

# **Atiba Rondell Ellis**

## **Professor of Law**

West Virginia University College of Law  
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My primary research is in the law of democracy with a focus on the theoretical, doctrinal, and ideological dimensions of vote denial. In past work, I have investigated how racial oppression and class-based oppression manifest through the hyper-regulation of the right to vote. My prior articles have examined how this hyper-regulation manifests in voter identification laws, voter fraud claims, felon disenfranchisement laws, and other contexts. This work has been bolstered by my theoretical explorations of tiered legal personhood in regards to privilege and subordination within citizenship status. My current research extends this agenda through two distinct projects: (1) a book-length project exploring how the voter fraud myth distorts the normative and functional meanings of democracy and (2) an article series that explore the interrelationship of dignity, identity, and the American franchise. This work will lead to a comparative examination of the voter suppression phenomenon, an examination of the role of race consciousness in American constitutional law, and other research that extends my work on marginalization in democracy while incorporating my secondary research interests in political theory, critical race theory, and legal history.

## **ACADEMIC EMPLOYMENT**

**Marquette University School of Law, Milwaukee, WI**  
*Boden Visiting Professor of Law, Fall 2017*

**West Virginia University College of Law, Morgantown, WV**  
*Professor of Law, June 2015 to present*  
*Associate Professor of Law (without tenure), July 2009 to June 2015*

### **Courses**

- Election Law and Policy
- Civil Rights Litigation (Section 1983)
- Race Racism and American Law
- Wealth Transfers (Trusts and Estates Law)
- Estate Planning
- Property
- WVU Law in Brazil Study Abroad Program

### **Committees**

- Diversity and Inclusion Committee (Co-Chair) (2012-2016)
- WVU Law Alumni Magazine Editorial Board (2013-15)
- Promotion and Tenure Reporting Committee (2015-16)
- Dean Search Committee (2014-2015)
- Faculty Appointments Committee (2010-2012)

- Subcommittee on Compliance and Assessment, Diversity Working Group for the 2020 Strategic Plan, West Virginia University (Chair) (2010)
- *Ad hoc* Committee on Policies and Procedures, West Virginia University Black Faculty Association (Chair) (2010)

### **Honors**

- Living the Dream Award, West Virginia Martin Luther King, Jr. State Holiday Commission, January 2015 (in recognition of research and lecturing on voting rights)
- Outstanding Faculty Contribution Award, West Virginia Law Review, April 2015
- Frances Bounds Excellence in Leadership Award, North Carolina Association of Student Councils, March 2008.

### **Professional Activities**

- New Scholars Committee, Southeastern Association of Law Schools (2014 to present)
- Board of Directors, Latino and Latina Critical Legal Theory, Inc. (2014 to present)
- Mid-Atlantic People of Color Legal Scholarship Workshop Planning Committee (2013-present) (Site Committee Chair 2014-15)
- Executive Committee, AALS Section on Legislation and the Law of the Political Process (2013)
- SALT / LatCrit Faculty Development Workshop Planning Committee (Member 2012-14) (Co-chair 2013-14)
- Ohio Area Legal Scholars Workshop (held at the WVU College of Law, June 2012) (organizer/site chair)
- Executive Committee, AALS Section on Election Law (2017 to present)

### **Community Activities**

- West Virginia State Advisory Committee to U.S. Commission on Civil Rights (2015 to present)
- Advisory Board, J.R. Clifford Project, Charleston, W.V. (August 2010 to present)

### **Personal Blog**

- <http://www.atibaellis.com/>

### **Co-Edited Blog**

- Race and the Law Prof Blog: <http://lawprofessors.typepad.com/racelawprof/>

### **Howard University School of Law, Washington, D.C.**

*Legal Writing Instructor*, August 2006 to June 2009 (full-time governing faculty member)

### **Courses**

- First-year Legal Reasoning, Research, and Writing
- Appellate Advocacy

### **Major Professional Activities**

- Co-designed and co-taught (with Associate Dean Okainer Christian Dark and Professor Andrew Taslitz) Star Trek and the Law Enrichment Series

- Co-directed (with Professor Josephine Ross) Alternative Spring Break Program for law students to provide volunteer legal assistance in New Orleans, LA.

