

BENJAMIN PLENER COVER

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EDUCATION

YALE LAW SCHOOL, New Haven, CT

J.D., May 2009

Honors Arthur P. Liman Public Interest Fellowship
John H. Olin Foundation for Law, Economics and Organization Fellowship

Activities *Yale Journal of Law & Feminism*, Submissions Director
Prison Legal Services Clinic
Teaching Assistant to Prof. Dean Karlan, Principles of Microeconomics

LONDON SCHOOL OF ECONOMICS, London, United Kingdom

M.Sc., International Development, May 2005

Honors Commonwealth Scholar

UNIVERSITY OF TORONTO, Toronto, Canada

B.Sc., Mathematics & Economics, May 2004

Honors High Distinction; C.L. Burton Scholarship for Academic Achievement

Activities Engineers Without Borders, *Chapter President*
Semester in Zambia, volunteering with CARE International on a Congolese Refugee Camp

PUBLICATIONS

WORKS-IN-PROGRESS

Voter ~~Fraud~~ Mistake

MM2 for the U.S. House of Representatives

Gerrymandering as Jerk: Measuring Partisan Fairness Using Interpolation Methods in Rank-Vote Space

The Prosecutor License (with Aliza Plener Cover)

ARTICLES AND BOOK CHAPTER

“Districting Criteria” in THE OXFORD HANDBOOK OF AMERICAN ELECTION LAW (forthcoming from Oxford University Press)

Geographic Gerrymandering, 15 HARV. L. & POL’Y REV. 159 (2021) (with David Niven)

Two-Party Structural Countermandering, 107 IOWA L. REV. 63 (2021)

Are Individuals Harmed by Gerrymandering? Examining Access to Congressional District Offices, 102 SOC. SCI. Q. 29 (2021) (with David Niven and Michael Solimine)

Rucho for Minimalists, 71 MERCER L. REV. 695 (2020) (solicited symposium contribution)

Quantifying Partisan Gerrymandering: An Evaluation of the Efficiency Gap Proposal, 70 STAN. L. REV. 1131 (2018)

The First Amendment Right to a Remedy, 50 U.C. DAVIS L. REV. 1741 (2017)

SELECT CITATIONS OF SCHOLARSHIP

Walker v. Chasteen, 2021 IL 126086, ¶ 33 (invalidating filing fee in mortgage foreclosure cases) (quoting *The First Amendment Right to a Remedy*)

ACA Int'l v. Healey, 457 F. Supp. 3d 17, 31 (D. Mass. 2020) (enjoining regulation that limited court access during the COVID-19 pandemic) (citing *The First Amendment Right to a Remedy*)

Ohio A. Philip Randolph Inst. v. Householder, 373 F. Supp. 3d 978, 1084 n. 733 (S.D. Ohio 2019) (vacated and remanded) (citing *Quantifying Partisan Gerrymandering*)

Brief of Amicus Curiae Jennifer Wilson (Mayor of Salt Lake County), League Of Women Voters Of Utah v. Utah State Legislature, 2023 WL 5621728 (Utah), 11-23 (extensively citing *Geographic Gerrymandering*)

Reply Brief of Plaintiffs-Appellants, Harper v. Hall, 2022 WL 3702245, 5 (N.C.) (citing *Quantifying Partisan Gerrymandering*)

Plaintiffs' Response to Defendant's Motion in Limine, League of Women Voters of Michigan v. Johnson, 2018 WL 8138562 (E.D. Mich.) (citing *Quantifying Partisan Gerrymandering*)

Daniel Hays Lowenstein et al., ELECTION LAW: CASES AND MATERIALS (2023) (Seventh Edition), 152 (leading Election Law casebook) (citing *Quantifying Partisan Gerrymandering*)

SHORTER ESSAYS

The Cost of Florida's Ballot, CANOPY FORUM (Oct. 30, 2020),
<https://canopyforum.org/2020/10/30/the-cost-of-floridas-ballot/>

Congressional Power to Guarantee State Democracy, JOTWELL (Mar. 3, 2020) (reviewing Carolyn Shapiro, *Democracy, Federalism, and the Guarantee Clause*, 62 ARIZ. L. REV. 183 (2020)),
<https://conlaw.jotwell.com/congressional-power-to-guarantee-state-democracy/>

