

PROMOTION RECOMMENDATION
The University of Michigan
Law School

Leah M. Litman, assistant professor of law, Law School, is recommended for promotion to professor of law, with tenure, Law School.

Academic Degrees

J.D., <i>summa cum laude</i>	2010	University of Michigan Law School, Ann Arbor, MI
A.B., <i>cum laude</i>	2006	Harvard College, Cambridge, MA

Professional Record

2019-present	Assistant Professor, Law School, University of Michigan
2016-2019	Assistant Professor, School of Law, University of California, Irvine
Fall 2018	Visiting Assistant Professor, School of Law, Stanford University
2014-2016	Climenko Fellow & Lecturer on Law, School of Law, Harvard University

Summary of Evaluation

Teaching: Professor Litman has taught Introduction to Constitutional Law, a required first-year course; Federal Courts, an elective course for second- and third-year students especially valued by students headed for clerkships and litigation in federal courts; and seminars on Reproductive Rights and Justice, and Current Topics in Public Law Litigation. She has been an enormously successful teacher. She consistently earns extremely high numbers on CRLT evaluations. The students praise her high standards, her clarity, and her warmth and support for their work in and out of her classes. “Prof. Litman is one of the brightest, sharpest, and kindest people I’ve ever met and this comes through in her teaching,” offers one. “I cannot say enough good things about Professor Litman. Of course, she is brilliant, but she also uses that brilliance to bring out the best in her students,” says another. The Law School student body selected Professor Litman to receive the L. Hart Wright Teaching Award for excellence in teaching, the school’s highest teaching award, in 2021. Law School colleagues who have witnessed her teaching consider her a master at the trade.

Research: Professor Litman’s scholarship is wide-ranging and deep. She writes on constitutional law and interpretation, on federal courts, on *habeas corpus* law, on reproductive rights law, and on the legal profession. Some of her work offers guidance to courts and attorneys wrestling with intricate areas of legal doctrine. She has an exceptional eye for what lines of argument are open and promising, what lines newly foreclosed. She also has a keen eye for what we might call mid-level theory, that is, for seeing conceptual structures that arise in apparently independent areas of law. She puts critical pressure on different areas of law to see whether they redeem their promises and she writes about how they could be improved.

Recent and Significant Scholarship:

The Myth of the Great Writ, 97 *Texas Law Review* 219 (2022)
On Sexual Harassment in the Judiciary (with Deeva Shah), 115 *Northwestern University Law Review* 599 (2020)
Remedial Convergence and Collapse, 106 *California Law Review* 1477 (2018)
Debunking Anti-Novelty, 66 *Duke Law Journal* 1407 (2017)
Potential Life in the Doctrine, 95 *Texas Law Review* See Also 204 (2017)
Inventing Equal Sovereignty, 114 *Michigan Law Review* 1207 (2016)

Service: Professor Litman's service record is extraordinary. At the Law School, she has served enthusiastically on important committees, including the Personnel Committee (for faculty hiring) in 2019-20 and again (for lateral faculty hiring) this academic year. She has become one of the national news media's go-to sources for comments on developments in constitutional law. She regularly writes op-eds and articles in the *Washington Post*, the *New York Times*, *The Atlantic*, and elsewhere. She regularly appears on NPR and other radio outlets and explains what a new Supreme Court opinion does scant hours after it is handed down; and, along with Melissa Murray (NYU) and Kate Shaw (Cardozo), she runs the podcast *Strict Scrutiny*, analyzing and discussing recent Supreme Court cases and news about the Court. Episodes of the podcast usually get over 30,000 downloads. Since the faculty met and voted on Litman's case, *Strict Scrutiny* became one of two podcasts picked up for distribution by Crooked Media. Professor Litman writes *amicus* briefs in high-profile cases and does some litigating herself.

External Reviewers

Reviewer A: "I am confident that Professor Litman would receive tenure at my institution.... The file as a whole indicate productivity, excellent quality and impact to a degree that would clearly satisfy our expectations for a tenured member of the faculty. Assuming her teaching is excellent as well (which it appears to be based on teaching awards), Professor Litman presents what should be an easy case for tenure at your school. I congratulate you on this promising scholar who, I am confident, has great work ahead of her."

