

MICHAEL A. HELFAND

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ACADEMIC APPOINTMENTS

PEPPERDINE UNIVERSITY SCHOOL OF LAW, MALIBU, CA

Associate Professor of Law, July 2010-Present.

Courses: Contracts I; Contracts II; Arbitration Law; Tolerance, Multiculturalism and the Law; Law & Religion

Research Interests: Law & Religion; Arbitration; Contracts; Civil Rights; Constitutional Law

Awards: Professor of the Year as voted by First Year Students (2013-2014)
Dean's Award for Excellence in Scholarship (2013-2014)

GLAZER INSTITUTE FOR JEWISH STUDIES, PEPPERDINE UNIVERSITY, MALIBU, CA

Associate Director, July 2010-Present. Develop programs and initiatives to promote core mission of the Glazer Institute. Coordinate Israel internship program, placing 10-15 undergraduate and graduate students in a wide-range of industries to pursue unique employment opportunities.

STRAUS INSTITUTE FOR DISPUTE RESOLUTION, PEPPERDINE UNIVERSITY, Malibu, CA

Faculty, July 2010-Present. Member of the full-time faculty at the Institute and currently teaching Arbitration Law.

EDUCATION

YALE LAW SCHOOL, NEW HAVEN, CT

J.D., June 2007

Activities: *Yale Journal of Law and the Humanities*

Research Assistant for Professor Daniel Markovits

YALE UNIVERSITY, GRADUATE SCHOOL OF ARTS AND SCIENCES, NEW HAVEN, CT

Ph.D. in Political Science, May 2009

M. Phil. in Political Science, December 2007

M.A. in Political Science, December 2003

Honors: James M. Cox Fellowship in Political Science

YESHIVA UNIVERSITY, NEW YORK, NY

B.A. with Honors in Political Science, History, and Philosophy, May 2002

Valedictorian of Graduating Class

Honors: Department Awards in Philosophy, Political Science, and History

LAW REVIEW PUBLICATIONS

[*Religious Institutionalism, Implied Consent, and the Value of Voluntarism*](#), 88 S. CAL. L. REV. (forthcoming 2015) (solicited submission).

[*The Challenge of Co-Religionist Commerce*](#), 64 DUKE L.J. (forthcoming 2015) (with Barak D. Richman).

[*Religion's Footnote Four: Church Autonomy as Arbitration*](#), 97 MINN. L. REV. 1891 (2013).

[*Litigating Religion*](#), 92 B.U. L. REV. 493 (2013).

- Selected for presentation at the Stanford/Yale/Harvard Junior Faculty Forum

[*Religious Arbitration and the New Multiculturalism: Negotiating Conflicting Legal Orders*](#), 86 N.Y.U. L. REV. 1231 (2011).

[*Fighting for the Debtor's Soul: Regulating Religious Commercial Conduct*](#), 19 GEO. MASON L. REV. 157 (2011).

[*The Usual Suspect Classifications: Criminals, Aliens and the Future of Same-Sex Marriage*](#), 12 U. PA. J. CONST. L. 1 (2009).

[*How the Diversity Rationale Lays the Groundwork for New Discrimination*](#), 17 WM. & MARY BILL RTS. J. 607 (2009).

[*When Religious Practices Become Legal Obligations: Extending the Foreign Compulsion Defense*](#), 23 J.L. & RELIGION 535 (2008) (peer reviewed).

WORKS IN PROGRESS

Arbitration's Counter-Narrative: Religious Arbitration Tribunals as First Amendment Institutions, 124 YALE L.J. (forthcoming 2015) (feature submission).

BOOKS AND BOOK CHAPTERS

NEGOTIATING STATE AND NON-STATE LAW: THE CHALLENGES OF GLOBAL AND LOCAL LEGAL PLURALISM (Michael A. Helfand, ed., Cambridge University Press, forthcoming 2015).

