

BRIAN D. HIGHSMITH

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ACADEMIC APPOINTMENTS

- 2023 – 2025 **HARVARD LAW SCHOOL**
Academic Fellow in Law and Political Economy and Lecturer on Law
- 2022 – 2023 **PRINCETON UNIVERSITY, SCHOOL OF PUBLIC & INTERNATIONAL AFFAIRS (SPIA)**
SPIA Fellow in Law and Public Policy
- Researched U.S. state constitutions, local democracy, and fiscal federalism
 - Taught self-designed graduate seminar on “Race, Place, and the Law”
- Jan. 2020 – **YALE LAW SCHOOL, ARTHUR LIMAN CENTER FOR PUBLIC INTEREST LAW**
Senior Affiliated Researcher (remote), Aug. 2020 –
- Coordinating virtual programming on public finance dimensions of local punishment systems
 - Planned an April 2023 conference on “Budgeting for Justice: Fiscal Policy and Monetary Sanctions”
- Senior Research Fellow** (in residence), Jan. 2020 – Aug. 2020
- Supervised law students researching criminal system fees and costs of prison communication

EDUCATION

- 2020 – **HARVARD UNIVERSITY**
Ph.D. candidate in Government and Social Policy (expected 2026)
- Dissertation advisors: Danielle Allen (chair), Nikolas Bowie, Dan Carpenter, Kathy Thelen
 - General exams in American Politics, Comparative Politics, and Social Policy subfields (May 2022)
 - Research Assistant to Nikolas Bowie and Alisha Holland
 - Diversity Committee Co-Chair, Government Department’s Graduate Student Association (2021-2022)
- 2014 – 2017 **YALE LAW SCHOOL**
Juris Doctor (2017)
- San Francisco Affirmative Litigation Project (clinic focusing on housing and consumer protection)
 - Research Assistant to Reva Siegel, Zachary Liscow, Joseph Fishkin, and Nicholas R. Parrillo
 - Co-director, with Lina Khan and Urja Mittal, of a major conference on law and inequality (October 2015)
 - Articles Editor, *Yale Law & Policy Review*; Editor, *Yale Journal on Regulation*
- 2006 – 2010 **FURMAN UNIVERSITY**
Bachelor of Arts in Economics and Political Science, *magna cum laude*, 2010

TEACHING AND RESEARCH INTERESTS

Local government law; state constitutional law; property law; law and political economy; state and local taxation; public welfare law; consumer protection; mass punishment; fiscal federalism; political geography; democratic theory; legal/political institutions.

ACADEMIC PUBLICATIONS

- The Implications of Inequality for Fiscal Federalism (or Why the Federal Government Should Pay for Local Public Schools), 67 *BUFFALO LAW REVIEW* 2 (2019), [link](#)
- Partisan Constitutionalism: Reconsidering the Role of Political Parties in Popular Constitutional Change, 4 *WISCONSIN LAW REVIEW* 101 (2019), [link](#)
- “Highly Recommended” by Lawrence Solum at the Legal Theory blog, [link](#)
- Crimsumerism: Combating Consumer Abuses in The Criminal Legal System, 55 *HARVARD CIVIL RIGHTS-CIVIL LIBERTIES LAW REVIEW* 3 (2019), with Alex Kornya, Danica Rodarmel, Mel Gonzalez, and Ted Mermin, [link](#)
- Progressive Politics and the Courts: Lessons from the United States, *JUDICIAL POWER AND THE LEFT: NOTES ON A SKEPTICAL TRADITION* (2017), with Chye-Ching Huang, [link](#)
- Welfare Reform at Twenty: The Consequences of Making Work Status a Proxy for Deservingness, 34 *YALE LAW & POLICY REVIEW*, 545 (2016), [link](#)

Does Religion Still Matter? Public Attitudes Toward Integration in Europe, *POLITICS AND RELIGION* (2010), with Brent F. Nelsen and James L. Guth, [link](#)

