

## TARA LEIGH GROVE

Professor of Law, William and Mary Law School  
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### ACADEMIC EXPERIENCE

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<b>William and Mary Law School</b> , Williamsburg, Virginia, <i>Professor of Law</i>	2011-present
<i>Cabell Research Professor</i>	2016-2017
<i>Robert and Elizabeth Scott Research Professor</i>	2015-2016

Courses: Federal Courts, Constitutional Law, Civil Procedure, Congress and the Courts (seminar)

<b>Harvard Law School</b> , Cambridge, Massachusetts, <i>Visiting Professor</i>	Fall 2017
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Courses: Civil Procedure, Congress and the Courts (reading group)

<b>Northwestern University School of Law</b> , Chicago, Illinois, <i>Visiting Professor</i>	Fall 2012
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Course: Civil Procedure

<b>Florida State University College of Law</b> , Tallahassee, Florida, <i>Assistant Professor of Law</i>	2009-2011
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Courses: Federal Courts, Constitutional Law, Bankruptcy, Statutory Interpretation (seminar)

### ACADEMIC WORKS

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*The Origins (and Fragility) of Judicial Independence*, 71 VAND. L. REV. \_\_ (forthcoming 2018)

*Justice Scalia's Other Standing Legacy*, 84 U. CHI. L. REV. \_\_ (forthcoming 2017)  
(invited essay: Special Issue on Justice Antonin Scalia's jurisprudence)

*When Can a State Sue the United States?*, 101 CORNELL L. REV. 851 (2016)

*Tiers of Scrutiny in a Hierarchical Judiciary*, 14 GEO. J. L. & PUB. POL'Y 475 (2016)  
(invited essay: Symposium on "Is the Rational Basis Test Unconstitutional?")

*The Lost History of the Political Question Doctrine*, 90 N.Y.U. L. REV. 1908 (2015)

*Article III in the Political Branches*, 90 NOTRE DAME L. REV. 1835 (2015) (invited essay:  
Symposium on Federal Courts, Practice and Procedure)

*Standing Outside of Article III*, 162 U. PA. L. REV. 1311 (2014)

*Congress's (Limited) Power to Represent Itself in Court*, 99 CORNELL L. REV. 571 (2014)  
(with Neal Devins)

*The Exceptions Clause as a Structural Safeguard*, 113 COLUM. L. REV. 929 (2013)

## ACADEMIC WORKS (CONT.)

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*A (Modest) Separation of Powers Success Story*, 87 NOTRE DAME L. REV. 1647 (2012) (invited essay: Symposium on Federal Courts, Practice and Procedure)

*The Article II Safeguards of Federal Jurisdiction*, 112 COLUM. L. REV. 250 (2012)

*The Structural Safeguards of Federal Jurisdiction*, 124 HARV. L. REV. 869 (2011)

*The Structural Case for Vertical Maximalism*, 95 CORNELL L. REV. 1 (2009)

*Standing as an Article II Nondelegation Doctrine*, 11 U. PENN. J. CONST. L. 781 (2009)

## EDUCATION

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**Harvard Law School**, J.D., June 2002, *magna cum laude*

Honors/Activities: Harvard Law Review, Supreme Court Chair

Professor Laurence Tribe, Research Assistant/Teaching Assistant

**Duke University**, B.A., Political Science, May 1998, *summa cum laude*

Minors: French, Japanese

## AWARDS

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**Plumeri Award for Faculty Excellence**, College of William and Mary February 2017

**Alumni Fellowship Award for Teaching Excellence**, College of William and Mary September 2016  
Conferred annually on one graduate school professor for excellence in teaching

**Paul M. Bator Award** February 2016  
National award conferred annually by the Federalist Society on an outstanding legal scholar under the age of forty

**Plumeri Award for Faculty Excellence**, College of William and Mary January 2014

**Best Untenured Federal Courts Article of 2012** January 2013  
Conferred by the Federal Courts Section of the Association of American Law Schools for  
*The Article II Safeguards of Federal Jurisdiction*, 112 COLUM. L. REV. 250 (2012)

## PRESENTATIONS

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**University of Virginia School of Law**, Charlottesville, Virginia February 2017  
Presented *The Origins (and Fragility) of Judicial Independence*

