NICHOLAS M. MCLEAN

University of Hawai‘i at Mānoa | William S. Richardson School of Law
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ACADEMIC APPOINTMENTS

University of Hawai‘i at Mānoa, William S. Richardson School of Law **Honolulu, HI**
Assistant Professor of Law Fall 2024 – present

Courses: Constitutional Law I
Professional Responsibility
Second Year Seminar
Appellate Advocacy

Lecturer in Law Spring 2019 – Spring 2024
Course: Lawyering Fundamentals II

EDUCATION

Yale Law School **New Haven, CT**
J.D., May 2013

- Essays Editor, *Yale Law Journal*.
- Teaching Fellow, Department of Political Science.

Yale College **New Haven, CT**
B.A., May 2005 (*magna cum laude*)

- Near Eastern Languages & Civilizations (Egyptology concentration) (with distinction) and Political Science (with distinction).

SCHOLARLY PUBLICATIONS

- *Immigration Law's Excessive Fines*, 125 MICHIGAN LAW REVIEW ONLINE (forthcoming 2026), available here.
- *The Law of Minimum Entitlements*, 59 UNIVERSITY OF MICHIGAN JOURNAL OF LAW REFORM (forthcoming 2026), available here.
- *Divergence, Dialogue, and State Constitutionalism: Lessons from the Hawai‘i Supreme Court*, 48 UNIVERSITY OF HAWAI‘I LAW REVIEW 553 (2026) (invited symposium article), available here.
- *Financial Hardship and the Excessive Fines Clause: Assessing the Severity of Property Forfeitures After* Timbs, 129 YALE LAW JOURNAL FORUM 430 (2020) (with Beth A. Colgan), available here.
    - Selected for republication in part: MONEY AND PUNISHMENT, CIRCA 2020, Arthur Liman Center for Public Interest Law, Yale Law School (2020).

- *Livelihood, Ability to Pay, and the Original Meaning of the Excessive Fines Clause*, 40 HASTINGS CONSTITUTIONAL LAW QUARTERLY 833 (2013), available here.
    - Cited in: *Raftery v. State Bd. of Ret.*, 263 N.E.3d 833 (Mass. 2025); *Yates v. Pinellas Hematology & Oncology, P.A.*, 21 F.4th 1288 (11th Cir. 2021) (Newsom, J., concurring); *City of Seattle v. Long*, 493 P.3d 94 (Wash. 2021); *State v. McCants*, 2020-Ohio-3441, 2020 WL 3446852 (Ohio Ct. App. 2020); *People v. Cowan*, 260 Cal. Rptr. 3d 505 (Cal. Ct. App. 2020); *People v. Edwards*, No. D075214, 2019 WL 6606534 (Cal. Ct. App. Dec. 5, 2019); *State v. Yang*, 452 P.3d 897 (Mont. 2019); *id.* (Rice, J., dissenting); *United States v. Bikundi*, 926 F.3d 761 (D.C. Cir. 2019); *State v. Dean*, 110 N.E.3d 739 (Ohio Ct. App. 2018) (Donovan, J., concurring in part); *Commonwealth v. 1997 Chevrolet & Contents Seized from Young*, 160 A.3d 153 (Pa. 2017); *State v. Richardson*, 890 N.W.2d 609 (Iowa 2017) (Appel, J., dissenting).
- Comment, *Intersystemic Statutory Interpretation in Transnational Litigation*, 122 YALE LAW JOURNAL 303 (2012), available here.
- Note, *Cross-National Patterns in FCPA Enforcement*, 121 YALE LAW JOURNAL 1970 (2012), available here.

SELECTED MEMBERSHIPS AND PROFESSIONAL ACTIVITIES

- Fellow, Hawai‘i State Bar Association Leadership Institute (2023).
- Member, Hawai‘i State Bar Association.
- Member, Federal Bar Association.
- Member, American Constitution Society.
- Member, American Judicature Society.
- Lawyer Delegate, District of Hawai‘i Judicial Conference (2020 – 2022).
- Participant (Selected), Hawai‘i Federal Trial Academy (2018).

SELECTED ENGAGEMENTS AND PRESENTATIONS

- Presenter, ClassCrits XV (St. Paul, MN, Sept. 2026).
- Panelist, “U.S. Supreme Court Updates,” Hawai‘i State Bar Association (Honolulu, HI, Aug. 2026).
- Presenter, 2026 Richardson Faculty Summer Workshop (Honolulu, HI, Aug. 2026).
- Presenter, *University of Hawai‘i Law Review* Spring Symposium (Honolulu, HI, Mar. 2026).
- Presenter, William S. Richardson Faculty Scholarship Workshop (Honolulu, HI, Feb. 2026).

