

PROMOTION RECOMMENDATION  
The University of Michigan  
Law School

Kate E. Andrias, assistant professor of law, Law School, is recommended for promotion to professor of law, with tenure, Law School.

Academic Degrees:

J.D.	2004	Yale Law School, New Haven, CT
B.A.	1997	Yale College, American Studies, New Haven, CT

Professional Record

2013-Present	Assistant Professor, Law School, University of Michigan
2011-2013	Academic Fellow, Columbia Law School
2009-2011	Associate Counsel and Special Assistant to President Barack Obama, White House Counsel's Office, Chief of Staff to Counsel (2010-11)
2007-2009	Associate, Perkins Coie, Political Law and Appellate Litigation
2006-2007	Law Clerk, The Honorable Ruth Bader Ginsburg, Supreme Court of the United States
2005-2006	Visiting Professor and Scholar, Institut d'Études Politiques de Paris
2005-2006	Consultant to Legal Department, Service Employees International Union and SEIU 1199NE
2004-2005	Law Clerk, The Honorable Stephen Reinhardt, U.S. Court of Appeals, Ninth Circuit
1997-2001	Lead Organizer and Organizer, Area Director for Fairfield County, CT, Service Employees International Union and SEIU 1199NE

Summary of Evaluation

Teaching: Professor Andrias has taught Labor Law, Constitutional Law and Economic Equality and the Law, and co-taught Workplace Law and Policy Advocacy. She has also co-led the Legal History Workshop. These offerings present a cross section of teaching contexts, from foundation first year Law School courses with large enrollments, to smaller and more intimate upper-level classes implemented as seminars or workshops. In 2016, Professor Andrias was awarded the Law School's L. Hart Wright Prize for Teaching Excellence. Even pre-tenure, she ranks as one of the most accomplished and inspiring teachers on the Law School faculty. Her teaching evaluations are superlative, always scoring very well on the "excellent course" and "excellent teacher" questions. Student reactions to her teaching, reported on written evaluations and in-person interviews, feature superlatives: "best professor I have had;" "engaged, clear organized, and most important—passionate about the material;" "She created a classroom environment where students were expected to be highly prepared, and in doing so facilitated really meaningful and important classroom discussion;" "a joy;" and "a great example of the Michigan difference." In sum, Professor Andrias is a superior and celebrated teacher at the Law School, who, notwithstanding, continues to invite CRLT to visit her classes and offer assessments and advice so that she can continue to improve.

**Research:** Professor Andrias is a public law scholar who believes that scholars have neglected the normative question of what kind of economic order might be necessary to make effective the U.S. Constitution's promises of democracy, liberty and equality. Her work interrogates these issues across three fields: constitutional law, administrative law and labor law. Her single work that focuses entirely on administrative law brings scholarly attention to the president's role in administrative enforcement (as distinguished from rule-making), and offers—with the benefit of her experience in the White House Counsel's office—institutional design reforms regarding enforcement policy, including increased coordination and greater transparency. A second area of concern for Professor Andrias is modern U.S. labor (and employment) law. Here, she is doing nothing less than re-creating and re-orienting an entire field of scholarship. Her major work in this series, published in *The Yale Law Journal* in 2016, is an extended argument that traditional labor law, oriented to collective bargaining, has failed to keep pace with the global economy and the decline of the worksite model for employer-employee relationships, and moreover that labor law is further hobbled by its artificial separation from more individualized “employment law,” such as the Fair Labor Standards Act and antidiscrimination law. Her third area of scholarly focus is on both the U.S. political economy as it actually operates, and how the U.S. Supreme Court in the areas of education and labor in particular, has created jurisprudence over several decades that has played an important role in reinforcing and exacerbating inequality. Professor Andrias and her scholarship are variously described as ambitious, innovative, bold, interdisciplinary, sophisticated, clear, well-grounded in history, law and doctrine, and as having mastered diverse literatures and methodologies from a number of distinct disciplines.