## PRESENTATIONS (CONT.)

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- Federal Courts Panel, Association of American Law Schools**, San Francisco, CA January 2017  
2017 Annual Meeting  
Topic: Inter-governmental Disputes and Justiciability  
Presented *When Can Federal Institutions Assert “Institutional Injuries”?*
- Nineteenth Annual Faculty Conference**, San Francisco, CA January 2017  
The Federalist Society for Law and Public Policy  
Presented *Building Conventions of Judicial Independence*  
(later retitled *The Origins (and Fragility) of Judicial Independence*)
- Council of State Governments**, Williamsburg, VA December 2016  
2016 Annual Meeting  
Topic: Defending the Principles of Federalism  
Presented *When Can a State Sue the United States?*
- Institute for Justice**, Washington, D.C. October 2016  
Topic: Are the Cases Out There? Scrutinizing the Supreme Court’s Declining Docket  
Panelist, Exploring the Court’s Docket Management—Is Reform Needed?
- George Washington University Law School**, Washington, D.C. March 2016  
Presented *When Can a State Sue the United States?*
- University of Virginia School of Law**, Charlottesville, Virginia February 2016  
2016 National Student Symposium for the Federalist Society  
Panelist, Becoming a Law Professor
- William and Mary Law School**, Williamsburg, Virginia February 2016  
Host, *William & Mary Law Review* Symposium  
Topic: Judicial Supremacy v. Departmentalism  
Moderator, The Politics of Interpretive Control
- Georgetown University Law Center**, Washington, D.C. February 2016  
Symposium: Is the Rational Basis Test Unconstitutional?  
Presented *Tiers of Scrutiny in a Hierarchical Judiciary*
- University of Notre Dame in London**, London, England February 2016  
Comparative Perspectives on Commonwealth and American Constitutional Law  
Commentator, *Bottom-Up and Top-Down Constitutional Conventions*
- Eighteenth Annual Faculty Conference**, Washington, D.C. January 2016  
The Federalist Society for Law and Public Policy  
Young Legal Scholars Paper Competition Panel  
Presented *When Can a State Sue the United States?*
- University of Wisconsin Law School**, Madison, Wisconsin November 2015  
Wisconsin Discussion Group on Constitutionalism  
Presented *When Can a State Sue the United States?*

## PRESENTATIONS (CONT.)

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<b>Loyola University Chicago School of Law</b> , Chicago, Illinois Sixth Annual Constitutional Law Colloquium Presented <i>When Can a State Sue the United States?</i>	November 2015
<b>Duke University School of Law</b> , Durham, North Carolina Roundtable: Historical Practice and the Federal Judicial Power Presented <i>The Article III Anticanon</i>	October 2015
<b>Northwestern University School of Law</b> , Chicago, Illinois Constitutional Law Colloquium Presented <i>The Lost History of the Political Question Doctrine</i>	September 2015
<b>William and Mary Law School</b> , Williamsburg, Virginia Supreme Court Preview Moderator, Obama, the Court, and the Battle Over Executive Power	September 2015
<b>2015 Junior Scholars Colloquium</b> , Warrenton, VA The Federalist Society for Law and Public Policy Presented <i>Reconsidering the Political Question Doctrine</i> (later retitled <i>The Lost History of the Political Question Doctrine</i> )	June 2015
<b>Widener University School of Law</b> , Harrisburg, PA Ninth Annual John L. Gedid Lecture Presented <i>The Executive's Duty to Enforce the Law</i>	April 2015
<b>Federal Courts Panel, Association of American Law Schools</b> , Washington, D.C. 2015 Annual Meeting Topic: The Role of History in the Federal Courts Canon Presented <i>Article III in the Political Branches</i>	January 2015
<b>Seventeenth Annual Faculty Conference</b> , Washington, D.C. The Federalist Society for Law and Public Policy Moderator, The Executive Power to Not Enforce the Law	January 2015
<b>Seventeenth Annual Faculty Conference</b> , Washington, D.C. The Federalist Society for Law and Public Policy Presented <i>Reconsidering the Political Question Doctrine</i>	January 2015
<b>University of Texas School of Law</b> , Austin, Texas Presented <i>Reconsidering the Political Question Doctrine</i>	November 2014
<b>University of Illinois College of Law</b> , Champaign, Illinois Program on Constitutional Theory, History and Law Presented <i>Reconsidering the Political Question Doctrine</i>	October 2014

