ. of Texas at Austin, March 24, 2016

“Governing with Courts: The DNA of Constitutional Justice In Latin America,” invited presentation, Brown University, Providence RI, February 25, 2016

“Judicial Power – Concepts and Measures,” paper presented at the “Collaborative Workshop on Data and Methods in the Comparative Study of Legal Institutions,” Georgetown University, Washington DC, February 5, 2016

**2015:**

Papers presented at the Annual Meeting of the Latin American Studies Association, and the American Political Science Association.

Lectures on Comparative Constitutionalism, Regional meeting of the Institute for Global Law and Policy, Harvard Law School, held in Bogotá, Colombia, August 17-20, 2015

Various presentations on Economic and Social Rights – politics, enforcement, compliance, Christian Michelsen Institute, lecture in PhD seminar, Univ. of Bergen, Norway, August 12-16, 2015

Invited discussant for book workshop on Alisha Holland, *Forbearance as Redistribution: The Informal Welfare State in Urban Latin America*, Harvard Society of Fellows, Harvard University, Boston MA, March 6, 2015

Invited lecturer and organizer of Comparative Law and Academic Writing and Publishing streams in the Annual Workshop of the Institute for Global Law and Policy, Harvard Law School, Doha, Qatar, January 7, 2015

**2014:**

- “On Sexual and Reproductive Rights Lawfare,” invited discussant, workshop sponsored by Harvard Law School and the Center for Health and Human Rights, Harvard School of Public Health, Nov.6-7, 2014
- “Beyond the façade: Institutional engineering and Potemkin courts in Latin America,” Comparative Politics workshop, Columbia University, Nov.5, 2014
- “Enforcement of Social and Economic Rights in Latin America,” invited lecture, Human Rights Workshop, Yale Law School, Sept.24, 2014
- “Efectos de la Judicialización de los Derechos Económicos y Sociales,” invited lecture, Universidad de Palermo, Facultad de Derecho, Buenos Aires, Argentina, June 10, 2014
- “La Justicia en Números: Cambio Constitucional y Poder Judicial en América Latina desde 1975,” paper presented, Pontificia Universidad Católica de Chile, Santiago, Chile, June 6, 2014
- “Changes to Chilean Justice since Democratization,” invited lecture, Universidad Diego Portales, Santiago, Chile, June 4, 2014
- “Retos de la Justicia y las Políticas Públicas frente al Desplazamiento Forzado,” panelist with members of the Colombian Constitutional Court and various ministries on the tenth anniversary of the Court’s intervention in matters relating to internally displaced populations in Colombia, Universidad de los Andes, Bogotá, April 22, 2014
- “Justicia y Estado de Bienestar en América Latina: Social-Democracia por la Vía Judicial o Elitismo Juristocrático?” invited lecture for the Global School on Economic and Social Rights, held at Universidad de Los Andes, Bogotá, April 22, 2014
- “Reinventing Law and Courts in Latin America,” invited lecture at the Second Annual RAP Symposium, Harvard University, March 29, 2014
- “Constitutional Change in Latin America since 1970,” paper presented at the Georgetown University Comparative Politics Seminar Series. Washington, D.C., March 3, 2014
- “Reinventing Courts and Constitutions in Latin America,” paper presented at the Comparative Politics lecture series, University of North Carolina, Chapel Hill, January 17, 2014
- “Comparative Constitutionalism: A Quantitative Approach to Constitutional Transformation in Latin America,” invited lecture, Annual Workshop of the Institute for Global Law and Policy, Harvard Law School, Doha, Qatar, January 7, 2014

**2013:**

- “New Courts for New Democracies: Reinventing Constitutions and Courts in Latin America since 1975,” paper presented at the Colloquium on Law, Economics and Politics, New York University School of Law (Lewis Kornhauser and John Ferejohn, organizers). New York, September 10, 2013
- “Distributive Implications of Judicializing Social and Economic Rights Enforcement,” workshop sponsored by the Equal Rights Trust, University College London, June 5-6, 2013
- “Solving the Problem of (non)Compliance in SE Rights Litigation,” Annual Meeting of the Law and Society Association, Boston, MA, June 1, 2013

