

David S. Rubenstein

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LEGAL TEACHING

University of Kansas School of Law,

Lawrence, KS

William R. Scott Research Professor

Professor of Law

2026–Present

Courses: Constitutional Law; Administrative Law; AI & the Law; Legislation

Washburn University School of Law, Topeka, KS

James R. Ahrens Chair in Constitutional Law

2020–2026

Professor of Law

2015–2020

Associate Professor of Law

2010–2015

Director, Robert J. Dole Center for Law & Government

2014–Present

Courses: Constitutional Law; Administrative Law; AI & the Law; Legislation; Jurisprudence

Hofstra University School of Law, Hempstead, NY

Visiting Assistant Professor

2008–2010

Courses: Administrative Law; Civil Procedure; Legal Ethics; Immigration

ACADEMIC PUBLICATIONS

The Pretext Presidency, Geo. Wash. L. Rev. (forthcoming 2027)

AI Culture Wars: Who Decides?, J. Tech. L. & Pol’y (forthcoming 2026)

Federalism & Algorithms, 67 Ariz. L. Rev. 979 (2025)

- Awarded Best Paper: AI Scholars Roundtable, Emory Law School (2025)
- Selected for presentation: National Conference of Constitutional Law Scholars (2024)

Acquiring Ethical AI, 67 Fla. L. Rev. 747 (2021)

Supremacy, Inc., 67 UCLA L. Rev. 1130 (2020)

- Cited in: GEO Group, Inc. v. Newsom, 493 F.Supp.3d 905 (S.D. Cal. 2020)

State Regulation of Federal Contractors, 11 U.C. Irvine L. Rev. 1 (2020)

- Cited in: United States v. APTIM Fed. Serv., LLC, 2026 WL 290961 (M.D. La. 2026); Sinai Ctr. Rehab. and Healthcare v. N.J. Dep’t of Health, 2025 WL 2779033 (D.N.J. 2025); Metro Tristate, Inc. v. Pub. Serv. Comm’n West Va., 245 W. Va. 495 (2021)

Privatized Detention and Immigration Federalism, 71 Stan. L. Rev. Online 224 (2019) (with P. Gulasekaram)

Immigration Blame, 87 Fordham L. Rev. 125 (2018)

Taking Care of the Rule of Law, 86 Geo. Wash. L. Rev. 168 (2018)

Immigration Exceptionalism, 112 Nw. U. L. Rev. 587 (2017) (with P. Gulasekaram)

Black-Box Immigration Federalism, 114 Mich. L. Rev. 983 (2016)

Self-Help Structuralism, 95 B.U. L. Rev. 1619 (2015)

Paradox of Administrative Preemption, 38 Harv. J.L. & Pub. Pol’y 267 (2015)

- Cited in: *Monsanto Co. v. Durnell* (U.S. Sup. Ct. 2026) (Thomas, J., concurring); *In re Santa Fe Tobacco Co.*, 288 F.Supp.3d 1087 (D.N.M. 2017)

Administrative Federalism as Separation of Powers, 72 Wash. & Lee L. Rev. 171 (2015)

Immigration Structuralism, 8 Duke J. Const. L. & Pub. Pol’y 81 (2013)

Delegating Supremacy?, 65 Vand. L. Rev. 1225 (2012)

Relative-Checks: Towards Optimal Control of Administrative Power, 51 Wm. & Mary L. Rev. 2169 (2010)

Restoring the Quid Pro Quo of Voluntary Departure, 44 Harv. J. Legis. 1 (2007) (volume lead article)

- Cited in: *Almutairi v. Holder*, 722 F.3d 996 (7th Cir. 2013);
Al Milaji v. Mukasey, 551 F.3d 768 (8th Cir. 2008)

Putting the Immigration Rule of Lenity in Its Proper Place, 59 Admin. L. Rev. 479 (2007)

- Cited in: *Patel v. U.S. Att’y Gen.*, 917 F.3d 1319 (11th Cir. 2019);
Espinal-Andrades v. Holder, 777 F.3d 163 (4th Cir. 2015)

TREATISE

Modern Constitutional Law, Thomson Reuters (annual supplement, 2024–2026)

OTHER PUBLICATIONS (SELECTION)

Within Bounds: State Regulation of Federal Contractors, Lawfare (Jul. 2026)

Beware AI Preemption, Just Security (Mar. 2026)

