

ROBERT A. MIKOS

Vanderbilt University Law School
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ACADEMIC APPOINTMENTS

Vanderbilt University Law School, Nashville, TN

Professor of Law, July 2008-present

Courses: Constitutional Law I (structure); Marijuana Law and Policy; Federalism; Drug Law and Policy; Federal Criminal Law; Sentencing, Corrections, and Punishment; Law & Government Workshop

Service: Member, Tenure and Promotion Committee, 2016-17; Director, Program in Law & Government, 2011-15 (Co-Director 2010-11); Organizer, VULS Drug Law & Policy Roundtable, March 2015; Member, Curriculum Committee, 2014-15; Member, Promotion and Renewal Committee, 2013-14; Member, Academic Planning Group, Vanderbilt University Strategic Planning, 2013; Chair, Tenure and Promotion Committee, 2012-13; Organizer, VULS Law & Government Workshop; Member, Lateral Appointments Committee, 2010-11; Organizer, Federalism Roundtable, February 2010; Member, Ad Hoc Disciplinary Committee, 2008-09

University of Notre Dame Law School, Notre Dame, IN

Visiting Associate Professor of Law, fall 2007

Courses: Criminal Law; Law and Economics

University of California, Davis, School of Law, Davis, CA

Acting (Assistant) Professor of Law, July 2003-June 2008

Courses: Constitutional Law I (structure and rights); Criminal Law; Law and Economics; Antitrust

- Nominated for William and Sally Rutter Distinguished Teaching Award in 2005 and 2006

Service: Organizer, UC Davis Legal Theory Workshop, 2008; Member, Admissions Committee, 2005-06; Member, Educational Policy Committee, 2004-05

University of Michigan Law School, Ann Arbor, MI

Adjunct Professor of Law, 2002-2003 (taught Economic Analysis of Law)

Research Fellow, John M. Olin Center for Law and Economics, 2002-2003

EDUCATION

University of Michigan Law School, Ann Arbor, MI

J.D., *summa cum laude*, May 2001

Henry M. Bates Memorial Scholarship, the law school's highest honor, May 2001

Darrow Scholar, 1998-2001

Article Editor (Vol. 99) and *Associate Editor* (Vol. 98), Michigan Law Review

John M. Olin Fellow in Law and Economics, 2000-2001

Saul L. Nadler Award, outstanding work in commercial and corporate law

Order of the Coif

Princeton University, Princeton, NJ

A.B., Woodrow Wilson School of Public and International Affairs, *cum laude*, June 1995

BOOKS, BOOK CHAPTERS, & ENCYCLOPEDIA ENTRIES

MARIJUANA LAW, POLICY, AND AUTHORITY (New York, NY: Aspen / Wolters Kluwer) (2017)

Teacher's Manual, Marijuana Law, Policy, and Authority (forthcoming 2017)

[*Accuracy in Criminal Sanctions*](#), in RESEARCH HANDBOOK ON THE ECONOMICS OF CRIMINAL LAW 84 (2012) (Keith Hylton & Alon Harel, eds.)

United States v. Butler, in ENCYCLOPEDIA OF THE UNITED STATES SUPREME COURT (2008)

ARTICLES

[*Risky Business? The Trump Administration and the State-Licensed Marijuana Industry*](#), 2017 University of Illinois Law Review Online (2017) (symposium contribution)

[*Making Preemption Less Palatable: State Poison Pill Legislation*](#), 85 George Washington Law Review 1 (2017)

[*Marijuana Localism*](#), 65 Case Western Reserve Law Review 719 (2015) (symposium contribution)

[*Indemnification as an Alternative to Nullification*](#), 76 Montana Law Review 57 (2015) (symposium contribution)

[*Preemption Under the Controlled Substances Act*](#), 16 Journal of Health Care Law & Policy 5 (2013) (symposium contribution)

[*Can the States Keep Secrets from the Federal Government?*](#), 161 University of Pennsylvania Law Review 103 (2012)

Medical Marijuana and the Political Safeguards of Federalism, 89 University of Denver Law Review 997 (2012) (symposium contribution)

[*A Critical Appraisal of the Department Of Justice's New Approach to Medical Marijuana*](#), 22 Stanford Law & Policy Review 633 (2011) (commissioned Features Article)

[*State Taxation of Marijuana Distribution and Other Federal Crimes*](#), 2010 University of Chicago Legal Forum 223 (2010) (symposium contribution)