The Persistence of Sovereignty and the Rise of the Legal Subject, in NEGOTIATING STATE AND NON-STATE LAW: THE CHALLENGES OF GLOBAL AND LOCAL LEGAL PLURALISM (Michael A. Helfand, ed., Cambridge University Press, forthcoming 2015).

OTHER SCHOLARLY PUBLICATIONS

[*Between Law and Religion: Procedural Challenges to Religious Arbitration Awards*](#), 90 CHI.-KENT L. REV. (forthcoming 2014) (invited symposium contribution).

[*What is a “Church”?: Implied Consent and the Contraception Mandate*](#), 21 J. CONTEMP. L. ISSUES 401 (2013) (invited symposium contribution).

[*Religious Legal Theory Symposium Introduction*](#), 39 PEPPERDINE L. REV. 1051 (2013) (with Robert Cochran) (symposium introduction).

[*Purpose, Precedent, and Politics: Why Conception Covers Less than You Think*](#), 4 Y.B. ARB. & MEDIATION 126 (2013) (invited symposium contribution).

[*A Liberalism of Sincerity: Religion’s Role in the Public Square*](#), 1 J. L. RELIGION & STATE 217 (2013) (peer reviewed).

[*Confirming Piskei Din in Secular Court*](#), 61 J. HALACHA & CONTEMPORARY SOC’Y. 5 (2011) (with Yaacov Feit) (peer reviewed).

EXPERT TESTIMONY

Testimony, [U.S. Commission on Civil Rights, Briefing on Reconciling Non-Discrimination Principles with Civil Liberties](#) (March 22, 2013).

ACADEMIC PRESENTATIONS

Panelist, Panel on “Jewish Law and Islamic Law in the U.S. Legal System,” Conference on Jewish and Islamic Legal Systems: Comparisons and Relationships, UC Irvine School of Law (Upcoming, September 17, 2014).

Speaker, “The Challenge of Co-Religionist Commerce,” Annual Law & Religion Roundtable, Washington University School of Law (June 26, 2014).

Panelist, “The Current Clash,” Conference on Religious Accommodation in the Age of Civil Rights, Harvard Law School (April 4, 2014).

Speaker, “When Arbitration Goes Religious: The Lawyer’s Toolkit,” American Bar Association Annual Conference on Dispute Resolution, Miami Florida (April 3, 2014).

Panelist, “Legal Issues: Delegation, Recognition and Enforcement,” Conference on Religious Tribunals and the Law: Conflict or Conciliation?, Willamette University College of Law (March 17, 2014).

Commentator, Comparative Law Work-in-Progress Workshop, UCLA School of Law (March 7, 2014).

Speaker, "Enforcing Co-Religionist Commerce," Fifth Annual Religious Legal Theory Conference, Emory University School of Law (February 24, 2014).

Speaker, "Enforcing Co-Religionist Commerce," Faculty Workshop, Whittier Law School (February 17, 2014).

Panelist, "Who Will Be Exempted from the Affordable Care Act? Hobby Lobby, Little Sisters and the Other Religious Exemption Cases Before the Supreme Court," USC Gould School of Law (February 5, 2014).

Speaker and Panelist, Interfaith Program on "Religion and Politics: Power and Empowerment," Faith and Global Engagement, Hong Kong University (January 13, 2014).

Keynote Lecture, "Between Law and Religion: Procedural Challenges to Religious Arbitration Awards," Conference on Religion and Power, Hong Kong University (January 13, 2014).

Moderator, "Religious Law in U.S. Courts," Joint Program of the AALS Jewish Law and Islamic Law Section, AALS Annual Meeting, New York, NY (January 5, 2014).

Speaker, "Enforcing Co-Religionist Commerce," Prawfsfest XI, Pepperdine University School of Law (December 10, 2013).

Speaker, "On Religion and Money," University of Mississippi Faculty Workshop (November 22, 2013).

Panelist, "Private International Law Beyond the State: Family Law and Legal Pluralism," Annual Meeting of the American Society for Comparative Law (October 11, 2013).

Speaker, "On Religion and Money," Bi-Annual Conference of the International Consortium on Law and Religion Studies, College of William & Mary (August 22, 2013).