## **OTHER PROFESSIONAL AFFILIATIONS**

**Duke University School of Law**, Durham, NC  
*Visiting Scholar*, Spring 2017

**Akin Gump Strauss Hauer & Feld, LLP**, Washington, D.C.  
*Associate*, October 2002 to May 2006  
*Summer Associate*, May 1999 to August 1999

**The Honorable Theodore A. McKee**  
United States Court of Appeals for the Third Circuit  
*Law Clerk*, September 2001-September 2002

**The Honorable James A. Beaty, Jr.**  
United States District Court, Middle District of North Carolina  
*Law Clerk*, September 2000-July 2001

**Professor James E. Coleman, Jr.**, Duke University School of Law  
*Research Assistant*, 1998-2000

**The Honorable Willis P. Whichard**,  
Associate Justice, Supreme Court of North Carolina, Raleigh, N.C.  
*Judicial Intern*, May 1998-August 1998

## **RESEARCH**

### **Voting Rights and Civil Rights Research**

*Economic Precarity, Race, and Voting Structures*, 103 KY. L. J. 607 (2016).

*Reviving the Dream: Equality and the Democratic Promise in the Post-Civil Rights Era*, 2014 MICHIGAN ST. L. REV. 789 (2015).

*Tiered Personhood and the Excluded Voter: The Jurisprudence of Disenfranchisement in Twenty-First Century America*, 90 CHICAGO-KENT L. REV. 463 (2015).

*Race, Class, and Structural Discrimination: On Vulnerability in the Political Process*, 28 ST. JOHN'S J CIV. RTS. & ECON. DEV. 35 (2015).

*A Price Too High: Efficiencies, Voter Suppression, and the Redefining of Citizenship*, 43 SW. L. REV. 549 (2014).

*The Meme of Voter Fraud*, 63 CATH. U. L. REV. 879 (2014).

*Citizens United and Tiered Personhood*, 44 JOHN MARSHALL L. REV. 717 (2011).

*The Cost of the Vote: Poll Taxes, Voter Identification Laws, and the Price of Democracy*, 86 DENVER L. REV. 1023 (2009).

### Other Published Research

Polley v. Radcliffe: *A New Way to Address an Original Sin*, 115 W. V. L. REV. 777 (2012).

*It Ain't My Fault: Hip Hop, Confrontation, and Contemplation from the Jazz Perspective*, in HIP HOP AND THE LAW 161 (Pamela Bridgewater, et. al eds., Carolina Academic Press 2015).

*The Star Trek Enrichment Series: An Exploration in Teaching and Learning*, 58 HOWARD L. J. 557 (2015) (with Okianer Christian Dark).

### Forthcoming Research

*When Political Domination Becomes Racial Discrimination: NAACP v. McCrory and the Inextricable Problem of Race in Politics*, 68 S.C. L. REV. (forthcoming 2017).

*Normalizing Domination*, 20 CUNY L. REV. (forthcoming 2017).

### Works in Progress

*Shared History, Reparations, and Consciousness: Courts and the Recovery of a Public History of Slavery*, in SLAVERY: PAST, PRESENT, AND FUTURE (P. Smiragina, et. al, eds.).

WHEN MEMES IMPERIL DEMOCRATIC LEGITIMACY: ON VOTER FRAUD AND THE DISTORTION OF THE RIGHT TO VOTE

*Dignity, Citizenship, and the Recalibration of the Right to Vote*

*Governmentality and the Construction of the Other: On the Right to Vote and Contested Conceptions of Identity*

### SELECTED BLOG POSTS

“Trump, the Meme of Voter Fraud, and the Risk to American Democracy,” (November 29, 2016) <https://atibaellis.com/2016/11/29/trump-the-meme-of-voter-fraud-and-the-risk-to-american-democracy/>

“Antonin Scalia’s Voting rights Legacy: Weakening the Franchise for Minorities,” Oxford Human Rights Hub Blog post, (March 3, 2016) <http://ohrh.law.ox.ac.uk/antonin-scalias-voting-rights-legacy-weakening-the-franchise-for-minorities/>

Editor, Alternative Constitution Day Online Symposium, hosted on Race Law Prof Blog, (January 30 to February 16, 2016) <http://lawprofessors.typepad.com/racelawprof/2016/01/coming-soon-alternative-constitution-day.html> et. seq.

“The Limits of Diversity-As-Tolerance,” Race and the Law Prof Blog, (October 8, 2015) <http://lawprofessors.typepad.com/racelawprof/2015/10/does-the-content-of-celebrating-diversity-defeat-equality.html>

“Missing Black Men, the Baltimore Uprising, and the Language Oppression,” American Constitution Society Guest Blog post (May 1, 2015) <http://www.acslaw.org/acsblog/missing-black-men-the-baltimore-uprising-and-the-language-of-oppression>

“Voter Identification, Ideology, and the Voter Fraud Meme,” American Constitution Society Guest Blog post (Nov. 3, 2014) <http://www.acslaw.org/acsblog/voter-identification-ideology-and-the-voter-fraud-meme>