“Potemkin Courts,” paper presented at the “Ruling Politics” conference, University of Chicago, May 3-4, 2013 (with Abby Blass)

“Judging Politics: The transformation of courts and law in the politics of Latin America,” paper presented at the Bergen Resource Centre for International Development, Christian Michelsen Institute, Bergen, Norway, March 11, 2013

**2012:**

Keynote address at closing plenary session of the Annual Meeting of the Uruguayan Political Science Association, “Justicia y Democracia en América Latina: La Transformación de la Justicia en los últimos 35 Años,” (Law and Democracy in Latin America: The transformation of its legal systems over the last 35 years). Montevideo, Uruguay, November 14-18, 2012.

“Judging Politics: Transforming Courts and Law in Latin America,” paper presented in the Equality, Development and Globalization Studies Speaker Series on Property Rights, Power and the Rule of Law, at the Roberta Buffett Center for International and Comparative Studies, Northwestern University, Evanston, Illinois, November 8, 2012

“Transforming Environmental Conflicts through Law: A Framework for the Study of Water, Rights, and the Politics of Human Development,” paper presented at the Annual Conference of the Law and Society Association, Honolulu, Hawaii, June 5-8, 2012 (with S.Gloppen and B.Wilson)

“On reading, commenting on, and publishing academic work,” presentation at the Institute for Global Law and Policy, Harvard Law School, Cambridge, MA, May 30, 2012

“Diffusion, Domestic Politics and Latin American Courts from 1975 to 2009 – Courts as Governance Mechanisms,” paper presented at the XXX International Congress of the Latin American Studies Association, May 23-26, 2012, San Francisco, California (with A. Blass)

“The Role of Courts and Constitutions in the Politics of Welfare in Latin America,” paper presented at conference on Law and Development of Middle-Income Countries, Chicago Law School, April 20-21, 2012

“The State – Concepts and Dimensions,” paper presented at conference on “‘Stateness’ in Latin America in the 21st Century: Conceptual Challenges,” Santiago, Chile, March 29-30, 2012

“The Structural and Institutional Bases of the Rule of Law,” paper presented at conference on Guillermo O’Donnell and the Study of Democracy, Buenos Aires, Argentina, March 26-27, 2012

“States and the law: Crafting the new ‘estados de derecho’ in Latin America,” paper presented at conference on “State Capacity in the Developing World,” São Paulo, Brazil, February 10th-11th, 2012

**2011:**

“International Pressures and Potemkin Courts: Real and Apparent Purposes in the Construction of Latin American Courts, 1975-2009,” paper presented at the conference on Ruling Politics: The Formal and Informal Foundations of Power in New Democracies, Harvard University, November 21-22, 2011

Keynote address on “State Violence in Latin America after Thirty Years of Democracy” at the Annual Meeting of the European-Latin American Network for Governability and Development (RedGob), Bergen, Norway, October 30, 2011.

“Of Triangles and Dialogues in Health Rights Enforcement: Moving Beyond Courts and Violations in Social and Economic Rights Enforcement;”

And:

“Perfecting Duties: Courts and the Domestic Practice of Human Rights.” Both papers presented by invitation, at the 19th Annual Conference on the Individual vs the State – “An Enforceable Right to Health?” Organized by András Sajó and Renáta Uitz, Central European University, Budapest, Hungary, June 10-11, 2011 (both papers with V. Gauri).

“The conceptualization and measurement of formal judicial power;”

And

“Diffusion and Domestic Politics: Designing Courts for Governance.” Papers presented at the Annual Meeting of the American Political Science Association, Seattle, Washington, September 1-4, 2011

“Rights for the rich, privation for the poor? The distributive impact of litigating social and economic rights.” Paper presented at the International Political Science Association conference on The Judicialization of Politics from International and Comparative Perspectives, University of California at Irvine, July 21-23, 2011

“Dictators and their courts.” Paper presented at conference How Autocracies Work: Beyond the Electoral Paradigm, University of Michigan Weiser Center for Emerging Democracies, Ann Arbor, Michigan, April 15-16, 2011.