TEACHING

- Spring 2024 **The Company Town: Corporate Power and Local Government Law**, Harvard Law School (reading group)
- August 2023 **Race, Power, and Inequality**, Princeton University (lecturer and section instructor)
- Spring 2023 **Race, Place, and the Law**, Princeton University (instructor of record of self-designed graduate seminar)
- Fall 2022 **A Democracy Initiative**, Harvard Law School (teaching fellow to Lawrence Lessig and Danielle Allen)
- August 2022 **Race, Power, and Inequality**, Princeton University (preceptor to Miguel Centeno and section instructor)
- Spring 2017 **The Politics of Public Policy**, Yale College (teaching fellow to Jacob Hacker and section instructor)
- Spring 2008 **Political Research and Analysis**, Furman University (teaching assistant to James Guth)

ACADEMIC WORKS IN PROGRESS

Antitrust and the Company Town

Applies an antimonopoly analysis to the subsidies and regulatory favors that dominant firms extract from local governments competing for tax dollars under the United States' fiscal federalism design, drawing from the history of popular backlash against the railroad trusts' receipt of land grants and other public subsidies during the 19th century.

Odious Constitutions and Democratic Jubilee

Applies insights from the international public law doctrine of "odious debt"—fiscal obligations that have been imposed on a current population without their consent and for the benefit of a prior authoritarian regime—to constitutional structures that are unrepresentative, unresponsive, and unamendable.

The Effects of Segregation on Local Fiscal Capacity: Developing a Measure of Tax Base Fragmentation, with *Robert Manduca and Jacob Waggoner*

Uses geocoded property tax assessment data to quantify the degree to which local tax capacity within every metro/micro area in the United States is constrained by the interactions between jurisdictional fragmentation and residential segregation.

The Structurally Conservative Nature of American Courts, with *Kathy Thelen and Maya Sen*

Develops the argument that the central policymaking role of courts in the United States has a structurally conservative effect on political and policy outcomes, due largely to particular (comparatively anomalous) features of their institutional design.

PUBLIC SCHOLARSHIP AND COMMENTARY

Jackson, Mississippi, and the Contested Boundaries of Self-Governance, *LPE BLOG* (June 2023), [link](#)

Averting Local Fiscal Crises—and Resolving the “Trilemma”—by Centralizing Infrastructure Funding, *STATE & LOCAL GOVERNMENT LAW BLOG* (June 2023), [link](#)

The Role of Courts in the American Political Economy, *LPE BLOG* (Feb. 2022), with Kathy Thelen, [link](#)

- Included on list of “now reading” recommendations in *New York Times* columnist Jamelle Bouie’s newsletter, [link](#)
- Included on 2022 retrospective list of the LPE Blog “Editors’ Picks,” [link](#)

The Bondholders’ Veto: Fiscal Federalism and Local Democracy, *LPE BLOG* (September 2021), [link](#)

- Included on 2021 retrospective list of the LPE Blog “Editors’ Picks,” [link](#)

Republicans Want You (Not the Rich) to Pay for Infrastructure, *NEW YORK TIMES* (June 2021), [link](#)

The Structural Violence of Municipal Hoarding, *AMERICAN PROSPECT* (July 2020), [link](#)

- Cited by journalists at outlets including *Bloomberg CityLab*, [link](#), and the *Atlanta Journal-Constitution*, [link](#)

On Reimagining State and Local Budgets in an Abolitionist Moment, *LPE BLOG* (June 2020), [link](#)

- Included on 2020 retrospective list of the LPE Blog “Editors’ Picks,” [link](#)

Defund Our Punishment Bureaucracy, *AMERICAN PROSPECT* (June 2020), [link](#)

A Simple Plan to Make Moving Less Awful, *WASHINGTON MONTHLY* (Spring 2019), [link](#)

Don’t Be So Sure Obamacare Will Survive the Latest Lawsuit, *WASHINGTON MONTHLY* (Dec. 2018), [link](#)