The AI Action Plan and Federalism: A Constitutional Analysis, Just Security (Jul. 2025)

AI Governance Needs Federalism, Not a Federally Imposed Moratorium, Just Security (Jul. 2025)

AI & MQD, Administrative & Regulatory Law News (Jan. 2024)

Retooling the Acquisition Gateway for Responsible AI, The Reg. Rev., U. Penn. (Jun. 2022)

The Outsourcing of Algorithmic Governance, Notice & Comment, Yale J. on Reg. (Jan. 2021)

Federal Procurement of Artificial Intelligence, Roosevelt Inst. (Dec. 2020)

The Market Is Demanding Ethical AI, Barron's (Dec. 2020)

JUDICIAL CLERKSHIPS

Hon. Sonia Sotomayor, United States Circuit Judge
Second Circuit Court of Appeals, New York, NY 2007–2008

Hon. Barbara S. Jones, United States District Judge
Southern District of New York, New York, NY 2006–2007

OTHER LEGAL EXPERIENCE

United States Attorney's Office, Southern District of New York, New York, NY
Assistant United States Attorney 2003–2006

- Specialized in immigration matters; argued several cases of first impression before the United States Court of Appeals for the Second Circuit.

King & Spalding, LLP, New York, NY
Associate 1998–2003

- Represented major corporate clients in complex commercial litigation.

PRESENTATIONS (SELECTION)

AI Culture Wars: Who Decides?

- AI Scholars Roundtable, Emory Law School, Atlanta, GA (Apr. 2026)
- Roundtable on Law & AI Risk, Alabama Law School (Apr. 2025)

The Pretext Presidency

- ABA Section of Administrative Law and Regulatory Practice, Fall Conference (upcoming Dec. 2026)
- ABA Section of Administrative Law and Regulatory Practice, Spring Conference (May 2026)
- St. Louis University School of Law (Oct. 2025)

Federalism & Algorithms:

- AI Scholars Roundtable, Emory Law School, Atlanta, GA (Apr. 2025)
- National Conference of Constitutional Law Scholars, Tucson, AZ (Feb. 2024)
- Washburn School of Law, Symposium, Topeka, KS (Oct. 2023)
- Center for AI Safety (CAIS), San Francisco, CA (Aug. 2023)

Beyond ChatGPT, Kansas Judicial Conference, Wichita (Oct. 2024)

State of AI in the States, Virtual (Mar. 2024) (with CT State Sen. James Maroney)

Artificial Intelligence in Government, ABA Section of Admin. Law, Fall Conference (Oct. 2023)

State Regulation of Federal Contractors, UC Irvine Law (Feb. 2020)

Supremacy, Inc., UC Irvine Law (Oct. 2019)

Privatized Detention & Immigration Federalism, Stanford School of Law (Mar. 2019)

NATIONAL AND REGIONAL SERVICE

American Bar Association, Administrative Law Section

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|---|--------------|
| ○ Council Member | 2022–2025 |
| ○ Program for Prospective Administrative Law Scholars, Committee Member | 2021–2025 |
| ○ Administrative & Regulatory Law News (quarterly publication) | |
| • Editor-in-Chief | 2016–2020 |
| • Managing Editor | 2021–Present |
| ○ Volunteer of the Year Award | 2020 |

Kansas Judicial System

Ad Hoc AI Committee, Member	2025–Present
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JOURNAL PEER REVIEW

Columbia Law Review; Northwestern Law Review; Harvard Law Review; Stanford Law Review; University of California, Berkeley; IEEE; Publius: The Journal of Federalism.

ADVOCACY

- Testified in the Kansas legislature about AI chatbot risks to health, well-being, and child safety (Feb. 2025)
- Conferred with congressional staff about federal procurement of AI (Summer 2023)
- Corresponding Member of the IEEE-USA AI Policy Committee (2022–Present)
- Supreme Court Amicus briefs with Prof. Ernest Young and others in cases involving preemption of state law by federal agencies.

EDUCATION

Hofstra University School of Law, Hempstead, NY

J.D., *with distinction*, Top 4%, May 1998

- Co-winner of the 1996 Law Review writing competition
- Law Review, Notes & Comments Editor

State University of New York at Buffalo, Buffalo, NY

B.A. in Philosophy and English, *magna cum laude*, May 1995

- Phi Beta Kappa
- Medallion for Intellectual Depth and Liberal Knowledge (1 of 10 recipients)