## PRESENTATIONS (CONT.)

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<b>University of Georgia School of Law</b> , Athens, Georgia Seventh Annual Junior Faculty Federal Courts Workshop Presented <i>Reconsidering the Political Question Doctrine</i>	October 2014
<b>Vanderbilt University Law School</b> , Nashville, Tennessee New Voices in Civil Justice Workshop Presented <i>Standing Outside of Article III</i>	May 2014
<b>American University Washington College of Law</b> , Washington, D.C. Presented <i>Standing Outside of Article III</i>	April 2014
<b>TEDx Event, College of William and Mary</b> , Williamsburg, Virginia Presented <i>The Executive's Duty to Enforce the Law</i>	April 2014
<b>William and Mary Law School</b> , Williamsburg, Virginia The Contemporary First Amendment: Freedom of Speech, Press, and Assembly Moderator, <i>Free Speech and Economic Interests</i>	February 2014
<b>Loyola University Chicago School of Law</b> , Chicago, Illinois Fourth Annual Constitutional Law Colloquium Presented <i>Standing Outside of Article III</i>	November 2013
<b>Brooklyn Law School</b> , Brooklyn, New York Sixth Annual Junior Faculty Federal Courts Workshop Presented <i>Standing Outside of Article III</i>	October 2013
<b>Georgetown University Law Center</b> , Washington, D.C. Constitutional Law Colloquium Presented <i>Standing Outside of Article III</i>	September 2013
<b>William and Mary Law School</b> , Williamsburg, Virginia Supreme Court Preview Moderator, First Amendment and Separation of Powers	September 2013
<b>Florida State University College of Law</b> , Tallahassee, Florida Presented <i>Standing Outside of Article III</i>	September 2013
<b>University of Richmond School of Law</b> , Richmond, Virginia Virginia Junior Faculty Forum Presented <i>The Non-Article III Foundations of Standing</i>	April 2013
<b>University of Illinois College of Law</b> , Champaign, Illinois Constitutional Law Colloquium Presented <i>Why Congress Cannot Represent Itself in Court</i> (later retitled <i>Congress's (Limited) Power to Represent Itself in Court</i> )	April 2013

## PRESENTATIONS (CONT.)

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<b>Alabama University School of Law</b> , Birmingham, Alabama Symposium: The Structure of Standing at 25 (in honor of Judge William Fletcher) Presented <i>Why Congress Cannot Represent Itself in Court</i>	February 2013
<b>University of Maryland Francis King Carey School of Law</b> , Baltimore, Maryland Presented <i>Why Congress Cannot Represent Itself in Court</i>	February 2013
<b>Loyola University Chicago School of Law</b> , Chicago, Illinois Third Annual Constitutional Law Colloquium Presented <i>Why Congress Cannot Represent Itself in Court</i>	November 2012
<b>William and Mary Law School</b> , Williamsburg, Virginia Fifth Annual Junior Faculty Federal Courts Workshop (Host, Organizer, and Presenter) Presented <i>Why Congress Cannot Represent Itself in Court</i>	October 2012
<b>Northwestern University School of Law</b> , Chicago, Illinois Presented <i>The Exceptions Clause as a Structural Safeguard</i>	October 2012
<b>Tulane University Law School</b> , New Orleans, Louisiana Presented <i>The Exceptions Clause as a Structural Safeguard</i>	September 2012
<b>William and Mary Law School</b> , Williamsburg, Virginia Supreme Court Preview Moderator, International Law and Federal Courts	September 2012
<b>Northwestern University School of Law</b> , Chicago, Illinois Faculty Scholarship Day Presented <i>Why Congress Cannot Represent Itself in Court</i>	August 2012
<b>Southeastern Association of Law Schools</b> , Amelia Island, Florida Moderator, Federal Courts and Passive-Aggressive Virtues	July 2012
<b>Washington and Lee University School of Law</b> , Lexington, Virginia Presented <i>The Exceptions Clause as a Structural Safeguard</i>	February 2012
<b>University of Wisconsin Law School</b> , Madison, Wisconsin Wisconsin Discussion Group on Constitutionalism Presented <i>Second-Best Safeguards for the Federal Judiciary</i>	November 2011
<b>Notre Dame Law School</b> , South Bend, Indiana Presented <i>The Article II Safeguards of Federal Jurisdiction</i>	October 2011
<b>Fordham University School of Law</b> , New York, New York Presented <i>The Article II Safeguards of Federal Jurisdiction</i>	October 2011
<b>Kansas University School of Law</b> , Lawrence, Kansas Presented <i>The Article II Safeguards of Federal Jurisdiction</i>	September 2011

