

ROBERT W. GORDON

PROFESSOR OF LAW, STANFORD UNIVERSITY as of July 1, 2011

CHANCELLOR KENT PROFESSOR OF LAW AND LEGAL HISTORY, AND PROFESSOR OF HISTORY,
YALE UNIVERSITY (EMERITUS as of July 1, 2011)

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EDUCATED:

Harvard College, Cambridge, MA. 1959-62; 1967. A.B. 1967
Harvard Law School, Cambridge, MA. 1968-71. J.D. 1971.

ADMITTED TO BAR: Massachusetts, 1971.

EMPLOYMENT [since 1963]:

Reporter, Louisville Courier-Journal (1963)
U.S. Army, 3d Infantry Division (1964-65)
Reporter, Newsweek (Boston and Rio de Janeiro bureaus) (1966, 1967)
Assistant to the Director, Institute of Politics, John F. Kennedy School of
Government, Harvard University (1968)
Teaching Fellow, Tutor in Eliot House, Harvard College (1969-71)
Staff, Center for the Study of Public Policy, Cambridge, Mass. (1970)
Staff, Office of Attorney General of Massachusetts (1971)
Assistant Professor, Law School, State University of New York at Buffalo
(1972-74); Associate Professor (1974-77)
Associate Professor, University of Wisconsin Law School (1977-79);
Professor (1979-83)
Visiting Professor, Harvard Law School (1979-80)
Visiting Professor, Stanford Law School (1982-83)
Professor, Stanford Law School (1983-93); Adelbert H. Sweet Professor (1993-95)
Visiting Lecturer, Oxford University (Hilary & Trinity Terms, 1988)
Distinguished Visiting Professor of Legal Theory, Faculty of Law, University of
Toronto (Jan. 1990)
Visiting Professor, Harvard Law School (Fall, 1991)
Visiting Lecturer, Yale Law School (Jan.-Feb. 1992)
Visiting Fellow, European University Institute, Florence (March-May, 1992)
Visiting Professor, Yale Law School (Fall, 1994)
Faculty Fellow, Harvard Center for Ethics and the Professions, 1999-2000
Professor, Yale Law School 1995-2011; Johnston Professor 1996-02; Chancellor Kent
Professor 2002-2011; Professor of History, Yale University 1996-2011.
Edward A. Heafey Jr. Visiting Professor of Law, Stanford Law School, Spring 2009,
2010; Professor, Stanford Law School, 2011-

PUBLICATIONS:

BOOKS

Taming the Past: Essays on Law in History and History in Law.
Cambridge University Press 2017)

The Legacy of Oliver Wendell Holmes, Jr. (Editor). Stanford University Press, 1992.

Storie Critiche del Diritto. Edizioni Scientifici Italiani, 1995

Law Society and History: Essays on Themes in the Work of Lawrence M. Friedman
(Edited with Morton J. Horwitz; Cambridge Univ. Press, 2011).

IN PREPARATION

Lawyers of the Republic (being revised for Harvard University Press)

The American Legal Profession, 1870-2000 (expanded version of chapter in Cambridge History of Law in America)

CHAPTERS IN BOOKS

“Accounting for Change in American Legal History,” in *Law in the American Revolution and the Revolution in Law* (H. Hartog, ed. N.Y.U. Press 1981).

“Law and Lawyers in the Age of Enterprise,” in *Professions and Professional Ideology in America* (Gerald Geison, ed. U.N.C. Press 1983).

“New Developments in Legal Theory,” in *The Politics of Law* (David Kairys, ed. Pantheon 1982, rev. for 2d ed., 1990).

“The Ideal and the Actual in the Law': Fantasies and Practices of New York City Lawyers, 1880-1910,” in *The New High Priests: Lawyers in Post-Civil War America* (Gerard Gawalt, ed. Greenwood Press, 1984).

“The Redemption of Professionalism” [with William H. Simon], in *Lawyers' Ideals/Lawyers' Practices* (R. Nelson & D. Trubek eds., Cornell Univ. Press, 1992.)

“Comparative Perspectives: The USA”, in *Beyond the Law: Lawyers and Business in Canada, 1830-1930* (Osgoode Hall, 1991).

“Holmes's Shadow”, in *The Legacy of Oliver Wendell Holmes, Jr.* (Stanford University Press, 1992).

“Paradoxical Property,” in *Early Modern Conceptions of Property* (John Brewer & Susan Staves eds., Routledge, 1995).

“Legal Realism” and “Oliver Wendell Holmes, Jr.”, in *A Companion to American Thought* (Kloppenber & Fox eds., Blackwell's, 1995).

