

Jason Mazzone

University of Illinois Urbana-Champaign
College of Law
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ACADEMIC APPOINTMENTS

University of Illinois Urbana-Champaign
College of Law

Since 2012

Albert E. Jenner, Jr. Professor of Law (since 2016)
Director, Program in Constitutional Theory, History, and Law (since 2015)
Collaborating Scholar, Institute of Government and Public Affairs (since 2020)
Affiliated Faculty Member, European Union Center (since 2012)
Professor of Law & Lynn H. Murray Faculty Scholar in Law (2012-16)

- Courses: Constitutional Law; The Bill of Rights; Constitutional Law Colloquium; First Amendment
- Faculty Advisor, The Federalist Society
- Principal Investigator, COVID and the Courts (recipient of \$100,000 grant under Chancellor's Call to Action program)
- Project Leader, *Cultures of Law in Global Contexts* (recipient of \$125,000 Graduate College grant, 2014-16; designated initiative program, Center for Advanced Study, 2013-14)
- Carroll P. Hurd Award for Scholarly Excellence (2018 & 2023)
- Chair, *The Illinois-Bologna Conference on Constitutional History: Comparative Perspectives*
- Co-Chair, *Police Reform: A Discussion Series* (2020-21)
- Co-Principal Investigator, *COVID-19, Court Operations, and Access to Justice* (2020-)
- Committees: Visiting Assistant Professor & Faculty Development (2012-13); Faculty Appointments (2013-14, chair; 2019-20, chair; 2022-23; 2023-24); Law Library Director Search (2013-15, chair); Clerkships (2014-15); Promotion & Tenure (2015-16; 2016-17, chair; 2021-22, chair); Lectures (2015-16); Admissions (2016-17, chair; 2017-18, chair; 2018-19); Chairs & Professorships (2017-18; 2021-22, chair); Faculty Scholarship Awards (2018-19); Librarian Search (2021-22); First Amendment Clinic Search (2022-23, chair); First Amendment Clinic Advisory Board (2023-).
- Chair, Provost's Taskforce on Campus Speech (2018-20); University Nondiscrimination and Misconduct Violations Appeals Panel (2020-); University Title IX Hearing Panel (2021-).
- Co-Chair (with Vikram David Amar), Faculty Reading Group, American Bar Association Standing Committee on the Federal Judiciary, Evaluation of Ketanji Brown Jackson, Nominee to the Supreme Court of the United States (spring, 2022)
- Executive Committee, European Union Center (2022-)

- Office of the Chancellor, Planning Committee for 70th Anniversary of *Brown v. Board of Education*

Brooklyn Law School

2003-2012

Gerald Baylin Professor of Law (2010-12)

Professor of Law (2009-10)

Associate Professor of Law (2006-09)

Assistant Professor of Law (2003-06)

- Courses: Constitutional Law I & II; Constitutional Law; American Legal History; Criminal Procedure I; Intellectual Property Law Seminar; Comparative Constitutional Law; Law and Social Science; Intellectual Property Law Colloquium; The History of the Constitution
- Committees: Faculty Appointments (2004-06, 2007-10); Clerkships (2003-09; Chair 2006-09 & 2011-12).
- Organizer, Symposium on Justice Blackmun and Judicial Biography: A Conversation with Linda Greenhouse, Sept. 16, 2005; Co-organizer, Symposium on Sandra Day O'Connor and the Supreme Court, Feb. 10, 2006; Co-organizer, Trager Public Policy Symposium, Our New Federalism? National Authority and Local Autonomy in the War on Terror, November 21, 2003.
- Faculty Convocation Speaker (2007 & 2008).
- Faculty Advisor, The Federalist Society (2003-2012).
- Director, International Programs (2010-12).

CLERKSHIPS

United States Court of Appeals for the Second Circuit, New York, NY

1998-1999

Law Clerk to Judge Robert D. Sack

United States District Court for the Southern District of New York

1999-2000

Law Clerk to Judge John G. Koeltl

OTHER PROFESSIONAL EXPERIENCE

Sullivan & Cromwell, New York, NY

1998; summer 1996

Litigation Associate

Harvard University

1995-2000

Senior Researcher, Robert D. Putnam, *Bowling Alone: The Collapse and Revival of American Community*

Rapporteur, The Saguaro Seminar: Civic Engagement in America

The Legal Aid Society, Appeals Bureau, New York, NY

Summer 1995

Law Clerk

EDUCATION

Yale Law School

Doctor of the Science of Law (J.S.D.), 2004

Master of Laws (LL.M.), 2001

- Doctoral Dissertation: *Organizing the Republic: Civic Associations and American Constitutionalism, 1780-1830*. Committee: Bruce A. Ackerman, Akhil Reed Amar & Dan M. Kahan (chair).

Harvard Law School

Juris Doctor (J.D.) *magna cum laude*, 1997

- Research Assistant, Laurence H. Tribe.

Stanford University

Master of Arts (A.M.) in Sociology, 1994

Harvard University

Bachelor of Arts (A.B.) *magna cum laude* in Social Studies, 1993

- Phi Beta Kappa
- Detur Prize
- John Harvard Scholarship for highest academic merit (all years)

SELECTED PUBLICATIONS

Books

THE AFTERLIVES OF CONSTITUTIONS (with Cem Tecimer) (Harvard University Press, under contract)

COMPARATIVE CONSTITUTIONAL HISTORY VOLUME 3: LANDMARK JUDGMENTS (FRANCESCO BIAGI, JUSTIN O. FROSINI & JASON MAZZONE, EDS) (BRILL, FORTHCOMING, 2025)

COMPARATIVE CONSTITUTIONAL HISTORY VOLUME 2: USES OF HISTORY IN CONSTITUTIONAL ADJUDICATION (Francesco Biagi, Justin O. Frosini & Jason Mazzone, eds) (Brill, 2023).

COMPARATIVE CONSTITUTIONAL HISTORY VOLUME 1: PRINCIPLES, DEVELOPMENTS, CHALLENGES (Francesco Biagi, Justin O. Frosini & Jason Mazzone, eds) (Brill, 2020).

COPYFRAUD AND OTHER ABUSES OF INTELLECTUAL PROPERTY LAW (Stanford University Press, 2011).

Journal Articles

Voting Early--And Often? 2024 UNIVERSITY OF ILLINOIS LAW REVIEW __ (forthcoming, 2024).

History, Tradition, and Federalism, 47 HARVARD JOURNAL OF LAW & PUBLIC POLICY __ (forthcoming, 2024).

Interconstitutionalism, 132 YALE LAW JOURNAL 326 (2022) (with Cem Tecimer).

The Incorporation of the Republican Guarantee Clause, 97 NOTRE DAME LAW REVIEW 1345 (2022).

Constitutional Small Talk, 37 CONSTITUTIONAL COMMENTARY 13 (2022).

Political Trust, Social Trust and Judicial Review, 36 CONSTITUTIONAL COMMENTARY 297 (2021).

Radical State Constitutionalism, 2020 ILLINOIS LAW REVIEW 1401 (2020).

The Power to "Try" "Cases of Impeachment:" Some Reflections on the Finality, Transparency and Integrity of Senate Adjudications of Presidential Impeachments (Including that of Donald J. Trump), 95 CHICAGO-KENT LAW REVIEW 455 (2020) (with Vikram David Amar).

State Attorneys General As Agents of Police Reform, 69 DUKE LAW JOURNAL 999 (2020) (with Stephen Rushin).

Subprecedents, 33 CONSTITUTIONAL COMMENTARY 389 (2018).

Above Politics: Congress and the Supreme Court in 2017, 93 CHICAGO-KENT LAW REVIEW 373 (2018).

Amending the Amendment Procedures of Article V, 13 DUKE JOURNAL OF CONSTITUTIONAL LAW & PUBLIC POLICY 115 (2018).

From Selma to Ferguson: The Voting Rights Act as a Blueprint for Police Reform, 104 CALIFORNIA LAW REVIEW 263 (2017) (with Stephen Rushin).

Amendmentphobia, 3 ITALIAN LAW JOURNAL 133 (2017).

Copyright Easements, 50 AKRON LAW REVIEW 725 (2017).

Me the People, 31 CONSTITUTIONAL COMMENTARY 143 (2017).

The Garland Affair: What History and the Constitution Really Say About President Obama's Power to Appoint a Replacement for Justice Scalia, 91 NYU LAW REVIEW ONLINE 53 (2016) (with Robin Bradley Kar). Profiled in Adam Liptak, *Study Calls Snub of Obama's Supreme Court Appointment Unprecedented*, N.Y. TIMES (June 14, 2016).