“The Constitution, Re-Invention and Equality,” American Constitution Society Guest Blog post (Sept. 19, 2014) <http://www.acslaw.org/acsblog/the-constitution-re-invention-and-equality>

“Seeing Ferguson through the Lens of Structural Racism,” American Constitution Society Guest Blog post (Aug. 21, 2014) <http://www.acslaw.org/acsblog/seeing-ferguson-through-the-lens-of-structural-racism>

“*Shelby Co. v. Holder*: The Crippling of the Voting Rights Act,” American Constitution Society Guest Blog post (June 27, 2013) <http://www.acslaw.org/acsblog/shelby-co-v-holder-the-crippling-of-the-voting-rights-act>

## PRESENTATIONS

Panelist, “Redistricting and the Supreme Court.” Duke University School of Law, Durham, NC (sponsored by Duke Law Chapter, American Constitution Society). March 22, 2017.

Moderator, Panel on “Presidential Politics and the Future of the Supreme Court: Post-Election Reflections and Forecasts for the ‘Post-Racial’ Post-Obama White House.” Association of American Law Schools Annual Meeting, San Francisco, CA. January 7, 2017

“Voter Suppression and White Privilege: Rhetoric, Structure, and the Political Process.” WVU Diversity Week Panel on White Privilege, West Virginia University. October 12, 2016.

“Race, Crime, and Subordination—Big Picture Reflections on *Just Mercy* by Bryan Stevenson.” “Voices Behind Bars” Campus Reads Lecture, West Virginia University. October 10, 2016.

Panelist, Campus Discussion of Latinx Community Concerns Arising Latinx Student Letter, West Virginia University, Morgantown, WV. October 10, 2016

Participant, National Constitution Center Debate on Voter Identification Laws. Chicago, IL. October 5, 2016. <https://constitutioncenter.org/blog/video-are-state-voter-id-laws-unconstitutional/>

Commentator, After-Play Discussion on *Race* by David Mamet; production by WVU School of Theater and Dance, directed by Jerry McGonigle. October 2, 2016

Panelist, “Teaching Social Justice By Not Talking About It.” Society of American Law Teachers Teaching Conference, John Marshall Law School, Chicago, IL. October 1, 2016.

Panelist, “Social Media as a Platform for Critical and Progressive Teaching, Praxis, and Activism,” Society of American Law Teachers Teaching Conference, John Marshall Law School, Chicago, IL. September 30, 2016.

Panelist, Preparing for Social Justice Teaching Careers (Pre-Tenure & Recent Hires), SALT/LatCrit Faculty Development Workshop, John Marshall Law School, Chicago, IL. September 29, 2016.

Participant, Society of American Law Teachers and John Marshall Law School Workshop on Entering the Legal Academy. John Marshall Law School, Chicago, IL. September 28, 2016

Participant, Race Racism and American Law Manuscript Conference, UCLA School of Law, Los Angeles, CA. September 22-24, 2016.

Panelist, “Reality Check! Voting Rights Are LGBT Rights!” LGBT Bar Association Lavender Law Annual Conference, Keynote Panel, Washington, D.C. August 4, 2016.

“Voting Rights as Reparations: Revisiting the Structure of the American Franchise.” Law and Society Association Annual Conference, New Orleans, LA. June 3, 2015.

Participant, Roundtable on “Personhood, Dignity, and Citizenship: Inclusion, Exclusion, and Constitutional Belonging.” Law and Society Association Conference, New Orleans, LA. June 2, 2015.

“The Ideological Content of Election Integrity Laws.” Marquette University School of Law (Faculty Colloquy) April 18, 2016.

“Voting Rights Recalibration.” University of Kentucky College of Law (Kentucky Law Journal Election Law Symposium) March 25, 2016.

“The Meme of Voter Fraud.” Northeastern University School of Law (Law Journal Symposium on Accessing Democracy: How Law Shapes and Influences Our Elections) March 11, 2016.

“Economic Precarity and the Right to Vote.” Washburn University School of Law (Center for Law and Government and Law Journal Conference, Election Law – Today and Beyond) February 25, 2016.

“Give Us the Ballot: Martin Luther King, Jr. and the Ongoing Project of Voting Rights.” Washington and Lee University School of Law (Martin Luther King, Jr. University Holiday Celebration Panel on Voting Rights) January 18, 2016.

“The Constitutional, Institutional, and Interpersonal Imperatives of Diversity.” Crowell and Moring, LLC, Washington, DC (Diversity Speaker Series) October 14, 2015.

“Race, Class, and Structural Discrimination: Structural Inequality and the Political Underclass.” LatCrit 2015, Anaheim, CA. October 3, 2015.