“Undoing Historical Injustice,” in *Justice and Injustice* (Austin Sarat & Thomas Kearns, eds., Univ. of Michigan Press, 1996).

“Legal History: The Past as Authority and Social Critic”, in *The Historic Turn in the Human Sciences* (Terrence McDonald ed., Univ. of Michigan Press, 1996).

- “Some Critical Theories of Law and their Critics,” in *The Politics of Law* (David Kairys ed., 3d ed., Basic Books, 1998).
- “Law as a Vocation: Holmes and the Lawyer’s Path”, in *The Path of the Law in the Twentieth Century* (S. Burton, ed., Cambridge University Press, 2000)
- “Eigentum und republikanische Bürgerschaft in den USA,” [Property and Citizenship in the Nineteenth Century USA], in *Eigentum im internationalen Vergleich* (H. Siegrist & D. Sugarman eds., Vandenhoeck & Ruprecht, 1999).
- “R.C.B. Risk’s Canadian Legal History: A View from Abroad,” [with David Sugarman] in *Essays in Canadian Legal History* (J. Phillips, ed., Osgoode Society, Toronto, 1999).
- “Why Lawyers Can’t Just be Hired Guns,” in *Ethics in Practice* (Deborah Rhode, ed., Oxford University Press, 2000).
- “Legalizing Outrage,” in *Aftermath: The Clinton Impeachment and the Presidency In the Age of Political Spectacle* (L. Kaplan & B. Moran, eds., New York University Press, 2001).
- “Critical Legal Studies,” in *International Encyclopedia of the Social Sciences* (2001)
- “The Legal Profession” in *Looking Back at Law’s Century* (B. Garth, R. Kagan & A. Sarat eds., Cornell University Press, 2002).
- “Professions and Professionalism – An Overview”, in *Professionalism* (Open Society Institute Publications; forthcoming).
- “The Historical Argument in American Legal Culture,” in *Legal History in Comparative Perspective* (Institute for Legal History, Stockholm, 2002).
- “Professors and Policy-Makers: Yale Law School Faculty in the New Deal – and After,” in *History of the Yale Law School: The Tercentennial Lectures* (Yale Univ. Press, 2004)
- “Distintos modelos de educación jurídica y las condiciones sociales en que se apoyan” [“Modes of Legal Education and the Social Conditions that Sustain Them”], In *El derecho como objeto e instrumento de transformación* (R. Saba ed., Editores del Puerto, 2003)
- “Foreword”, to *Lawyers’ Ethics and the Pursuit of Social Justice* (S. Carle ed. 2005)
- “The Legal Profession, 1870-2000”, in *Cambridge History of Law in America* (C. Tomlins & M. Grossberg, eds., Cambridge Univ. Press, 2008)
- “Lawrence M. Friedman,” in *Yale Biographical Dictionary of American Lawyers* (2007)
- “Britton v. Turner: A Signpost Along the Crooked Road to ‘Freedom’ in the Employment Contract”, in *Law Stories: Contracts* (Douglas Baird, ed., 2006)
- Method and Politics: Morton Horwitz on Lawyers’ Uses and Abuses of History, in *The Transformation of American Legal History: Essays In Honor of Morton J. Horwitz* (A. Brophy & D. Hamilton, eds (Harvard University press, 2010)
- Are Lawyers Friends of Democracy?, in *The Paradox of Professionalism: Lawyers and the Possibility of Justice* (Scott L. Cummings, ed., Oxford U.P. 2011)

Is the World of Contracting Relations One of Spontaneous Order or Pervasive State Action?
Stewart Macaulay Scrambles the Public–Private Distinction, in [*Essays on the
Contracts Scholarship of Stewart Macaulay* (Hart Publishing, 2013)]

Legal Storytelling as a Variety of Legal Realism, in *The New Legal Realism*, forthcoming
(2016)

How the “Haves” Stay Ahead, in [republication of Marc Galanter, How the ‘Haves Come Out
Ahead’]

A Heroic Agenda for Legal Education, In *Liber Amicorum Harry W. Arthurs*
(2016)

ARTICLES

“James Willard Hurst and the Common Law Tradition in American Legal
Historiography,” 10 *Law and Society Review* 9 (1975).

“Recent Trends in Legal Historiography,” 69 *Law Library Journal* 462 (1976).

“Historicism in Legal Scholarship,” 90 *Yale Law Journal* 1017 (1981)

“Holmes's *Common Law* as Legal and Social Science,” 10 *Hofstra Law Review* 719
(1982).