Speaker, "Between Law and Religion: Procedural Challenges to Religious Arbitration Awards," Bi-Annual Conference of the International Consortium on Law and Religion Studies, Richmond, VA (August 21, 2013).

Speaker, “Between Law and Religion: Procedural Challenges to Religious Arbitration Awards,” Conference on Sharia and Halakha in America, IIT Chicago-Kent School of Law/University of Illinois at Chicago (April 15, 2013).

Speaker, “Religion’s Footnote Four: Church Autonomy as Arbitration,” BYU Law & Religion Colloquium, BYU School of Law (January 24, 2013).

Speaker, “Religion’s Footnote Four: Church Autonomy as Arbitration,” Quinnipiac-Yale Dispute Resolution Workshop, Yale Law School (November 5, 2012).

Speaker, “Religion’s Footnote Four: Church Autonomy as Arbitration,” Conference of the Institute for Law and Religion: Freedom of the Church in the Modern Era, University of San Diego School of Law (October 12, 2012).

Speaker, “Church Autonomy and Religious Arbitration: Two Models of Legal Pluralism,” Faculty Workshop, Bar-Ilan University School of Law (September 11, 2012).

Speaker, “Church Autonomy and Religious Arbitration: Two Models of Legal Pluralism,” International Conference of the Jewish Law Association, Yale University (August 1, 2012).

Speaker, “Litigating Religion,” New Scholars Panel, Southeastern Association of Law Schools Annual Conference (July 30, 2012).

Speaker, “Litigating Religion,” Annual Law & Religion Roundtable, Harvard Law School (June 21, 2012).

Speaker, “Litigating Religion,” Harvard/Yale/Stanford Junior Faculty Forum, Harvard Law School (June 1, 2012).

Speaker, “Litigating Religion,” Jewish Law Symposium, Center for Jewish Law & Judaic Studies, DePaul University College of Law (May 31, 2012).

Speaker, “Taking Beth Din Judgments into Secular Court,” Jewish Law Symposium, Center for Jewish Law & Judaic Studies, DePaul University College of Law (May 30, 2012).

Speaker, “Litigating Religion,” Faculty Workshop, University of Mississippi School of Law (April 9, 2012).

Speaker, “Purpose, Precedent, and Politics: Why *Concepcion* Covers Less than You Think,” 7th Annual International Contracts Conference, Thomas Jefferson School of Law (March 2, 2012).

- Speaker, "Litigating Religion," Third Annual Religious Legal Theory Conference: The Competing Claims of Law & Religion: Who Should Influence Whom, Pepperdine University School of Law (February 23, 2012).
- Speaker, "Purpose, Precedent, and Politics: Why *Concepcion* Covers Less than You Think," Symposium on U.S. Arbitration Law in the Wake of *AT&T Mobility*, Penn State School of Law (February 22, 2012).
- Speaker, "Litigating Religion," Prawfsfest IX, Loyola Law School Los Angeles (December 9, 2011).
- Speaker, "The Persistence of Sovereignty and the Rise of the Legal Subject," ASIL International Legal Theory Interest Group Annual Symposium: Legal Positivism in International Legal Theory: Hart's Legacy (November 11, 2011).
- Speaker, "A Liberalism of Sincerity: Religion's Role in the Public Square," Conference on Religious Law and State's Affairs, Bar Ilan University (May 31, 2011).
- Speaker, "Religious Arbitration and the New Multiculturalism: Negotiating Conflicting Legal Orders," Faculty Colloquium, University of St. Thomas School of Law (April 6, 2011).
- Panelist, "Religious Issues in Marriage and Divorce Law" Jewish Law Students Association, University of Minnesota School of Law (April 5, 2011).
- Speaker, "Religious Arbitration and the New Multiculturalism: Negotiating Conflicting Legal Orders," Faculty Workshop, University of Mississippi School of Law (January 27, 2011).
- Panelist, "Rabbinical Arbitration in the 21st Century: Contemporary Issues and Challenges," American Association of Law Schools Annual Meeting, Jewish Law Section (January 6, 2011).
- Speaker, "Fighting for the Debtor's Soul: Church Autonomy, Religious Arbitration and Bankruptcy's Automatic Stay," Conference on Religious Legal Theory, St. John's Law School (November 5, 2010).
- Speaker, "Case Update and Analysis: *Matter of Nachum Brisman v. Hebrew Academy*," Presentation to Davis Polk & Wardwell Litigation Department (March 3, 2010).
- Speaker, "Taking Choice-of-Law Provisions Seriously: What Religious Legal Theory Has to Tell Us About the Enforceability of Religious Arbitration Awards," Conference on Religious Legal Theory: State of the Field, Seton Hall Law School (November 12, 2009).
- Speaker, "Process and Pitfalls of Confirming *Piskei Din* as Arbitration Awards," Conference on Jewish and American Law, Yeshiva University (January 17, 2009).