[*On the Limits of Supremacy: Medical Marijuana and the States' Overlooked Power to Legalize Federal Crime*](#), 62 Vanderbilt Law Review 1421 (2009)

- Updated and revised in [*On the Limits of Supremacy: When States Relax \(or Abandon\) Marijuana Bans*](#), Cato Policy Analysis, Nov. 2012

[*The Populist Safeguards of Federalism*](#), 68 Ohio State Law Journal 1669 (2007)

[*Do Citizens Care About Federalism? An Experimental Test*](#) (with Cindy D. Kam) 4 Journal of Empirical Legal Studies 589 (2007)

- Awarded grant from Time-Sharing Experiments for the Social Sciences (3rd Special Competition)

[*"Eggshell Victims", Private Precautions, and the Societal Benefits of Shifting Crime*](#), 105 Michigan Law Review 307 (2006)

[*Enforcing State Law in Congress's Shadow*](#), 90 Cornell Law Review 1411 (2005)

[*The \(Legal\) Value of Chance: Distorted Measures of Recovery in Private Law*](#) (with Omri Ben-Shahar), 7 American Law and Economics Review 484 (2005)

SCHOLARLY WORKS IN PROGRESS

Power and Compliance in Federal Systems

Strategic Inseparability

BLOGGING AND OTHER SHORTER WORKS

Editor, [Marijuana Law, Policy, and Authority](#) (book website) (July 2017-present)

Guest Blogger, Prawfsblawg (Feb. 2017)

Guest Blogger, Marijuana Law, Policy, & Reform (Jan. 2014-present); sample posts:

- [Could President Obama Single-handedly legalize marijuana?](#)
- [Are contracts with marijuana dealers enforceable?](#)
- [Why local governments should not be allowed to opt out of marijuana legalization \(or prohibition\)](#)
- [Banks suggest recent federal banking guidance changes nothing \(and they're probably right\)](#)
- [Which poses the bigger threat: Big Marijuana or Little Marijuana?](#)

Almost Legal? What Government Lawyers Should Know about Marijuana's Confusing Legal Status, 19 THE PUBLIC LAWYER 18 (summer 2011)

[Tax Dreams of Drug Decriminalization](#), politico.com, Oct. 20, 2010 (op-ed)

LEGAL BRIEFS, EXPERT REPORTS, & TESTIMONY

Brief Amici Curiae of Law Professors, *Safe Streets Alliance v. Hickenlooper*, United States Court of Appeals for the Tenth Circuit, filed August 2016 (principal author)

A Survey of State Laws Governing Medical Marijuana, testimony before the Tennessee Senate Health and Welfare Committee Hearing on SB 1248 (a measure to legalize medical marijuana), April 2015

The States' Power to Legalize Medical Marijuana, testimony before the Nebraska Senate Judiciary Committee Hearing on LB 643 (a measure to legalize medical marijuana), March 2015

Expert Report in *Allard et al. v. Her Majesty the Queen in Right of Canada*, October 2014 (expert report commissioned by the Canadian Department of Justice)

Brief Amici Curiae of the CATO Institute, Drug Policy Alliance, and Law Enforcement Against Prohibition, *Ter Beek v. City of Wyoming*, Supreme Court of Michigan, August, 2013 (principal author)

PRESENTATIONS & CONFERENCES

National Conference of State Legislatures, Marijuana and Federalism, Boston, Massachusetts, August 2017 (panelist)

National Cannabis Bar Association, Internationalism, Federalism, and States' Rights, Denver, Colorado, July 2017 (panelist)

Loyola University School of Law Constitutional Law Lecture, March 2017 (*The Trump Administration and State Marijuana Reform*)

University of Illinois College of Law Constitutional Law Colloquium, March 2017 (*Strategic Severability*)

McGeorge School of Law, Regulation of Marijuana at Home and Abroad, March 2017 (*The Role of the Courts in Marijuana Reform*)

AALS Annual Meeting, Marijuana Law 2017, San Francisco, California, January 2017 (panelist)

PRESENTATIONS CONT'D

New York University, Cannabis Science and Policy Summit, Federalism and Cannabis Policy, April 2016 (panelist)

Appellate Judges Education Institute, Marijuana Legalization, Washington, D.C., October 2015 (panelist)

National Conference of State Legislatures, Marijuana and Federalism, Seattle, Washington, August 2015 (panelist)

