

ANITA S. KRISHNAKUMAR

Professor of Law and Anne C. Fleming Research Professor
Georgetown University Law Center
600 New Jersey Avenue NW, Washington, DC 20001
(202) 661-6791 (o); (917) 592-4561 (m)
ak1932@georgetown.edu

EDUCATION

YALE LAW SCHOOL, New Haven, CT

J.D., 1999

Journals: *Yale Law Journal*, Notes Committee Chair
Yale Law & Policy Review, Editor
Honors: *Coker Fellow* in Constitutional Law
Research: Research Assistant to Professors Bruce Ackerman & Reva Siegel

STANFORD UNIVERSITY, Stanford, CA

A.B., with distinction (*highest honors*), *Political Science*, 1996

Awards: Phi Beta Kappa
R. Giannini Scholarship Award for Political Science
Robert C. Byrd Scholarship
Activities: Stanford In Washington, Off-Campus Program, Spring 1995
Sanskriti, South Asian Students' Association

CLERKSHIP

HON. JOSÉ A. CABRANES, UNITED STATES COURT OF APPEALS FOR THE SECOND CIRCUIT, 1999 – 2000.

PUBLICATIONS AND WORKING PAPERS

Textualism's Fault Lines (work-in-progress)

The New Purpose and Intent in Major Questions Cases (work-in-progress)

The Common Law as Statutory Backdrop, 136 Harv. L. Rev. 608 (2022).

Statutory History, 108 VA. L. REV. 263 (2022).

Cracking the Whole Code Rule, 96 N.Y.U. L. REV. 76 (2021).

Response, *Ordinary Meaning Meta-Rules*, 134 HARV. L. REV. F. 167 (2021).

Backdoor Purposivism, 69 DUKE L.J. 1275 (2020).

Passive Avoidance, 71 STAN. L. REV. 513 (2019).

- Reviewed by Franita Tolson, *The Rise of Stealth Canons?*, JOTWELL (July 8, 2019),

available at: <https://conlaw.jotwell.com/the-rise-of-stealth-canons/>

How Long is History's Shadow?, 127 YALE L.J. 880 (book review) (2018).

The Canon Wars, 97 TEX. L. REV. 163 (book review) (2018) (with Victoria F. Nourse).

Textualism and Statutory Precedents, 103 VA. L. REV. 157 (2018).

Reconsidering Substantive Canons, 84 U. CHI. L. REV. 825 (2017).

Dueling Canons, 65 DUKE L.J. 909 (2016).

The Sherlock Holmes Canon, 84 GEO. WASH. L. REV. 1 (2016).

Longstanding Agency Interpretations, 83 FORDHAM L. REV. 1823 (2015).

Interpretive Divergence All the Way Down 79 U. CHI. L. REV. DIALOGUE 44 (2013)

The Anti-Messiness Principle in Statutory Interpretation, 87 NOTRE DAME L. REV. 1465 (2012).

Passive Voice References in Statutory Interpretation, 76 BROOK. L. REV. 941 (2011) (symposium contribution by invitation).

Statutory Interpretation in The Roberts Court's First Era: An Empirical and Doctrinal Analysis, 62 HASTINGS L.J. 221 (2010).

The Hidden Legacy of Holy Trinity Church: The Unique National Institution Canon, 51 WM. & MARY L. REV. 1053 (2009).

Representation Reinforcement: A Legislative Solution To A Legislative Process Problem, 46 HARV. J. ON LEGISL. 1 (2009).

Towards A "Madisonian," Interest-Group-Based Approach To Lobbying Regulation, 58 ALA. L. REV. 513 (2007).

In Defense of the Debt Limit Statute, 42 HARV. J. ON LEGISL. 135 (2005).

On the Evolution of the Canonical Dissent in Supreme Court Jurisprudence, 52 RUTGERS L. REV. 781 (2000).

Note, *Reconciliation & The Fiscal Constitution: The Anatomy of the 1995-96 Budget Train Wreck*, 35 HARV. J. ON LEGISL. 589 (1998).