Federalism as Docket Control, 94 NORTH CAROLINA LAW REVIEW 7 (2015) (with Carl Emery Woock). Basis for faculty colloquy at University of North Carolina School of Law, March 3, 2016.

The Rise and Fall of Human Rights, 3 CAMBRIDGE JOURNAL OF INTERNATIONAL & COMPARATIVE LAW 929 (2014).

Federalism Unwritten, 2013 UNIVERSITY OF ILLINOIS LAW REVIEW 1871 (2013).

Facebook's Afterlife, 90 NORTH CAROLINA LAW REVIEW 1643 (2012). Named by *Tax Notes* as one of ten Notable Estate and Gift Tax Articles of 2012.

Batson Remedies, 97 IOWA LAW REVIEW 1613 (2012).

When the Supreme Court is Not Supreme, 104 NORTHWESTERN UNIVERSITY LAW REVIEW 979 (2010). Co-winner of 2010 Federalist Society's Young Scholars writing competition. Translated as *Situațiile în care Curtea Supremă nu este „Supremă,”* REVISTA FORUMUL JUDECĂTORILOR (1) (2015).

The Case for Returning Politicians to the Supreme Court, 61 HASTINGS LAW JOURNAL 1353 (2010) (with Robert M. Alleman).

Administering Fair Use, 51 WILLIAM & MARY LAW REVIEW 395 (2009).

The Bill of Rights in the Early State Courts, 92 MINNESOTA LAW REVIEW 1 (2007).

The Commandeerer in Chief, 83 NOTRE DAME LAW REVIEW 265 (2007).

Copyfraud, 80 NEW YORK UNIVERSITY LAW REVIEW 1026 (2006).

The Security Constitution, 53 UCLA LAW REVIEW 29 (2005).

Unamendments, 90 IOWA LAW REVIEW 1747 (2005).

The Waiver Paradox, 97 NORTHWESTERN UNIVERSITY LAW REVIEW 801 (2003).

Freedom's Associations, 77 WASHINGTON LAW REVIEW 639 (2002).

Speech and Reciprocity: A Theory of the First Amendment, 34 CONNECTICUT LAW REVIEW 405 (2002).

The Social Capital Argument for Federalism, 11 SOUTHERN CALIFORNIA INTERDISCIPLINARY LAW JOURNAL 27 (2001). Reprinted in Australia in 6 DEAKIN LAW REVIEW 200 (2001).

Essays and Book Chapters

Eviction Expectations in the Aftermath of the Pandemic Moratoria, IGPA Policy Spotlight (2024) (with Brian Gaines, Matthew Mettler & Robin Fretwell Wilson).

Race and Eviction During the Pandemic, IGPA Policy Spotlight (2022) (with Brian Gaines, Matthew Mettler & Robin Fretwell Wilson).

The Impact of the Covid-19 Pandemic on State Court Proceedings: Five Key Findings, IGPA Policy Spotlight (2022) (with Brian Gaines, Matthew Mettler, Robin Fretwell Wilson & Andrea Miller).

Foreword, Intellectual Property Excesses (Enrico Bonadio & Aislinn O'Connell eds) (Hart, 2022).

Introduction, Symposium: President Biden's First 100 Days, 2021 ILLINOIS LAW REVIEW ONLINE 1 (2021).

Foreword: Symposium on Federal Responses to Police Misconduct: Possibilities and Limits, 2018 ILLINOIS LAW REVIEW 1573 (2018).

Introduction and The Judiciary and the Trump Presidency, 2017 ILLINOIS LAW REVIEW ONLINE 1 (Symposium: President Trump's First 100 Days).

Silence, Incrimination, and Judicial Dialog, in COMPARATIVE CRIMINAL PROCEDURE (Jacqueline Ross & Steven Thaman eds., Elgar Press) (2016).

Comparative Constitutional History, ANNALI DELL'ACCADEMIA DELLE SCIENZE (2015).

Obamacare and Problems of Legal Scholarship, 2014 UNIVERSITY OF ILLINOIS LAW REVIEW 1265 (2014).

Response, Lawyers, Clients, and Constitutional Rights, 2013 UTAH LAW REVIEW ONLINE 156 (2013).

Lobbying and American Law, PERCORSI COSTITUZIONALI (Tomasso Edoardo Frosini ed., 2013).

The Right to Die Online, 16 JOURNAL OF INTERNET LAW 1 (2013).

The Normalization of Anonymous Testimony, Secrecy, NATIONAL SECURITY AND THE VINDICATION OF CONSTITUTIONAL LAW (David D. Cole, Federico Fabbrini & Arianna Vidaschi eds.) (with Tobias Fischer) (2013).

Interview, Peter Josyph, LIBERTY STREET (SUNY Press, 2012).

The Day the Music Died, LAWNOTES (2011).

Rights and Remedies in State Habeas Proceedings, 74 ALBANY LAW REVIEW 1749 (2011) (symposium).

The Secret Life of Patents, 48 WASHBURN LAW JOURNAL 33 (2008) (with Matthew Moore).

Federal Commandeering in Times of Emergency, NATIONAL SECURITY LAW REPORT, volume 29, issue 2, 7 (2007).

The Security Constitution, in TERRORISM, GOVERNMENT, AND LAW (Susan N. Herman & Paul Finkelman eds., Praeger) (2008).

Use of Military Force at Home, 10 NEW YORK CITY LAW REVIEW 369 (2008) (Symposium, Guantanamo Bay: The Global Effects of Wrongful Detention, Torture & Unchecked Executive Power).

The Justice and the Jury, 71 BROOKLYN LAW REVIEW 35 (2006) (Symposium, Justice Blackmun and Judicial Biography: A Conversation with Linda Greenhouse).

The Creation of a Constitutional Culture, 40 TULSA LAW REVIEW 671 (2005) (Symposium, The Scholarship of Lawrence M. Friedman).

Freedom of Association, in ENCYCLOPEDIA OF PRIVACY (William Staples, ed., Greenwood Press) (2006).

American Board of Commissioners for Foreign Missions, in THE ENCYCLOPEDIA OF AFRICAN AMERICAN HISTORY: FROM THE COLONIAL PERIOD THROUGH THE AGE OF FREDERICK DOUGLASS, 1619-1895 (Paul Finkelman, ed., Oxford U. Press, 2006).

John Alsop; Aaron Ogden; Elias Dayton; and Philp Van Cortlandt, in ENCYCLOPEDIA OF THE AMERICAN REVOLUTIONARY WAR (Gregory Fremont-Barnes & Richard A. Ryerson, eds., ABC-CLIO, 2005).

Introduction-The Judicial Confirmations Process: Selecting Federal Judges in the Twenty-First Century, JURIST (April, 2004).

The Benefits of Social Capital, in ENCYCLOPEDIA OF COMMUNITY (Karen Christensen et al., eds., Sage Reference, 2003).

Brown v. Board of Education; Bakke Decision; Constitutional Amendments; and New Federalism, in POSTWAR AMERICA: AN ENCYCLOPEDIA OF SOCIAL, POLITICAL, CULTURAL, AND ECONOMIC HISTORY (James Ciment, ed., M.E. Sharpe, 2003).

The Violence Against Women Act, in ENCYCLOPEDIA OF FEDERAL LAW ENFORCEMENT (Dorothy M. Schulz, ed., Sage Reference, 2003).

We the Judges, Review Essay, 25 LEGAL STUDIES FORUM 647 (2001) (reviewing Robert Justin Lipkin, *Constitutional Revolutions: Pragmatism and the Role of Judicial Review in American Constitutionalism*).

Book Reviews

Book Review, Kevin Butterfield, *The Making of Tocqueville's America: Law and Association in the Early United States*, 52 EARLY AMERICAN LITERATURE 240 (2017).

Book Review, Johann N. Neem, *Creating a Nation of Joiners: Democracy and Civil Society in Early National Massachusetts*, 29 LAW & HISTORY REVIEW 328 (2010).

Book Review, John P. Frank, *Inside Justice Hugo L. Black: The Letters*, 25 LEGAL STUDIES FORUM 463 (2003).

The Judge and the Jury, 87 JUDICATURE 40 (2003) (reviewing William L. Dwyer, *In the Hands of the People: The Trial Jury's Origins, Triumphs, Troubles, and Future in American Democracy*).

Social Choice at the Supreme Court, 86 JUDICATURE 170 (2002) (reviewing Maxwell L. Stearns, *Constitutional Process: A Social Choice Analysis of Supreme Court Decision Making*).