“Critical Legal Histories”, 36 *Stanford Law Review* 57 (1984).

“Macneil, Macaulay, and the Discovery of Power and Solidarity in Contract Law,”
1985 *Wisconsin Law Review* 565 (1985).

Introduction: “The Corporate Law Firm as a Social Institution,” 37 *Stanford Law
Review* 271 (1985).

“Critical Legal Studies,” 10 *Legal Studies Forum* 335 (1986).

“Unfreezing Legal Reality: A Critical Approach to Contract Law,” 15 *Florida State
Law Journal* 195 (1987).

“Exchange on Critical Legal Studies,” 6 *Law and History Review* 139 (1988)

“Law and Ideology,” 3 *Tikkun* 14 (1988)

“The Independence of Lawyers,” 68 *Boston Univ. Law Review* 1 (1988).

“Law, Lawyers and Law Practice in the Silicon Valley,” [with Friedman, Pirie &
Whatley] 64 *Indiana Law Journal* 555 (1989).

“Law and Disorder,” 64 *Indiana Law Journal* 803 (1989)

“Critical Legal Studies as a Teaching Method,” 1 *Australian Journal of Legal
Education* 59 (1989)

“Critical Teaching,” 35 *Loyola Univ. of New Orleans L. Rev.* 383 (1989)

“Corporate Law Practice as a Public Calling,” 49 *Maryland Law Review* 255 (1990)

“The Politics of Legal History and the Search for a Usable Past,” 4 *Benchmark* (1990)

“Lawyers, Scholars and the ‘Middle Ground’”, 91 *Univ. of Michigan Law Review*
1801 (1993)

- "Hayek and Cooter on Custom and Reason," 23 *Southwestern U. L. Rev.* 453 (1994)
- "E.P. Thompson's Legacies," 82 *Georgetown Law Review* 2005 (1994)
- "The Struggle over the Past," 44 *Cleveland State Law Review* 123 (1996)
- "The Path of the Lawyer," 110 *Harvard Law Review* 1013 (1997)
- "The Arrival of Critical Historicism," 49 *Stanford Law Review* 1023 (1997)
- "The Bar's Response to Kaye Scholer," 1998 *Law & Social Inquiry* 315
- "The Ethical Worlds of Large-Firm Litigators," 67 *Fordham Law Review* 709 (1998)
- "The Radical Conservatism of *The Practice of Justice*," 51 *Stanford Law Review* 919 (1999)
- "Imprudence and Partisanship: Starr's OIC and the Clinton-Lewinsky Affair", 68 *Fordham Law Review* 639 (1999)
- "Hurst Recaptured," 18 *Law & History Review* 167 (2000)
- "Portrait of a Profession in Paralysis," 54 *Stanford Law Review* 1427 (2002)
- "Morton Horwitz and his Critics: A Conflict of Narratives," 37 *Tulsa Law Review* 915 (2002)
- "A New Role for Lawyers? The Corporate Counselor after Enron," 35 *Connecticut Law Review* 1185 (2003)
- "The Constitution of Liberal Order at the Troubled Beginnings of the Modern State," 58 *U. Miami Law Review* 373 (2004)
- "Private Career-Building and Public Benefits: Reflections on 'Doing Well by Doing Good'", 41 *Houston L. Rev.* 113 (2004)
- "Using History in Teaching Contracts: *Britton v. Turner* as a Case Study," 26 *Hawaii L. Rev.* 423 (2004)
- "The Legal Realists' Defense of the Administrative State," 55 *U. Toronto L. J.* 405 (2005)
- "Professionalisms Old and New, Good and Bad," 8 *Legal Ethics* 23 (2005)
- "The Law School, the Profession, and 'Humane Professionalism'", 44 *Osgoode Hall L. J.* 157 (2006)
- "The Geologic Strata of the Law School Curriculum," 60 *Vanderbilt L. Rev.* 339 (2007)
- "The Lawyer Citizen: A Myth with Some Basis in Reality," 50 *William & Mary Law Review* 1169 (2009)
- "The Role of Lawyers in Producing the Rule of Law: Some Critical Reflections 11 *Theoretical Inquiries in Law* 441 (2010)
- "Critical Legal Histories Revisited," in Symposium on Critical legal Histories, *Law & Social Inquiry* (2012)
- Commercial Pressures on Professionalism in American Medical Care: From Medicare to the Affordable Care Act, 42 *J. Law, Medicine & Ethics* (2015) [with Theodore L. Marmor]

“Brooks and Rose on *Saving the Neighborhood*,” *Ariz. L. Rev.* (2015)

“The Necessarily Uneasy Relationship between Legal Practice and Legal Education”,
Univ. Toronto L. Rev. (forthcoming)

“The Return of the Lawyer-Statesman?” 69 *Stanford L. Rev.* 1731 (2017)

“Lawyers, The Legal Profession, and Access to Justice in the United States: A Brief History,”
148 *Daedalus* (1) Winter, 2019

REVIEW ESSAYS

On: Grant Gilmore, *The Death of Contract*. In [1974] *Wisconsin Law Rev.* 1216.

