

## ERIN LYNN MILLER

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### EDUCATION

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Princeton University – Ph.D., Politics Department (political theory program), 2019

Honors: Laurance S. Rockefeller Graduate Prize Fellow, University Center for Human Values, 2017-18

Committee: Charles Beitz (chair), Philip Pettit, Anna Stilz

Dissertation: *Assessing Competing Claims to Speak over Mass Media: The Priority of Audiences' Epistemic Claims*

Yale Law School – J.D., 2013

Activities: Supreme Court Advocacy Clinic, *Student Director*, 2011-13

*Yale Journal of Law & Policy*, *Lead Editor*, 2012-13

Yale University – B.A., joint major in Political Science & Philosophy, 2009

Honors: Percival Wood Clement Prize for the best senior thesis on the Bill of Rights, 2009

### RESEARCH & TEACHING INTERESTS

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- Primary interests: Constitutional law, First Amendment, criminal procedure
- Secondary interests: Criminal law, evidence, torts

### PUBLICATIONS & WORKS-IN-PROGRESS

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*Amplified Speech* (job talk paper)

- This paper argues that the act of “amplifying” speech to reach larger audiences implicates the two core First Amendment values—the audience’s interest in democratic discourse and the speaker’s interest in autonomy—differently than other speech acts. Amplified speech is simultaneously more important for democratic audiences than other speech because it provides the bulk of information necessary for voting; and less important for speakers because its benefits for autonomy—on my account, a capacity for agency that requires independence and self-respect—diminish as audience size grows. This analysis offers a constitutional defense of content-neutral campaign expenditure limitations and media regulations that (a) target only amplified speech and (b) are designed to preserve the integrity of democratic discourse. (*Selected for presentation at the 2020 Yale Freedom of Expression Scholars Conference.*)

*The Anti-Control Proviso* (work-in-progress) (with Chloé Bakalar)

- This paper offers an argument, grounded in centuries of property theory and common law, for why any ownership of core public infrastructure that gives the owner “controlling” influence over the infrastructure’s operation is subject to a public trust, or a legislatively and judicially enforceable requirement that the infrastructure be maintained consistent with the public interest. Our definition of core public infrastructure includes not just traditional public utilities like roads and electricity, but also speech forums such as social media platforms.

[\*Who Is Responsible When Groups Do Harm?\*](#), \_\_\_ POL. PHIL. & ECON. \_\_\_ (forthcoming 2021) (peer-reviewed)

- This article addresses the apparent difficulty of attributing moral responsibility for some collective actions. Arguing against the solution of holding collectives themselves responsible as entities independent of their members, it proposes instead that all responsibility for collective actions is accounted for by individual responsibility—so long as members of a collective are understood to have a *heightened* standard of moral care when working within the collective, relative to their knowledge and authority within it.

[\*The Limits of Law in the Evaluation of Mitigating Evidence\*](#), 45 AMER. J. CRIM. L. 167 (2018) (with Emad Atiq)

- This article argues that the constitutional requirement from *Lockett v. Ohio* that capital sentencers “consider” any mitigating evidence presented by the defense not only precludes statutory and precedential constraints on such consideration but also requires sentencers to engage in an individualized, moral—as opposed to formal,

legalistic—appraisal of mitigating evidence. Our primary example involves evidence of severe childhood hardship, which is severely discounted by some state courts issuing and reviewing capital sentences.

[\*Let the Burden Fit the Crime: Reviewing Sex Offender Restrictions for Proportionality\*](#), Comment, 123 YALE L.J. 1607 (2014)

- Under current due process doctrine, punitive damages awards against civil defendants are reviewed for proportionality with the underlying misconduct, in accordance with traditional principles of retribution in punishment. This Comment argues, by way of analogy, that the same proportionality analysis could and should be applied to review statutes imposing harsh civil restrictions on the lives of released sex offenders who have already served their criminal sentences; and outlines four factors that courts could use to review sex offender restrictions in this way.

#### LEGAL PROFESSIONAL EXPERIENCE

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Harry A. Bigelow Fellow & Lecturer in Law, University of Chicago Law School	2019-
Connecticut for One Standard of Justice Board Member Non-profit organization founded to ensure the rights and fair treatment of criminal offenders.	2015-2017
Subcommittee on Sex Offender Sentencing Member, Connecticut Sentencing Commission Committee commissioned by the Connecticut General Assembly to review the state's sex offender laws.	2015-2016
Law Clerk, Judge Sidney Thomas, U.S. Court of Appeals for the Ninth Circuit	2013-2014
Research Assistant, Dean Heather Gerken, Yale Law School Research subject: Election law and topics in federalism.	2011-2012, 2014
Research Assistant, Dean Robert Post, Yale Law School Research subject: Campaign finance law, for the Dean's 2013 Tanner Lecture.	2012-2013
Summer Associate, Sanford Wittels & Heisler, Washington, DC Plaintiff-side employment firm specializing in race and gender discrimination class actions.	Summer 2012
Intern, Department of Justice, Civil Appellate Section, Washington, DC	Summer 2011
Research Assistant, Professor Scott Shapiro, Yale Law School Research project: Editing chapters of the Professor's book <i>Legality</i> (2011).	Summer 2009
Blog Manager, SCOTUSblog/Howe & Russell/Akin Gump, Washington, DC	2009-2010
Research Assistant, Professor Oona Hathaway, Yale Law School Research subject: Comparative constitutionalism.	2007-2009

#### BAR ADMISSIONS

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State Bar of New York	2016-present
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#### ACADEMIC PRESENTATIONS

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Philosophy, Politics, & Economics Society Conference Paper: <i>The Threshold Right to Amplify Speech</i>	March 2019
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Princeton-UPF Conference in Political Theory, Pompeu Fabra University, Barcelona, Spain Paper: <i>The Predomination of Public over Private Interests in Widely Disseminated Speech</i>	Fall 2017
Harvard Graduate Conference in Political Theory Paper: <i>Caretaker Responsibility: A Reductive Account of Moral Responsibility for Group Acts</i>	Fall 2017
Yale Doctoral Conference (with Emad Atiq) Paper: <i>The Causal Nexus Fallacy: A Judicial Error in Capital Sentencing</i>	Fall 2014
Harvard Graduate Legal Philosophy Colloquium (with Emad Atiq) Paper: <i>The Causal Nexus Fallacy: A Judicial Error in Capital Sentencing</i>	Fall 2014

TEACHING EXPERIENCE

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*Teaching reviews for all available upon request.*

Bigelow Program: Legal Research & Writing, University of Chicago Law School, <i>Lecturer</i>	Fall 2019
The Just Society, Princeton University, <i>Teaching Assistant</i> (Professor Alan Patten)	Spring 2017, 2019
Modern Political Theory, Princeton University, <i>Teaching Assistant</i> (Professor Gregory Conti)	Fall 2018
Introduction to Political Philosophy, Yale College, <i>Teaching Fellow</i> (Professor Bryan Garsten)	Spring 2013