Virginia State Bar Annual Meeting, Budding Issues: What Virginia Lawyers Need to Know About the Changing Marijuana Landscape, Virginia Beach, June 2015 (panelist)

Vanderbilt University Law School, Drug Law & Policy Roundtable, March 2015 (organizer and presenter)

Vanderbilt University Law School, 3rd Annual Supreme Court (P)review, November 2014 (organizer and moderator)

University of Florida Law School, Poucher Lecture, National Marijuana Policy, October 2014 (lecturer)

Honorable James R. Browning Symposium, University of Montana School of Law, October 2014 (*Indemnification as an Alternative to Nullification*)

Case Western Reserve University School of Law, Federalism and Marijuana Conference, September 2014 (*Marijuana Localism*)

Lessons Learned: Recreational Marijuana Roundtable Discussion, University of Denver Sturm College of Law, February 2014 (moderator)

Center for the Study of Democratic Institutions, Vanderbilt University, December 2013 (*State Poison Pill Legislation*)

The Federalist Society National Lawyers Convention, Federalism Practice Group Session, November 2013 (panelist)

University of Wisconsin Discussion Group on Constitutionalism, Federalism in Flux: The United States and Beyond, November 2013 (*State Poison Pill Legislation*)

Vanderbilt University Law School, 2nd Annual Supreme Court (P)review, November 2013 (organizer and moderator)

American Constitution Society, Federalism, Preemption, and Marijuana Legalization Convening, Washington, D.C., April 2013 (participant)

University of Notre Dame Law Faculty and Law & Economics Workshops, March 2013 (*Compliance in Federal Systems*)

Tennessee Attorney General's Office, The United States of Marijuana?, March 2013 (CLE presentation)

Cato Institute, The Law and Politics of Marijuana Legalization, Washington, D.C., December 2012 (panelist)

Centers for Disease Control, Law and Science Advisory Group, November 2012 (*Can the States Keep Secrets from the Federal Government?*)

VULS, Up in Arms: Panel Discussion of the Second Amendment, October 2012 (moderator)

Columbia University Law School, Criminal Law Roundtable, May 2012 (*Compliance in Federal Systems*)

University of Maryland, Conference on Balancing Science and Politics: The Challenges of Implementing Medical Marijuana Laws, April 2012 (*Medical Marijuana Preemption Issues*)

PRESENTATIONS CONT'D

- University of Denver Law School, Symposium on Marijuana at the Crossroads, January 2012 (*Medical Marijuana and the Political Safeguards of Federalism*)
- Conference on Empirical Legal Studies, Northwestern University School of Law, November 2011 (*Compliance in Federal Systems*)
- Emory University School of Law, Conference on Climate Change and Dissensus, October 2011 (*Compliance in Federal Systems*)
- Loyola Constitutional Law Colloquium, October 2011 (*Commandeering States' Secrets*)
- Midwestern Law & Economics Ass'n Annual Meeting, Sept. 2011 (*Compliance in Federal Systems*)
- University of Colorado Law Faculty Workshop, April 2011 (*A Critical Appraisal*)
- National Organization for the Reform of Marijuana Laws Annual Conference, April 2011 (*A Critical Appraisal*)
- University of Texas Conference on the Future of Federalism, February 2011 (discussant)
- VULS Federalism Roundtable, February 2010 (*Commandeering States' Secrets*)
- St. Louis University Law School Faculty Workshop, February 2010 (*State Taxation of Federal Crime*)
- University of Chicago Legal Forum, Symposium on Crime, Criminal Law, and the Recession, October 2009 (*State Taxation of Federal Crime*)
- Midwestern Law & Economics Ass'n Annual Meeting, Oct. 2009 (*State Taxation of Federal Crime*)
- VULS Criminal Law Roundtable, September 2009 (discussant)
- Owen School of Management, Vanderbilt University, September 2009 (*Drug Legalization*)
- VULS Faculty Workshop, May 2009 (*Co-optive Federalism*)
- AALS Conference on Constitutional Law, June 2008 (*Populist Safeguards*)
- The Ohio State University, Moritz College of Law, Law Faculty Workshop, February 2008 (*State Supervision of Federal Crime*)
- University of Notre Dame CLE Program, November 2007 (*State Supervision of Federal Crime*)
- VULS Faculty Workshop, October 2007 (*Regulating Medical Marijuana*)
- University of Texas Law School Faculty Workshop, October 2007 (*Regulating Medical Marijuana*)
- University of Notre Dame Law Faculty Workshop, October 2007 (*Regulating Medical Marijuana*)
- Midwestern Law & Economics Ass'n Annual Meeting, October 2007 (*Regulating Medical Marijuana Under the Influence of the Controlled Substances Act*)
- University of Michigan Law & Economics Workshop, March 2007 (*Populist Safeguards*)
- University of Virginia Legal Studies Workshop, February 2007 (*Populist Safeguards*)
- University of Notre Dame Law Faculty Workshop, December 2006 (*Populist Safeguards*)
- Conference on Empirical Legal Studies, University of Texas, October 2006 (*Do Citizens Care About Federalism?*) (poster presentation)
- Midwestern Law & Economics Association Annual Meeting, University of Kansas, October 2006 (*The Populist Safeguards of Federalism*)
- Canadian Law & Economics Association Annual Meeting, University of Toronto, September 2006 (*Reining in Leviathan*)