Book Review, David Sciulli, *Corporate Power in Civil Society: An Application of Societal Constitutionalism*, 31 CONTEMPORARY SOCIOLOGY 5 (2002).

Fourteenth Amendment Norms, 85 JUDICATURE 158 (2001) (reviewing Michael J. Perry, *We the People: The Fourteenth Amendment and the Supreme Court*).

Book Review, Eric A. Posner, *Law and Social Norms*, 25 LEGAL STUDIES FORUM 665 (2001).

The Other Courts, 85 JUDICATURE 46 (2001) (reviewing Donald R. Songer, Reginald S. Sheehan & Susan B. Haire, *Continuity and Change on the United States Courts of Appeals*).

Shorter Works

Can a Public High School Punish a Student for Asking a Question that Refers to “Illegal Aliens”? Part Two in a Two-Part Series, JUSTIA (April 30, 2024) (with Vikram David Amar)

Can a Public High School Punish a Student for Asking a Question that Refers to “Illegal Aliens”? Part One in a Two-Part Series, JUSTIA (April 29, 2024) (with Vikram David Amar)

The Supreme Court’s Misplaced Emphasis on Uniformity in Trump v. Anderson (and Bush v. Gore), JUSTIA (March 25, 2024) (with Vikram David Amar)

Was the Federal District Court Correct in Dismissing Disney’s Speech-Retaliation Case Against Florida Officials?, JUSTIA (Feb. 28, 2024) (with Vikram David Amar & Lena Shapiro)

Why a Recent Federal Lawsuit Filed by Republican Party Officials Challenging Mississippi’s Approach to Counting Ballots in Federal Elections Lacks Any Significant Chance of Success, JUSTIA (Feb. 1, 2024) (with Vikram David Amar)

Texas’ Movement to Online Court is Sensible, but More Study Should Follow, VOICE FOR THE DEFENSE 20 (June 2023) (with Brian J. Gaines, Robin Fretwell Wilson & Matthew Mettler)

Another Free-Speech Dustup Arising from A Student-Invited-Speaker Event, This One at Pitt, Highlights Recurring Problems at Universities, and in Free Speech Doctrine, JUSTIA (June 27, 2023) (with Vikram David Amar).

Fourth Circuit High School Case from Virginia Offers Controversial, and Seemingly Dubious, Definition of “Disparate Impact” in Equal Protection Challenges, JUSTIA (June 19, 2023) (with Vikram David Amar).

The Court Should Maintain Optionality in Resolving the So-Called “Independent State Legislature” (ISL) Theory by Granting Cert. in Huffman v. Neiman Right Away as the Justices Chew on Whether Moore v. Harper is Moot, JUSTIA (May 1, 2023) (with Vikram David Amar).

Friendly Advice for Law Schools Seeking to Inculcate Proper Free-Speech Values and Understandings in Light of the Stanford Episode with Judge Kyle Duncan: Part Two in a Series, JUSTIA (April 17, 2023) (with Vikram David Amar).

What Law Students Should Take Away from the Stanford Law School Controversy Involving Disruption of a Federal Judge’s Speech: Part One in a Series, JUSTIA (April 11, 2023) (with Vikram David Amar).

Uses of History in Constitutional Adjudication, BRITISH ASSOCIATION OF COMPARATIVE CONSTITUTIONAL LAW (Feb. 21, 2023) (with Francesco Biagi & Justin Frosini).

Remote Court Proceedings Are Promising, But Not Risk Free, AUSTIN AMERICAN-STATESMAN, Nov. 6, 2022 (with Brian Gaines).

Vacancy-Filling Wrinkles Created by Ben Sasse’s Expected Departure from the U.S. Senate, JUSTIA (Oct. 31, 2022) (with Vikram David Amar).

Is Justice Kagan Right that Areas of Constitutional Law Should Not Change Quickly on Account of New Membership on the Court?, JUSTIA (Oct. 4, 2022) (with Vikram David Amar).

Courts and the Housing Market, NEWS GAZETTE, Oct. 4, 2022 (with Brian Gaines, Matthew Mettler, and Robin Fretwell Wilson).

Where Have All the (Aspiring) Law Profs Gone?, JUSTIA (Sept. 15, 2022) (with Vikram David Amar).

If Originalism Is Going to Be Displaced, Critics Must Do Better than Dean Chemerinsky Seems to Be Doing, JUSTIA (Sept. 12, 2022) (with Vikram David Amar).

What Does it Mean for Other Institutions to “Defy” or “Check” the Supreme Court? Not What the Court Invites Those Institutions to Do, JUSTIA (Aug. 11, 2022) (with Vikram David Amar).

An Update on the Lawsuit Challenging Illinois's Districting Plan, McConchie v. Illinois State Board of Elections, JUSTIA (Aug. 25, 2021) (with Vikram David Amar).

Ten Thoughts on Illinois's Unique Process for Filling State Supreme Court Vacancies, JUSTIA (May 19, 2022) (with Vikram David Amar).

Why the North Carolina Berger Voter ID Case Pending in the U.S. Supreme Court Would Benefit from Certification to the State High Court: Part Two in a Series, JUSTIA (May 11, 2022) (with Vikram David Amar).

The Value of Certification of State Law Questions by the U.S. Supreme Court to the North Carolina Supreme Court in the Pending North Carolina Berger Case: Part One in a Series, JUSTIA (May 9, 2022) (with Vikram David Amar).

Illinois Should Prep for Influx of Out-of-State Abortion Seekers, CHICAGO TRIBUNE, May 9, 2022 (with Robin Fretwell Wilson).

Where Things Might Go in the Oklahoma Supreme Court's Seventeenth Amendment Case Involving Senator Jim Inhofe's "Irrevocable" Promise to Retire in January: Part Two in a Series, JUSTIA (March 21, 2021) (with Vikram David Amar)

A Case Pending in the Oklahoma Supreme Court Involving Senator Jim Inhofe Raises Interesting Questions Under the Seventeenth Amendment: Part One in a Series, JUSTIA (March 17, 2022) (with Vikram David Amar)

The Fifth Circuit Completely Botches the Federal Constitutional Issues Raised by OSHA's Vaccine and Testing Requirements for Large Employers, JUSTIA (Nov. 23, 2021) (with Vikram David Amar).

Why September 17 Is Neither the Only nor Necessarily the Best Day to Celebrate America's True Constitutional Tradition, JUSTIA (Sept. 17, 2021) (with Vikram David Amar).

An Update on the Lawsuit Challenging Illinois's Districting Plan, McConchie v. Illinois State Board of Elections, JUSTIA (Aug. 25, 2021) (with Vikram David Amar).

New Texas Abortion Statute Raises Cutting-Edge Questions Not Just About Abortion but About the Relationship Between State and Federal Courts, JUSTIA (July 15, 2021) (with Vikram David Amar).

Can/Should A Federal Court Order the Creation of a Bipartisan Districting Commission in Illinois? Evaluating the Claims for Remedy in McConchie, the Republican Challenge to Illinois's Recently Adopted Redistricting Plan, JUSTIA (June 29, 2021) (with Vikram David Amar).

Evaluating the Republican Federal Court Challenge to Illinois's Recently Adopted Redistricting Plan, JUSTIA (June 22, 2021) (with Vikram David Amar).

As Millions Face Eviction, the Digital Divide Should not become a Justice Divide, THE HILL (April 12, 2021) (with Robin Fretwell Wilson).

Why the Supreme Court was Right Last Week to Deny Review of the Pennsylvania Supreme Court Decisions Handed Down Prior to the 2020 Election, JUSTIA (March 5, 2021) (with Vikram David Amar).

Who May/Should Preside Over Former President Trump's Second Impeachment Trial?, JUSTIA (Feb. 4, 2021) (with Vikram David Amar).

Segnalazione, FORUM DI QUADERNI COSTITUZIONALI, 1 (2021) (with Francesco Biagi & Justin Frosini).

Severability in Larger Constitutional Context: Part Five in our Series on the California v. Texas Challenge to the Affordable Care Act, JUSTIA (Dec. 10, 2020) (with Vikram David Amar & Evan Caminker).

In (Trial) Courts We Trust, JUSTIA (Nov. 25, 2020) (with Vikram David Amar).

If the Challengers Prevail on the Merits of the ACA California v. Texas Case, What is the Appropriate Remedy and What Effect Should the Ruling Have on the Entirety of the ACA? Part Four in a Series, JUSTIA (Oct. 30, 2020) (with Vikram David Amar & Evan Caminker).