PROFESSIONAL EXPERIENCE

- 2017 – 2019 **NATIONAL CONSUMER LAW CENTER**, Boston, MA
Staff Attorney (Skadden Fellow)
- Fall 2017 **OFFICE OF U.S. SENATOR CORY BOOKER**, Washington, DC
Economic Policy Fellow
- June 2017 **SOUTH CAROLINA APPLESEED LEGAL JUSTICE CENTER**, Columbia, SC
Law Clerk
- Summer 2016 **GUPTA WESSLER PLLC**, Washington, DC
Summer Associate
- May 2016 **OFFICE OF THE MARYLAND ATTORNEY GENERAL**, Baltimore, MD
Intern, Civil Rights Division
- Summer 2015 **NEW YORK LEGAL ASSISTANCE GROUP**, New York, NY
Intern, Special Litigation Unit
- 2012 – 2014 **THE WHITE HOUSE**, Washington, DC
Policy Advisor, National Economic Council
- 2011 – 2012 **CENTER ON BUDGET AND POLICY PRIORITIES**, Washington, DC
Research Assistant, Office of Federal Fiscal Policy
- Summer 2010 **U.S. HOUSE BUDGET COMMITTEE**, Washington, DC
Economic Policy Intern
- Spring 2009 **FEDERAL DEPOSIT INSURANCE CORPORATION (FDIC)**, Washington, DC
Legislative Affairs Intern
- 2009 – 2010 **OFFICE OF MANAGEMENT AND BUDGET, CITY OF GREENVILLE**, Greenville, SC
Budget Analysis Intern

POLICY REPORTS, TESTIMONY, AND SELECTED OTHER WRITING

Civil rights and consumer protection

- Brief for the Fines and Fees Justice Center et al. as Amici Curiae Supporting Petitioner, Beck v. Elmore County Magistrate Court, 168 Idaho 909 (2021) (co-drafter and signatory), [link](#)
- Money and Punishment, Circa 2020, ARTHUR LIMAN CENTER FOR PUBLIC INTEREST LAW (September 2020) (co-editor), [link](#)
- Fees, Fines, and the Funding of Public Services: A Curriculum for Reform, ARTHUR LIMAN CENTER FOR PUBLIC INTEREST LAW (August 2020) (editor), [link](#)
- Commercialized (In)Justice Litigation Guide, NATIONAL CONSUMER LAW CENTER (March 2019), with Ariel Nelson, Alex Kornya, and Stephen Raheer, [link](#)
- Commercialized (In)Justice: Consumer Abuses in The Bail and Corrections Industry, NATIONAL CONSUMER LAW CENTER (March 2019), [link](#)
- Cited by the American Bar Association's 2020 report on "Privatization of Services in the Criminal Justice System," [link](#)
 - Linked to in U.S. presidential candidate Joe Biden's 2020 criminal justice reform plan ("The Biden Plan for Strengthening America's Commitment to Justice"), [link](#)
- Testimony provided before the Judiciary Committee of the Connecticut General Assembly (March 2019), [link](#)
- The Rent-To-Own Racket: Using Criminal Courts to Coerce Payments from Vulnerable Families, NATIONAL CONSUMER LAW CENTER (February 2019), with Margot Saunders, [link](#)
- Testimony provided before New York State's Department of Financial Services, Division of Consumer Protection and Division of Criminal Justice Services (June 2018), [link](#)
- Debts Related to Criminal and Government Fines and Fees, chapter in "Surviving Debt," NATIONAL CONSUMER LAW

CENTER (2018)

Ninth Circuit: Collector Hired by State Agency Cannot Require Arbitration, NATIONAL CONSUMER LAW CENTER (January 2018), with David Seligman, [link](#)

Tax and budget policy

Giving Small Businesses and Entrepreneurs the Tools They Need to Grow, WHITE HOUSE BLOG (August 2012), [link](#)

Misconceptions and Realities About Who Pays Taxes, CENTER ON BUDGET AND POLICY PRIORITIES (September 2012), with Chuck Marr, [link](#)

Six Tests for Corporate Tax Reform, CENTER ON BUDGET AND POLICY PRIORITIES (February 2012), with Chuck Marr, [link](#)

Repeal of Contractor Withholding Provision Would Encourage Tax Abuse, CENTER ON BUDGET AND POLICY PRIORITIES (October 2011), with Chuck Marr & Chye-Ching Huang, [link](#)

Repatriation Tax Holiday Would Increase Deficits and Push Investment Overseas, CENTER ON BUDGET AND POLICY PRIORITIES (October 2011), with Chuck Marr & Chye-Ching Huang, [link](#)

Letting Payroll Tax Cut Expire Would Shrink Worker Paychecks and Damage Weak Economy, CENTER ON BUDGET AND POLICY PRIORITIES (September 2011), with Chuck Marr, [link](#)

Tax Holiday for Overseas Corporate Profits Would Increase Deficits, Fail to Boost the Economy, and Ultimately Shift More Investment and Jobs Overseas, CENTER ON BUDGET AND POLICY PRIORITIES (June 2011), with Chuck Marr, [link](#)