On: William E. Nelson, *Americanization of the Common Law*. In 51 *New York University Law Review* 686 (1976)

On: G. Edward White, *Tort Law in America*. In 94 *Harvard Law Review* 903 (1981)

On: Charles Cook, *The American Codification Movement*. In 36 *Vanderbilt Law Review* (1983).

On: Alfred S. Konefsky and Andrew J. King (eds.), *The Legal Papers of Daniel Webster*. In 94 *Yale Law Journal* 445 (1984).

On: Harry W. Arthurs, *Without the Law*. In 24 *Osgoode Hall Law Journal* 421 (1986).

On: Richard D. Kahlenberg, *Broken Contract: A Memoir of Harvard Law School*, 105 *Harvard Law Review* 2041 (1992)

On: Morton J. Horwitz, *The Transformation of American Law*. In 6 *Yale Journal of Law & the Humanities* 137 (1994)

On: William LaPiana, *Logic and Experience*. In 93 *Michigan Law Review* 1231 (1995)

On: Neil Duxbury, *Patterns of American Jurisprudence*. In 84 *Georgetown Law Review* 2215 (1996)

On: Ronen Shamir, *Managing Legal Uncertainty: Elite Lawyers in the New Deal*. In 16 *Law and History Review* 197 (1998).

On: A.W. Brian Simpson, *Leading Cases in the Common Law*. In 95 *Michigan Law Review* 2044 (1997).

On: Harold Hyman, *Craftsmanship and Character: A History of the Law Firm of Vinson & Elkins*. In *Jurist* (March 6, 1999).

On: Kenneth Lasson, *Trembling in the Ivory Tower*. In 56 *J. Legal Educ.* 149 (2006)

On: Melvin I. Urofsky, *Louis D. Brandeis*. In 60 *J. Legal Educ.* 549-63 (2011)

On: Jeff Shesol, *Supreme Power* and Noah Feldman, *Scorpions*. *New York Review of Books* (2011)

EDITOR:

Law and Society in American History: Essays in Honor of James Willard Hurst.
(10 *Law and Society Review*, Vols. 1 & 2, 1975-76).

COURSES TAUGHT:

Contracts; Administrative Law; Evidence; Legislation; Corporations; Professional Responsibility. American Legal History; Law in the English and American Revolutions; History of the American Legal Profession; Legal History of American Corporations; English Legal History; Uses of History in Legal Argument. Legal Regulation of Expression in the U.S., U.K. and E.U.; Free Speech and the First Amendment; Lawyers and Social Movements; Professionalism under Pressure in Law and Medicine; American Legal Profession; Modern American Legal Thought; Ethics and the Government Lawyer; Law and Globalization; Workplace Theory and Policy; Conservative Legal Movements and Theories; American Legal History, 1930-2000.

FELLOWSHIPS , LECTURESHIPS & AWARDS:

Fellow, American Council of Learned Societies and American Bar Foundation, 1981.
Oliver Wendell Holmes Lecturer, Harvard Law School. February, 1985.
Mason Ladd Lecturer, College of Law, Florida State University. March, 1985.
Mellon Fellow in Law, Princeton University. October, 1985.
Susman, Godfrey & McGowan Lecturer, University of Texas Law School. April, 1986.
Jefferson Memorial Lecturer, University of California at Berkeley. November, 1986.
Addison Harris Lecturer, University of Indiana at Bloomington. April, 1988.
Lansdowne Lecturer, University of Victoria, British Columbia. October, 1988.
Stuart Rome Lecturer, University of Maryland Law School. April, 1989.
Brendan Brown Lecturer, Loyola Univ. of New Orleans School of Law. April, 1989.
Clark Lecturer, Institute for 17th and 18th Century Studies, UCLA, December, 1989.
Mellon Visiting Lecturer, University of Pittsburgh School of Law. March, 1990.
Frank Irvine Lecturer, Cornell Law School. April, 1991.
Thomas M. Cooley Lecturer, University of Michigan Law School. February, 1993.
Cleveland-Marshall Lecturer, Cleveland-Marshall School of Law. November, 1995.
Daniel J. Meador Lecturer, University of Alabama School of Law. March, 1996.
Richard Levitt Lecturer, University of Iowa College of Law. January, 1997.
Keck Foundation Senior Fellow, Yale Law School. 1996-97.
Fellow, Whitney Humanities Center, Yale University. 1995-98.
Faculty Fellow, Program in Ethics and the Professions, Harvard University. 1999-2000.
Burch Lecturer, Vanderbilt University. 2000.
Frankel Lecturer, University of Houston Law School. 2003
Rolapp Distinguished Visiting Scholar, University of Utah School of Law. 2004
Professions Program in Ethics Visiting Scholar, Washington & Lee University, 2009
Cegla Lecturer, University of Tel Aviv, 2009
Law and Humanities Annual Lecturer, University of Southern California, 2013
Cecil A. Wright Lecturer, University of Toronto, 2015
Francis Biddle Memorial Lecturer, Harvard University, 2015
Erickson Lecturer in Legal History, University of Minnesota, 2016.
AAALS Zacharias Prize for best article on Professional Responsibility, 2018
Stanton Wheeler Award for Mentorship, Law & Society Ass'n., 2018

OTHER PROFESSIONAL ACTIVITY:

President, American Society for Legal History (2001-03).
Co-Director, Willard Hurst Summer Institute for Legal History, Madison, WI, Summer, 2003, 2005.

Acting Director, Whitney Humanities Center, Yale University, 1998-99
Faculty Fellow, Center for Ethics and the Professions, Harvard University, 1999-2000

Fellow, Connecticut Bar Foundation, 2003-
Task Force on Future of the Legal Profession, Connecticut Bar Association, 2005-2006
Task Force on Funding for Legal Services, Connecticut Bar Association, 2002-2003
Task Force on Ethics, American Bar Association (Litigation Section), 1995-1999
Advisory Board, Legal Profession Program, Open Society (Soros) Institute, 1997-2004

Convenor, Institute for Constitutional History Summer Seminar, Stanford University, Summer, 2014
Convenor, Institute for Constitutional History, New-York Historical Society, Fall, 2018

Director, National Endowment for the Humanities Summer Seminars for College Teachers
at Stanford University: Summer, 1990, 1992

Member of Faculty, University of Western Ontario Seminars in Legal History for Law
Teachers: Summers, 1983-86; Member of Faculty, Association of American Law Schools
Workshops for Teachers of Contract Law (1986 & '89) and Law and Social Science (1987).

Director (1984-87) American Society for Legal History; Trustee (1982-5) Law & Society
Association.

Board of Editors, *Yale Journal of Law and the Humanities*, *Law & Social Inquiry*, *Annual
Reviews in Law and Social Science*

Member: American Law Institute, Selden Society, American Society for Legal History,
Law and Society Association, American Bar Association.

SELECTED LECTURES AND PUBLIC PAPERS

Comment: Has the Harvard Model of Legal Education Outlived its Usefulness?
Conference on Transatlantic Influences on Legal Education, Toronto, June, 2018.

Lecture: "The Return of the Lawyer-Statesman?" Queen Mary University of London,
November, 2016

Erickson Lecture in Legal History: "Markets, Morals and Lawyers", University of Minnesota
Law School, March, 2016.

Francis Biddle Memorial Lecture: A Lawyer-Activist in the 1920s and 30s: The Civil Liberties
and Civil Rights Causes of Mark DeWolfe Howe. Harvard Law School, April, 2015.

Cecil Wright Lecture: The Necessarily Uneasy Relation between Legal Education and Legal
Practice. University of Toronto Faculty of Law, March, 2015.

Comment on Rose & Brooks, *Saving the Neighborhood*. University of Arizona School
Of Law, January, 2014.

Paper: "Markets, Morals and Lawyers," Harvard Law School and Boston College Law School
Workshops, January, 2014

A Liberal-Humanist Vision of Legal Education", Law & Society Association Annual Meeting,
Boston, June, 2013.

"David Rabban's New History of Legal History", University of Texas Law School, April, 2013.

11th Annual Law & Humanities Lecture: Markets, Morals and Lawyers. University of
Southern California, February, 2013.

Histories of the Legal Treatise. University of Toronto Faculty of Law. December, 2012.

“Comment: Jerry Mashaw’s New History of Federal Administrative Law.” Yale Law School October, 2012.

