

ROBERT J. PUSHAW

24336 Baxter Drive
Malibu, CA 90265
(310) 506-6318
Robert.Pushaw@pepperdine.edu

EDUCATION

YALE LAW SCHOOL, New Haven, CT, J.D. 1988.

Notes Editor, *Yale Law Journal*, 1987-88.

Editor, *Yale Journal of International Law*, 1986-87.

Olin Foundation Fellow, Yale Center for Studies in Law,
Economics, and Public Policy, 1986-88.

LA SALLE COLLEGE, Philadelphia, PA, B.A. (History) 1980.

Graduated *Summa Cum Laude* in three years with a 4.0 GPA;
awarded General College Honors; received full-tuition
Presidential Scholarship.

LEGAL ACADEMIC EMPLOYMENT

JAMES WILSON ENDOWED PROFESSOR, Pepperdine University
Caruso School of Law, August 2001-present.

Associate Dean for Research & Faculty Development, 2012-2015.

EARL F. NELSON PROFESSOR, University of Missouri School of Law,
August 1992-July 2001.

VISITING PROFESSOR, University of Alabama School of Law, March
2-14, 2014 (short course on The Constitution, War Powers, and
Terrorism).

LEGAL ACADEMIC EMPLOYMENT (continued)

VISITING PROFESSOR, University of Illinois College of Law,
Champaign, IL, March 5-15, 2012 (short course on War Powers
and Terrorism).

VISITING PROFESSOR, Loyola (LA) Law School, Spring 2011
(Constitutional Law).

VISITING PROFESSOR, UCLA Law School, Fall 2010 (Contracts).

VISITING PROFESSOR, Notre Dame Law School, March 15-24, 2009
(short course on Constitutional History).

VISITING PROFESSOR, Vanderbilt Law School, Nov. 2-12, 2008
(short course on Historical Foundations of Constitutional Law).

VISITING PROFESSOR, University of Illinois College of Law, Sept. 24-
Oct. 4, 2007 (short course on Legal History).

VISITING PROFESSOR, Florida State University College of Law, Jan.-
May 1999 (Contracts and Federal Courts).

OTHER LEGAL EMPLOYMENT

ASSOCIATE, Employment Law, Davis Wright Tremaine, Seattle, WA,
September 1989-July 1992. Member, Washington State Bar
Association, since 1990.

CLERK, Judge James L. Buckley, United States Court of Appeals, District
of Columbia Circuit, Washington, DC, August 1988-August 1989.

SCHOLARSHIP

Constitutional Problems With Limiting Federal Court Fact-Finding in Habeas Corpus Cases (work-in-progress, to be submitted Feb. 2027).

Bush v. Gore: Manipulating Justiciability Doctrines in Election Cases, 52 *Florida State University Law Review* ____ (2026) (symposium issue).

Slaughter-ing Congress: The Court Kills Independent Executive Agencies (work-in-progress, to be submitted August 2026).

The Future of Executive Power: An Overview, 53 *Pepperdine Law Review* 393-408 (2026).

Congress Can Limit the President's Power to Remove Independent Agency Officials, 59 *University of California-Davis Law Review Online* 339-352 (2026) (symposium essay).

The Original Understanding of Strict Products Liability, 42 *Yale Journal on Regulation* 1179-1208 (2025) (symposium honoring George Priest).

The Court Continues to Confuse Standing: The Pitfalls of Faux Article III Originalism, 31 *George Mason Law Review* 893-933 (2024).

The Unconstitutional Assertion of Inherent Judicial Powers in Multidistrict Litigations, 48 *Brigham Young University Law Review* 1869-1960 (2023) (coauthored with Charles Silver, University of Texas Law School).

Defending *Dobbs*: Ending the Futile Search for a Constitutional Right to Abortion, 59 *San Diego Law Review* 265-320 (2023).

Playing With Words: Amar's Nationalist Constitution, 80 *Washington & Lee Law Review Online* 55-80 (2022).

Sandy Levinson on Law and Literature, *Balkinization* (June 21, 2022) (invited symposium essay honoring Professor Levinson).

Confirming the Commerce Clause's Original Meaning: New Insights From Early Federal History, 48 *BYU Law Review* 533-623 (2022).

SCHOLARSHIP (continued)

Article III Cases: Always Require
Adversarial Disputes, 36 *Constitutional Commentary* 259-274 (2021).

Do Foreign Nations Have Constitutional Rights?, 88 *Fordham Law Review Online* (2020).