ESSAYS/SHORTER WORKS

Constitutional Challenge to Superfund Implicates Limits on Federal Agencies' Power, 16 Washington Legal Foundation (Legal Backgrounder) (April 6, 2001) (with Philip Allen Lacovara), available at <http://www.wlf.org/upload/040601LBLacovara.pdf>

Guest Blogging: Selected Posts

- *Case Preview, Argument Analysis, and Opinion Analysis Posts for SCOTUSblog on George v. McDonough case:*

<https://www.scotusblog.com/2022/04/justices-to-consider-scope-of-clear-and-unmistakable-error-review-of-veterans-affairs-decisions/>

<https://www.scotusblog.com/2022/04/justices-invoke-practical-considerations-legislative-expectations-and-more-in-veterans-benefits-case/>

<https://www.scotusblog.com/2022/06/in-far-cry-from-usual-textualism-court-rejects-veterans-attempt-to-reopen-a-benefits-denial-based-on-legal-error/>

- *Some Brief Thoughts on Gorsuch's Opinion in NFIB v. OSHA,* <https://electionlawblog.org/?p=126944> (2022)
- *The Multiple Faces of Textualism*, Reviewing Tara Leigh Grove, *Which Textualism?*, 134 Harv. L. Rev. 265 (2020) <https://lex.jotwell.com/the-multiple-faces-of-textualism/> (2021)
- *Three Lessons about Textualism from the Title VII Case,* <https://www.yalejreg.com/nc/three-lessons-about-textualism-from-the-title-vii-case-by-anita-s-krishnakumar/> (2020)
- *Rethinking Uniformity in Statutory Interpretation*, Reviewing Ryan Doerfler, *Can a Statute Have More Than One Meaning?*, 94 N.Y.U. L. REV. 213 (2019) <https://jotwell.com/?s=krishnakumar> (2020)
- *Academic Highlight: Hyatt is Latest Example of Textualist-Originalist Justices' Willingness to Overturn Precedent,* <https://www.scotusblog.com/2019/05/academic-highlight-hyatt-is-latest-example-of-textualist-originalist-justices-willingness-to-overturn-precedent/> (2019)
- *Academic Highlight: Substantive Canons in the Roberts Court,* <http://www.scotusblog.com/2018/01/academic-highlight-substantive-canons-roberts-court/> (2018)
- *Re: From The Hobby Lobby Oral Argument: Should Legislation Passed by Unanimous Vote be Invalidated or Narrowly Construed?*, <http://electionlawblog.org/?p=59741> (2014)
- *Practical Consequences and Missing Legislative History in Mississippi ex rel. Hood v. AU Optronics Corporation,* <http://electionlawblog.org/?p=58306> (2014)
- *Book Review: Cross's The Theory and Practice of Statutory Interpretation,* <http://www.concurringopinions.com/archives/2010/06/book-review-crosss-the-theory-and-practice-of-statutory-interpretation.html>

- *The Importance of Other Statutes in Statutory Interpretation*, <http://www.concurringopinions.com/archives/2009/12/the-importance-of-other-statutes-in-statutory-interpretation.html>
- *CRS Lobbying Report*, <http://www.concurringopinions.com/archives/2009/12/crs-lobbying-report.html>
- *The Roberts Court (Thus Far) and the Rule of Lenity*, <http://www.concurringopinions.com/archives/2009/11/the-roberts-court-thus-far-and-the-rule-of-lenity.html>
- *Can There Be An “Undeclared” Canon of Statutory Interpretation?*, <http://www.concurringopinions.com/archives/2009/11/can-there-be-an-undeclared-canon-of-statutory-interpretation.html>
- *The “Mischief Rule” Rule and the VRA in Riley v. Kennedy*, http://www.concurringopinions.com/archives/2008/05/the_mischief_ru_1.html
- *Early Reflections on the Roberts Court and Legislative History*, http://concurringopinions.com/archives/2007/11/early_reflectio.html
- *Missing Canons of Construction in Ali v. Federal Bureau of Prisons?*, http://concurringopinions.com/archives/2007/11/missing_canons_1.html
- *A Reverse Clear Statement Rule?*, http://concurringopinions.com/archives/2008/05/a_reverse_clear.html

EXPERIENCE

GEORGETOWN UNIVERSITY LAW CENTER, Washington, DC June 2021 – present
Professor of Law. Teach Legislation, Administrative Law, Introduction to Law, Colloquium on Legislation, Statutory Interpretation Theory seminar, and Trusts & Estates. Appointments Committee (2021-2022); Faculty Workshop Series Co-coordinator (2022-2023).