GENERAL AUDIENCE PUBLICATIONS

[*Hobby Lobby's Challenge to Officialdom's 'Compelling Interest,'*](#) WASHINGTON TIMES (July 2, 2014).

[*The Murkiness of the Hobby Lobby Ruling,*](#) THE FORWARD (June 30, 2014).

[*America Doesn't See Its Religious Minorities,*](#) THE FORWARD, page 7 (May 23, 2014).

[*Implied Consent: A Proposal on For-Profit Conscience,*](#) FIRST THINGS, Op-ed, March 25, 2014, Web Exclusive.

[*Obamacare and Religious Rights in a For-Profit World,*](#) LOS ANGELES TIMES, Op-ed, March 18, 2014, Page A11.

[*There Is Another Way to Get a 'Get',*](#) THE FORWARD, page 7 (Oct. 25, 2013).

[*Following Defeats, Anti-Sharia Law Supporters Revert to Sneaky Tactics,*](#) NATIONAL LAW JOURNAL, page 39 (Sept. 9, 2013).

[*Religion's Wise Embrace of Commerce,*](#) FIRST THINGS, web exclusive (Feb. 17, 2013).

[*No, Bloomberg Isn't Banning Circumcision,*](#) FIRST THINGS, web exclusive (Oct. 15, 2012).

[*The Boundaries of Religious Freedom,*](#) LOS ANGELES TIMES, page A13 (Aug. 15, 2012).

- [*Postscript: Religious Boundaries,*](#) LOS ANGELES TIMES, Response to Letter to the Editor, A17 (Aug. 18, 2012).

[*Hebrew National Must Answer to a Higher Authority,*](#) THE FORWARD, page 7 (Aug. 17, 2012).

[*Why San Francisco's Proposed Circumcision Ban Violates the First Amendment,*](#) THE DAILY JOURNAL, page 1 (June 30, 2011).

[*A Law We Don't Need,*](#) LOS ANGELES TIMES, A19 (Nov. 10, 2010).

[*The Young Israel Dilemma: Disengagement or Confrontation,*](#) THE JEWISH JOURNAL, page 10 (Sept. 28, 2010).

MEDIA COMMENTARY

[LGBT Workers May Feel Impact of Hobby Lobby Ruling](#), WASHINGTON POST (July 1, 2014).

[Why Employers Could Now Immediately Deny You All Birth Control Coverage](#), MASHABLE (July 1, 2014).

[High Court Leaves Questions In Union, 'Hobby' Wake](#), INVESTOR'S BUSINESS DAILY (June 30, 2014).

[Why Some Rabbis Are Insisting: Get the Prenup Before You Marry](#), ST. LOUIS POST-DISPATCH (January 25, 2014).

[Divorce in Orthodox Community Can Be Brutal, Degrading and Endless](#), NEWSWEEK (November 12, 2013)

[In Victory for 'Chained' Wives, Court Upholds Orthodox Prenuptial Agreement](#), THE FORWARD (February 15, 2013).