- Lecturer, "Constitutional Law," College of Social Sciences Program on Japanese Law & Society (Honolulu, HI, Feb. 2026).
- Presenter, "Nuts and Bolts of State and Federal Judicial Clerkships" (with Lucy Brown, MJ Palau-McDonald, Miyoko Pettit-Toledo & Kamaile Turčan) (Honolulu, HI, Feb. 2026).
- Moderator, "Inequality by Design—Race, Rights, and Justice Systems: A Conversation with Professor Deborah Archer" (Honolulu, HI, Jan. 2026).
- Panelist, "U.S. Supreme Court Updates," Hawai'i State Bar Association (Honolulu, HI, Aug. 2025).
- Presenter, "The Supreme Court 2024–2025 Term in Review," American Judicature Society (Honolulu, HI, Aug. 2025).
- Moderator, "Professional Responsibility in Practice: A Conversation with Judge Micah Smith, Judge Kimberly Guidry, and Clare Connors," University of Hawai'i at Mānoa, William S. Richardson School of Law (Honolulu, HI, Apr. 2025).
- Moderator, "States, the Rule of Law, and the First 100 Days of the Trump Administration: A Conversation with Attorney General Anne Lopez, Solicitor General Kaliko'onālani Fernandes, and Special Assistant David Day," University of Hawai'i at Mānoa, William S. Richardson School of Law (Honolulu, HI, Apr. 2025).
- Presenter, "Executive Orders, the Administrative State, and the Constitution," University of Hawai'i at Mānoa, William S. Richardson School of Law (Honolulu, HI, Mar. 2025).
- Panelist, "Trump's 100 Days—What Really Matters: A Conversation with UH Politics & Legal Scholars," University of Hawai'i Foundation Better Tomorrow Speaker Series (Honolulu, HI, Mar. 2025).
- Lecturer, "Constitutional Law," College of Social Sciences Program on Japanese Law & Society (Honolulu, HI, Feb. 2025).
- Panelist, "U.S. Supreme Court Updates," Hawai'i State Bar Association (Honolulu, HI, July 2024).

AMICUS BRIEFS

- Co-author of a brief amici curiae in *Jouppi v. Alaska*. *See* Brief of Eighth Amendment Scholars as Amici Curiae in Support of Neither Party, *Jouppi v. Alaska*, No. 25-246, 2026 WL 2807847 (U.S.) (submitted Sept. 15, 2026).
- Co-counsel for a brief amicus curiae on behalf of Professor John F. Stinneford in *Kahler v. Kansas*. *See* Brief Amicus Curiae of Professor John F. Stinneford in Support of Neither Party, *Kahler v. Kansas*, No. 18-6135, 2019 WL 2418947 (U.S. Mar. 23, 2020) (submitted June 7, 2019).
- Co-counsel and co-author of a brief amici curiae in *Timbs v. Indiana*. *See* Brief Amici Curiae of Eighth Amendment Scholars in Support of Neither Party, *Timbs v. Indiana*, No. 17-1091, 2018 WL 4522295 (U.S. Feb. 20, 2019) (submitted Sept. 10, 2018).

OTHER PROFESSIONAL EXPERIENCE

Department of the Attorney General, State of Hawai‘i **Honolulu, HI**
First Deputy Solicitor General June 2023 – July 2024
Deputy Solicitor General Mar. 2020 – June 2023

- Advised the Department of the Attorney General, state agencies, and members of the Legislature on a broad range of legal issues.
- Represented the State and its agencies and officials in litigation in trial and appellate courts, including:
    - Emergency powers. Successfully defended the State's exercise of emergency powers from legal challenges during the COVID-19 pandemic: *Carmichael v. Ige*, 470 F. Supp. 3d 1133 (D. Haw. 2020); *Bannister v. Ige*, No. 20-cv-00305 JAO-RT, 2020 WL 5031994 (D. Haw. Aug. 25, 2020); *Kelley O'Neil's Inc. v. Ige*, No. 20-cv-00449 LEK-RT, 2021 WL 767851 (D. Haw. Feb. 26, 2021); and *For Our Rights v. Ige*, 151 Hawai‘i 1, 507 P.3d 531 (Ct. App. 2022).
    - Second Amendment. Represented the Hawai‘i Attorney General in Second Amendment litigation.

Cades Schutte LLP **Honolulu, HI**
Associate Sept. 2017 – Mar. 2020

- Advised and represented clients in civil litigation in federal and state court at the trial and appellate levels, and maintained a pro bono practice focusing on litigation in federal court.

Sidley Austin LLP **New York, NY**
Associate Sept. 2013 – Aug. 2014; Nov. 2015 – July 2017

- Represented clients in connection with civil and criminal litigation and government investigations.

United States Court of Appeals for the Ninth Circuit **Honolulu, HI**
Law Clerk to the Honorable Richard R. Clifton Sept. 2014 – Sept. 2015