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Washington University School of Law
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EMPLOYMENT

Washington University School of Law St. Louis, MO
Professor of Law 2008-present

Villanova University School of Law Villanova, PA
Professor of Law 2004-2008
Associate Professor, Assistant Professor 1999-2004

Research Interests: Expressive Freedom; Law and Religion; Media Law;
Second Amendment; Election Law

Courses Taught: Constitutional Law; First Amendment; Fourteenth Amendment;
Legislation; First Amendment in Schools (seminar); Political Speech (seminar);
Comparative Law of Free Expression

Jenner & Block Washington, DC
Associate 1995-1999

Hon. John Paul Stevens, United States Supreme Court Washington, D.C.
Law Clerk 1994-95

Hon. Louis F. Oberdorfer, United States District Court Washington, DC
Law Clerk 1993-94

EDUCATION

University of Michigan Law School Ann Arbor, MI
Juris Doctor May 1993

Honors: Degree awarded *magna cum laude*
Editor-in-Chief, MICHIGAN LAW REVIEW (Vol. 91)
Henry M. Bates Memorial Scholarship (outstanding graduate)

University of Michigan Institute of Public Policy Studies Ann Arbor, MI
Master of Public Policy May 1993

Yale University New Haven, CT
Degree: Bachelor of Arts (English) May 1989

Honors: Degree awarded *summa cum laude*
Phi Beta Kappa
Special Distinction in the English Major

SCHOLARLY PUBLICATIONS

- MANAGED SPEECH: THE ROBERTS COURT'S FIRST AMENDMENT (Oxford University Press 2017)
- The New Religious Institutionalism Meets the Old Establishment Clause*, in MICAH SCHWARTZMAN ET AL. EDS., *THE RISE OF CORPORATE RELIGIOUS LIBERTY* (Oxford University Press 2016)
- The Marrow of Tradition: The Roberts Court and Categorical First Amendment Speech Exclusions*, 56 WM. & MARY L. REV. 1339 (2015) (symposium)
- Chief Justice Roberts' Individual Mandate: The Lawless Medicine of NFIB v. Sebelius*, 108 NW. U. L. REV. COLLOQUY 15 (2013)
- Speaking Truth to Firepower: How the First Amendment Destabilizes the Second*, 91 TEX. L. REV. 49 (2012)
- Justice Stevens, Religion, and Civil Society*, 2011 WIS. L. REV. 733
- Religious Argument, Free Speech Theory, and Democratic Dynamism*, 86 NOTRE DAME L. REV. 119 (2011)
- Substantive Media Regulation in Three Dimensions*, 76 GEO. WASH. L. REV. 845 (2008) (symposium)
- The Jurisprudence of Colliding First Amendment Interests: From the Dead End of Neutrality to the Open Road of Participation Enhancing Review*, 83 NOTRE DAME L. REV. 185 (2007)
- Market Triumphalism, Electoral Pathologies, and the Abiding Wisdom of First Amendment Access Rights*, 35 HOFSTRA L. REV. 1373 (2007) (symposium)
- The Pragmatic Populism of Justice Stevens's Free Speech Jurisprudence*, 74 FORDHAM L. REV. 2201 (2006) (symposium)
- Substantive Due Process as a Source of Constitutional Protection for Nonpolitical Speech*, 90 MINN. L. REV. 247 (2005)
- The First Amendment, the Public-Private Distinction, and Nongovernmental Suppression of Wartime Political Debate*, 73 GEO. WASH. L. REV. 101 (2004)
- Regulating Political Parties Under a "Public Rights" First Amendment*, 44 WM. & MARY L. REV. 1939 (2003)
- How to Apply the Religious Freedom Restoration Act to Federal Law Without Violating the Constitution*, 99 MICH. L. REV. 1903 (2001)

Toward Political Safeguards of Self-Determination, 46 VILL. L. REV. 1219 (2001) (symposium)

ADDITIONAL PUBLICATIONS

Hobby Lobby in Constitutional Waters: Two Life Rings and an Anvil, 67 VAND. L. REV. EN BANC 67 (2014); *Whose Accommodation?*, 67 VAND. L. REV. EN BANC 135 (2014) (roundtable)

Entering Liberty's Refuge (Some Assembly Required), 89 WASH. U. L. REV. 1375 (2012) (introduction to symposium)

Tribute to Justice Stevens, 44 LOYOLA L.A. L. REV. 836 (2011)

Introduction to Symposium – Privacy Law in the New Millennium: A Tribute to Richard C. Turkington, 51 VILL. L. REV. 787 (2006)

Above the Law: President Bush and the Constitution, COMMONWEAL (June 18, 2004), p. 12

How Bush Won (book review essay on *Bush v. Gore*), COMMONWEAL (Nov. 8, 2002), p. 36

Introduction to Symposium – Napster: Innocent Innovation or Egregious Infringement?, 9 VILL. SPORTS & ENT. L.J. 1 (2002)