High Court Declines to Hear Wage-and-Hour Case, DAILY JOURNAL (April 17, 2012)

[Jewish Divorce Caught in Sharia Law Fight](#), THE FORWARD (March 7, 2012).

[Lawyer Wants Pope's Testimony in Oregon Abuse Case](#), LOS ANGELES TIMES (July 2, 2010).

BLOGS

CLR Forum, Guest Contributor, May 2012.

Prawfsblawg, Guest Contributor, November 2010, November 2011, March 2012, November 2012, May 2013.

Opinio Juris, "[Social Ostracism and Non-State Governance: A Comment on Hathaway & Shapiro](#)," Contribution to Online Symposium, November 15, 2011.

ACADEMIC CONFERENCES ORGANIZED

Islamic and Jewish Law in the 21st Century: Contemporary and Philosophical Challenges to Religious Law, Joint Program of the AALS Sections on Jewish Law and Islamic Law (with Seval Yildirim), AALS Annual Meeting, New York, NY (January 5, 2014) (papers to be published in 41 PEPPERDINE LAW REVIEW (2014)).

Prawfsfest XI, Annual Conference of the Prawfsblawg Network (with Dan Markel), Pepperdine University School of Law (December 9-10, 2013).

The Rise of Non-State Law, American Society of International Law, Washington, D.C. (May 2, 2013).

The Competing Claims of Law & Religion, Third Annual Religious Legal Theory Conference (with Robert Cochran), Pepperdine University School of Law, February 2012 (published in 39 PEPPERDINE LAW REVIEW (2013)).

EDITORIAL AND PROFESSIONAL SERVICE ACTIVITIES

Peer Reviewer, Israel Science Foundation
Peer Reviewer, JOURNAL OF LAW & RELIGION (2011-Present)
Committee Member, PACIS Project Oversight Committee (2011-2012)
Committee Member, Curriculum Committee (2010-2011)
Committee Member, Faculty Resources (2012-2013, 2013-2014)

OTHER TEACHING EXPERIENCE

YALE UNIVERSITY, New Haven, CT
Teaching Fellow, Fall 2004 and Fall 2006. Served as teaching fellow for Bryan Garsten's course titled *Democratic Rhetoric*.

YALE UNIVERSITY, New Haven, CT
Teaching Fellow, Spring 2006 and Spring 2007. Served as teaching fellow for Ian Shapiro's course titled *Moral Foundations of Politics* courses.

PROFESSIONAL EXPERIENCE

BETH DIN (RABBINICAL COURT) OF AMERICA, New York, NY
Consultant, Arbitrator, July 2010-Present. Provide consultation services on matters related to enforceability of rabbinical arbitration awards in state and federal court.

DAVIS POLK & WARDWELL, LLP, New York, NY
Litigation Associate, November 2008-June 2010. Matters included *Matter of Brisman v. Hebrew Academy of the Five Towns & Rockaway*, an appeal of a New York Supreme Court decision vacating award of a rabbinical arbitration tribunal; focused on a wide range of complex commercial litigation matters and internal investigations.

HON. JULIA SMITH GIBBONS, U.S. COURT OF APPEALS, SIXTH CIRCUIT, Memphis, TN
Law Clerk, September 2007-September 2008.

BETH DIN (RABBINICAL COURT) OF AMERICA, New York, NY
Law Clerk, Fall 2005-Spring 2006. Researched and drafted memoranda on civil litigation matters before the Beth Din. Prepared case files for trial and drafts of procedural decisions.

THE SHALEM CENTER, Jerusalem, Israel

Shalem Press Overseas Research Coordinator, Research Assistant, 1999-2002. Provided research relating to UN-Israel relations on the eve of the Six-Day War for Michael Oren's Six Days of War. Recruited and hired new research assistants.

PROFESSIONAL LEADERSHIP POSITIONS

AALS SECTION ON LAW & RELIGION

Executive Committee, 2012

Programming Committee, 2011

AALS SECTION ON JEWISH LAW

Chair, 2013

Chair-Elect, 2012

Secretary, 2011

Treasurer, 2010

BAR ADMISSION

New York