PRESENTATIONS CONT'D

Law & Society Annual Meeting, Baltimore, July 2006 (*The Societal Benefits of Shifting Crime*)

Canadian Law & Economics Association Annual Meeting, University of Toronto, September 2005 (*The Law and Economics of Crime Displacement*)

American Political Science Association Annual Meeting, Washington, D.C., September 2005 (*The Impact of Federalism on Public Support for Federal Legislative Action*) (with Cindy D. Kam)

American Law & Economics Association Annual Meeting, New York University, May 2005 (*The Impact of Federalism on Public Support for Federal Legislative Action*) (with Cindy D. Kam)

University of California, Davis, Faculty Workshop, October 2004 (*Federalism and Citizen Support for Congressional Legislation*)

Midwest Political Science Association Annual Meeting, April 2004 (*Explaining Member State Compliance with Decisions of the European Court of Justice*)

Cornell Law School Faculty Workshop, November 2002 (*State Crimes Carrying Federal Sanctions*)

University of Michigan Legal Theory Workshop, Sept. 2002 (*State Crimes Carrying Federal Sanctions*)

University of Michigan Law & Economics Workshop, November 2001 (*Recovery for "Chance": The Law and Economics of Probabilistic Value*)

American Law & Economics Ass'n Annual Meeting, Georgetown University, May 2001 (*Recovery for "Chance": The Law and Economics of Probabilistic Value*) (with Omri Ben-Shahar)

PROFESSIONAL EXPERIENCE

Legal Consultant, 2007-present

The Honorable Michael Boudin, Chief Judge, U.S. Court of Appeals for the First Circuit, Boston
Law Clerk, 2001-2002

Williams & Connolly, Washington, DC
Summer Associate, summer 2000

United States Attorney's Office, District of Minnesota, Minneapolis, MN
Summer Law Clerk, summer 1999

The Parthenon Group, strategy consulting firm, Boston, MA
Principal, Senior Associate, and Associate, May 1996-May 1998

Braxton Associates, the strategy consulting division of Deloitte & Touche, LLP, Boston, MA
Business Analyst, August 1995-April 1996

OTHER PROFESSIONAL ACTIVITIES

Peer Reviewer

Columbia Law Review; International Review of Law and Economics; Journal of Business Ethics; Journal of Drug Policy Analysis; Journal of Empirical Legal Studies; Journal of Law, Medicine, & Ethics; Journal of Legal Studies; Journal of Politics; Law & Social Inquiry; McGill Journal of Law & Health; Political Research Quarterly; Publius: The Journal of Federalism; Vanderbilt Law Review; Yale Law Journal

OTHER PROFESSIONAL ACTIVITIES CONT'D

Select Media Appearances / Mentions:

Associated Press; Bloomberg Law; Bloomberg News; Boston Globe; The Cannabist; CNN; Christian Science Monitor; The Conversation U.S.; Denver Post; El País; Fox News; Governing Magazine; The Guardian; Huffington Post; Miami Herald; National Public Radio; New Scientist; The New York Times; OZY; Politico; Radio Free Europe; Reason.com; Reuters; Rolling Stone Magazine; Sacramento Bee; San Diego Union Tribune; San Jose Mercury News; Seattle Times; Slate.com; Tampa Bay Times; Tennessean; Time; Voice of America (Korea); The Wall Street Journal; Washington Post