Comparing Literary and Biblical Hermeneutics to Constitutional and
Statutory Interpretation, 47 *Pepperdine Law Review* 1-29 (2020)
(symposium).

Enforcing Principled Constitutional Limits on Federal Power: A Neo-
Federalist Refinement of Justice Cardozo's Jurisprudence, 60 *William &
Mary Law Review* 937-984 (2019).

Ulysses S. Grant and the Lost Opportunity for Racial Justice, 33
Constitutional Commentary 331-341 (2018) (book review essay).

Analyzing Justice Cardozo's Opinions on The Constitutionality of the New
Deal, 33 *Touro Law Review* 335-348 (2017) (symposium issue).

Talking Textualism, Practicing Pragmatism: Rethinking the Supreme
Court's Approach to Statutory Interpretation, 51 *Georgia Law Review* 123-
233 (2016).

American Constitutional Developments Since 1980 (invited essay published
in *American Governance* (2015)).

Article III: The Judicial Vesting Clause (invited essay published in *The
Heritage Guide to the Constitution* 301-304 (revised 2d ed. 2014)).

Fortuity and the Article III Case: A Critique of Fletcher's *The Structure
of Standing*, 64 *Alabama Law Review* 289-348 (2013) (symposium issue).

The Paradox of the Obamacare Decision: How Can the Federal Government
Have Limited Unlimited Power?, 65 *Florida Law Review* 1993-2053
(2013).

SCHOLARSHIP (continued)

The Likely Impact of *National Federation* on Commerce Clause Jurisprudence, 40 *Pepperdine Law Review* 975-1000 (2013) (coauthored with Pepperdine=s Grant Nelson).

Obamacare and the Original Meaning of the Commerce Clause: Identifying Historical Limits on Congress=s Powers, 2012 *University of Illinois Law Review* 1703-1754.

Explaining *Korematsu*: A Reply to Dean Chemerinsky, 39 *Pepperdine Law Review* 173-196 (2011) (symposium issue).

Wartime Limits on Civil Rights and Civil Liberties: The AEnemy Combatant@ Decisions (invited essays published in *National Security, Civil Liberties, and the War on Terror* (M. Katherine Darmer & Richard D. Fybel eds., 2011)).

Limiting Article III Standing to AAccidental@ Plaintiffs: Lessons from Environmental and Animal Law Cases, 45 *Georgia Law Review* 1-103 (2010).

Creating Legal Rights for Suspected Terrorists: Is the Court Being Courageous or Politically Pragmatic?, 84 *Notre Dame Law Review* 1975-2051 (2009).

Justifying Wartime Limits on Civil Rights and Liberties, 8 *Chapman Law Review* 675-703 (2009) (symposium issue).

Partial-Birth Abortion and the Perils of Constitutional Common Law, 31 *Harvard Journal of Law & Public Policy* 519-593 (2008).

A Short History of Federal Preemption Law, in *The Preemption Defense in Tort Actions: Law, Strategy, and Practice* 39-57 (2008) (coauthored with Alan E. Untereiner, Partner at Robbins Russell Law Firm).

A Neo-Federalist Analysis of Federal Question Jurisdiction, 95 *California Law Review* 1515-1571 (2007).

SCHOLARSHIP (continued)

The AEnemy Combatant@ Cases in Historical Context: The Inevitability of Pragmatic Judicial Review, 82 *Notre Dame Law Review* 1005-1084 (2007).

Does Congress Have the Constitutional Power to Prohibit Partial-Birth Abortion?, 42 *Harvard Journal on Legislation* 319-353 (2005).

The Medical Marijuana Case: A Commerce Clause Counter-Revolution?, 9 *Lewis & Clark Law Review* 879-914 (2005) (symposium issue).

Article III: The Judicial Vesting Clause (invited essay published in *The Heritage Guide to the Constitution* 231-234 (2005)).

Examining the Supreme Court=s Theory that Judicial Restraint Promotes Federalism, 46 *William & Mary Law Review* 1289-1341 (2004) (symposium issue).

Defending Deference: A Response to Professors Epstein and Wells, 69 *Missouri Law Review* 959-970 (2004) (symposium issue).

Methods of Interpreting the Commerce Clause: A Comparative Analysis, 55 *Arkansas Law Review* 1185-1211 (2003) (symposium issue).

Politics, Ideology, and the Academic Assault on *Bush v. Gore*, 2 *Election Law Journal* 97-109 (2003) (invited book review essay).