“The Voting Rights Act at 50: Past Successes, Future Challenges.” West Virginia University College of Law (Constitution Day Program 2015) September 17, 2015.

“Shared History As Reparations: *Polley v. Radcliffe* As Path Towards a Public Understanding of Slavery.” Mansfield College, Oxford University (First Global Conference: Slavery: Past, Present and Future, Inter-Disciplinary.Net) July 9, 2015.

“Transforming the Second Reconstruction: The Right to Vote after *Shelby County*.” United States Department of Justice (Lecture Series on 50th Anniversary of the Voting Rights Act, Washington DC) June 9, 2015.

“Past, Present, and Future of Voting Rights.” West Virginia University College of Law (Mountain State Bar Association Annual 2015 Annual Continuing Legal Education Seminar) May 9, 2015.

“Race, Class and Voter Suppression: Structural Inequality and the Political Underclass.” Tulane Law School (Forum on the Future of Law and Inequality) November 7, 2014.

“Two Thoughts on Reviving the Dream: Race, Class, and How to Re-enforce Democracy.” University of Nevada-Las Vegas (Twelfth SALT/LatCrit Faculty Development Workshop) October 9, 2014.

“Post-Racialism and the Right to Vote: A Brief Argument for Attending to the Intersection of Race and Class.” American Constitution Society Scholars’ Schmooze. June 18, 2014.

“A (Qualified) Defense of Race Conscious Remedies in Election Law.” Law and Society Association Conference, Minneapolis, MN. May 31, 2014.

“Voting Rights in West Virginia: Hanging By a Thread.” Testimony to the National Commission on Voting Rights, Nashville Regional Hearing, Nashville, TN. May 8, 2014.

Briefing Expert, West Virginia State Advisory Committee to the U.S. Commission on Civil Rights (discussing recent trends related to voter suppression) April 21, 2014.

Panel on “The Education Provisions in the Civil Rights Act of 1964.” (moderator) Michigan State University College of Law and University of Missouri Kansas City School of Law (symposium on

“Pursuing the Dreams of *Brown* and the Civil Rights Act: A Living History of the Fight for Educational Equality”) April 11, 2014.

“A (Qualified) Defense of Race Conscious Remedies in Election Law.” University of Baltimore School of Law (Mid-Atlantic People of Color Legal Scholarship Conference) January 24, 2014.

“A Price Too High: Efficiencies, Voter Suppression, and the Redefining of Citizenship.” Southwestern Law School (Classcrits VI) November 16, 2013.

“The Meme of Voter Fraud.” Southwestern Law School (Classcrits VI) November 16, 2013.

“The Meme of Voter Fraud.” LatCrit XVII, Chicago, IL. October 4, 2013.

“The Meme of Voter Fraud.” West Virginia University College of Law (Faculty Scholarship Colloquy) February 19, 2013.

“The Meme of Voter Fraud.” Ohio State University, Moritz College of Law (Ohio Legal Scholarship Workshop) February 2, 2013.

“A Price Too High: Voter Suppression and the Redefinition of Citizenship.” University of Pennsylvania School of Law (Mid-Atlantic People of Color Legal Scholarship Conference) January 26, 2013.

“Voter Suppression and the 2012 Elections.” West Virginia University College of Law (Address to Democratic Law Caucus-sponsored event) October 29, 2012.

“The Future of the Franchise: Voting, (De)regulation, and the Viability of the Voting Rights Act.” West Virginia University College of Law (WVU/University of Villa Velia Colloquy on Law and Culture) October 12, 2012.

“A Price Too High: Voter Suppression and the Redefinition of Citizenship.” University of Maryland Francis King Carey School of Law (Society of American Law Teachers Teaching Conference) October 6, 2012.

“A Price Too High: Voter Suppression and the Redefinition of Citizenship.” West Virginia University College of Law (Ohio Legal Scholarship Workshop) June 14, 2012.

“The Political Economy of Disenfranchisement: Towards a Systemic View.” Law and Society Association Conference, Honolulu, HI. June 5, 2012.

“The Future of the Franchise: Voting, (De)regulation, and the Viability of the Voting Rights Act.” Mountain State Bar Association, Charleston, WV. May 18, 2012.

“Neutral Principles, Neutral People, and Race Neutrality: The Enduring Significance of *Towards Neutral Principles of Constitutional Law*.” West Virginia University College of Law (Legal Classics Colloquy) May 2, 2012.

“Old Exclusion in a New Guise: Voter Identification Laws and the Risk of Disenfranchisement.” Duke University School of Law (Federalist Society Debate Series) February 7, 2012.