## **2010:**

“El impacto de la justicia sobre las políticas públicas en América Latina” (The Impact of the Judiciary on Public Policies in Latin America), paper presented by invitation at the Congreso Nacional de la Asociación Chilena de Ciencia Política (Annual Meeting of the Chilean Political Science Association), Santiago, Chile, November 11-13, 2010.

“The Rule of Law as a Governance Challenge.” Paper presented at the Policy Workshop on Democratic Governance in Latin America, sponsored by the Organization of American States, the Inter-American Dialogue, and the Kellogg Institute for International Studies, Washington, D.C., November 4-5, 2010.

“Inequality and the Rule of Law.” Paper presented at the 2010 National Meeting of the American Political Science Association, September 2-5, 2010, Washington, D.C.

“Transforming politics in emerging democracies: courts as allies of political actors.” Paper presented at the 2010 Annual Meeting of the Law and Society Association, Chicago, Illinois, May 27-30, 2010.

“Solving the Problem of (non)Compliance in ESC Rights Litigation.” Paper presented by invitation at the International Symposium on Enforcement of Economic, Social and Cultural Rights Judgments. Bogotá, Colombia, May 6-7, 2010. Symposium organized by ESCR-Net, Norwegian Centre for Human Rights, and DeJusticia (Colombia)

“Courts and Power.” Presented lecture and hosted a book launch event by invitation at the Christian Michelsen Institute, Bergen, Norway, co-sponsored by the University of Bergen, Norway, April 29, 2010.

“New Courts for New Democracies: Judicial Changes in Latin America from 1975 to 2009.” Paper presented by invitation in the Spring Speaker Series of the Center for the study of Law, Politics and Economics, Emory University, January 25, 2010.

**2009 and earlier:**

“Of Triangles and Dialogues: Moving Beyond Rights and Violations in Social and Economic Rights Enforcement,” paper presented by invitation at the Human Rights Workshop on Reconceptualizing Human Rights, Global Legal Studies Center, University of Wisconsin Law School, December 4-5, 2009

“The Social and Institutional Bases of the Rule of Law,” paper presented by invitation at the Workshop on the Rule of Law, Yale University, April 24-25, 2009

“Faithful Servants of the Regime: The Brazilian Constitutional Court’s Role Under the 1988 Constitution,” paper presented by invitation at the conference on “Los Jueces Constitucionales en América Latina: ¿Arbitros del conflicto político o activos defensores de derechos?” Centro de Estudios y Docencia Económicas, Mexico City, Mexico, March 6-8, 2009

“And Justice for Whom? Judicial Power and Autonomy in Brazil,” paper presented at the 2009 Annual Meeting of the American Political Science Association

“The Spread of New Constitutional Courts in Latin America,” paper presented at the 2009 Annual Meeting of the American Political Science Association (with A. Blass)

“The role of courts in emerging democracies: fire alarms, roadblocks and incomplete commitments,” paper presented at the 2009 Annual Meeting of the Law and Society Association, Denver, CO

“Izquierda y Memoria en Argentina en el Nuevo Milenio,” commentary on the presentation by María Gabriela Mizraje, “Argentina: El Sueño Asimilado, la Izquierda Prometida y el Entierro Imposible,” at the “What’s Left of the Latin American Left” conference, April 28-29, 2008, University of Texas at Austin.

“When the police are the source of insecurity,” paper presented by invitation at the conference on Violence and Citizenship in Post-Authoritarian Latin America, Project on Democracy and Development, Princeton University, March 7, 2008

“Democracy, Inequality and the Rule of Law: Questions and Answers from the Prosecution of Police Violence,” paper presented at the XXVII International Congress of the Latin American Studies Association, Montreal, Canada, Sept.5-8, 2007

“Rights-based Approaches to Social and Economic Rights in the Developing World: Law, Politics, and Impact.” Paper presented at the 103rd Annual Meeting of the American Political Science Association, Chicago, Aug.30-Sept.2, 2007

“Enforcing Social and Economic Rights in the Developing World.” Paper presented at the Law and Society Association Annual Meeting, Berlin, July 25-28, 2007

“Promises to Keep: The Judicial Enforcement of Social and Economic Rights.” Invited presentation at the Law School, University of Notre Dame, May 8, 2007