Is the So-Called Mandate Without Any Tax Consequences Unconstitutional? And If So, How Should a Court Remedy That? Part Three in a Series Examining Underexplored Issues in the California v. Texas Affordable Care Act Case, JUSTIA (Oct. 16, 2020) (with Vikram David Amar & Evan Caminker).

"Standing" In Unfamiliar Territory: Part Two in a Series on the California v. Texas Affordable Care Act Case, JUSTIA (Oct. 13, 2020) (with Vikram David Amar & Evan Caminker).

Reflections on the Pending Supreme Court Challenge to the Affordable Care Act in California v. Texas: Part One in a Series, JUSTIA (Oct. 2, 2020) (with Vikram David Amar & Evan Caminker).

Linking COVID-19 Relief for State Governments to Abandonment of "Sanctuary" Policies? The Uncharted Territory of Conditional Spending, JUSTIA (May 13, 2020) (with Vikram David Amar).

Wisconsin's Decision to Have an Election This Month Was Unjust, But Was it Also Unconstitutional? Why the Plaintiffs (Rightly) Lost in the Supreme Court, JUSTIA (April 20, 2020) (with Vikram David Amar).

Senate Secrecy: Can the Votes of Senators on President Trump's Impeachment be Withheld from the Voting Public?, JUSTIA (Jan. 10, 2020) (with Vikram David Amar).

Evaluating the Lawsuit Attacking Mississippi's Distinctive Method of Picking Governors: Part Three in a Series, JUSTIA (Dec. 12, 2019) (with Vikram David Amar).

Examining Federal Court Power in the Challenge to Mississippi's Regime for Electing Governors: Part Two in Series, JUSTIA (Dec. 2, 2019) (with Vikram David Amar).

Is Mississippi's Distinctive Method of Electing Governors Constitutional? Part One in a Series, JUSTIA (Nov. 15, 2019) (with Vikram David Amar).

When is it Constitutionally Problematic for Government to Ask Questions about the Race of Individuals? A Dialogue Between Two Constitutional Law Scholars, JUSTIA (Oct 4, 2019) (with Vikram David Amar).

When, If Ever, Should a Legislature Be Able to Enact a Law that it Knows (or Should Know) that Courts Today Would Invalidate?, JUSTIA (May 20, 2019) (with Vikram David Amar).

How Much Deference Will be Given to Affirmative Action Plans Fashioned by Students, and to Affirmative Action Plans More Generally? Part Three in a Series on the Challenge to Harvard Law Review's Diversity Program, JUSTIA (March 8, 2019) (with Vikram David Amar).

How do Grutter and Fisher Bear on the Question Whether Law Reviews Can Take Race and Gender Into Account in Selecting Members (and Also Articles)? Part Two in a Series, JUSTIA (Feb. 22, 2019) (with Vikram David Amar).

Can Law Reviews Take Race and Gender Into Account in Selecting Members (and Also Articles)? Part One in a Series, JUSTIA (Feb. 8, 2019) (with Vikram David Amar).

Part Three on California's Mandate That Women Be Placed on Corporate Boards: Dormant Commerce Clause and Improper Government Purpose Questions, JUSTIA (Nov. 1, 2018) (with Vikram David Amar).

Is California's Mandate That Public Companies Include Women on Their Boards Of Directors Constitutional?: Part Two, JUSTIA (Oct. 19, 2018) (with Vikram David Amar).

Is California's Mandate That Public Companies Include Women on Their Boards Of Directors Constitutional?, JUSTIA (Oct. 5, 2018) (with Vikram David Amar).

Reply to Ed Whelan on The Garland Affair, NATIONAL REVIEW (June 9, 2016) (with Robin Bradley Kar).

Can Congress Force You to Be Healthy?, THE NEW YORK TIMES, Dec. 17, 2010, A39.

What Congress Owes New York, THE NEW YORK TIMES, April 24, 2003, at A31.

The Dying Voices of Jurors, THE NATIONAL LAW JOURNAL, Oct. 13, 2003, at 39.

Too Quick to Copyright, LEGAL TIMES, Nov. 17, 2003.

Confirming Judges: The Need for Rules, JURIST, April 14, 2003.

SELECTED PRESENTATIONS

Georgetown Center for the Constitution, Originalism for Judges Seminar, Sarasota, FL, June 30, 2024

- “Interconstitutionalism”

University of Illinois College of Law, Champaign, IL, April 24, 2024

- “Defending *Dobbs* on its Legal Merits” (commentator on lecture by Lee Strang)

University of Illinois College of Law, Champaign, IL, April 11, 2024

- “Learning to Disagree: A Conversation with John Inazu” (interlocutor)

University of Illinois College of Law, Champaign, IL, April 11, 2024

- “Second Amendment Cases at the Supreme Court” (commentator on lecture by Sherif Girgis)

University of Illinois College of Law, Champaign, IL, April 9, 2024

- “Rethinking the Rights of Children” (panelist)

University of Illinois College of Law, Champaign, IL, April 11, 2024

- “*New York Times v. Sullivan* at 60” (panelist)

University of Illinois College of Law, Champaign, IL, April 1, 2024

- “Religion and the American Constitutional Experiment” (commentator on lecture by Richard Garnett)

University of Illinois College of Law, Champaign, IL, March 25, 2024

- “How Some Courts are Using Transgender Cases to Dismantle Women’s Rights” (commentator on lecture by Shannon Minter)

University of Illinois College of Law, Champaign, IL, Feb. 28, 2024

- “Abortion Law and Politics: A Comparative Lens” (panelist)

Harvard Law School, Cambridge, MA, Conference on the Future of History and Tradition, Feb. 16, 2024

- “History, Tradition, and Federalism” (paper presentation)

University of Illinois College of Law, Champaign, IL, Feb. 1, 2024

- “Lumpers and Splitters: A Discussion of Comparative Research Methods in Law and Social Science” (panelist)

University of Illinois College of Law, Champaign, IL, Feb. 26, 2024

- “The Supreme Court’s 2023 Term: Half-Time Report” (panelist)

University of Illinois College of Law, Champaign, IL, Feb. 7, 2024

- “Donald Trump, the 2024 Election, and the Supreme Court” (panelist)

Rockford University, Rockford, IL, Nov. 30, 2023

- “National Security and the Constitution” (lecture)

Illinois State Bar Association, Champaign, IL, Nov. 2, 2023

- “Vetting a Supreme Court Justice” (CLE program for IL lawyers with Pia Hunter)

University of Illinois College of Law, Champaign, IL, May 23, 2023

- “Conference: Whistleblowers, Internal Investigations, and Compliance Design in the United States, Germany, and Austria” (panelist)

University of Illinois College of Law, Champaign, IL, April 3, 2023

- “Book Event: Jackie Ross & Thierry Delpeuch, Making Sense of Youth Crime: A Comparison of Police Intelligence in the United States and France” (panelist)

University of Illinois College of Law, Champaign, IL, March 28, 2023

- “Classified: The Untold Story of Racial Classification in America” (commentator on remarks by David Bernstein)

University of Illinois College of Law, Champaign, IL, March 23, 2023

- “Is Social Media Truly a Digital Town Square: Should Free Speech be Limited?” (panelist)

University of Illinois College of Law, Champaign, IL, March 3, 2023

- “Voting Early – And Often?” (paper presentation, University of Illinois Law Review Symposium on Election Law)

University of Illinois College of Law, Champaign, IL, Feb. 27, 2023

- “Uses of History in Constitutional Adjudication” (presenter)

University of Illinois College of Law, Champaign, IL, Feb. 7, 2023

- “Common Good Originalism” (commentator on remarks by Josh Hammer)

University of Illinois College of Law, Champaign, IL, Sept. 16, 2022

- “Interpreting the Constitution” (Constitution Day event, with Vikram David Amar)

University of Illinois College of Law, Champaign, IL, Oct. 11, 2022

- “National Popular Vote: Is it the Right Step for Our Country?” (commentator on remarks by Bradley Smith)

East Illinois Women Attorneys Association, Urbana, IL, Sept. 30, 2022

- “The Confirmation of Ketanji Brown Jackson” (presentation, with Pia Hunter)

Yale Law School, New Haven, CT, Sept. 8, 2022

- “Interconstitutionalism” (paper presentation at forum organized by Yale Law Journal) (with Cem Tecimer)

Law & Society Association, Global Meeting, Lisbon, Portugal, July 13, 2022

- Interconstitutionalism (paper presentation)

University of Illinois, Champaign, IL, April 1, 2022

- “Freedom of Speech on Campus” (speaker at campus-wide event)

University of Illinois College of Law, Champaign, IL, March 8, 2022

- “Trading Fame for Influence: The Centrality of James Madison in the Framing” (commentator on remarks by David Forte)

