

Stephen E. Sachs

Antonin Scalia Professor of Law

Harvard Law School
Lewis 311
1557 Massachusetts Ave.
Cambridge, MA 02138

✉ ssachs@law.harvard.edu
💻 hls.harvard.edu/faculty/stephen-sachs/
📖 ssrn.com/author_id=532296
🆕 ORCID [0000-0001-9125-074X](https://orcid.org/0000-0001-9125-074X)
🏠 Erdős #: 7

📞 +1 617 495 5009
🐦 @stephenesachs
🌐 stevesachs.com

Research interests

Civil procedure, constitutional law, conflict of laws, legal history, federal courts, jurisprudence

Academic appointments

Harvard Law School

2021–present Antonin Scalia Professor
2015–2016 Visiting Associate Professor

Duke University School of Law

2020–2021 Colin W. Brown Professor
2016–2020 Professor
2014–2016 Associate Professor
2011–2014 Assistant Professor

University of Chicago Law School

Winter 2020 Visiting Professor

Education

2007 Yale Law School, J.D.

Joseph Parker Prize, for the best paper on legal history or Roman law [\[SSRN\]](#)
Jewell Prize, for the best 2L contribution to a secondary journal [\[SSRN\]](#)
Yale Law Journal, Executive Editor
Yale Law & Policy Review, Executive Editor, Articles Editor

2004 Oxford University, BA (Hons) (First Class) in Philosophy, Politics & Economics

Rhodes Scholar (Missouri & Merton College 2002), MA (Oxon) awarded June 2008

2002 Harvard University, A.B. summa cum laude in History

First in the graduating class (Sophia Freund Prize), Phi Beta Kappa
Thomas T. Hoopes Prize, for outstanding scholarly work
Philip Washburn Prize, for the best thesis on a historical subject [\[www\]](#)
The Harvard Crimson, Editorial Co-Chair

Experience

- 2010–2011, **Mayer Brown LLP**
2008–2009 Litigation Group (Appellate), Washington, D.C.
Associate
- 2009–2010 **Supreme Court of the United States**
Chambers of Chief Justice John G. Roberts, Jr.
Law clerk
- 2007–2008 **U.S. Court of Appeals for the D.C. Circuit**
Chambers of Judge Stephen F. Williams
Law clerk

Publications

Articles

**Good and Evil in the American Founding:
The 2023 Vaughan Lecture on America’s Founding Principles**

48 Harv. J.L. & Pub. Pol’y (forthcoming 2025)

[SSRN]

Give Parents the Vote

100 Notre Dame L. Rev. (forthcoming 2024) (with Joshua Kleinfeld)

[SSRN]

***Dobbs* and the Originalists**

47 Harv. J.L. & Pub. Pol’y (forthcoming 2024)

[SSRN]

General Law and the Fourteenth Amendment

76 Stan. L. Rev. 1185 (2024) (with William Baude & Jud Campbell)

[SSRN]

Dormant Commerce and Corporate Jurisdiction

2023 Sup. Ct. Rev. 213

[SSRN] [WWW]

According to Law

46 Harv. J.L. & Pub. Pol’y 1271 (2023)

[SSRN] [WWW]

The Official Story of the Law

43 Oxford J. Legal Stud. 178 (2023) (with William Baude)

[SSRN] [WWW]

Law Within Limits: Judge Williams and the Constitution

15 N.Y.U. J. Law & Liberty 110 (2023)

[SSRN]

The “Common-Good” Manifesto

136 Harv. L. Rev. 861 (2023) (book review) (with William Baude)

[SSRN]

Originalism: Standard and Procedure

135 Harv. L. Rev. 777 (2022)

[SSRN]

The Misunderstood Eleventh Amendment

169 U. Pa. L. Rev. 609 (2021) (with William Baude)

[SSRN]

The Unlimited Jurisdiction of the Federal Courts

106 Va. L. Rev. 1703 (2020)

[SSRN]