“El Derecho y la Política: Determinantes e Impacto de la Judicialización de Derechos Económicos y Sociales.” Paper presented by invitation at the Law School (Facultad de Derecho y Ciencias Sociales), Universidad Nacional de Córdoba, Argentina, June 29, 2006

Also presented at the Law School (Facultad de Derecho y Ciencias Sociales), Universidad Católica de Córdoba, June 26, 2006

“Derecho y Violencia Policial.” Paper presented by invitation at the Centro de Estudios Legales y Sociales (the foremost human rights research and advocacy institution in Argentina), Buenos Aires, June 22, 2006

“La Ley es Tela de Araña: La Respuesta Judicial a la Violencia Policial en América Latina.” Paper presented by invitation at the Universidad Católica de Chile, Santiago, Chile, May 25, 2006

Also presented at the Universidad Diego Portales, Santiago, Chile May 26, 2006

“The Law, Politics, and Impact of Litigating Social and Economic Rights in the Developing World.” Invited presentation at the Rapoport Center for Human Rights and Justice, University of Texas School of Law, April 4, 2006

“Judicial Effectiveness and Institutional Design in Latin America: Lessons from the Prosecution of Rights Violations.” Paper presented by invitation at Democratic Governance in Latin America conference, Kellogg Institute for International Studies, University of Notre Dame, Notre Dame, Indiana, October 7-8, 2005; a subsequent draft was presented at the XXVI International Congress of the Latin American Studies Association, San Juan, Puerto Rico, March 15-18, 2006

“Judicial Reform and Independence in Latin America,” paper presented at the 2005 Law and Society Association Annual Meeting, June 2-5, Las Vegas, Nevada

“Judicial Independence in Brazil and Argentina,” paper presented by invitation at the Globalization and the Judiciary Symposium, sponsored by the University of Texas School of Law, the Texas International Law Journal, and the University of St. Gallen, Switzerland, September 9-10, 2004, Austin, Texas

“Judicial Independence and Institutional Design in Brazil and Argentina,” paper presented at the XXV International Congress of the Latin American Studies Association, October 7-9, 2004, Las Vegas, NV

“Politics, Institutional Design and Judicial Independence in Uruguay, Brazil and Argentina,” paper presented at the 100th Annual Meeting of the American Political Science Association, September 2-5, 2004, Chicago, Illinois

“Courts, Norms and Laws: Competing Rules and Legal Rights in Salvador, São Paulo and Buenos Aires,” paper presented by invitation at the conference on Informal Institutions and Politics in Latin America, April 24-25, 2003, Kellogg Institute for International Studies, University of Notre Dame

“Democracy and the Rule of Law in Argentina, Brazil and Uruguay: The Courts and Democratic Citizenship in the 1990s,” paper presented at the XXIV International Congress of the Latin American Studies Association, Dallas, TX, March 27-29, 2003

“Informal Institutions and the Rule of Law: The Judicial Response to State Killings in Buenos Aires and São Paulo in the 1990s,” revised version presented by invitation at the Society for Comparative Research’s Fourth Annual Graduate Student Workshop, Central European University, Budapest, Hungary, May 8-12, 2002

“Informal Institutions and the Rule of Law: The Judicial Response to State Killings in Buenos Aires and São Paulo in the 1990s,” early version presented by invitation at the Conference on Informal Institutions and Politics in the Developing World, Weatherhead Center for International Affairs, Harvard University, April 5-6, 2002

## **ACADEMIC SERVICE**

### **SERVICE ON PROFESSIONAL BOARDS AND COMMITTEES**

Member, Editorial Board, *Law and Social Inquiry*, 2013-present

Member, Editorial Board, *Latin American Politics and Society*, 2016-present

Member, Advisory Board, *Revista de Interés Público*, Universidad Nacional de La Plata, Argentina, 2016-present

Member, Editorial Council, *Latin American Law Review*, Universidad de los Andes, Bogotá, Colombia, 2017-present

Award Committee member, 2013 Lijphart/Przeworski/Verba Dataset Award from the APSA Comparative Politics Section

Track chair, Citizenship, Rights and Justice Track, XXX International Congress of the Latin American Studies Association, May 23-26, 2012, San Francisco, California (with Lisa Hilbink)