University of Illinois College of Law, Champaign, IL, March 1, 2022

- “The Supreme Court and the Future of Abortion Rights” (panelist)

University of Notre Dame, Symposium on Constitutional Reconstruction: History and the Meaning of the Thirteenth, Fourteenth, and Fifteenth Amendments, South Bend, IN, Oct. 29, 2021

- “The Guarantee of Equal Protection” (paper presentation)

European University Institute, Conference on The Dust of Time? Towards a 21st Century Constitutionalism, San Domenico di Fiesole, Italy, Oct. 7, 2021

- “Interconstitutionalism” (paper presentation)

Illinois State Judiciary, Joint Conference of the Appellate Court, Springfield, IL, Oct. 18, 2021

- “Procedural and Substantive Due Process: Key Concepts and Recent Developments” (with Jamelle Sharpe) (education program for state judges)

University of Illinois College of Law, Champaign, IL, Sept. 29, 2021

- “Baby Ninth Amendments” (commentator on remarks by Anthony Sanders)

University of Illinois College of Law, Symposium on Akhil Reed Amar, *The Words that Made Us: America’s Constitutional Conversation, 1760-1840* (2021), Champaign, IL, Sept. 17, 2020

- “Constitutional Small Talk” (paper presentation)

Society of Legal Scholars, Annual Conference, Durham University, Durham, United Kingdom, Sept. 1, 2021

- “Interconstitutionalism” (paper presentation)

Yale Law School, New Haven, CT, April 30, 2021

- Freedom of Expression Scholars Conference (invited commentator)

American Constitution Society, University of Illinois College of Law, Champaign, IL April 6, 2021

- “The Burden of the Freedman: Slavery and the Constitution” (panelist)

Sunrise Rotary Club, Champaign, IL, March 25, 2021

- “The First Amendment” (presentation)

University of Arizona, James E. Rogers College of Law, National Conference of Constitutional Law Scholars, Tucson, AZ, March 6, 2021

- “Originalism and Inter-Constitutional Interpretation” (with Cem Tecimer) (paper presentation)

University of Illinois College of Law & European Union Center, Champaign, IL, March 3, 2021

- “Police Use of Force in Germany and France: A Comparative Perspective” (panelist)

American Constitution Society, Washington, DC, March 2, 2021

- “Reckoning with the Constitution” (panelist)

Rockford University, Rockford, IL, March 1, 2021

- “Offensive Speech” (lecture)

University of Illinois College of Law, Champaign, IL, Feb 25, 2021

- “Fair Use Game Show” (panelist)

University of Illinois, Champaign, IL, Feb. 23, 2021

- “Free Speech and Hate Speech” (campus lecture)

University of San Diego School of Law, Center for the Study of Constitutional Originalism, Annual Hugh & Hazel Darling Originalism Works in Progress Conference, San Diego, CA, Feb. 20, 2021

- “Originalism and Inter-Constitutional Interpretation” (with Cem Tecimer) (paper presentation)

University of Illinois System, Institute of Government and Public Affairs, Poverty and Policy Summit, Springfield, IL, Feb. 19, 2021

- “COVID-19, Courts, and Access to Justice” (lecture)

University of Illinois College of Law, Champaign, IL, Feb. 15, 2021

- “Perspectives on the Siege of Capitol Hill Symposium” (panelist)

University of Illinois College of Law & European Union Center, Champaign, IL, Feb. 12, 2021

- “The Role of Intelligence-Led Policing and Community Policing in an Age of Structural Police Reform: France, Taiwan, and the United States, In Counterpoint” (panelist)

University of Illinois College of Law, Champaign, IL, Feb. 2, 2021

- The Second Impeachment of President Trump (panelist)

Federalist Society, Faculty Conference, Washington, DC, Jan. 6, 2021

- “Originalism and Inter-Constitutional Interpretation” (paper presentation)

Illinois State Legislature, New Members’ Conference, Springfield, IL, Dec. 2, 2020

- “Court Operations and Access to Justice During the COVID-19 Pandemic” (briefing)

University of Illinois College of Law, Champaign, IL, Oct. 29, 2020

- “What Happens if State Election Results are Contested after November 3?” (convener & panelist)

University of Illinois College of Law, Champaign, IL, Oct. 23, 2020

- “The 2020 Election and the Supreme Court” (convener & panelist)

American Society for Comparative Law, Annual Meeting, Boston, MA, Oct. 15, 2020

- “Comparative Constitutional History” (chair and commentator)

University of Illinois College of Law, Champaign, IL, Oct. 5, 2020

- “Free Speech and Hostile Environment Harassment Law” (commentator on remarks by Eugene Volokh)

Rockford University, Rockford, IL, Sept. 17, 2020

- “Constitutional Issues and Crises in Foreign Policy”

University of Illinois College of Law, Champaign, IL, Sept. 17, 2020

- “Constitution Day: The Presidency” (convener & commentator)

Institute of World Affairs and Trade, Rockford University, Rockford, IL, June 24, 2020

- “Civil Liberties in the Age of a Pandemic”

American Constitution Society, July 28, 2020 (online)

- What Does the U.S. Constitution Mean to Foreign Nationals?

University of Illinois College of Law, Champaign, IL, June 4, 2020

- “Government Responses to Coronavirus: Constitutional Issues” (CLE Program)

University of Illinois College of Law, Champaign, IL, June 1, 2020

- “COVID Legal Practicum Seminar: Constitutional Questions”

University of Illinois College of Law, Champaign, IL, May 1, 2020

- “The Supreme Court’s 2019 Term” (convener & panelist)

University of Illinois College of Law, Champaign, IL, April 9, 2020

- “The Supreme Court’s Term: Half-Time Report” (convener & panelist)

University of Illinois Library, Champaign, IL, March 20, 2020

- “Fair Use Game Show” (panelist)

University of Illinois College of Law, Champaign, IL, Feb. 17, 2020

- “After Impeachment” (panelist)

University of Illinois College of Law, Champaign, IL, Feb. 4, 2020

- Black Law Students Association Symposium on the Future of Affirmative Action (speaker)

University of Illinois College of Law, Champaign, IL, Feb. 3, 2020

- “How Would the Equality Act Affect Religious Liberty?” (with Richard Duncan) (panelist)

University of Illinois College of Law, Champaign, IL, Oct. 28, 2019

- “Impeachment in the Trump Era” (panelist)

University of Illinois College of Law, Champaign, IL, Sept. 17, 2019

- “Constitution Day: The Supreme Court and the 2020 Presidential Election” (panelist)

University of Richmond School of Law, Symposium on Jeffrey S. Sutton, *51 Imperfect Solutions*, Richmond, VA, April 13, 2019

- “Radical State Constitutionalism” (paper presentation)

University of Illinois College of Law, Champaign, IL, April 9, 2019

- “Meet the Judges” (moderator)

University of Illinois College of Law, Champaign, IL, March 25, 2019

- Book Talk by Kent Greenfield, *Corporations Are People Too (And They Should Act Like It)* (convener & moderator)

University of Illinois College of Law, Champaign, IL, March 5, 2019

- “Challenges to Democracy at Home and Abroad” (convener & panelist)

University of Illinois College of Law, Champaign, IL, March 6, 2019

- “200th Anniversary of *McCulloch v. Maryland*” (convener & panelist)

University of Illinois College of Law, Champaign, IL, March 28, 2019

- “Fair Use Game Show” (panelist)

University of Illinois College of Law, Champaign, IL, March 8, 2019

- Book Talk by Jeffrey Sutton, *51 Imperfect Solutions* (convener & moderator)

University of Illinois College of Law, Champaign, IL, February 26, 2019

- “The Supreme Court’s Term: Half-Time Report” (convener & panelist)

University of Illinois College of Law, Champaign, IL, February 21, 2019

- Conference on Adversarial Criminal Procedure in Italy, Mexico, and the United States (commentator and discussant)

University of Illinois College of Law, Champaign, IL, Sept. 18, 2018

- “The Kavanaugh Nomination and the Future of the Supreme Court” (convener & panelist)

Indiana Graduate Program for Judges, French Lick, Indiana, June 10-15, 2018

- Taught intensive week-long course to state judges on “The Rule of Law: Lessons from the Past, Challenges for the Future”

University of Richmond School of Law, Symposium on Randy J. Kozel, *Settled Versus Right: A Theory of Precedent*, Richmond, VA, April 21, 2018

- “Subprecedents” (paper presentation)