UNPUBLISHED WORKING PAPERS

Choice of Index Numbers, Part I: Valuation and Evaluation, Columbia Institute for Social and Economic Research and Policy Working Paper (2006) (with Sanjay G. Reddy),
https://papers.ssrn.com/sol3/papers.cfm?abstract_id=893591

EXPERIENCE

UNIVERSITY OF IDAHO COLLEGE OF LAW (2014 – present)

Associate Professor of Law (2017 – present). Granted tenure, effective Fall 2022. Current teaching package: Election Law, Constitutional Law I, and Constitutional Law II. Previous courses: Torts, Advanced Torts, Professional Responsibility, and Property. Scholarly interests include electoral redistricting, structural electoral reform, and reducing barriers on electoral participation.

Temporary Faculty – Lecturer (2014 – 2017). Courses taught: Federal Courts, First Amendment, Legislation & the Political Process, Property, Remedies, State & Local Government Law, Statutory Reading & Interpretation, Advanced Torts, and Torts.

LA'TOYA CANTRELL, CITY COUNCILMEMBER, New Orleans, LA (2013 – 2014)

Legislative Director.

ORLEANS PUBLIC DEFENDERS, New Orleans, LA (2009 – 2012)

Staff Attorney (February 2012 – December 2012)

Special Litigation Attorney & Client Services Director (2011 – 2012)

Special Litigation & Pretrial Services Fellow (2009 – 2011)

Summer Law Clerk (Summer 2008)

DEBEVOISE & PLIMPTON LLP, New York, NY (Summer 2009)

Summer Associate.

24 HOURS FOR DARFUR, New Haven, CT (2006 – 2008)

Founder and Director.

SAN FRANCISCO CITY ATTORNEY'S OFFICE, San Francisco, CA (Summer 2007)

Affirmative Litigation Task Force Intern.

PROFESSOR SANJAY REDDY, COLUMBIA UNIVERSITY, New York, NY (2003 – 2008)

Researcher.

HONORS & AWARDS

2023-2024 Allan G. Shepard Professorship

2022, 2021, 2020, 2019 Burton Ellis Research Scholar (for summer research funding)

Selected as Inspirational Mentor by Alumni Award for Excellence Recipient (2 students in 2022; 1 students in 2021; 3 students in 2020)

SCHOLARLY PRESENTATIONS & PANELS

“New Scholars Workshop – Race, Gender, and the Law II,” SEALS Annual Meeting (July 25, 2023)

“The Law of Freedom: The Supreme Court and Democracy,” SEALS Annual Meeting (July 24, 2023)

“MM2 for Congress,” University of Idaho College of Law Faculty Colloquium (May 10, 2023)

“MM2 for Congress,” Electoral Systems and Party Systems, Southern Political Science Association Annual Meeting (Jan. 12, 2023)

“Voter Mistake,” New Voices in Election Law, AALS Election Law Section (Jan. 5, 2023)

“Voter Mistake,” Summer 2022 Virtual Faculty Retreat, University of Idaho College of Law (June 22, 2022)

“The Prosecutor License,” University of Idaho College of Law Faculty Colloquium (May 11, 2022)

“Strict Liability Voting,” Scholarship Retreat, University of Idaho College of Law (June 28, 2021)

“Two-Party Structural Countermandering,” Faculty Colloquium, University of Idaho College of Law (May 12, 2021)

“Two-Party Structural Countermandering,” AALS Election Law Section Works-in-Progress Session (Jan. 9, 2021)

“Geographic Gerrymandering,” AALS Election Law Section Works-in-Progress Session (Jan. 9, 2021)

“Geographic Gerrymandering,” 9th Annual State and Local Government Works-in-Progress Conference, Willamette University College of Law (Sep. 25, 2020)

“Geographic Gerrymandering,” Faculty Colloquium, University of Idaho College of Law (May 13, 2020)

“*Rucho* for Minimalists,” *Mercer Law Review* Symposium: “Contemporary Issues in Election Law,” Mercer Law School, Macon, Georgia (Sep. 27, 2019)