Why the “Haves” Stay Ahead: The Legal Protection of Oligarchy. DePaul Law School Symposium In Honor of Marc Galanter, April, 2012.

Stewart Macaulay and the Public-Private Distinction. Conference on Stewart Macaulay, University of Wisconsin-Madison, October, 2011.

Core Values in Legal Education. Plenary Session, Association of American Law Schools Conference, Seattle. June, 2011

Address: “Can’t We – Finally – Dispense with Originalism?” Conference on Law, History and Memory, Univ. of Southern Calif. Law School, February, 2011

Comment: Brad Wendel’s Legal Ethics. Cornell Law School, December 2010.

Paper: Critical Legal Histories Revisited. University of Michigan Law School, Dec. 2010; University of Toronto Faculty of Law, March 2011

Talk: “Leadership” in the legal Profession. International Legal Ethics Conference, Stanford University. July 2010

Comment: “Critical legal Histories” Revisited. Law & Society Association, Chicago. May 2010.

Comment: David Trubek’s Critical Empiricism. Law & Society Association, Chicago. May 2010

Comment: The Old Legal Realism, The New Legal History. “Law As” conference, university of California, Irvine. April 2010.

Paper: Lawyers and Liberal Institutions. Brown University. February 2010.

Paper: The Rule of Law and Construction of Self. Teagle Seminar, National Humanities Center, Durham, NC. December 2009.

Colloquium: The OLC Torture Memos and Professional Ethics. Univ. of Connecticut School of Law. November, 2009.

Colloquium: Possible Futures of the Legal Profession. Program on Law and Public Affairs, Princeton University. October, 2010.

Paper: Are Lawyers Friends of Democracy? University of California, Los Angeles. September 2009.

Cegla Lecture: Do Lawyers Promote the Rule of Law?, University of Tel Aviv, April, 2009.

Lecture: The Public Functions of the Legal Profession, Washington & Lee School of Law. March, 2009.

Paper: Morton Horwitz on Lawyers’ Uses of History, Conference in Honor of Morton Horwitz, Harvard Law School, November, 2008.

Paper: Are Lawyers Friends of Democracy? Arizona State University Law School; Hastings College of Law; Fordham University Law School. October-November 2008.

Paper: “Using Stories in Teaching Contracts”, Conference on Contracts: Law in Action,

University of Wisconsin Law School, February, 2008.

Paper: "Practice Conditions and Public-Serving Professionalism: An Historical Survey," Conference on the Lawyer-Citizen, William & Mary Law School, February, 2008.

Paper: "Lawyers' Ethics and Business Clients". Conference on Lawyers Ethics and Business Ethics, University of Chicago Law School. November, 2007.

Talk: "Private Practice and Public Interest". First Circuit Judicial Conference, Portsmouth, N.H. October, 2007.

Lecture: "Promoting the Rule of Law Abroad: Lessons from American Experience." Safra Center on Ethics and the Professions, Harvard University, March, 2007.

Paper: "The American Legal Profession in the 20th Century." Workshop in American Studies, Princeton University, February, 2007.

Talk: "Morton Horwitz on History in Constitutional Argument." Annual Meeting, Assoc. Am. Law Schools. Washington, DC, January 2007.

Lecture: "Maitland and his Contemporaries on the Uses of Legal History," Conference on F. W. Maitland, Princeton University, December, 2006.

Plenary lecture: "Pathways to Republican Lawyering," Annual Meeting, American Society for Legal History, Baltimore, November 2006.

Paper: "Shedding the Bad Past", Conference on History in Constitutional Interpretation, Vanderbilt Law School, October, 2006

Talk: "The Lawyer as Gatekeeper," Conference on Gatekeepers Today: The Professions after the Reforms, Columbia Law School, September, 2006.

Paper: "The Geologic Strata of the Law School Curriculum," Conference on Legal Education, Vanderbilt Law School, April, 2006.

Comment: "New Legal Histories of Race and Nationality," Annual Meeting, Organization of American Historians, Washington, D.C., April, 2006.

Lecture: "The Past as Authority, Inspiration and Nightmare", Wesleyan Humanities Center, Wesleyan University, February, 2006.

Talk: "Willard Hurst, Chastened Progressive." University of Wisconsin-Madison, June, 2005.

Paper: "Law Schools and 'Humane Professionalism'". Osgoode Hall Law School, May 2005.

Lecture: "Schools of Modern American Legal Thought." Yale Law School, February, 2005.

Talk: "A Golden Age of Professionalism?" Connecticut Bar Foundation Conference on Professionalism, October, 2004.