How is Constitutional Law Made?, 100 *Michigan Law Review* 1265-1289 (2002) (book review essay) (coauthored with Tracey E. George, Northwestern University Law School, now at Vanderbilt).

A Critique of the Narrow Interpretation of the Commerce Clause, 96 *Northwestern University Law Review* 695-719 (2002) (coauthored with Grant S. Nelson, UCLA Law School).

Judicial Review and the Political Question Doctrine: Reviving the Federalist "Rebuttable Presumption" Analysis, 80 *North Carolina Law Review* 1165-1201 (2002) (symposium issue).

SCHOLARSHIP (continued)

The Inherent Powers of Federal Courts and the Structural Constitution, 86 *Iowa Law Review* 735-867 (2001).

Bush v. Gore: Looking at *Baker v. Carr* in a Conservative Mirror, 18 *Constitutional Commentary* 341-384 (2001).

The Presidential Election Dispute, the Political Question Doctrine, and the Fourteenth Amendment: A Reply to Professors Krent and Shane, 29 *Florida State University Law Review* 603-623 (2001) (symposium issue).

Rethinking the Commerce Clause: Applying First Principles to Uphold Federal Commercial Regulations But Preserve State Control Over Social Issues, 85 *Iowa Law Review* 1-173 (1999) (coauthored with Grant S. Nelson; I bore substantial responsibility for writing the Introduction, Part I, and Part II).

Why the Supreme Court Never Gets Any "Dear John" Letters: Advisory Opinions in Historical Perspective, 87 *Georgetown Law Journal* 473-497 (1998) (book review essay).

Congressional Power Over Federal Court Jurisdiction: A Defense of the Neo-Federalist Interpretation of Article III, 1997 *Brigham Young University Law Review* 847-898.

Justiciability and Separation of Powers: A Neo-Federalist Approach, 81 *Cornell Law Review* 393-512 (1996).

Article III's Case/Controversy Distinction and the Dual Functions of Federal Courts, 69 *Notre Dame Law Review* 447-532 (1994).

Labor Relations Board Regulation of Parochial Schools: A Practical Free Exercise Accommodation, 97 *Yale Law Journal* 135-155 (1987).

PRESENTATIONS, SYMPOSIA, AND CONFERENCES

Symposium Participant, AThe President=s Power: Assessing the Foundations of Unitary Executive Theory, University of California-Davis Law School, March 16, 2026 (with Vikram Amar, Michael Dorf, and Jason Mazzone).

Faculty Organizer and Presenter, AThe Future of Executive Power: Can Congress and the Courts Check the President?,@ Pepperdine/Caruso School of Law, March 14, 2025. Other speakers were Akhil Amar, Vikram Amar, Neil Devins, Blake Emerson, Daniel Farber, Amanda Frost, Nicholas Handler, Martin Lederman, Trevor Morrison, and Shalev Roisman.

Panelist, AThe 25th Anniversary of *Bush v. Gore*:@ Florida State University College of Law, February 28-March 1, 2025. Other speakers included many lawyers, judges, and government officials involved in the case, as well as academics including Richard Briffault, Guy-Uriel Charles, Joshua Douglas, Richard Hasen, Samuel Issacharoff, Justin Levitt, Nelson Lund, Derek Muller, Richard Pildes, Christopher Seaman, Charles Stewart, Daniel Tokaji, and Franita Tolson.

Panelist, ALaw and Markets: A Conference on Themes in the Work of George Priest:@ Yale Law School, September 6-7, 2024. Other panelists included Albert Choi, Daniel Crane, John Donahue, Justin Driver, Owen Fiss, Abbe Gluck, Arom Herrera, James Huffman, Pamela Karlan, Daniel Klerman, Anthony Kronman, Yoon-Ho Alex Lee, Jonathan Macey, Paul Mahoney, Peter Molk, Giulio Ponzanelli, Eric Posner, Sai Prakash, Claire Priest, Roberta Romano, Carol Rose, Jose Sardon, Steven Shavell, Edward Snyder, Daniel Sokol, Michael Trebilcock, Kristin Underhill

Panelist, AConsidering *Dobbs* from Different Perspectives:@ University of Arizona College of Law, April 3, 2023. Other panelists were Barbara Atwood, Andrew Coan, and Toni Massaro.

Conversation, ADobbs and the Future of Substantive Due Process:@ co-sponsored by the Duval County Bar Association and the Federalist Society, Jacksonville, Florida, March 9, 2023 (with Danaya Wright).