Member, Editorial Board, University of Notre Dame Press, 2009-2010

Member, Faculty Committee, Helen Kellogg Institute for International Studies, 2009-2010

Associate Director for Academic Programs, Rapoport Center for Human Rights and Justice, University of Texas at Austin, 2008-09

Member, Academic Steering Committee, Rapoport Center for Human Rights and Justice, University of Texas at Austin, 2005-06, 2007-08

### **CONFERENCES ORGANIZED**

Co-organizer with Steve Levitsky (Harvard) and M. Victoria Murillo (Columbia) of “Institutional Weakening – a workshop,” Columbia University, January 30-31, 2020

Co-organizer with Sandra Botero (Univ del Rosario) and Ezequiel González Ocantos (Cambridge Univ), of “Política y Derecho en América Latina: Nuevas Preguntas, Viejos Desafíos,” October 25-26, 2019

Co-organizer with Karen Engle, David Kennedy of Harvard Law School, and Daniel Danielsen of Northeastern Law School, of The Role of Law in the Production of Inequality: An Idea Lab, Austin, TX, March 29-31, 2018

Co-organizer with the Natural Resource Governance Institute and Grupo Propuesta Ciudadana, of the workshop on Natural Resource Governance and Human Rights, "Seminario Regional La Gobernanza de las Industrias Extractivas, Lima, Peru, November 8-10, 2017

Co-organizer, with Steven Levitsky and M. Victoria Murillo, "Weak Institutions in Latin America: New Theoretical and Empirical Approaches," University of Texas at Austin, September 28-29, 2017

Co-organizer, with Karen Engle and Julia Dehm, "Certifying Human Rights in Global Supply Chains," University of Texas School of Law, April 6-7, 2017

Co-organizer, with Steven Levitsky and M. Victoria Murillo, "Weak Institutions in Latin America: New Theoretical and Empirical Approaches," Harvard University, May 9-10, 2016

Co-organizer, with Karen Engle and Julia Dehm, "Inequality and Human Rights," 2016 Annual Conference of the Rapoport Center for Human Rights and Justice, University of Texas at Austin, April 7-9, 2016

Co-organizer, with Zachary Elkins, of "Human Rights Constitutionalism: Global Aspirations, Local Realities," 2014 Annual Conference of the Rapoport Center for Human Rights and Justice, University of Texas at Austin, February 13-14, 2014

Co-Organizer, with Zachary Elkins, "Workshop on the Architecture of Latin American Democracy," a workshop to explore evidence-based research on the impact of constitutional and other institutional arrangements in Latin America, April 26-27, 2012

Co-Organizer, with Scott Mainwaring and Marcelo Leiras, "Guillermo O'Donnell and the Study of Democracy," conference and tribute organized to honor the legacy of Guillermo O'Donnell, Buenos Aires, Argentina, March 26-27, 2012

Co-Organizer, with Catherine Boone and Karen Engle, "Property Rights and the Human Rights Agenda," 2012 Annual Conference of the Rapoport Center for Human Rights and Justice, March 2-3, 2012

Co-organizer, with Zachary Elkins and William Forbath, "International Symposium on Latin American Constitutionalism," co-sponsored by University of Texas Law School and the Texas Law Review, March 5-6, 2011

## **PROFESSIONAL VISIBILITY**

Invited by International IDEA and the Chilean Presidency to discuss social rights constitutionalism and judicial design, in seminar "Procesos de Construcción Constitucional en América Latina" (as part of national discussions regarding the possibility of drafting a new constitution for Chile), held in Santiago, Chile, October 21-22, 2015

Invited by the Mexican Secretary of Foreign Relations, as presenter on comparative constitutionalism in event celebrating 100 years of Mexican constitution, Seminario Internacional: El constitucionalismo latinoamericano como elemento aglutinador de la region, August 26-28, 2015



Invited by Ministry of Justice and Ministry of Interior of Colombia to comment on proposed constitutional amendment modifying appointment and removal of apex court justices, and the administration of the lower courts, at a public forum, Bogotá, Colombia, February 22, 2015

Invited as an “expert consultant” to the Equal Rights Trust, an international organization that includes globally recognized figures – former Supreme Court or Constitutional Court Justices from various countries, members of international human rights bodies, etc – to comment on a Draft Report on the use of Equality Rights to secure Economic, Social and Cultural Rights. London, England, June 6, 2013.