University of Illinois College of Law, Champaign, IL, April 11, 2018

- “The Future of Public Sector Unions” (with William Messenger and Robert Bruno) (discussant and moderator)

University of Illinois College of Law, Symposium on “Federal Responses to Police Misconduct: Possibilities and Limits,” Champaign, IL, April 4, 2018

- Convener, moderator, and discussant

University of Illinois College of Law, Champaign, IL, March 27, 2018

- “School Choice: Reforming the Education System” (with Justice Clint Bolick & Dean James Anderson) (discussant and moderator)

University of Illinois College of Law, Champaign, IL, March 8, 2018

- “The Promise of Judicial Appointments in the Promised Land: Law and Politics in the Formation of the Israeli Judiciary” (with Amnon Reichman and Francesco Biagi) (convener, moderator and discussant)

University of Illinois College of Law, Champaign, IL, March 1, 2018

- “Fair Use Game Show” (panelist)

University of Illinois College of Law, Champaign, IL, February 23, 2018

- “The Supreme Court’s Term: Half-Time Report” (organizer and panelist)

University of Illinois College of Law, Champaign, IL, Feb 20, 2018

- “The Law & Social Science of Political Gerrymandering” (panelist with Wendy K. Tam Cho)

University of Illinois College of Law, Champaign, IL, Feb. 19. 2018

- “How the Fourteenth Amendment Saved Federalism” (respondent to presentation by Kurt Lash)

Duke Law School, Symposium on “An Even More Perfect Union,” Durham, NC, Feb. 1-2, 2018

- “Amending the Amendment Procedures of Article V” (paper presentation)

University of Bologna School of Law, Conference on “Constitutional History: Comparative Perspectives,” Bologna, Italy, Nov. 13-14, 2017

- Convener, discussant, and moderator

University of Illinois College of Law, Champaign, IL, Jan. 30, 2018

- “Campus Free Speech” (panelist with Jim Manley)

Chicago-Kent College of Law, Symposium on “The Supreme Court and Politics,” Chicago, IL, Oct. 16-17, 2017

- “Above Politics: The Supreme Court and Congress in 2017” (paper presentation)

Federalist Society and Liberty Fund, Seminar on “Liberty and the Rule of Law,”
Charlotte, NC, Oct. 13-14, 2017

- Invited seminar participant

University of Illinois College of Law, Champaign, IL, Sept. 25, 2017

- “The Future of Constitutionalism” (lecture on the occasion of investiture as Albert E. Jenner, Jr. Professor of Law)

University of Illinois College of Law, Champaign, IL, Sept. 15, 2017

- “Legal Perspectives on Charlottesville” (panelist)

Universidad de Córdoba, Congreso Internacional de Teoría Constitucional: Decisión Democrática y Forma Constitucional, Córdoba, Argentina, Sept. 7-8, 2017

- “Democracy and International Courts” (paper presentation)

Universidad de San Andrés, Buenos Aires, Argentina, Sept. 3-5, 2017

- Seminar of the IACL Research Group on Constitutionalism in Illiberal Democracy (moderator and discussant)

University of Illinois College of Law, Symposium on President Trump’s First 100 Days,
Champaign, IL, April 11, 2017

- Convener and Panelist

Pepperdine University School of Law, Symposium on The Supreme Court: Politics and Reform, Malibu, CA, April 8, 2017

- “Dispersing Constitutional Authority” (paper presentation)

University of Illinois Phi Beta Kappa Society, Champaign, IL, March 30, 2017

- “Federal Ambition, State Autonomy, and the Constitutions: A Conversation about the State of American Federalism” (panelist)

University of Illinois College of Law, Champaign, IL, March 3, 2017

- “Discussion of ‘Comparative Criminal Procedure’ by Jacqueline E. Ross and Stephen C. Thaman” (convener and panelist)

University of Illinois College of Law, Black Law Students Association Symposium,
Champaign, IL, Feb. 28, 2017

- “How Stereotypes Shape Policy” (panelist)

University of Illinois College of Law, Champaign, IL, Feb. 3, 2017

- “President Trump’s Executive Order on Immigration” (panelist)

Georgetown Center for the Constitution, Georgetown University Law Center,
Washington, DC, Dec. 3, 2016

- “Colloquium on the 225th Anniversary of the Ratification of the Bill of Rights”
(invited discussant)

Boston College Law School, Boston, MA, Nov. 16, 2016

- “Unamendments” (paper presentation)

University of Illinois College of Law, Champaign, IL, Nov. 15, 2016

- “A Discussion of ‘Unraveled: Obamacare, Religious Liberty, and Executive Power’” (respondent to author Josh Blackman)

University of Illinois College of Law, Champaign, IL, Oct. 10, 2016

- “Campus Speech and the First Amendment” (panelist)

University of Illinois College of Law, Champaign, IL, Oct. 3, 2016

- “The Supreme Court” (panelist)

University of Akron School of Law, Third Annual David & Ann Brennan IP Scholars
Forum, Akron, OH, Sept. 23, 2016

- “Copyright Easements” (paper presentation); invited discussant

University of Illinois, Champaign, IL, Sept. 15, 2016

- “Free Speech on Campus” (campus-wide forum organized by Office of the Vice-Chancellor for Student Affairs) (panelist)

University of Illinois College of Law, Comparative Law Work-in-Progress Workshop,
Champaign, IL, April 15, 2016

- Commentator on Antonia Baraggia, “Reforming Second Chambers in the Light
of the EU Legal Framework: The Case of the Italian Senate”

University of Illinois College of Law, Champaign, IL, April 5, 2016

- “The Legacy of Justice Scalia” (panelist)

University of Illinois College of Law, Symposium on Randy Barnett, Our Republican
Constitution, Champaign, IL, March 18, 2016

- “Me the People” (paper presentation)

University of Illinois College of Law, Meet the Judges, Champaign, IL, March 8, 2016

- Conversation with Sonia Sotomayor (Supreme Court of the United States), Judge
Ann Claire Williams (United States Court of Appeals for the Seventh Circuit) and
Judge Jill Pryor (United States Court of Appeals for the Eleventh Circuit) (with
Suja Thomas)

University of North Carolina School of Law, Chapel Hill, NC, March 3, 2016

- “Federalism in the Rehnquist and Roberts Courts” (panelist)

University of Illinois College of Law, Training Program for Visiting Brazilian Judges, Champaign, IL, March 2, 2016

- “The Constitution of the United States: A Guided Tour” (lecture)

University of Illinois, Exploring Arts and Creativity: George Gollin & Barrington Coleman, Champaign, IL, Feb. 3, 2016

- “The Crucible, Kingdom City, and Campus Speech” (lecture)

American Association of Law Schools, Scholarship Section, New York, NY, Jan. 9, 2016

- “The State of the Art on Placing Legal Scholarship – And Its Potential Consequences” (panelist)

Edinburgh Law School, Edinburgh, UK, Sept. 29, 2015

- “The Rise and Fall of Human Rights” (paper presentation)

Federalist Society Faculty Division, San Francisco, CA, Sept. 18-19, 2015

- “Originalism and Precedent” (invited colloquium participant)

University of Illinois at Springfield, Springfield, IL, Sept. 17, 2015

- “Constitution Day Lecture: The Roberts Court Turns Ten”

University of Illinois College of Law, Champaign, IL, Sept. 17, 2015

- “Constitution Day: The Roberts Court At Ten” (panelist)

University of Illinois College of Law, Faculty Retreat, Champaign, IL, May 14, 2015

- Commentator on Michael S. Moore, “The Elusive Quest for a Constitutional Right to Liberty”

Cambridge University Faculty of Law, Cambridge, UK, May 9, 2015

- “Democracy and International Courts” (paper presentation)

Federalist Society, University of Illinois College of Law, March 3, 2015

- “Marijuana and Federalism: The Colorado Experiment” (respondent)

University of Illinois College of Law, Champaign, IL, Feb. 25, 2015

- “WLS Colloquium: Hobby Lobby” (presenter)

Federalist Society, University of Illinois College of Law, Champaign, IL, Feb. 19, 2015

- “Is There a Right to be Forgotten?” (presenter)

Federalist Society Faculty Division, Warrenton, VA, Nov. 7-8, 2014

- “Intellectual Property and Free Enterprise” (invited colloquium participant and moderator)

University of Illinois College of Law, Champaign, IL, Oct. 20, 2014

- “Colloquium: Kurt Lash, The Privileges and Immunities of American Citizenship” (organizer and moderator)

Northwestern University Law School, Chicago, IL, Sept. 16, 2014

- “Federalism as Docket Control” (paper presentation)