PRESENTATIONS (continued)

Debate, AWhich Opinion in *Dobbs* is Correct?;@ co-sponsored by the American Constitution Society, Federalist Society, and Women=s Law Association of Marquette University Law School, October 20, 2022 (with Caroline Mala Corbin).

Lecture, AThe Fate of Substantive Due Process;@ Loyola University-Chicago Law School, October 18, 2023.

Panelist, ALaw, Literature, and the Performing Arts;@ LevinsonFest 2022 (Festschrift honoring Professor Sandy Levinson), University of Texas Law School, May 4, 2022. Fellow panelists were Stanley Fish, Farah Peterson, Sam Levine, and Richard Weisberg.

Presentation, AThe Original Market-Based Understanding of the Commerce Clause;@ Federalist Society Annual Faculty Conference, Boca Raton, Florida, Jan. 6, 2022.

Colloquium, AFederal Courts= Exercise of Inherent Powers in Multidistrict Litigation;@ University of Texas Law School, November 23, 2021 (with Lynn Baker and Charles Silver).

Participant, AAdam Smith=s Lectures on Jurisprudence and William Blackstone=s Commentaries;@ presented by the Liberty Fund, Federalist Society, and John Templeton Foundation, Phoenix, AZ, Feb. 7-8, 2020.

Luncheon Keynote Conversation with Vik Amar; Symposium, AThe Law and Politics of Impeachment;@ University of Texas Law School, Jan. 24, 2020. Other law professors speaking at this multidisciplinary conference were Philip Bobbitt, Robert Chesney, Joseph Fishkin, Jennifer Laurin, Sandy Levinson, and Stephen Vladeck.

Presentation, AEarly Congressional, Executive, and Judicial Implementation of the Commerce Clause;@ George Mason University/Scalia Law School, November 19, 2019.

PRESENTATIONS (continued)

Lecture, A Limiting the Commerce Clause to Regulation of Market-Based Activities: Early Practice and Precedent; @ University of Alabama School of Law, September 10, 2019.

Kamm Memorial Lecture, A The Supreme Court and Statutory Interpretation; @ Wheaton College, Wheaton, IL, Apr. 24, 2019.

Debate, A A Proposed Reform of the Special Counsel Process; @ Pepperdine University School of Law, March 21, 2019 (with Michael Rappaport).

Lecture, A Enforcing Principled Constitutional Limits on Federal Power; @ Villanova University Law School, March 13, 2019.

Commentator, A District Court Challenges to Presidential Action; @ Pepperdine University School of Law, January 31, 2019. Response to Professor Michael McConnell.

Panelist, Law Review Symposium, A Federalism: Past, Present, and Future; @ Pepperdine University School of Law, March 23, 2018.

Panelist, A Gerrymandering and a Fair Election Playing Field; @ Aspen Institute Justice & Society Program, Los Angeles, March 7, 2018 (with David Carrillo and Justin Levitt).

Colloquium, A Originalism and Precedent; @ co-sponsored by the Liberty Fund and the Federalist Society, San Antonio, March 2-3, 2018. Other participants included David Bernstein, Richard Duncan, Tara Grove, Michael McConnell, and Michael Ramsey.

Panelist, Conference, A Federalism Now; @ University of California-Berkeley School of Law, Nov. 3, 2017. Other law professors who participated in this interdisciplinary event were Eric Biber, Erwin Chemerinsky, Ming Hsu Chen, Deborah Sivas, Fred Smith, Robert Williams, and John Yoo.

Panelist, Symposium, AThe Supreme Court, Politics, and Reform;@ Pepperdine University School of Law, Apr. 8, 2017 (with Akhil Amar and Mark Tushnet).

PRESENTATIONS (continued)

Panelist, Symposium, ABenjamin Cardozo: Judge, Justice, Scholar;@ Touro Law Center, March 23-24, 2017. Other speakers included John Dzienkowski, Richard Friedman, Joel Goldstein, Kent Greenawalt, Andrew Kaufman, Frederick Lawrence, Randy Lee, William Nelson, Russell Pearce, and Steve Winter.

Annual Constitution Day Lecture, AInterpreting Our Constitution;@ UCLA Center for Liberal Arts & Free Institutions, Sept. 22, 2016.