“The Criminalization of Voter Mistake,” Southeastern Association of Law Schools (SEALS) Annual Conference, Discussion Group: “Election Law: Looking Back at 2018 and Looking Ahead to 2020,” Boca Raton, Florida (July 28, 2019)

“The Criminalization of Voter Mistake,” Scholarship Retreat, University of Idaho College of Law (Apr. 20, 2019)

“The First Amendment Right to a Remedy,” Ninth Annual Junior Faculty Federal Courts Workshop, Emory University School of Law, Atlanta, Georgia (Apr. 1, 2017)

“Evaluating the Efficiency Gap Test of Political Gerrymandering,” Political Science, Economics, and Geography (PEG) Working Group, University of Idaho (Feb. 21, 2017)

“Soft Electoral Districting,” Rocky Mountain Junior Scholars Forum, University of Utah S.J. Quinney College of Law, Salt Lake City, Utah (Nov. 3-4, 2016)

“Soft Electoral Districting,” Fifth Annual State & Local Government Law Works-in Progress Conference, University of Houston Law Center, Houston, Texas (Oct. 7-8, 2016)

“Blurred District Lines: Addressing Political Gerrymandering Through Participation,” University of Idaho College of Law Junior Faculty Retreat (Feb. 27, 2016)

“The First Amendment Right to a Remedy,” University of Idaho College of Law Faculty Colloquium (Oct. 21, 2015)

“The First Amendment Right to a Remedy,” Junior Scholars Virtual Colloquium, University of Louisville – Louis D. Brandeis School of Law (July 22, 2015)

“The Neighborhood Revitalization Visa: Urban Redevelopment Through Immigration Federalism,” Junior Scholars Virtual Colloquium, Michigan State University College of Law (Aug. 8, 2014)

“The Neighborhood Revitalization Visa: Urban Redevelopment Through Immigration Federalism,” Inland Northwest Scholars Workshop, Gonzaga University School of Law (July 14, 2014)

OTHER PRESENTATIONS

Panelist, “Constitutional Rights: Balancing History, Liberty, and the Common Good,” sponsored by Attorneys for Civic Education and the Idaho Law Foundation (Sept. 15, 2023)

Presenter, “What Does ‘Obscene’ or ‘Harmful to Minors’ Mean Exactly?” sponsored by the Idaho Commission for Libraries (July 11, 2023)

Presenter, “Constitution Day at Your Library,” Ada County Library Victory Branch (Sept. 17, 2022)

Presenter, “First Amendment Primer,” 2022 Idaho Teachers’ Institute On Law-Related Civic Education (June 9, 2022)

Moderator, “Homelessness and Issues with Affordable Housing,” 2022 *Idaho Law Review* Symposium, “Boomtown! Growth and a Clash of Identity in the American West” (Apr. 22, 2022)

Moderator, Common Read Panel Discussion, University of Idaho College of Law (Apr. 20, 2022)

Moderator, Common Read Book Club Session, University of Idaho College of Law (Apr. 15, 2022)

Moderator, “The Importance of Diversity in the Courts,” 2022 *Critical Legal Studies Journal* Symposium, “Diversity, Equity & Inclusion in the Legal Profession - Are We Doing Enough?” (Apr. 14, 2022)

Presenter, “No-Cost and Low-Cost Teaching Materials,” University of Idaho College of Law Teaching Retreat (Mar. 25, 2022)

Presenter, “Update on Ethics,” Ethics CLE at 40th Annual Idaho Commercial Law and Bankruptcy Seminar (Feb. 12, 2022)

Panelist, “Legislative Redistricting in Idaho: Idaho State Bar Government & Public Law Section Annual CLE” (Nov. 4, 2021)

Presenter, “Reform Prospects for the 2020 Redistricting Cycle”, sponsored by Gonzaga University School of Law Center for Civil and Human Rights, (Oct. 29, 2021)

Panelist, “Democracy in the Age of Social Media: Civic Discourse, Ethics, and the First Amendment,” sponsored by Attorneys for Civic Education and the Idaho Law Foundation (Sept. 17, 2021)

Co-Presenter, CLE Session, “The Climate of Civility and Professionalism in the Practice of Law in Idaho, 2021 Idaho State Bar Annual Meeting (July 23, 2021)