## PRESENTATIONS (CONT.)

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<b>William and Mary Law School</b> , Williamsburg, Virginia Supreme Court Preview Moderator, Separation of Powers and Gun Rights	September 2011
<b>American University Washington College of Law</b> , Washington, D.C. Judges and Judging Workshop Presented <i>The Exceptions Clause as a Structural Safeguard</i>	September 2011
<b>Southeastern Association of Law Schools</b> , Hilton Head, South Carolina Moderator, The National Security Constitution and the Federal Courts Canon	July 2011
<b>Northwestern University School of Law</b> , Chicago, Illinois Presented <i>The Article II Safeguards of Federal Jurisdiction</i>	February 2011
<b>University of Florida Levin College of Law</b> , Gainesville, Florida Southeast Regional Junior Faculty Working Papers Conference Presented <i>The Article II Safeguards of Federal Jurisdiction</i>	December 2010
<b>Emory Law</b> , Atlanta, Georgia Presented <i>The Structural Safeguards of Federal Jurisdiction</i>	November 2010
<b>Boston University School of Law</b> , Boston, Massachusetts Presented <i>The Structural Safeguards of Federal Jurisdiction</i>	October 2010
<b>University of Illinois College of Law</b> , Champaign, Illinois Third Annual Junior Faculty Federal Courts Workshop (held in Chicago, Illinois) Presented <i>The Article II Safeguards of Federal Jurisdiction</i>	October 2010
<b>William and Mary Law School</b> , Williamsburg, Virginia Presented <i>The Structural Safeguards of Federal Jurisdiction</i>	September 2010
<b>Vanderbilt University Law School</b> , Nashville, Tennessee Presented <i>The Structural Safeguards of Federal Jurisdiction</i>	April 2010
<b>Michigan State University College of Law</b> , Lansing, Michigan Second Annual Junior Faculty Federal Courts Workshop Presented <i>The Structural Safeguards of Federal Jurisdiction</i>	October 2009
<b>University of Virginia School of Law</b> , Charlottesville, Virginia May Gathering Presented <i>The Structural Case for Vertical Maximalism</i>	May 2009

## ACADEMIC SERVICE

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Executive Committee, Federal Courts Section, Association of American Law Schools	2011-present
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## ACADEMIC SERVICE (CONT.)

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Prize Committee, Federal Courts Section, Association of American Law Schools	2014-present
Chair, Federal Courts Section, Association of American Law Schools	2014-2015
Chair-Elect, Federal Courts Section, Association of American Law Schools	2013-2014
Advisor, National Public Radio, WNYC: Radiolab Supreme Court Podcast, <i>More Perfect</i>	2016-present
Senior Commentator, Ninth Annual Junior Faculty Federal Courts Workshop (Emory Law)	Spring 2017
Delegate, William and Mary, House of Representatives, Association of American Law Schools	2016-present
Mentoring Program, William and Mary Law School	2016-present
Clerkship Committee, William and Mary Law School	Spring 2017
Organizer, 2016 <i>William and Mary Law Review</i> Symposium (Feb. 19-20, 2016) Topic: Judicial Supremacy v. Departmentalism	2014-2016
Appointments Committee, William and Mary Law School	Summer-Fall 2015
Self-Study Committee, William and Mary Law School	Summer-Fall 2015
Clerkship Committee, William and Mary Law School	Fall 2015
Founder, Junior Scholars' Research Discussion Group, William and Mary Law School	2013-2015
Delegate, William and Mary, House of Representatives, Association of American Law Schools	2014-2015
Student Fee Professorship Committee (Class of 2018 Professor), College of William and Mary	Spring 2015
Dean's Advisory Committee, William and Mary Law School	2014-2015
Faculty Secretary, William and Mary Law School	2013-2014
Faculty Research and Enrichment Committee, William and Mary Law School	2011-2013
Dean's Advisory Committee, William and Mary Law School	2011-2012
Appointments Committee, Florida State University College of Law	January-December 2010
Curriculum Committee, Florida State University College of Law	2009-2010
Coach, Moot Court Team, Florida State University College of Law	2010-2011