**Recent and Significant Scholarship:**

Rethinking Labor's Administration: The Lost Promise of FLSA's Wage Boards

The Fortification of Inequality: Constitutional Doctrine and the Political Economy, 92 *Ind. L. J.* (forthcoming 2018, symposium issue)

Confronting Power in Public Law, 130 *Harv. L. Rev. F.* 1 (2016)

The New Labor Law, 126 *Yale L. J.* 2 (2016)

Building Labor's Constitution, 94 *Tex. L. Rev.* 1591 (2016)

Separations of Wealth: Inequality and the Erosion of Checks and Balances, 18 *Journal of Constitutional Law* 419 (2015)

Hollowed Out Democracy, 89 *N.Y.U. L. Rev. Online* 48 (2014)

The President's Enforcement Power, 88 *N.Y.U. L. Rev.* 1031 (2013)

**Service:** Professor Andrias's service record has been exemplary. While at the Law School, she has served on a wide range of committees (including, twice, and rare for a pre-tenure professor, on what is considered one of the most burdensome and important, Personnel - managing both entry-level and lateral hiring), worked tirelessly in respect of Law School hiring and admissions, and presented at alumni gatherings (in locales as diverse as Los Angeles and Rome). She is a very important player in the intellectual life of the Law School, attending most internal and external workshops when not traveling, and even putting on a one day workshop for one of her Law School (and History) colleagues' book manuscripts. Professor Andrias has presented her academic work in numerous settings inside and outside the Law School, for example at Law School workshops and student symposia and at the Ross Business and Ford Policy Schools. She co-moderated the *Tanner Lecture* given by the U.S. Supreme Court Justice for whom Professor Andrias clerked, Ruth Bader Ginsburg. She presents her work often to the broader community

of academic, professional and policy audiences in North America and Europe, and is extremely active in *pro bono* work, including consulting for public interest and labor organizations and congressional and executive branch officials about legal and policy problems in respect of constitutional law and labor law, and participating in the writing of a number of *amicus* briefs.

External Reviewers:

Reviewer A: “My view—and I believe it is widely shared among my colleagues in the labor and employment law field—is that Kate is clearly one of the two or three most promising scholars to enter the U.S. labor law academy in the past ten years or more. ... Kate’s work in the labor law field, ... is novel, ambitious, insightful, and well-grounded.”

Reviewer B: “Kate is among the very best scholars who have entered the labor and employment law or ‘law of work’ ranks of the legal academy in the past ten-fifteen years. Her work is bold and ambitious, appropriately provisional, and supremely well-grounded—not only in labor and employment law and institutions, but in history and in constitutional and administrative law and theory, and in on-the-ground familiarity with the most dynamic and interesting quarters of the contemporary labor movement.”

Reviewer C: “With her abiding interest in the relationship between inequality and the law, she has carved out a distinctive and valuable space within legal scholarship.... ‘Separations of Wealth’ is an important contribution to the growing body of scholarship on the role of wealth in American politics—one that usefully extends insights about this role from the realm of the social sciences into the domain of constitutional law.”

Reviewer D: “..., Andrias has developed a rich, multi-layered, and cumulative scholarly arc. Her file demonstrates a brilliant, hungry, and insightful mind at work, one that has grown in sophistication, focus and impact over the course of her scholarly maturation.” ... [*The New Labor Law*] is the most exciting and ambitious labor law article I have read in recent years.”

Reviewer E: “Her work is consistently interesting, challenging and incisive. She is clearly aware of all the doctrinal issues, but complements this with an impressive command of interdisciplinary materials from political science and elsewhere.”

Reviewer F: “[*The President’s Enforcement Power*] takes a novel and strong normative position that has shaped the field. I have cited the article in my own research. Many others who followed her cite her work in their articles on a range of topics, including non-enforcement.”

Reviewer G: “[*Separations of Wealth*] lucidly and effectively synthesizes a great deal of the recent literature in economics and political science on the relationship between economic inequality and policy.... At the same time, the article is attentive to the specific dynamics of particular administrative processes and legislative battles;... The article synthesizes all this work in a careful, comprehensive, lucid, and nicely written style.”

Reviewer H: “Prof. Andrias has seized this moment and her work has become one of the orienting foci for the debate and discussion about the future of labor law.”

Reviewer I: “The strength of [*Separations of Wealth*], in addition to its clear prose and sensible organization, lies in the descriptive and critical portions... Professor Andrias brings to bear an impressive array of social science evidence to support her claims.”

Summary of Recommendation:

Professor Andrias has already made a significant contribution to scholarship in a number of fields, and is regarded as a major and influential legal scholar who is pushing discrete areas of scholarly inquiry in entirely new directions. She is also a highly visible scholar and public intellectual. She is one of the Law School’s best teachers, regardless of seniority, and has shown herself to be an exemplary citizen of the Michigan Law School. With the strong support of the Law School faculty, I am pleased to recommend Kate E. Andrias for promotion to professor of law, with tenure, Law School.



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Mark D. West  
Dean, Law School  
Nippon Life Professor of Law

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