ST. JOHN’S UNIVERSITY SCHOOL OF LAW, Jamaica, NY July 2006 – 2021
Mary C. Daly Professor of Law. Taught Legislation, Administrative Law, Introduction to Law, Colloquium on Legislation, and Trusts & Estates. Associate Dean for Faculty Scholarship (2016-2020); Recipient, University Outstanding Faculty Achievement Award, 2018, Dean’s Teaching Award, 2009 and 2011 (based on student evaluations); recipient, Dean’s Scholarship Award, 2015, 2016, 2017; recipient, Dean’s Service Award, 2019. Service: Personnel Committee (2019-present) (2014-2016), Appointments Committee (Chair, 2016-2017) (2017-2018) (2009-2011), Curriculum Committee (2011-2013), Intellectual Life Committee (Chair, 2016-2020) (2009-2012), Judicial Clerkships Committee (2010-2012), Strategic Planning Committee (2013, 2016-2020), Student-Faculty Liason Committee (2006-2010), Advisor to *St. John’s Law Review* and to South Asian Law Students’ Association.

TOURO COLLEGE OF LAW, Huntington, NY, 2004 – July 2006

Visiting Professor. Taught Legislation, Trusts & Estates, and Business Organizations. Recipient, Student Bar Association “Visiting Professor of the Year” Award, 2005.

CLEARY, GOTTLIEB, STEEN & HAMILTON, New York, NY, 2002 – 2004

Associate. Performed research and drafted briefs for international arbitration and litigation matters.

MAYER, BROWN, ROWE & MAW, New York, NY, 2000 – 2002

Associate, Appellate Group. Researched and drafted appellate and trial briefs and memoranda.

PROFESSOR PAUL KAHN, YALE LAW SCHOOL, New Haven, CT, Fall 1998

Coker Teaching Fellow. Assisted professor with design, instruction, and evaluation of first-year students’ legal writing assignments and moot court arguments.

U. S. ATTORNEY’S OFFICE, Chicago, IL, Summer 1998

Summer Clerk. Researched criminal procedure issues; drafted memoranda; wrote responses to pre-trial motions raised by defense counsel.

PROFESSORS BRUCE ACKERMAN & REVA SIEGEL, YALE LAW SCHOOL, 1997

Research Assistant. Performed historical research on the election crisis of 1800-1801; provided suggestions for incorporating research into Professor Ackerman’s book draft. Researched womens’ voting rights and affirmative action for Professor Siegel.

PRESENTATIONS (SELECTED)

“The New Purpose and Intent in Major Questions Cases,” Power in the Administrative State Workshop (Virtual) (April 2023)

“Textualism’s Fault Lines,” Public Law Workshop, Harvard Law School, Cambridge, MA (March 2023)

“Textualism’s Fault Lines,” Legislation Scholars’ Roundtable at Georgetown University Law Center, Washington, DC (March 2023)

“Textualism’s Fault Lines,” Georgetown University Law Center Faculty Retreat Anne Fleming Research Professors Panel, Washington, DC (February 2023)

“Some Lingering Questions for Textualism,” AALS Legislation Section Virtual Panel (December 2022)

“Some Lingering Questions for Textualism,” Georgetown Law School Fellows Seminar, Washington, DC (November 2022)

“Some Lingering Questions for Textualism,” University of Texas Law School, Austin, TX, Virtual (November 2022)

“The Stealth Purpose and Intent in Major Questions Cases,” The Gray Center at George Mason Law School, Arlington, VA, Virtual (October 2022)

“The Absence of Textualism in *NFIB v. OSHA*,” American University Washington College of Law, Administrative Law Review Symposium, Washington, DC, Virtual (March 2022)

“The Common Law as Statutory Backdrop,” Georgetown Law School Statutory Interpretation Seminar, Washington, DC (November 2021)