Reviewer B: "It was an absolute pleasure to read and re-read some of Professor Litman's work. Her work is consistently penetrating, perspicacious, and thought-provoking. If the rest of her body is of similar quality to the articles that I've read, she meets the standard for tenure, even at the most demanding law schools, such as the University of Michigan.... [She] has already established a record of publishing truly excellent legal scholarship that has made important contributions to public law."

Reviewer C: "Together with her other writing for legal and popular publications, as well as *amicus* briefs, Litman's level of productivity is simply astounding.... Professor Litman would clearly be a remarkable member of any law school faculty – including the extraordinary faculty of University of Michigan Law School."

Reviewer D: "I view Litman as an extremely strong faculty member; any top law school would be fortunate to hire or retain Litman.... Litman has already made an important impact in the field, in a short period of time, with a series of clear, carefully, and well-written articles focused on habeas corpus, federal courts, and constitutional law. Litman's larger contributions to public discourse concerning constitutional questions, the Federal Courts scholars community, and constitutional litigation, are all without parallel for a junior (or extremely senior) scholar."

Reviewer E: "Professor Litman has been a tremendous addition to Michigan's already-stellar faculty. Her work is thoughtful, well-executed, and original. She easily satisfies Michigan's rigorous standards for tenure.... I will note that [I] have already heard rumblings of lateral interest from peer schools, and I imagine that these appeals will only proliferate as more colleagues review Professor Litman's impressive body of work."

Reviewer F: "You know it. I know it. Professor Leah Litman deserves tenure.... I have tried to stay within my remit in discussing just the trilogy above, but of course Litman has written other impressive works and also contributed to law and the legal profession in a thousand and one other

ways. The real question here isn't whether you should award her tenure. Rather, the question is: What will Litman do next?"

Reviewer G: "As I'm sure is clear, I think the world of Leah. She's got an incredible mind and a work ethic to match it, a generous spirit, and a passion for the pursuit of justice. Any law school would be incredibly fortunate to have her as a member of its tenured faculty."

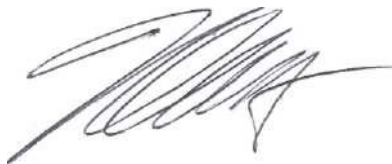
Reviewer H: "Prof. Litman's scholarly record – in the way of both quantity and quality – meets and exceeds any reasonable expectation [that] could be set for tenure at the nation's most rigorous and demanding academic institutions. Her work is ambitious, creative, nuanced and, perhaps above all, useful. What is more, in her short time as an academic, her scholarly work reflects growth.... Prof. Litman is an exceptional scholar who has already emerged as a leader in the fields of federal courts, constitutional litigation, and constitutional law. She is a nationally recognized expert in each of those disciplines, a remarkable feat for a candidate so early in one's career."

Reviewer I: "A review of the work you asked me to read combined with my overall familiarity with Professor Litman's other scholarship suggests overwhelmingly that Professor Litman's work satisfies your tenure and promotion standard. Professor Litman's scholarship places her as one of the top scholars at the untenured level today in the field of Federal Courts. Indeed, from everything I have seen, I predict that her stature in the field will only grow with time."

Reviewer J: "Professor Litman is a star – not a rising star – in every way that matters. Her scholarship is not just sophisticated and interesting, but ambitious and courageous.... I'm deeply jealous of you and your colleagues, every day, that you get to count Professor Litman among your ranks. Granting her application for promotion and tenure should be one of the easiest decisions you ever make."

Summary of Recommendation

Professor Litman is an exceptional member of our faculty. She has written excellent scholarship in multiple areas of the law. She is an extraordinary teacher. She has taken on important administrative work in the Law School and she has become a nationally prominent commentator on the Supreme Court. With the enthusiastic support of the Law School faculty, I am pleased to recommend Leah M. Litman for promotion to professor of law, with tenure, Law School.



Mark D. West
David A. Breach Dean of Law
Nippon Life Professor of Law
Law School

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