Talk: "Civil Rights Lawyers in the 1930s". Woodrow Wilson Center for Scholars, Washington, DC, September, 2004.

Paper: "Legal Realists' Defense of the Administrative State." Conference on Administrative Law, University of Toronto, September, 2004.

Keynote Address: "Professionalisms Old and New, Good and Bad." International Conference on the Legal Profession, University of Exeter (UK), July, 2004.

Talk: "Original Promises of the Fourteenth Amendment." American Constitution Society

National Convention, Washington, DC, June, 2004.

Talk: “Richard Abel’s *English Lawyers*.” Law & Society Association Annual Meeting, Chicago, June, 2004.

Paper: “The Role of Lawyers in Building Liberal Institutions.” University of Utah School of Law, March, 2004.

Paper: “Yale Law Professors and the New Deal.” Harvard Law School, March, 2004; Washington & Lee School of Law, April, 2004.

Address: “10 Propositions on Teaching Professionalism.” Chief Justice of Ontario Advisory Committee’s Conference, Toronto, February, 2004.

Talk: “Economic Justice Issues”. Conference on Rights, Liberties and Justice, Santa Cruz, January, 2004.

Paper: “Using History in Teaching Contracts: The case of *Britton v. Turner*.” AALS Annual Meeting, Atlanta, January, 2004.

Lecture: “‘Doing Well by Doing Good’ – Public Service and Private Careers in Law,” University of Houston Law Center, November, 2003.

Talk: “Reclaiming Constitutional History,” American Constitution Society, Washington, D.C., July, 2003.

Paper: “The Constitution of Liberal Order at the Troubled Beginnings of the Modern State,” Symposium in honor of Owen Fiss, University of Miami Law School, March, 2003.

Paper: “The Corporate Counselor after Enron”, Conference on Corporate Governance, University of Connecticut School of Law, November, 2002.

Paper: “Modes of Legal Education and the Social Conditions that Sustain Them,” Conference on Democracy and Distributive Justice, Punta del Este, Uruguay, June, 2002.

Paper: “The Law-Politics Distinction in the Life and Work of John Marshall,” Symposium on Kent Newmyer’s *John Marshall*, University of Connecticut School of Law, April 2002.

Talk: “Inequality: What Can Lawyers Do About It?”, College of William & Mary, Marshall-Wythe School of Law, April 2002.

Paper: “Morton Horwitz and his Critics”, University of Tulsa School of Law, March, 2002.

Paper: “Lawyers and the Rule of Law.” UC Berkeley Law School Workshop, November, 2001.

Paper: “The Privatization of the American Legal Profession.” American Society for Legal History, Chicago. November, 2001.

Talks: “Veblen’s *Theory of the Leisure Class* Reconsidered” and “American lawyers in the light cast by Lucien Karpik’s account of French *avocats*.” Law & Society Association Meeting, Budapest, 2001

Paper: “The Rule of Lawyers, the Rule of Clients, or the Rule of Law?” W.G. Hart Memorial Conference on Legal Education and Globalization, London, June, 2001.

Talk: “The Role of Law in Constructing Social Relations: Illustrations from Legal Histories of 19th Century Work and Marriage.” Willard Hurst Institute for Legal History, University of Wisconsin-Madison, June, 2001.

Talk: "Multidisciplinary Practices: Opportunities and Illusions". Connecticut Bar Foundation Symposium, June, 2001.

Lectures: "Episodes and Movements in Private-Law Thought in the USA, 1900-2000." Scuola Superiore di Studi Universitari e di Perfezionamento S. Anna, Pisa, Italy. March, 2001.

Lecture: "Professors and Policymakers: Yale Law Faculty in the New Deal and After." Tercentennial Lecture Series on the History of Yale Law School, February, 2001.

Talk: "Identity Politics and Labor Relations." Symposium on Labor Law in the 21st Century, University of California, Berkeley, February 2001.

Lecture: "Is there Anything Still Useful in Critical Legal Studies?". University of Virginia Law School, January, 2001.

Talk: "Regulation of Multidisciplinary Practices: Five Principles". ABA Conference on Professional Responsibility, New Orleans, June, 2000.

Burch Lecture: "Can Lawyers Produce the Rule of Law?" Vanderbilt University Law School, March 2000.

Paper: "Liberalism's Constitution of Order," American Society for Legal History, Toronto. October 1999.

Paper: "The US Legal Profession in the 20th Century: Major Themes", Conference on "Law 2000", Amherst College. October, 1999.

Lecture: "Is Professionalism Worth Saving?" University of Toronto Faculty of Law. September, 1999.