## LEGAL WORK EXPERIENCE

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**U.S. Department of Justice, Civil Division, Appellate Staff**, Washington, D.C., *Attorney* 2003-2007

Prepared appellate court briefs and presented 15 oral arguments in the courts of appeals on issues including administrative law, civil procedure, and statutory interpretation, with a particular focus on bankruptcy. Served as lead counsel in cases arising under Chapters 7, 11, and 13. Oversaw litigation arising out of the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005.

**Judge Emilio Garza**, U.S. Court of Appeals for the Fifth Circuit, *Law Clerk* 2002-2003

**Hunton and Williams**, Richmond, Virginia, *Summer Associate* Summer 2000

## OTHER TEACHING EXPERIENCE

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**Harvard Law School**, Cambridge, Massachusetts, *Climenko Fellow & Lecturer on Law* 2007-2009

**Yoto Junior High School**, Utsunomiya, Japan, *English Teacher* 1998-1999

## OTHER ACADEMIC WORKS

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Case Comment, *Palazzolo v. Rhode Island*, 115 HARV. L. REV. 447 (2001)

Developments in the Law (Part VI), 114 HARV. L. REV. 2049 (2001)

*The International Judicial Dialogue: When Domestic Constitutional Courts Join the Conversation*

## MEDIA

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Quoted in Erik Larsen, David Voreacos, & Kartikay Mehrotra, *Virginia Judge Tees Up Travel Ban Argument for Top Court*, BLOOMBERG POLITICS (March 24, 2017), <https://www.bloomberg.com/politics/articles/2017-03-24/trump-travel-ban-upheld-but-previous-rulings-blocking-it-remain>

Quoted in Greg Stohr & David Voreacos, *Fixing Trump Executive Order's Legal Problems Is No Easy Task*, BLOOMBERG POLITICS (Feb. 11, 2017), <https://www.bloomberg.com/politics/articles/2017-02-11/fixing-trump-executive-order-s-legal-problems-is-no-easy-task>

Quoted in “The Political Thicket” (June 9, 2016), Radiolab Supreme Court Podcast, *More Perfect*, National Public Radio, WNYC, <http://www.wnyc.org/story/the-political-thicket/>

Quoted in and article mentioned in Adam Liptak, *Focus Is on the Chief Justice as Court Hears Immigration Case*, N.Y. TIMES, at A1 (April 18, 2016): <http://www.nytimes.com/2016/04/18/us/politics/focus-on-chief-justice-as-supreme-court-hears-immigration-challenge.html>

Linked to *When Can a State Sue the United States?*, 101 CORNELL L. REV. 851 (2016)

## MEDIA (CONT.)

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Article discussed in Amanda Frost, *Academic Highlight: State standing and United States v. Texas*, SCOTUSblog (April 14, 2016), <http://www.scotusblog.com/2016/04/academic-highlight-state-standing-and-united-states-v-texas/>

Discussed *When Can a State Sue the United States?*, 101 CORNELL L. REV. 851 (2016)

Article discussed in Seth Davis, *Standing in the DAPA Case*, PrawfsBlawg (March 8, 2016), <http://prawfsblawg.blogs.com/prawfsblawg/2016/03/standin.html>

Discussed *When Can a State Sue the United States?*, 101 CORNELL L. REV. 851 (2016)

Article highlighted in Chris Walker, *Administrative Law SSRN Reading List, November 2015 Edition*, Notice and Comment: A Blog from the Yale Journal on Law and Regulation and the ABA Section of Administrative Law and Regulatory Practice (Dec. 17, 2015), <http://www.yalejreg.com/blog/administrative-law-ssrn-reading-list-november-2015-edition-by-chris-walker>