International Association of Constitutional Law, Oslo, Norway, June 18, 2014

- “The Rise and Fall of Human Rights” (paper presentation)

Cambridge University Faculty of Law, Cambridge, UK, May 13, 2014

- “The Rise and Fall of Human Rights” (paper presentation)

Cultures of Law in Global Contexts Annual Symposium, Champaign, IL, April 26, 2014

- Commentator

University of Illinois College of Law, Champaign, IL, Talk by Ilya Somin, “Democracy and Political Ignorance: Why Smaller Government is Smarter,” January 28, 2014

- Commentator

Johns Hopkins School of Advanced International Studies, Bologna, Italy, December 9, 2013

- “Obamacare: Law, Politics, Religion, and Culture” (public lecture)

University of Illinois College of Law, Champaign, IL., November 19, 2013

- “The Supreme Court’s Term” (panelist)

Chicago-Kent College of Law, Chicago, IL, October 29, 2013

- “Last Rights” (paper presentation)

Southeastern Association of Law Schools Annual Meeting, Palm Beach, FL, Aug. 8, 2013

- “The Election and the Supreme Court” (panelist)

University of Illinois College of Law, Supreme Court Admissions Ceremony, Alumni Luncheon, Washington, DC, June 3, 2013

- “The Supreme Court: Past, Present, and Future” (luncheon remarks)

Yale Law School, Symposium on Freedom of Expression, New Haven, CT, May 3-5, 2013

- Invited commentator

Tennessee Library Association Annual Conference, Chattanooga, TN, April 25, 2013

- “Intellectual Property and Intellectual Freedom” (keynote luncheon speech)

Duke Law School, Durham, NC, April 15, 2013

- “Copyright, Copyfraud, and the Prosecution of Aaron Swartz” (paper presentation)

Fordham Law School, New York, NY, April 16, 2013

- “Intellectual Property and Art” (presentation)

King’s College London, Conference on Religion and American Life, London U.K., Feb. 23, 2013

- “Religious Freedom and Religious Institutions” (paper presentation)

Faulkner University, Fred Gray Civil Rights Symposium, Montgomery, AL, Feb. 15, 2013

- “Constitutionalism and the Cradle to Prison Pipeline” (keynote)

Chicago-Kent College of Law, Symposium on The Supreme Court and the Public, Chicago, IL, Nov, 16, 2012

- “The Justices and Their Budget” (paper presentation)

Boston College Law School, Boston, MA, Nov. 6, 2012

- “Unamendments” (paper presentation)

University of Illinois College of Law, Symposium on Akhil Reed Amar, America’s Unwritten Constitution, Champaign, IL, Oct. 12, 2012

- “Federalism Unwritten” (paper presentation)

Florida State University College of Law, Tallahassee, FL, Sept. 21, 2012

- “The Global Rise of Anonymous Testimony” (paper presentation)

Florida State University College of Law, Tallahassee, FL, Sept. 20, 2012

- “Intellectual Property and Criminal Liability” (presentation)

University of Virginia School of Law, Charlottesville, VA, April 5, 2012

- “Copyfraud and Other Abuses of Intellectual Property Law” (book talk)

Loyola Law School of Los Angeles, Los Angeles, CA, March 29, 2012

- “The Rise of Anonymous Testimony” (paper presentation)

University of Puerto Rico, School of Law, San Juan, PR, March 15, 2012

- “Copyfraud and Other Abuses of Intellectual Property Law” (book talk)

University of Puerto Rico, School of Law, San Juan, PR, March 14, 2012

- “Theories of Intellectual Property” (presentation)

Yale Law School, New Haven, CT, Feb. 10, 2012

- “Copyfraud and Other Abuses of Intellectual Property Law” (book talk)

McGill University, Faculty of Law, Montreal, Canada, Jan. 26, 2012

- “Copyfraud and Other Abuses of Intellectual Property Law” (book talk)

New York State Bar Association, Annual Meeting, New York, NY, Jan. 24, 2012

- “Supreme Court Review” (presentation)

Fordham Law School, Tri-State Regional IP Workshop, New York, NY, Jan. 13, 2012

- “Morality and Intellectual Property” (commentator)

Colorado State Bar Association, Denver, CO, Dec. 7, 2011

- “Copyfraud and Other Abuses of Intellectual Property Law” (book talk)

Bocconi University, Milan, Italy, Dec. 1-2, 2011

- “The Normalization of Anonymous Testimony” (paper presentation)

University of North Carolina School of Law, Symposium on Law and Social Networks, Chapel Hill, NC, Nov. 18, 2011

- “Facebook’s Afterlife” (paper presentation)

University of Southern California, Annenberg School for Communication & Journalism, Los Angeles, CA, Nov 14, 2011

- “Copyfraud and Other Abuses of Intellectual Property Law” (book talk)

William Mitchell College of Law, St. Paul, MN, Nov. 9, 2011

- “Copyfraud and Other Abuses of Intellectual Property Law” (book talk)

Western New England College of Law, Springfield, MA, Oct. 31, 2011

- “Copyfraud and Other Abuses of Intellectual Property Law” (book talk)

Fordham University, Center on Law & Information Policy, New York, NY, Nov. 2, 2011

- “Copyfraud and Other Abuses of Intellectual Property Law” (book talk)

New York Law School, New York, NY, Nov. 1, 2011

- “Copyfraud and Other Abuses of Intellectual Property Law” (book talk)

Cornell Law School, Ithaca, NY, Oct. 28, 2011

- “Overreaching Intellectual Property: The Case of Fair Use”

Cornell Law School, Ithaca, NY, Oct. 27, 2011

- “Copyfraud and Other Abuses of Intellectual Property Law” (book talk)

Cornell University, Library Forum, Ithaca, NY, Oct. 27, 2011

- “Copyfraud and Other Abuses of Intellectual Property Law” (book talk)

University of Iowa, College of Law, Symposium on the 25th anniversary of *Batson v. Kentucky*, Iowa City, IA, Oct. 21, 2011

- “*Batson* Remedies and Judicial Federalism” (paper presentation)

University of Iowa, College of Law, Iowa City, IA, Oct. 20, 2011

- “Copyfraud and Other Abuses of Intellectual Property Law” (book talk)

Boston College Law School, Boston, MA, Oct. 14, 2011

- “Copyfraud and Other Abuses of Intellectual Property Law” (book talk)

William & Mary Law School, Williamsburg, VA, Oct. 3, 2011

- “Guns and Healthcare” (paper presentation)

Southeastern Association of Law Schools Annual Meeting, Hilton Head, SC, July 24, 2011

- “Embracing Litmus Tests for Supreme Court Nominees” (paper presentation)

University of Illinois College of Law, Champaign, IL, March 30, 2011

- “Overreaching Intellectual Property: The Case of Fair Use” (paper presentation)

New York State Bar Association, Annual Meeting, New York, NY, Jan. 25, 2011

- “The Roberts Court at Age Five” (presentation)

Copyright Society of the USA, New York, NY, Jan. 11, 2011

- “Politically Incorrect?: Fair Use and Copyright for Songs in Political Campaigns” (panelist)

Fordham University, Department of History, Constitution Day, New York, NY, Sept. 16, 2010

- “The Roberts Court” (panelist)

Southeastern Association of Law Schools Annual Meeting, Palm Beach, FL, July 31, 2010

- “Sweat of the Brow and Databases” (paper presentation)

Southeastern Association of Law Schools Annual Meeting, Palm Beach, FL, July 29, 2010

- “The Roberts Court and the State Courts” (paper presentation)

Law & Society Association Annual Meeting, Chicago, IL, May 28, 2010

- “Politicians and the Supreme Court” (paper presentation)

New York State Bar Association, Intellectual Property Law Section, The Copyright Office Comes to New York, New York, NY, May 25, 2010

- “Three Wishes” (panelist)

American Society for Information Science and Technology, Symposium, Copy/Right(?), Pratt Institute, New York, NY, May 1, 2010

- “Copyright and the Information Society” (presentation)

Judges of the U.S. Court of Appeals for the Second Circuit, Brooklyn, NY, March 10, 2010

- “IP Overreaching” (presentation)

Hastings Law School, Hastings Law Journal Symposium: Democracy and the Courts: Judicial Elections, Legal News, and the Politics of Law, San Francisco, CA, Feb. 19, 2010

- “The Rise of the Bureaucratic Court” (paper presentation)

New York State Bar Association Annual Meeting. New York, NY, Jan. 26, 2010

- “Precedents or Principles?: Supreme Court Review” (presentation)

Federalist Society Faculty Conference, Junior Scholars Writing Competition, New Orleans, LA, Jan. 8, 2010