Public Libraries Emerge as New Arena for First Amendment Battles Over Indecency and the Internet, LDRC LIBELLETTTER (Libel Defense Resource Center) (March 1998), p. 33

Book Notice: MARK A. GRABER, TRANSFORMING FREE SPEECH (1991), 90 MICH. L. REV. 1425 (1992)

Note – Fighting Exclusion from Televised Presidential Debates: Minor-Party Candidates' Standing to Challenge Sponsoring Organizations' Tax-Exempt Status, 90 MICH. L. REV. 838 (1992)

SELECTED ACADEMIC PRESENTATIONS

Fair and Balanced: The Roberts Court on Regulations of Political Dissent and Commercial Profit, U.S. Law Study Group, Waseda University Law School (June 11, 2016); Aoyama Gakuin University Law School (June 22, 2016); Boston College Law School (April 4, 2014)

Keeping Money Out of Politics: The Citizens United and McCullen Decisions, Washington University First Amendment Roundtable (April 15, 2016)

Speakers, Cornered: The Roberts Court in the Public Forum, Freedom of Expression Scholars Conference, Yale Law School (May 3, 2015); Workshop on Politics, Ethics, and Society, Washington University Department of Political Science (February 13, 2015)

The McCullen Decision and the Future of the Public Forum Doctrine, Conference on *McCullen v. Coakley*, Villanova University School of Law (October 17, 2014)

The Marrow of Tradition: Categorical Exclusions From First Amendment Protection, Symposium on the Contemporary First Amendment: Freedom of Speech, Press, and Assembly, William and Mary Law School (February 21, 2014)

The New Religious Institutionalism Meets the Old Establishment Clause, Conference on the New Religious Institutionalism, DePaul University College of Law (September 27, 2013)

Speaking Truth to Firepower: How the First Amendment Destabilizes the Second, Second Amendment Litigation and Jurisprudence Conference, Law Center to Prevent Gun Violence, Chicago (April 24, 2013); Ohio State University Moritz College of Law (February 16, 2012)

The Idea of the Public Interest in U.S. Defamation Law, Conference on the Public Interest in U.K. and European Law, Queen's University, Belfast (October 21, 2011)

Stability and Dynamism in Constitutional Free Speech Protection, Fudan University Law School (October 27, 2009)

Principles of Free Speech in the United States and China, Shanghai Jiaotong University Law School (October 22, 2009)

The Balance Between Civil Liberties and National Security in U.S. Constitutional Law, East China University of Law and Politics (October 21, 2009)

Substantive Media Regulation in Three Dimensions, Symposium on Access to the Media, 1967-2007 and Beyond, George Washington University Law School (October 11, 2007)

The Jurisprudence of Colliding First Amendment Interests, Marquette University Law School (March 27, 2007)

Market Triumphalism, Electoral Pathologies, and the Abiding Wisdom of First Amendment Access Rights, Symposium on Reclaiming the First Amendment: Constitutional Theories of Media Reform, Hofstra University School of Law (Jan. 19, 2007)

Pluralism-Reinforcing Review as a Basis for Courts to Resolve Conflicts Between First Amendment Interests, University of Missouri School of Law (March 24, 2006)

The Pragmatic Populism of Justice Stevens' Free Speech Jurisprudence, Conference on the Jurisprudence of Justice John Paul Stevens, Fordham University School of Law (October 1, 2005)

Substantive Due Process as a Source of Protection for Nonpolitical Speech, University of Kentucky College of Law (March 18, 2005); University of Wisconsin Law School (March 12, 2004)

The First Amendment, the Public-Private Distinction, and Nongovernmental Suppression of

Wartime Political Debate, Boston College Law School (October 31, 2003); Pace University School of Law (September 19, 2003)

Regulating Political Parties Under a “Public Rights” First Amendment, Rutgers School of Law - Camden (March 26, 2002)

Toward Political Safeguards of Self-Determination, Symposium on New Voices on the New Federalism, Villanova University School of Law (October 28, 2000)

INTERNATIONAL TEACHING

<i>Introduction to U.S. Constitutional Rights</i> Aoyama Gakuin Law School	Tokyo, Japan June 2016
<i>Comparative Law of Free Expression (European Union-United States)</i> University of Utrecht, Institute for Global Justice	Utrecht, Netherlands July 2010
<i>Introduction to U.S. Constitutional Law</i> Fudan University	Shanghai, China October 2009
<i>Comparative Law of Free Expression (Canada-United States)</i> University of Montreal	Montreal, Canada July 2005

INSTITUTIONAL LEADERSHIP

Co-chair, Joint Search Committee for the Sally D. Danforth Chair in Religion and Politics	2014-2016
Chair, Promotions and Tenure Committee	2014-2015
Chair, Faculty Appointments Committee	2012-2013
Chair, Washington University Reading Group on the Supreme Court Nomination of Elena Kagan for the American Bar Association Standing Committee on the Federal Judiciary	2010