“It Ain’t My Fault: Confrontation and Contemplation from the Jazz Perspective.” Howard University School of Law (Mid-Atlantic People of Color Legal Scholarship Conference) January 27, 2012.

“On *Space Traders*, the Power of Narrative, and Critical Race Theory: the Legacy of Derrick Bell.” West Virginia University College of Law (Legal Classics Colloquy) February 20, 2012.

“The Judicial Underpinnings of Disenfranchisement.” Race, Law and Voting—Was Creating West Virginia a Good Idea? (featured presenter) Continuing Legal Education Program sponsored by J. R. Clifford Project of West Virginia, Charleston, WV. October 19, 2011.

“The Political Economy of Disenfranchisement: Towards a Systemic View.” LatCrit XVI, San Diego, CA. October 7, 2011.

“*Citizens United* and the Concept of Personhood.” John Marshall Law School, Chicago, IL. (John Marshall Law Journal Symposium, The Impact of *Citizens United*: Corporate Speech in the 2010 Elections) March 4, 2011.

“Should the People Decide Fundamental Rights? Proposition 8 and Republican Equality.” University of Akron School of Law (Faculty Colloquy) February 16, 2011.

“From *Dred Scott* to *Citizens United*: Political Personhood and the Future of the Political Process.” Capital Law School (Ohio Area Legal Scholarship Workshop) February 5, 2011.

“Illustrating Power and Politics: Citizens United as Touchstone for Teaching about Access to the Political and Corporate Systems.” University of Hawai’i, (Society of American Law Teachers Conference on Teaching in a Transformative Age: The Law School of the Future) December 2010.

“Running from Pragmatism: The Impact of *Citizens United* on the 2010 Midterm Elections.” West Virginia University College of Law and University of Akron School of Law (Teleconference on *Citizens United*) November 2010.

“The Diversity Rationale: What it Means and Why it Matters.” West Virginia University (University-Wide Diversity Week Address) October 2010.

“Reframing the Discussion: Felon Disenfranchisement and Latent Constitutional Conflicts.” Southeast Association of Law Schools Annual Conference (New Scholars Panel on Legal Theory) August 2010.

“Political Power, Personhood and Property: Defining the Political Economy of American Democracy.” University of Kentucky College of Law (Developing Ideas Conference) May 2010.

“Yield not to Temptation: Post-Racialism, Civil Rights and the Obama Moment.” Southern University Law Center. (SULC Journal of Race, Gender, and Poverty symposium: State of the Union: The Progress Report) February 2010.

“Reframing the Discussion: Felon Disenfranchisement and Latent Constitutional Conflicts.” University of Virginia (Mid-Atlantic People of Color Legal Scholarship Conference) January 2010.

“Reframing the Discussion: Felon Disenfranchisement and Latent Constitutional Conflicts.” Howard University School of Law (Faculty Scholarship Colloquium) October 2009.

Moderator, “Arrested Development: the Almighty Pursuit of Street Cred.” West Virginia University College of Law (WVU Sports and Entertainment Law Society Symposium on The Pursuit of Street Knowledge: Hip-Hop’s Influence on Law and Culture) February 2009.

“History Repeats Itself: Voter Identification Laws and the Coming of an American Electoral Underclass.” Boston University School of Law (Northeast People of Color Legal Scholarship Conference) September 2008.

“Reflections on Gender Differences in Performance in Legal Writing Courses.” Howard University School of Law. (Workshop on Teaching Writing to People of Color) May 2008.

“History Repeats Itself: The Poll Tax as Old and New Dilemma.” Howard University School of Law (Faculty Scholarship Colloquy) November 2007.

Moderator, Economic Impact Panel on Hurricane Katrina, Howard University School of Law (Wiley A. Branton Howard Law Journal Symposium on Katrina and the Rule of Law in the Time of Crisis) October 2007.

“Reaching the NetGeners: Strategies for Teaching the Internet Generation.” Howard University School of Law (Faculty Colloquy) October 2007.

“Reasons, Rationales, and Realities: Reflections on Antidiscrimination Law in the Post-Civil Rights Era.” Presentation to the Kern County, California, Society for Human Resource Professionals. June 2007.



## **PRIOR COMMUNITY ACTIVITIES**

**Operation Understanding D.C.**, Washington, D.C.

*Board of Directors, 2003 to 2009; President of Board of Directors, 2006-2008*

**Heritage Signature Chorale**, Washington, D.C.

*Baritone/Bass I singer, January 2004 to December 2006.*

## **COURT AND BAR ADMISSIONS**

North Carolina State Bar, November 2002

District of Columbia Bar, September 2003

U.S. District Court, District of Columbia, February 2004