“The Common Law as Statutory Backdrop,” American University Washington College of Law Faculty Workshop, Washington, DC, Virtual (October 2021)

“The Common Law as Statutory Backdrop,” University of Minnesota Public Law Workshop, Minneapolis, MN, Virtual (October 2021)

“Statutory History,” Yale Law School Statutory Interpretation Seminar, Virtual (March 2021)

“Statutory History,” University of Southern California School of Law Faculty Workshop, Virtual (February 2021)

“Cracking the Whole Code Rule,” Georgetown Law Faculty Workshop, Virtual (November 2020)

“Cracking the Whole Code Rule,” University of San Diego School of Law Faculty Workshop, Virtual (October 2020)

“Cracking the Whole Code Rule,” University of Virginia School of Law Faculty Workshop, Virtual (October 2020)

“Cracking the Whole Code Rule,” Penn State Law School Faculty Workshop, Virtual (September 2020)

“Inferring Meaning From Statutory History,” Yale Law School Legislation Works-in-Progress Roundtable, New Haven, CT (February 2020)

“Backdoor Purposivism,” USC Gould School of Law Faculty Workshop, Los Angeles, CA (October 2019)

“Backdoor Purposivism,” Seton Hall Law School Faculty Workshop, Newark, NJ (September 2019).

“Backdoor Purposivism,” University of Houston Law Center Faculty Colloquium, Houston, TX (April 2019)

“Backdoor Purposivism,” Georgetown Law School Constitutional Law Colloquium, Washington, D.C. (February 2019)

“Backdoor Purposivism,” Yale Law School Seminar on Statutory Interpretation Theory, New Haven, CT (February 2019).

“Backdoor Purposivism,” Arizona State University Law School Faculty Workshop, Phoenix, AZ (February 2019)

Moderator, “Courts and the Administrative State” Panel at the Second Circuit Judicial Conference, Saratoga Springs, NY (June 2018)

“Textualism and Statutory Precedents,” Virginia Law Review Dialogue with Saikrishna Prakash, Charlottesville, VA (April 2018)

Commentator, Legislation Scholars Roundtable, Fordham Law School, New York, NY (March 2018)

Panel Participant, Northeast People of Color Legal Scholarship Conference, Brooklyn Law School, New York, NY (June 2017)

“Veiled Avoidance” and “Reconsidering Substantive Canons,” Yale Law School Seminar on Statutory Interpretation Theory, New Haven, CT (November 2016)

“Veiled Avoidance,” University of Pennsylvania Law School Advanced Seminar in Statutory Interpretation and Legislation, Philadelphia, PA (October 2016)

Co-convenor and Presenter (“Textualism and Statutory Stare Decisis”), Legislation Works-in-Progress Roundtable, Cardozo Law School (March 2016).

“Reconsidering Substantive Canons” and “Textualism and Statutory Stare Decisis,” Yale Law School Seminar on Statutory Interpretation Theory, New Haven, CT (February 2016).

“Reconsidering Substantive Canons,” Cardozo Law School Faculty Workshop, New York, NY (November 2015).

“Dueling Canons,” Seton Hall Law School Faculty Workshop, Newark, NJ (February 2015).

“Dueling Canons,” Duke Law School Colloquium on Statutory Interpretation, Durham, NC (January 2015).

Moderator, “Constitution Day 2014: A Discussion of the Court’s Major Decisions of the Past Year,” St. John’s University School of Law, Constitution Day Event (September 2014)

“Longstanding Agency Interpretations,” Emory Law School Faculty Workshop, Atlanta, GA (April 2013).

“Longstanding Agency Interpretations,” Duke Law School Colloquium on Statutory Interpretation, Durham, NC (January 2013).

“Longstanding Agency Interpretations,” AALS New Voices in Administrative Law Program, New Orleans, LA (January 2013).

Moderator and Convenor, *Separation of Powers in Statutory Interpretation*, AALS Section on Legislation and the Law of the Political Process, Washington, DC (January 2012)

“The Anti-Messiness Principle in Statutory Interpretation,” Columbia Law School Legislation Roundtable (April 2011).