Panelist, ASupreme Court Cases to Watch;@ 2016 Central District of California U.S. Judicial Conference; Ojai, CA, April 16, 2016 (with Barry McDonald and Deanell Tacha)

Panelist, Symposium, ABrandeis: An Interdisciplinary Retrospective;@ Touro Law Center, March 31, 2016. Other speakers were Anita Bernstein, Vincent Blasi, Robert Cochran, Barry Cushman, John Dzienkowski, Ken Elzinga, Joel Goldstein, Mark Graber, Kent Greenawalt, Renee Knake, Frederick Lawrence, Randy Lee, Lance Liebman, Judith McMorro, William Nelson, Russell Pearce, Edward Purcell, and Steve Winter.

Moderator, Conference, ADoing Justice Without Doing Harm;@ Pepperdine University School of Law Nootbaar Institute on Law, Religion, and Ethics, March 12, 2016.

Panelist, AConference on *Originalism and the Good Constitution*;@ University of San Diego School of Law, Apr. 11, 2014. Other panelists included Vik Amar, Stephen Gardbaum, John McGinnis, Bernadette Meyler, Lawrence Rosenthal, and Amanda Tyler.

Lecture, AThe >Unitary= Commerce Clause;@ University of Alabama School of Law, March 6, 2014.

Panelist, ASymposium: *The Structure of Standing at 25*;@ University of

Alabama School of Law, Feb. 22, 2013. Other presenters were William Fletcher, Heather Elliott, Andrew Hessick, Tara Grove, Tom Rowe, Jonathan Siegel, Max Stearns, and Ernest Young.

PRESENTATIONS (continued)

Panelist, Conference, A Limited Federal Power and the Commerce Clause; @ co-sponsored by the John Templeton Foundation & the Federalist Society, Las Vegas, NV, January 25-26, 2013. Other participants included Tom McAfee, John McGinnis, Andrew Hessick, Randy Kozel, Kurt Lash, Sai Prakash, Lee Strang, and Chris Walker.

Debate, A Federalism and the Supreme Court; @ Pepperdine University School of Law, October 17, 2012 (with Ilya Shapiro).

Panelist, A Supreme Court Review; @ California-Irvine Law School, July 17, 2012. Other speakers were Jennifer Chacon, Erwin Chemerinsky, Marcia Coyle, and Rick Hasen.

Presenter, Originalism Works-in-Progress Conference, University of San Diego Law School Originalism Center, February 4, 2012 (with critiques by Jack Balkin, Kurt Lash, and John Mikhail).

Debate, A Confronting Terror: Is Fear Wagging the Post 9-11 Policy Dog?; @ co-sponsored by the Libertarian Law Council and the Federalist Society, Oct. 18, 2011 (with former U.S. Rep. Bob Barr).

Panel Discussion, A Whither the Court; @ UCLA Law School, Aug. 29, 2011.

Other panelists were Katherine Stone, Eugene Volokh, Jonathan Varat, and Adam Winkler.

Debate, A The Feasibility of Repealing Obamacare; @ Pepperdine University School of Law, March 28, 2011 (with Doug Bandow).

Panelist, A The Individual Healthcare Mandate; @ Pepperdine University School of Law Judicial Clerkship Institute, March 18, 2011. Other panelists were Jack Balkin and Jonathan Varat.

Debate, AThe Constitutionality of Obamacare;@ co-sponsored by the American Constitution Society and the Federalist Society; Loyola Law School, March 9, 2011 (with Adam Winkler).

PRESENTATIONS (continued)

Panelist, AThe Kagan Nomination;@ co-sponsored by the American Constitution Society, the Federalist Society, and the Women=s Law Association of Los Angeles, hosted by Gibson, Dunn & Crutcher; July 1, 2010 (with Adam Winkler and M.C. Sungalia).

Panelist, ADetention, the War on Terrorism, and the Federal Courts;@ Pepperdine University School of Law Judicial Clerkship Institute, March 19, 2010. Other panelists included Akhil Amar, Judith Resnik, and Judges Paul Friedman and Harris Hartz.

Lecture, AStanding in Environmental Law;@ Arizona State University Law School, Feb. 1, 2010.

Faculty Workshop, ALimiting Standing to `Accidental= Plaintiffs;@ University of California-Davis School of Law, Oct. 5, 2009.

Lecture, AThe Supreme Court and the War on Terrorism;@ Notre Dame Law School, March 19, 2009.

Panelist, Symposium, ALincoln=s Constitutionalism in Time of War: Lessons for the War on Terror?;@ Chapman Law Review Symposium, Jan. 30, 2009. Other panelists were Marjorie Cohn, Katherine Darmer, and Roger Pilon.