Talk: "Is Ours a 'Horizontal Society?'" Colloquium on Lawrence Friedman's *The Horizontal Society*, Stanford Law School. July, 1999.

Paper: "Lawyers as Preservers and Destroyers of Tradition," Conference on Law, Culture and Humanities, Wake Forest University. March, 1999.

Lectures: "The Role of Lawyers in Constructing the Public Sphere." University of Palermo, Buenos Aires. August, 1998.

Paper: "R.C.B. Risk and Canadian Legal History: A Comparative View," Conference on the Legal History of Canada, University of Toronto Law School. May, 1998.

Inaugural Lecture for Johnston Chair: "Is Law Still a Profession? Was it Ever One? And Does it Matter?", Yale Law School. March, 1998.

Lecture: "The Historical Argument in American Legal Culture," Institute for Legal History, Stockholm, November, 1997.

Paper: "Property and Citizenship in the Nineteenth Century USA," Conference on Property, Personhood and Citizenship, Free University of Berlin, April, 1997.

Levitt Lecture: "Holmes and the Lawyer's Vocation," Iowa College of Law, Jan., 1997.

Paper: "Private Lawyers and the Representation of the Public Interest in the USA," Conference on Constitutional Democracy, Buenos Aires. August, 1996.

Lecture: "Legal Education 100 Years Ago and Now," at One-Hundredth Anniversary of the Washington College of Law, American University. April, 1996.

Meador Lecture: “Why Lawyers Can’t Just be Hired Guns,” University of Alabama School of Law. March, 1996.

Cleveland-Marshall Lecture: “The Struggle over the Past,” Cleveland Marshall School of Law, November, 1995.

Paper: “The New Right and the Struggle over the Past,” Kyoto University Seminar on Legal Theory. June, 1995.

Lecture: “Undoing Historical Injustice,” Amherst College. March, 1994.

Talk: “Has Law become a Business? And if so, is that Bad?”, 4th Cir. Judicial Confer. June, 1994.

Cooley Lectures: “Taming the Past: Histories of Liberal Society in American Legal Thought,” University of Michigan. February 2, 3, 4, 1993.

Paper: “Static, Dynamic and Critical Views of Legal Tradition,” European University Institute, Florence. May, 1992.

Paper: “The Lawyer's Role in Shaping Contracting Practices in the Silicon Valley High-Tech and Bio-Tech Industries,” Hitachi Foundation Conference on Law in the Pacific Community, Stanford University. October, 1991.

Irvine Lecture: “Is Law Policy? Can Law Schools be Policy Schools?”, Cornell Law School, April, 1991.

Paper: “The Past as Authority and as Critic,” Conference on 'The Historic Turn in the Human Sciences,' University of Michigan. October, 1990.

Lecture: “Alternative Models of Business Organization for 'Post-Socialist' Societies,” Collegium of Advocates, Moscow. June 1990.

Mellon Lecture: “Private Practice and Public Values,” University of Pittsburgh Law School. February, 1990.

Clark Lecture: “Property Rights in Eighteenth Century Ideology and Practice,” Institute for 17th and 18th Century Studies, Univ. of California at Los Angeles. December, 1989.

Brendan Brown Lecture: “Critical Teaching”. Loyola Univ. of New Orleans School of Law. April, 1989.

Stuart Rome Lecture: “Law as a Public Profession.” Univ. of Maryland Law School. April, 1989.

Lansdowne Lecture: “Law and Disorder.” Univ. of Victoria Faculty of Law, British Columbia. October, 1988.

Lecture: “The Intellectual Politics of Legal Education in the U.S.”, University of Sydney Faculty of Law, Sydney, Australia. August, 1988.

Addison Harris Lecture: “Social and Sexual Order and Disorder in American and British Public Law.” Univ. of Indiana at Bloomington. April, 1988.

Lecture: “Some Realism about Critical Legal Studies.” University College London Faculty of Law. February, 1988.

Lecture: “The Independence of the Bar: Reality or Fantasy?” Boston University Law School, April, 1987.

Jefferson Memorial Lecture: “Tocqueville on Law and Lawyers,” University of California at Berkeley, November, 1986.

Susman-Godfrey-McGowan Lecture: “Lawyers and the Paradoxes of Commercial Society.” University of Texas Law School. April, 1986.

Mason Ladd Lecture, Florida State University College of Law: “Unfreezing Legal Reality: Critical Approaches to Law.” March, 1985.

Holmes Lectures, Harvard Law School: “Lawyers as the American Aristocracy.” February, 1985