Invited overall discussant for the International Symposium on Enforcement of ESCR Judgments, organized by ESCR-Net, DeJusticia and the Norwegian Center for Human Rights, Bogota, Colombia, May 6-7, 2010

Invited overall discussant for Symposium “Freedom from Poverty as a Human Right”, held on 18 December 2009 at UNESCO Headquarters in Paris.

Invited discussant for T. Ginsburg paper “Recursivity in Human Rights Law,” presented at the Regional Colloquium on Globalization and Law, Northwestern University, August 31, 2009. Colloquium co-sponsored by the Buffett Center for International and Comparative Studies of Northwestern University and the Center for Law and Globalization of the American Bar Foundation and University of Illinois College of Law.

Invited overall discussant for Workshop “Does Litigating the Right to Health Bring Equity?” Buenos Aires, Argentina, April 14-17, 2009. Conference coordinated by the Christian Michelsen Institute, Bergen, Norway, in cooperation with Harvard University, DiTella University (Buenos Aires), University of Witwatersrand (South Africa), University of Central Florida, University of Warwick, University of Bergen (Norway) and BRAC (Bangladesh).

Consultant to the Organization of American States in the preparation of a proposed roadmap/agenda to aid states in deepening democracy by, inter alia, improving the rule of law (2009).

Chair and discussant, panel on “Comparative Perspectives on the Judicial Role in Latin America,” 2009 Annual Meeting of the Law and Society Association, Denver, CO

Discussant, panel on “Literatura, Crimen y Justicia” [Literature, Crime and Justice], XXVII International Congress of the Latin American Studies Association, Montreal, Canada, Sept.5-8, 2007

Chair, “Establishing the Rule of Law: From Dictatorship to Democracy” panel, XXVII International Congress of the Latin American Studies Association, Montreal, Canada, Sept.5-8, 2007

Chair and discussant, “Globalization’s effect on human rights” panel, Law and Society Association Annual Meeting, Berlin, July 25-28, 2007

Roundtable panelist, “Mobilization Strategies of the Legal Complex,” Law and Society Association Annual Meeting, Berlin, July 25-28, 2007

Outside referee, books: Cambridge University Press, Stanford University Press, Notre Dame University Press, Broadview Press

Outside referee, academic journals including American Political Science Review, American Journal of Political Science, World Politics, British Journal of Political Science, Comparative Political Studies, Comparative Politics, Law & Social Inquiry, Journal of Politics, Latin American Research Review, Latin American Politics and Society, Canadian Journal of Latin American and Caribbean Studies, National Science Foundation, Revista de Ciencia Política

Consultant to the World Bank, research project on the uses and impact of rights-based approaches to extending Social and Economic Rights, 2005-2006

#### **PREVIOUS WORK EXPERIENCE**

1987-1988: Law Clerk to the Honorable Juan R. Torruella  
United States Court of Appeals for the First Circuit (Boston MA, and San Juan, PR)

1988-1994: Partner ('92-'94), Associate Attorney ('88-'92)  
Dickinson Wright PLLC (Detroit, MI)

1994-1995: General Manager  
La Boutique du Vin (St. Thomas, VI)

1996-1997: Attorney  
Law Offices of Henry C. Smock (St. Thomas, VI)

#### **LANGUAGES**

Spanish and Portuguese. Reading and some conversational ability in French.

#### **PROFESSIONAL ASSOCIATIONS**

Member American Political Science Association, Comparative Politics Section; Latin American Studies Association, Law and Society in Latin America Section

Former member, State Bar of Michigan, Virgin Islands Bar Association, Hispanic Economic Club in Michigan

Previously admitted to practice in Michigan state courts, Virgin Islands Territorial Court, and the following federal courts: Sixth Circuit Court of Appeals, Third Circuit Court of Appeals, Eastern District of Michigan, District of the Virgin Islands, District of Puerto Rico