Cited *When Can a State Sue the United States?*, 101 CORNELL L. REV. 851 (2016)

Quoted in Mark Sherman, *Questions on Plaintiffs Unlikely to Derail Health Lawsuit*, N.Y. TIMES (Feb. 14, 2015), <http://www.nytimes.com/aponline/2015/02/14/us/politics/ap-us-supreme-court-health-overhaul.html>

■ Associated Press article also carried by other media outlets, including The Washington Post, The Boston Globe, San Francisco Chronicle, The Miami Herald, Seattle Post-Intelligencer, The Huffington Post, ABC News, FOX News, CNBC, and the Richmond Times-Dispatch

Quoted in Michael R. Crittenden & Colleen McCain Nelson, *House Authorizes Boehner to Sue President*, WALL STREET JOURNAL, at A4 (July 31, 2014), <http://online.wsj.com/articles/house-votes-to-authorize-boehner-to-sue-obama-1406760762>

Quoted in David G. Savage, *Why experts see little hope for GOP plan to sue Obama over law's delay*, LOS ANGELES TIMES (July 19, 2014), <http://www.latimes.com/nation/la-na-house-lawsuit-20140720-story.html#page=1>

Quoted in Pema Levy, *What If Boehner Wins His Lawsuit Against Obama?*, NEWSWEEK (July 15, 2014), <http://www.newsweek.com/what-if-boehner-wins-his-lawsuit-against-obama-259016>

Quoted in Jacob Gershman, *Hurdles Lie Ahead For Boehner Lawsuit*, THE WALL STREET JOURNAL, at A4 (July 3, 2014) <http://online.wsj.com/news/articles/SB20001424052702304628604580005541077207082>

Quoted in Stephanie Condon, *Boehner v. Obama: House lawsuit brings new twist to familiar conflict*, CBS NEWS (July 3, 2014), <http://www.cbsnews.com/news/boehner-v-obama-house-lawsuit-brings-new-twist-to-familiar-conflict/>

Quoted in Aliyah Frumin, *Experts scoff at Boehner's legal threats against Obama*, MSNBC (July 7, 2014), <http://www.msnbc.com/msnbc/legal-experts-scoff-over-boehners-legal-threats-against-obama>

Quoted in Jacob Gershman, *Boehner Lawsuit Against Obama Administration Has Hurdles to Clear*, THE WALL STREET JOURNAL (July 2, 2014), <http://online.wsj.com/articles/boehner-lawsuit-against-obama-administration-has-hurdles-to-clear-1404345609>

## **MEDIA (CONT.)**

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Quoted in Jacob Gershman, *A Legal Preview of House v. Obama*, THE WALL STREET JOURNAL LAW BLOG (July 2, 2014), <http://blogs.wsj.com/law/2014/07/02/a-legal-preview-of-house-v-obama/>

Article selected as *Download of the Week*, LEGAL THEORY BLOG (edited by Lawrence Solum) (Dec. 7, 2013), <http://lsolum.typepad.com/legaltheory/2013/12/download-of-the-week.html>

Selected *Standing Outside of Article III*, 162 U. PA. L. REV. 1311 (2014)

Quoted in Dylan Scott, *What the Supreme Court's Prop. 8 Ruling Means for Voter-Approved Laws*, GOVERNING MAGAZINE (June 26, 2013), <http://www.governing.com/blogs/fedwatch/gov-what-the-supreme-courts-prop-8-standing-ruling-means.html>

Neal Devins & Tara Grove, *Commentary on marriage grants: Article III & same-sex marriage*, SCOTUSblog (Dec. 8, 2012), <http://www.scotusblog.com/2012/12/commentary-on-marriage-grants-article-iii-same-sex-marriage/>

Article discussed in Amanda Frost, *Academic Highlight*, SCOTUSblog (May 4, 2012), <http://www.scotusblog.com/2012/05/academic-highlight/>

Discussed *The Exceptions Clause as a Structural Safeguard*, 113 COLUM. L. REV. 929 (2013)

## **BAR**

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Member of the Virginia Bar.

Admitted as a government attorney to practice in the United States Courts of Appeals for the First, Second, Third, Fourth, Fifth, Seventh, Ninth, Tenth, Eleventh, and D.C. Circuits.