Panelist, AHabeas Corpus and the War on Terror;@AALS Annual Meeting, Federal Courts Section, San Diego, Jan. 9, 2009. Fellow speakers included Richard Fallon, Trevor Morrison, Judith Resnik, and Stephen Vladeck.

Lecture, AJudicial Review and the >Enemy Combatant= Cases;@ Villanova University School of Law, Dec. 5, 2008.

Panel Discussion, AThe 2008 Election and Reproductive Rights;@ UCLA

School of Law, Oct. 29, 2008. Other panelists were Kim Buchanan and Frances Olsen.

PRESENTATIONS (continued)

Faculty Colloquium, ACreating Legal Rights for Suspected Terrorists: Is the Court Being Courageous or Pragmatic?;@ Seton Hall University School of Law, Oct. 6, 2008.

Panelist, ADetention and Trials of Suspected Terrorists;@ Libertarian Law Council & the Federalist Society, Los Angeles, Sept. 26, 2008.

Lecture, AJudicial Review in War Powers Cases;@ University of Illinois College of Law, Oct. 3, 2007.

Faculty Workshop, AThe Partial-Birth Abortion Decisions: Implications for Congressional Power and Constitutional Privacy Rights;@ Villanova University School of Law, March 16, 2007.

Panelist, AConference in Honor of Paul Mishkin;@ University of California-Berkeley School of Law, Oct. 27-28, 2006. Other panelists included Janet Alexander, Jesse Choper, Daniel Farber, Martha Field, John Harrison, John Jeffries, James Pfander, Robert Post, Scot Powe, Martin Redish, John Robinson, Kermit Roosevelt, George Rutherglen, Chris Schroeder, Neil Siegel, Carlos Vazquez, Larry Yackle, Ernest Young & John Yoo.

Commentator, AThe Supreme Court: Past and Prologue;@ Symposium at the Cato Institute Center for Constitutional Studies, Washington, DC, Sept. 14, 2006. The other invited law professors were Randy Barnett, Dale Carpenter, Walter Dellinger, Martin Flaherty, Allison Hayward, Larry Ribstein, Ilya Somin, and John Yoo.

Panelist, AThe Rookie Year of the Roberts Court;@ Symposium at Pepperdine University School of Law, Aug. 30, 2006 (with Akhil Amar, Erwin Chemerinsky, Elizabeth Garrett, and Kenneth Starr).

Faculty Colloquium, AThe Commerce Clause After *Raich*: The Wisdom of a Neo-Federalist Approach;@ Duke Law School, Feb. 10, 2006.

Lecture, ADoes Congress Have the Constitutional Power to Ban Partial-Birth Abortion?;@ Faculty Speakers= Series, UCLA Law School, Apr. 11, 2005.

PRESENTATIONS (continued)

Panelist, AAnalyzing the Supreme Court=s 2004-05 Term;@ Pepperdine University School of Law, Judicial Clerkship Institute, March 19, 2005. Fellow participants were Erwin Chemerinsky and Kenneth Starr.

Panelist, Symposium, ADual Enforcement of Constitutional Norms;@ William & Mary School of Law, Nov. 14, 2004. Other panelists were Chief Justice William Rehnquist, Justices Ellen Peters & Randall Shepard, and Professors James Gardner, Daniel Rodriguez, Jim Rossi, Larry Sager, Robert Schapiro, and Michael Solimine.

Panelist, AInterdisciplinary Perspectives on Fear and Risk Assessment in Times of Democratic Crisis;@ Symposium at University of Missouri School of Law, Feb. 20-21, 2004. Other participants included Cass Sunstein, Lee Epstein, Tracey George, Chris Guthrie, Rachel Moran, and Geoffrey Stone.

Panelist, AGolf, the Right to Exclude, and Private Country Clubs;@ AALS Section on Law and Sports, AALS Annual Meeting, Atlanta, Jan. 5, 2004. The other speakers were Anita Bernstein, Alfreda Robinson, and Kim Yuracko.

Panelist, AThe Partial-Birth Abortion Ban Act of 2003: Perspectives on the Commerce Power, the Fourteenth Amendment, and the Separation of Powers;@ AALS Annual Meeting, Atlanta, Jan. 4, 2004 (with William Araiza, Teresa Collett, Allan Ides, Ann Massie, and David Smolin).

Lecture, AThe Recent Liberal Rejection of Supreme Court-Centered Constitutional Interpretation;@ Distinguished Faculty Workshop Series, Loyola Law School, Los Angeles, March 17, 2003.