- “When the Supreme Court is Not Supreme” (paper presentation)

Copyright Society of the U.S.A., New York, NY, Jan. 12, 2010

- “Real DVD or Steal DVD?” (panelist)

New York State Legislature CLE Program, Brooklyn, NY, Dec. 16, 2009

- “State Gun Control Laws Post-*Heller*” (presentation)

Vanderbilt University Law School, Nashville, TN, Dec. 11, 2009

- “When the Supreme Court is Not Supreme” (paper presentation)

New Jersey Judicial College, Teaneck, NJ, Nov. 23, 2009

- “Supreme Court Update” (presentation)

University of Akron School of Law, Intellectual Property Law Forum, Akron, OH, Oct. 30, 2009

- “Is the Copyright Office Unconstitutional?” (paper presentation)

U.S. Court of International Trade, New York, NY, Oct. 20, 2009

- “The Life and Times of Justice Smith Thompson” (presentation)

De Paul University School of Law, Chicago, IL, Sept. 16, 2009

- “When the Supreme Court is Not Supreme” (paper presentation)

Southeastern Association of Law Schools Annual Meeting, Palm Beach, FL, Aug. 4, 2009

- “Copyright Law and the Administrative State” (paper presentation)

Copyright Society of the USA Annual Meeting, Bolton Landing, NY, June 8, 2009

- “From Copyright to Contract” (organizer and panelist)

New York University School of Law, Graduate Colloquium, New York, NY, March 23, 2009

- “Copyright and the First Amendment” (commentator)

Drake University Law School, IP Scholars Forum, Des Moines, IA, Feb. 27, 2009

- “Administering Fair Use” (paper presentation)

Copyright Society of the USA, New York, NY, Feb. 26, 2009

- “A Dancing Baby and the Encyclopedia of Fair Use” (panelist)

William & Mary Law School, William & Mary Law Review Symposium: The Boundaries of Intellectual Property Law, Williamsburg, VA, Feb. 6, 2009

- “Who Should Regulate Fair Use?” (paper presentation)

New York State Bar Association Annual Meeting, New York, NY, Jan. 27, 2009

- “The Supreme Court: Past, Present and Future” (presentation)

Brooklyn Law School, Brooklyn, NY, Sept. 26, 2008

- “Is Morality Universal and Should the Law Care?” (panelist)

Brooklyn Law School, Brooklyn, NY, Sept. 12, 2008

- “Constitution Day: D.C. v. Heller” (presentation)

American University Washington College of Law, Federal Courts Junior Faculty Workshop, Washington, DC, April 4, 2008

- “When the Supreme Court is Not Supreme” (paper presentation)

Brooklyn Law School, Sparer Symposium, Decentralizing Rights: State-Level Strategies to Promote Justice and Equality, Brooklyn, NY, March 28, 2008

- “State Courts and Federal Rights in Historical Perspective” (paper presentation)

Pratt Institute, New York, NY, Feb. 26, 2008

- “Copyfraud and the Information Society” (presentation)

New York State Bar Association Annual Meeting, New York, NY, Jan. 29, 2008

- “The Supreme Court: Past, Present and Future” (presentation)

Carnegie Mellon University, International Conference on the Universal Digital Library, Pittsburgh, PA, Nov. 3, 2007

- “Digitization and the Copyrighted Public Domain” (paper presentation)

Workshop for Judges of the Fifth Circuit, Houston, TX, Oct. 15, 2007

- “The Supreme Court: Past Present, and Future” (presentation)

Brooklyn Law School, Brooklyn, NY, Sept. 14, 2007

- “Constitution Day: Federalism” (presentation)

Brooklyn Law School, Brooklyn, NY, April 26, 2007

- “Town Hall: Gonzales v. Carhart” (panelist)

Brooklyn Law School, ACLU & ACS Symposium, April 12, 2007

- “Science and Censorship” (panelist)

Yale Law School, New Haven, CT, April 10 & 11, 2007

- “Next Generation Legal Scholarship: Finding Your Voice as an Emerging Legal Scholar” (panelist)

CUNY Law School, Symposium, Guantanamo Bay: The Global Effects of Wrongful Detention, Torture & Unchecked Executive Power, New York, NY, March 23, 2007

- “Use of Military Force at Home” (paper presentation)

The National Academies, Thirteenth Meeting of the Committee on Science, Technology, and Law, Washington, D.C., March 22, 2007

- “Distorting Scientific Information” (presentation)

New York University, College of Arts and Sciences, March 15, 2007

- “The Future of the Supreme Court” (presentation)

Metropolitan New York Library Council, Symposium, Copyright: The Only Certainty is Uncertainty, New York, NY, Feb. 15, 2007

- “Copyright and Digital Reproductions” (presentation)

Brooklyn Law School, Brooklyn, NY, Jan. 25, 2007

- “Barron” (paper presentation)

New York State Bar Association Annual Meeting, New York, NY, Jan. 23, 2007

- “Supreme Court Review: Introducing the Roberts Court” (presentation)

92nd Street Y, New York, NY, Jan. 22, 2007

- “The Supreme Court: What to Expect” (panelist with Catherine Crier, Martin Garbus & Jeffrey Toobin)

National Public Radio, Leonard Lopate Show, Jan. 17, 2007

- “The Roberts Court” (radio guest with Martin Garbus)

Brooklyn Law School, Brooklyn, NY, Sept. 2006

- “Constitution Day: Supreme Court Update” (panelist)

American Psychology-Law Society Conference, St. Petersburg, FL, March 1, 2006

- “Downloading and Sharing Music via the Internet: An Empirical Study of the Factors Influencing Downloading Behavior” (poster presentation with Kevin O’Neil & Jacqueline Evans)

Brooklyn Law School, Brooklyn, NY, Feb. 10, 2006

- “Sandra Day O’Connor and the Supreme Court” (panelist)

University of Illinois College of Law, Champaign, IL, Nov. 11, 2005

- “The Bill of Rights in the Early State Courts” (paper presentation)

Brooklyn Law School, Brooklyn, NY, Sept. 2005

- “Constitution Day: Supreme Court Update” (panelist)

Brooklyn Law School, Symposium on Justice Blackmun and Judicial Biography: A Conversation with Linda Greenhouse, Brooklyn, NY, Sept. 16, 2005

- “The Justice and the Jury” (paper presentation)

Brooklyn Law School, Brooklyn, NY, Feb. 18, 2005

- “Crawford & Beyond: Exploring the Future of the Confrontation Clause in Light of its Past” (panelist)

Brooklyn Law School, Brooklyn, NY, Jan. 13, 2005

- “The Security Constitution” (paper presentation)

University of Tulsa College of Law, Symposium on the Scholarship of Lawrence M. Friedman, Tulsa, OK, Oct. 1, 2004

- “The Creation of a Constitutional Culture” (paper presentation)

Brooklyn Law School, Brooklyn, NY, Sept. 2004

- “Constitution Day: Lawrence v. Texas” (presentation)

Harvard Law School, Berkman Center, April 16, 2004

- “Speedbumps” (panelist)

New York University School of Law, New York, NY, Feb. 12, 2004

- “The Security Constitution” (paper presentation)

Brooklyn Law School, Trager Public Policy Symposium, Our New Federalism? National Authority and Local Autonomy in the War on Terror, Brooklyn, NY, Nov. 21, 2004

- “Localism and the War on Terror” (paper presentation)

PEER REVIEWER

- *Judicature*
- *Contemporary Sociology*
- *American Sociological Review*
- *State and Local Government Review*
- *Stanford University Press*
- *Cambridge University Press*
- *Yale Law Journal*
- *Yale University Press*
- *Faculty of Law, University of Leuven (grant program)*
- *University of Illinois Law Review*
- *Review of Constitutional Studies*
- *Law & Society Review*

BLOG

- *Balkinization*

PROFESSIONAL HONORS AND AFFILIATIONS

- American Law Institute (elected member)
- Fellow, European Law Institute
- Life Fellow, American Bar Foundation
- Research Group, Constitutionalism in Illiberal Democracies (International Association of Constitutional Law)
- Member of the Board of Trustees & of the Executive Committee, Copyright Society of the USA (2010-12)
- American Political Science Association
- Social Science History Association
- American Judicature Society

- Research Committee on Sociology of Law
- Contributor, *Technology-Academics-Policy*
- Advisory Board, *H-Law*
- Advisory Board, *Italian Law Journal*
- Advisory Board, Public.Resource.Org

BAR ADMISSIONS

- New York
- Supreme Court of the United States