Moderator, “Sentencing & Beyond: The Consequences of Incarceration,” 2021 *Idaho Law Review* Symposium, “Incarcerating the Masses: A Critical Examination of America’s Prison Problem” (Mar. 25, 2021)

Organizing Panelist, “Election Law & Litigation: Strict Construction or Serious Confusion?” Malcolm M. Renfrew Interdisciplinary Colloquium, University of Idaho (Nov. 19, 2020)

Panelist, Constitution Day Panel on Voting Rights, University of Mississippi School of Law (Sep. 18, 2020)

Panelist, Constitution Day: Supreme Court Review, University of Idaho College of Law (Sep. 17, 2020) (sponsored by ACS)

Speaker, Student Poll Workers Kick-Off Event, University of Idaho College of Law (Sep. 14, 2020)

Panelist, “Voter Participation and Suppression,” University of Dayton School of Law (Oct. 2, 2020) (moderated by former Ohio Gov. Bob Taft)

Moderator, “Pan-democracy: Voting Rights and Access During the COVID Crisis,” University of Idaho College of Law (Apr. 30, 2020) (sponsored by ACS)

Panelist, Gerrymandering Panel, “Supreme Court Year in Review,” Gonzaga University School of Law (Oct. 11, 2019)

Panelist, 1L Instructor Panel, University of Idaho College of Law (Sep. 20, 2019)

Panelist, Constitution Day: Supreme Court Review, University of Idaho College of Law (Sep. 17, 2019) (sponsored by ACS)

Panelist, Constitution Day: Supreme Court Term Review and Preview, University of Idaho College of Law (Sep. 17, 2018) (co-sponsored by ACS and the Federalist Society)

Moderator, “Civil Rights Forum: A Discussion of Federal and State Issues Involving Title VII & ‘Add the Words, Idaho,’” University of Idaho College of Law (Oct. 25, 2017) (co-sponsored by OUTLaw and the Multicultural Law Caucus)

Panelist, 1L Professor Panel, University of Idaho College of Law (Sep. 25, 2017)

Moderator, “Drone Terrorism: Legal and Technological Difficulties in Defending America,” University of Idaho College of Law (Sep. 6, 2017)

Speaker, “Political Gerrymandering – Prospects for Reform,” Moscow League of Women Voters (Mar. 22, 2017)

Presenter, “Will the Supreme Court Stop Political Gerrymandering?” Malcolm M. Renfrew Interdisciplinary Colloquium, University of Idaho (Feb. 14, 2017)

Panelist, “Making Sense of the Election: Interpreting the 2016 Results, Implications for Governance,” Malcolm M. Renfrew Interdisciplinary Colloquium, University of Idaho (Nov. 15, 2016)

Guest lecturer on New Orleans pretrial detention and bail systems, Advanced Criminal Procedure, University of Idaho College of Law (Sep. 6, 2016)

Panelist, “Supreme Court Review” (Nov. 12, 2015) (sponsored by the ACLU and Federalist Society)

Guest lecturer on New Orleans pretrial detention and bail systems, Advanced Criminal Procedure, University of Idaho College of Law (Sep. 8, 2015)

Panelist, “Paths to Law School Success,” 2015 Law Student Orientation (Aug. 18, 2015)

UNIVERSITY SERVICE

MAJOR COMMITTEE ASSIGNMENTS

Faculty Standing Committees

Dean's Advisory Committee

Member (Fall 2021-Spring 2022)

Diversity, Equity & Inclusion Committee (Formerly Diversity & Human Rights Committee)

Chair (Fall 2021-Spring 2022)

Member (Fall 2022-Spring 2023)

Admissions Committee

Chair (Fall 2020-Summer 2021)

Member (Fall 2017, Fall 2019-Spring 2020)

Technology Committee

Member (Fall 2019-Spring 2020, Fall 2020-Spring 2021, Fall 2023)

Faculty Appointment Subcommittees

Doctrinal Professor (Boise)

Member (Fall 2022)

Clinical Professor for Academic Success (Boise)

Chair (Fall 2021)

Clinical Professor for Bar Success (Boise)

Member (Spring 2021)

Regular Faculty – Family Law & Mediation (Moscow)