Panelist, AThe Commerce Clause: Past, Present and Future;@ Conference at

the University of Arkansas Law Center, March 14-15, 2002. The other panelists included Randy Barnett, Mark Brandon, Jesse Choper, Barry Cushman, James Ely, Richard Friedman, Grant Nelson, Saikrishna Prakash, Harry Scheiber, Adrian Vermuele, and John Yoo.

PRESENTATIONS (continued)

Panelist, *ACombating Terrorism and the Impact on Civil Liberties*;@ Federalist Society of Los Angeles, Feb. 6, 2002 (with Abraham Sofaer, Karl Manheim, and Steve Rhode).

Lecture, *AReconciling Inherent Judicial Powers with Constitutional Principles*;@ Notre Dame Law School, Dec. 10, 2001.

Debate, *AThe Future of Constitutional Law*;@ Federal Bar Association Annual Judges= Appreciation Night, Riverside, CA, Nov. 15, 2001 (with Laurie Levenson).

Panelist, *ABaker v. Carr: A Commemorative Symposium*;@ University of North Carolina School of Law, Nov. 2-3, 2001. Other participants included Guy-Uriel Charles, James Gardner, Heather Gerken, Richard Hasen, Pamela Karlan, Sanford Levinson, Burt Neuborne, Nathaniel Persily, Mark Tushnet, and William Van Alstyne.

Panelist, *AThe Law of Presidential Elections: Issues in the Wake of Florida 2000*;@ Symposium at the Florida State University College of Law, March 23, 2001. The panelists were Richard Briffault, Guy Charles, James Gardner, Elizabeth Garrett, Heather Gerken, Richard Hasen, Pamela Karlan, Harold Krent, Sanford Levinson, William Marshall, John McGinniss, Spencer Overton, Richard Pildes, Robert Schapiro, Peter Shane, and Ernest Young.

Presenter, "The Constitution, Families, Federalization, and Federalism;" Joint Session of the AALS Sections on Constitutional Law, Family Law, and Federal Courts, AALS Annual Meeting, San Francisco, Jan. 4, 2001. Other speakers were Douglas Laycock, Vicki Jackson, Larry Kramer, Judith Resnik, Dan Rodriguez, and Reva Siegel.

Panelist, "The Constitution and Social Choice;" Law & Society Conference, Miami, May 26, 2000. Other panelists were Evan Caminker, Barry Friedman, and Max Stearns.

HONORS AND AWARDS

Dean=s Award for Excellence in Scholarship, March 2022.

Annual prize for the best published research.

Pepperdine Waves of Excellence Award for Scholarship, December 2021.

Faculty Speaker, Pepperdine/Caruso School of Law Graduation, May 2021.

Elected by the Class of 2021.

Howard A. White Award for Teaching Excellence, October 2020.

Pepperdine University=s highest award for outstanding teaching and mentoring students.

Dean=s Award for Excellence in Scholarship, March 2017.

Richard Caruso Research Fellow, August-December 2010; September-December 2003.

Faculty Speaker, Law School Graduation, May 2007. Elected by the Class of 2007.

Professor of the Year, Pepperdine University School of Law, February 2007. Annual award for teaching excellence.

Faculty Speaker, Law School Graduation, May 2005. Chosen by the Class of 2005.

Uniform Law Foundation Scholar, 2004.

Analyzed possible changes to Uniform Conflict of LawsBLimitations Act.

University of Missouri School of Law B Shook, Hardy & Bacon Award for Research Excellence, October 2000.

Endowed prize conferred each year for meritorious legal scholarship.

William T. Kemper Fellowship for Teaching Excellence, May 2000.

The University of Missouri=s top teaching award.

HONORS AND AWARDS (continued)

Faculty Development Leave, January-May 2000.

Funded leave of absence, based upon a competitive university-wide application process, designed to enhance professional development.

Blackwell Sanders Distinguished Faculty Achievement Award,

September 1998. Annual prize granted to the law school=s
best
teacher.

Provost's Outstanding Junior Faculty Teaching Award, May 1997.

University honor recognizing superior teaching by faculty members with fewer than six years of experience.

Shook, Hardy & Bacon Award for Research Excellence, October 1996.

TEACHING AND RESEARCH INTERESTS

Constitutional Law; Federal Courts; Legal History; Contracts; Civil Procedure; Statutory Interpretation; War Powers.

SERVICE ACTIVITIES

Professional:

Advisory Board Member, Social Science Research Network, Federal Courts & Jurisdiction Section, 2006-present.

