



Sponsored Legal Fellowship 2023-2024

About CAC

The Constitutional Accountability Center (CAC) is a nonprofit, public interest law firm, think tank, and action center dedicated to making real the progressive promise of our Constitution's text, history, and values. We work in our courts, through our government, and with legal scholars to preserve the rights and freedoms of all in America and to protect our judiciary from politics and special interests.

At the Constitutional Accountability Center, we view the Constitution as an inherently progressive document—amended over the generations to become more just, equitable, and inclusive. To make real the promises of our national charter, we must honor and celebrate different ideas, perspectives, and backgrounds, and especially the contributions of historically marginalized communities. As an organization, we make every effort to live by these ideals and help create the conditions that will allow all individuals and communities to thrive.

We are committed to the recruitment, development, and retention of talented and diverse staff who believe in true justice and equality for all people. The Constitutional Accountability Center is an equal opportunity employer, and we particularly encourage people who identify as Black, Indigenous, Latino/Latina or Latinx, Asian American or Pacific Islander, and from other underrepresented communities to join us.

To learn more about the Constitutional Accountability Center, please visit www.theusconstitution.org.

The Opportunity

CAC is interested in hosting a legal fellowship for a recent law school graduate or judicial clerk interested in applying for the [Skadden](#), [Equal Justice Works](#), [JusticeCatalyst](#), or other externally funded legal fellowships to begin in the fall of 2023. Applicants interested in applying with CAC as their host organization are encouraged to apply to us as soon as possible.

CAC seeks applicants interested in beginning their careers in legal advocacy with a grounding in the progressive promise of the Constitution's text, history, and values. The Fellow will join CAC's litigation team and participate in all aspects of the team's work. CAC's litigation team does significant *amicus* work in the Supreme Court and lower federal courts, as well as some direct litigation work.

The Fellow will be exposed to CAC's methodological approach of progressive originalism, as well as to the range of substantive areas in which we work. The Fellow will provide substantive assistance with the research and writing of briefs. Based on the Fellow's project proposal and areas of interest, the Fellow will be lead drafter on at least one brief during the year and/or develop a white paper. CAC will also provide the Fellow with opportunities to work with our think tank and communications teams to see the full range of our work and the various ways in which litigation, policy, and communications can complement each other in progressive advocacy.

The fellowship is based in Washington, D.C. The Fellow reports to CAC's Chief Counsel.

Qualifications

Ideal candidates will have the following qualifications:

- a recently completed or soon to be completed law degree with an excellent academic record,
- a completed clerkship is a plus, but not required,
- strong English reading and writing skills,
- excellent attention to detail,
- demonstrated dedication to a progressive vision, and
- ability to be a team player as well as a self-starter.

Salary and Benefits

The salary for Fellows at CAC is \$70,000.

CAC provides an excellent benefits package to our staff, including health, dental, and vision insurance, FSA, SmarTrip benefits, three weeks of paid vacation, one week of paid sick leave, and paid leave for federal holidays.

How to Apply

Applicants may prepare their own project proposals for consideration, or adopt or adapt one of CAC's existing project ideas (see next page). Please send a cover letter that includes a paragraph on your project proposal and the name of the external fellowship for which you intend to apply; résumé; transcript; and writing sample to Keo Xiong at keo@theusconstitution.org.

Selected applicants will discuss their proposal ideas and interests with a CAC staff member in a pre-screen interview.

CAC staff will work closely with the selected candidate to develop their final proposal to be submitted to the external fellowship program.

CAC Fellowship Project Ideas

- Constitutional Accountability Center’s precursor organization focused on the intersection of environmental and constitutional law, and CAC continues to file regularly in significant environmental cases raising both constitutional and statutory issues. This fellowship would focus on identifying opportunities for Supreme Court and lower court filings that would support protection of the environment consistent with the robust protections provided by our nation’s landmark environmental statutes, such as the Clean Air Act and the Clean Water Act. The Fellow might also assist with other ongoing litigation work.
- One of the greatest threats to progressive policy goals across a wide range of issue areas is the concerted conservative attack on the administrative state. This multi-faceted attack includes, among other things, challenges to doctrines of administrative deference that facilitate the ability of administrative agencies to interpret the statutes they’re charged with enforcing. This fellowship would focus on two projects related to this threat: (1) developing a white paper that would provide a defense of administrative deference grounded in constitutional history; and (2) identifying opportunities for Supreme Court and lower court filings involving administrative deference and other administrative/governance issues (e.g., non-delegation doctrine, major questions doctrine, independent agencies, etc.) and helping to prepare briefs for filing in those cases. In addition to this work, the Fellow might also assist with other ongoing litigation work.
- From Dodd-Frank to the Sherman Antitrust Act, from the Fair Credit Reporting Act to the Fair Debt Collection Practices Act, Congress has passed many federal statutes over time designed to protect the public from corporate malfeasance. Corporate defendants, however, often argue for interpretations of these statutes that limit their ability to protect the general public, or make constitutional arguments (for example, standing arguments) designed to limit the public’s ability to benefit from these statutes. This fellowship would focus on identifying opportunities for Supreme Court and lower court filings that would use the text and history of these key federal statutes—as well as arguments grounded in constitutional text and history when appropriate—and preparing briefs for filing in those cases. The Fellow might also prepare one or more issue briefs related to this work, as well as assist with other ongoing litigation work.
- It is a fundamental principle at the heart of our legal system that where there is a right, there is a remedy. And the federal courts are supposed to be the forum to which people can turn to vindicate that principle. But far too often there are impediments to making broad access to the courts available—whether it is restrictions on standing, limitations on class actions, forced arbitration, limits on attorney fees, etc. This fellowship would focus on this constellations of issues, identifying opportunities for Supreme Court and lower court filings and helping to prepare briefs for filing in those cases. The Fellow might also prepare one or more issue briefs related to this work, as well as assist with other ongoing litigation work.
- The danger of election subversion is on the rise and could imperil the fairness of the 2024 presidential elections. The independent state legislature doctrine—which figured prominently in litigation in 2020—is likely to be a significant issue in 2024 as well. In 2020, conservatives argued that, under the Constitution, the rules governing presidential elections can only be made by state legislatures and that state courts and agencies have no role in protecting voting rights. This

fellowship would involve researching and producing a white paper on the independent state legislature doctrine, which would lay the grounds for us to defend the role of state courts and other state actors in protecting the right to vote in presidential elections. In addition, the Fellow might research other issues connected to the administration of presidential elections, such as the Electoral Counting Act, and/or assist in ongoing litigation work.

- There is growing understanding that the rise of the shadow docket presents a threat to the legitimacy of the Supreme Court, but little understanding about how the shadow docket arose or the history of the emergency orders or summary reversal process at the Supreme Court. This fellowship would involve researching and producing a white paper on the shadow docket, which would examine the use of emergency orders and summary reversals throughout the history of the Supreme Court. When did the emergency orders process and the use of summary reversals arise and how significant has this been a part of Supreme Court decision-making throughout history? Understanding this history will illuminate the extent to which the Roberts Court has broken with fundamental norms about the need for transparency, accountability, and deliberation. In addition, the Fellow might assist in ongoing litigation work and do other writing relating to the shadow docket.