Reforming Tax Expenditures Can Reduce Deficits While Making the Tax Code More Efficient and Equitable, CENTER ON BUDGET AND POLICY PRIORITIES (April 2011), with Chuck Marr, [link](#)

RESEARCH GRANTS AND ACADEMIC AWARDS

Charles Warren Center for Studies in American History Summer Travel Grant, \$3,000 (2023) (declined)

Graduate Society Summer Predissertation Fellowship, \$3,000 (2023)

Harvard Mellon Urban Initiative Urban Research Grant, \$2,300 (2022)

Center for American Political Studies Seed Grant, \$500; \$1000 (2022; 2023)

Radcliffe Engaged Student Grant Program, \$1,500 (2021)

James M. and Cathleen D. Stone Ph.D. Scholar in Inequality and Wealth Concentration, funding for one year of research (2021)

Harvard University Program in Criminal Justice Small Grant Award, \$1,800 (2021)

Arnold Ventures research grant, \$20,000 (2020)

Skadden Foundation Academic Writing Award, \$5,000 (2020)

Alfred Reid Memorial Award, given by faculty to the two “most outstanding” members of each Furman University class (2010)

Senior Honors Essay Prize, awarded each year for Furman University’s best political science thesis (2010)

J. Carlyle Ellett Economics Prize, given to Furman University’s “most outstanding senior economics major” (2010)

Political Science Chair’s Award, given to one senior major “in recognition of superior academic achievement” (2010)

Furman Advantage Research Fellow (2008)

SELECTED CONFERENCES AND REMARKS

Panelist at American Society for Legal History annual conference, on “Local Government and Legal History” (October 2023)

Invited panelist at the Consortium on the American Political Economy (CAPE) Annual Research Conference (August 2023)

Presenting at University of Oxford conference, “Constitution Writing and State Government in the American West” (July 2023)

Participating in Consortium on the American Political Economy (CAPE) Summer Academy for junior scholars (June 2023)

Presenting at the Annual Meeting on Law and Society (June 2023)

Planned (and presented at) Liman Center Colloquium, “Budgeting for Justice: Fiscal Policy and Monetary Sanctions” (April 2023)

Presented at the Emerging Scholars in Law and Political Economy workshop (April 2023)

Presented at Socio-Legal Studies Association annual conference (April 2023)

Presented at Global Summit on Constitutionalism at the University of Texas at Austin (March 2023)

Presented at UC Berkeley Poverty Law Conference (March 2023)

Invited remarks at University of Minnesota Law School symposium on “Punishing Poverty” (February 2023)

Invited remarks to University of Michigan’s National Lawyers Guild chapter (November 2022)

Participated in NYU Cities Collaborative-Mellon Summer Institute on Urbanism (one of 15 selected from over 200 applicants)

Presented at the Global Meeting on Law and Society (July 2022)

Invited remarks to Yale Law School’s Law & Political Economy student reading group (March 2022)

Provided discussant remarks at American Political Economy Summer Research Conference (August 2021)

Participated in the LPE Anti-Monopoly and Regulated Industries (AMRI) Summer Academy (Summer 2021)

Presented at LPE Emerging Scholars Workshop on “LPE & Local Governance” (January 2021)

Invited remarks at UC Berkeley roundtable on “Commercial Exploitation in the Criminal Legal System” (November 2020)

Invited remarks to Harvard Law School’s American Constitution Society chapter (November 2020)

Invited remarks to the People’s Parity Project’s “#UnrigTheCourts Teach-In” (October 2020)

Presented at the Harvard American Politics Conference (August 2020)

Moderated panel at UC Berkeley Center for Consumer Law & Economic Justice “Crimsumerism” Conference (November 2019)

Organized panel at the Rebellious Lawyering Conference (February 2017)

Co-organized conference and moderated panel at the American Constitution Society’s Law and Inequality Conference (October 2015)

Presented poster at Midwestern Political Science Association conference (May 2010)

STUDENT THESIS ADVISING

Brit Shrader, Harvard College (senior honors thesis)

Alexis Rodriguez-Mejia, Harvard College (senior honors thesis)

Ben Golub, Harvard College (senior honors thesis)