Executive Committee, Federal Courts Section of the Association of American Law Schools, 1999-2002.

Organized Federal Courts Scholars in Drafting Amicus Brief to Supreme Court, *Shoop v. Twyford* (April 2022) (arguing that a federal district court with habeas jurisdiction properly invoked the All Writs Act to order a death-row inmate transferred to a hospital for a brain scan).

Contributed to numerous amicus briefs in federal and state appellate courts defending the constitutional rights of religious individuals and organizations.

Regent, Thomas Aquinas College, Ojai, CA, 2012-present.

Pepperdine University/Caruso School of Law:

Faculty Adviser, Symposium: AThe Future of Executive Power: Can Congress and the Courts Check the President?, @ March 14, 2025.
Howard A. White Award Selection Committee, 2021 & 2022;
Director, Distinguished Scholars= Workshop Series, 2002-2017;
Committee on Summer Research Grants, 2003-2020;
Faculty Adviser, Pepperdine Law Review, 2013-2025;
Faculty Appointments Committee, 2005-2013, 2016-2017;
Chair, Task Force on Clinical Education, 2011;
Coordinator, Symposium, AThe Roles of Congress, the President, and the Courts in the War on Terrorism, @ January 19, 2007;
Faculty Adviser, Pepperdine Law Review Symposium on Preemption, April 9, 2005;
Faculty Scholarship Committee, 2002-2006;
Curriculum Committee, 2004-2007, 2011-13;
Academic Standards Committee, 2001-2003, 2015-17. 2021-present;
Endowed Professor Selection Committee, 2003-04, 2013-14.

SERVICE ACTIVITIES (continued)

University of Missouri:

Judicial Clerkship Committee, 1992-2001;
Library Committee, 1992-2001 (appointed chair in 1997);
Student Mentoring Program, 1992-2001;
Faculty Adviser, *Missouri Law Review*, 1996-2001;
Readmissions Committee, 1999-2000;
Curriculum Committee, 2000-2001;
Junior Faculty Mentoring Program, 1999-2001;
Committee on Teaching Assessment, 2000-2001.
Big 12 Faculty Fellowship Program, 1997-1999;
First-Generation College Students Mentoring Program, 1994-1998;
Chancellor's Special Advisory Committee on the Disposition
of Native American Remains, 1995-96.

EMPLOYMENT (BEFORE LAW SCHOOL)

YOUTH DIRECTOR, St. Anthony Church, Casper, WY,
July 1983-July 1985.

Created parish education and youth program: recruited and trained teachers; organized youth group projects and CYO Sports; provided counseling and tutoring.

TEACHER, History and Physical Education, Sts. Peter & Paul High School, St. Thomas, Virgin Islands, September 1982-June 1983.

JOURNALIST/PUBLICIST, Frontier Apostolate, Prince George, British Columbia (Canada), August 1980-July 1982.

Missionary volunteer: wrote and edited diocesan newspaper; directed publicity, fund-raising, and alumni affairs; coached high school basketball, baseball, and rugby teams.

PERSONAL

Married Patricia McCormack on August 14, 1982, in Wexford, Ireland.

Three Children:

Christina B Press Secretary, Campaign Rapid Response Director, and Consultant, Florida Governor Ron DeSantis, May 2020-present.

21. B International Relations Consultant, Eastern Europe, 2017-

BA, University of Southern California '12;
MA, Johns Hopkins University School of
Advanced
International Studies '17.

Stephanie B Writer and Tutor.

BA, University of Southern California '13;
MFA, Creative Writing, University of Montana '17;
PhD, English/Creative Writing, University of
Houston >25.

Carolyn B Captain/C-130 Pilot, USMC, Miramar, CA
BA, Harvard '16.

REFERENCES

AKHIL AMAR, Sterling Professor of Law & Political Science, Yale Law
School. Akhil.Amar@yale.edu (203) 432-
4838

WILLIAM HENNING, Executive Professor, Texas A&M School of Law
Professor Emeritus, University of Alabama Law School
Professor Emeritus, University of Missouri School of
Law.
bhenning@law.tamu.edu (817) 212-3899

NANETTE LAUGHREY, Senior Judge, U.S. District Court (E.D. Mo.)
Professor Emeritus, University of Missouri School of
Law.
(573) 632-6623

GRANT NELSON, Professor Emeritus, Pepperdine University School of
Law; UCLA Law School; University of Missouri School
of Law. Grant.Nelson@pepperdine.edu (310) 506-4605

Other references are available on request.