Member (Fall 2020)

College of Law Staff Search Committees

Director of Admissions

Member (Fall 2020)

Administration & Faculty Assistant

Member (Fall 2017)

Other Faculty Service

Chair of Third-Year Review Committee (Fall 2023)

Member of Third-Year Review Committee (Fall 2023)

Promotion Committee for College of Law Assistant Professor (Fall 2022)

Tenure & Promotion Committee for College of Law Assistant Professor (Fall 2022)

Chair of ABA Self-Study Climate & Culture Working Group (Summer 2021)

Member of Third-Year Review Committee (Fall 2020)

Faculty Secretary (Fall 2018-Spring 2019)

Member of Ad Hoc Listening Session Implementation Group (Summer 2020-Spring 2021)

Other Student Service

Faculty Advisor, Idaho Law Review (Fall 2022-present)

Faculty Advisor, 2024 Idaho Law Review Symposium, "Water Law" (Summer 2023-Present)

Faculty Advisor, 2023 Idaho Law Review Symposium, "Hot Topics in Health Law" (Summer 2022-Spring 2023)

Faculty Advisor, 2020 Idaho Law Review Symposium, "Democracy Evolved: The Future of American Elections" (Summer 2019-Fall 2020)

Faculty Advisor, Student Chapter of the National Lawyers Guild (Spring 2019-present)

Coach, National Moot Court Competition (Fall 2020, Fall 2019, Fall 2017) (Student won best oralist at Fall 2017 regional competition)

PROFESSIONAL OUTREACH

Election Law Section of the American Association of Law Schools Executive Committee Member (Jan. 2019-present)

Election Law Journal, Solicited Peer Reviewer

Solicited Casebook Reviewer, Zahr Said, *TORT LAW: A 21ST-CENTURY APPROACH* (2021)

Idaho State Bar Professionalism & Ethics Section

Member (Spring 2019-present)

Member, Anti-Discrimination Anti-Harassment Committee (Fall 2019-present)

Member, Ad-Hoc Working Group on Proposed Changes to Idaho Rule of Professional Conduct 8.4 Related to the Anti-Discrimination and Anti-Harassment Provisions of American Bar Association Model Rule of Professional Conduct 8.4(g) (Spring 2019)

MEDIA

Quoted in Betsy Russell, *Two New Redistricting Lawsuits Filed*, Idaho Press (Dec. 16, 2021)

Quoted in Betsy Russell, *Two Redistricting Challenges Consolidated Into One Case*, Idaho Press (Nov. 26, 2021)

Featured Guest on Logan Finney (Host), *Extra: Was the 2020 Election Stolen?*, IDAHO REPORTS, IDAHO PUBLIC TELEVISION (Feb. 12, 2021) (podcast episode), <https://soundcloud.com/idaho-reports/extra-was-the-2020-election-stolen>

Quoted in Hayley Harding, *Arnold Lost ACHD Race By 2 Votes. In Recount, She Lost By 4. Count Again, She Demands*, IDAHO STATESMAN (Dec. 9, 2020)

Quoted in Orion Donovan-Smith, *Northwest Republicans React to Biden Win, Trump's Cheating Claims*, THE SPOKESMAN REVIEW (Nov. 10, 2020)

Featured Guest on KBO Eye on the Law, KBOI (Nov. 7, 2020) (post-election segment)

Quoted in Laurel Demkovich, *What Happens If A Presidential Candidate Withdraws or Dies Close to An Election? The Law Isn't Quite Clear*, THE SPOKESMAN REVIEW (Oct. 3, 2020)

Quoted in Silas Wright, *Law Professors Ask Supreme Court to Allow Idaho Students to Forgo the Bar Exam This Year*, EASTIDAHO NEWS.COM (July 16, 2020)

Featured in Garrett Cabeza, *University of Idaho Law Professor Tackles the Problem of Political Gerrymandering*, MOSCOW-PULLMAN DAILY NEWS (Mar. 23, 2017) (also published in THE SPOKESMAN REVIEW)

Quoted in Shanon Quinn, *Making Sense of the 2016 Election*, MOSCOW-PULLMAN DAILY NEWS (Nov. 16, 2016)