“The Passive Voice in Statutory Interpretation,” Brooklyn Law School Symposium titled “Statutory Interpretation: How Much Work Does Language Do?” (November 2010).

“The Anti-Messiness Principle in Statutory Interpretation,” University of Georgia Law School (October 2010).

“The Anti-Messiness Principle in Statutory Interpretation,” St. John’s University School of Law (August 2010).

Panelist, “The Kagan Appointment and the New Court,” St. John’s University School of Law, Constitution Day Event (September 2010)

“Statutory Interpretation in The Roberts Court’s First Era: An Empirical and Doctrinal Analysis,” Notre Dame Law School (December 2009).

“Judging the Constitutionality of the Voting Rights Act: A Debate between Abigail Thernstrom and Daniel Tokjaji”, St. John’s University School of Law, Constitution Day Event, Convenor, Opening Remarks (September 2009)

“The Hidden Legacy of *Holy Trinity Church*: The Unique National Institution Canon,” Seton Hall School of Law (April 2009).

“The Evolution and Unintended Impact of the Congressional Budget Reconciliation Process,” Panel on the *Impact of Budget Process Rules*, Federal Budget and Tax Policy for a Sound Fiscal Future Conference, Washington University Law School, (March 2009).

“The Hidden Legacy of *Holy Trinity Church*: The Unique National Institution Canon,” University of Illinois Law School (November 2008).

“The Hidden Legacy of *Holy Trinity Church*: The Unique National Institution Canon,” Marquette Law School (November 2008).

“Early Reflections on the Roberts’ Court’s Statutory Interpretation Cases,” Fordham Pre-Tenure Faculty Colloquium Series (February 2008).

“Representation Reinforcement: A Legislative Solution to A Legislative Process Problem,” New York Law School (November 2007).

“Representation Reinforcement: A Legislative Solution to A Legislative Process Problem,” St. John’s Law School (October 2007).

Moderator, Panel on “Election Law & The Constitution,” St. John’s Law School Constitution Day Event (September 2007).

“Towards An Interest-Group-Based Approach to Lobbying Regulation,” Fordham Pre-Tenure Faculty Colloquium Series (September 2005).

“In Defense of the Debt Limit Statute,” Washington & Lee University Law School (November 2003).

MEDIA APPEARANCES

Interviewed / Guest Appearance on In Lieu of Show (Jan. 21, 2022), available at: https://www.youtube.com/watch?v=bnuarvZ2_ZE

Interviewed and quoted for Courthouse News Service article available at: <https://www.courthousenews.com/as-jan-6-panel-digs-for-facts-partisanship-may-obscure-them/>

Interviewed and quoted for online MSNBC article available at: <http://www.msnbc.msn.com/id/41158860/ns/politics/t/way-out-debt-standoff/#.T89o-o64JII>.

Interviewed and quoted for Wall Street Journal’s *Marketwatch* available at: http://articles.marketwatch.com/2011-07-28/economy/30719945_1_debt-limit-debt-ceiling-treasury/3.

Interviewed and quoted in NPR’s *Morning Edition*, and in online article available at: <http://www.npr.org/templates/story/story.php?storyId=102449005&ft=1&f=1001>.

Interviewed and quoted in NPR online article by Liz Halloran, Budget Reconciliation As ‘Act Of Violence’?, available at: <http://www.npr.org/templates/story/story.php?storyId=102449005>.

PROFESSIONAL ACTIVITIES

Executive Board Member, Section on Legislation, American Association of Law Schools (2020-2021).

Chair, Section on Legislation & Law of the Political Process, American Association of Law Schools (2011-2012).

Editor, SSRN Journal on Legislation and Statutory Interpretation (2010-Present).

Contributor, *JOTWELL Blog*, <https://jotwell.com/> (Since October 1, 2019)

Contributor, *Election Law (and Legislation) Blog*, <http://electionlawblog.org/> (Since August 2013)

Guest-Blogger, *Concurring Opinions*, <http://www.concurringopinions.com> (November 2007; May-June, 2008; November-December 2009)

BAR ADMISSIONS

New York State (2001), United States Court of Appeals for the Fifth Circuit (2001)