Supreme Court as Superweapon: A Response to Epps & Sitaraman

129 Yale L.J. F. 93 (2019)

[SSRN] [WWW]

Originalism and the Law of the Past

37 Law & Hist. Rev. 809 (2019) (with William Baude)

[SSRN] [WWW]

Finding Law

107 Cal. L. Rev. 527 (2019)

[SSRN]

Grounding Originalism

113 Nw. U. L. Rev. 1455 (2019) (with William Baude)

[SSRN]

Precedent and the Semblance of Law

33 Const. Comment. 417 (2018)

[SSRN]

The Law and Morals of Interpretation

13 Duke J. Const. L. & Pub. Pol'y 103 (2018)

[SSRN]

Originalism Without Text

127 Yale L.J. 156 (2017)

[SSRN]

***Pennoy* Was Right**

95 Tex. L. Rev. 1249 (2017)

[SSRN]

The Law of Interpretation

130 Harv. L. Rev. 1079 (2017) (with William Baude)

[SSRN] [JOTWELL]

Originalism's Bite

20 Green Bag 2d 103 (2016) (with William Baude)

[SSRN]

Originalism as a Theory of Legal Change

38 Harv. J.L. & Pub. Pol'y 817 (2015)

[SSRN]

Five Questions After *Atlantic Marine*

66 Hastings L.J. 761 (2015)

[SSRN]

The Forum Selection Defense

10 Duke J. Const. L. & Pub. Pol'y 1 (2014)

[SSRN]

How Congress Should Fix Personal Jurisdiction

108 Nw. U. L. Rev. 1301 (2014)

[SSRN] [JOTWELL]

The “Constitution in Exile” as a Problem for Legal Theory

89 Notre Dame L. Rev. 2253 (2014)

[SSRN]

The “Unwritten Constitution” and Unwritten Law

2013 U. Ill. L. Rev. 1797 (book review)

[SSRN]

Constitutional Backdrops

80 Geo. Wash. L. Rev. 1813 (2012)

[SSRN]

The Uneasy Case for the Affordable Care Act

75 Law & Contemp. Probs., no. 3, at 17 (2012)

[SSRN]

**Corruption, Clients, and Political Machines:
A Response to Professor Issacharoff**

124 Harv. L. Rev. F. 62 (2011)

[SSRN] [WWW] [PDF]

Full Faith and Credit in the Early Congress

95 Va. L. Rev. 1201 (2009)

[SSRN]

Why John McCain Was a Citizen at Birth

107 Mich. L. Rev. First Impressions 49 (2008) (Commentary)

[SSRN]

From St. Ives to Cyberspace:

The Modern Distortion of the Medieval “Law Merchant”

21 Am. U. Int’l L. Rev. 685 (2006)

[SSRN]

Saving Toby: Extortion, Blackmail, and the Right to Destroy

24 Yale L. & Pol’y Rev. 251 (2006) (Comment)

[SSRN]

Works in collection

Full Faith and Credit Clause

in The Heritage Guide to the Constitution 345

(David L. Forte ed., 2d ed. 2014) (with Erin O’Hara O’Connor)

[WORLDSCAT]

Conflict Resolution at a Medieval English Fair

in Eine Grenze in Bewegung: Öffentliche und private Justiz im Handels- und Seerecht 19

(Schriften des Historischen Kollegs Kolloquien 81, Albrecht Cordes & Serge Dauchy eds., 2013)

[SSRN] [WORLDSCAT]

Amicus briefs

Mallory v. Norfolk Southern Railway Co.

143 S. Ct. 2028 (2023) (No. 21-1168)

[SSRN] [WWW] [OPINION]

Franchise Tax Board v. Hyatt

139 S. Ct. 1485 (2019) (No. 17-1299) (with William Baude)

[SSRN] [WWW] [OPINION]

BNSF Railway Co. v. Tyrrell

581 U.S. 402 (2017) (No. 16-405)

[SSRN] [WWW] [OPINION]

Atlantic Marine Construction Co. v. U.S. District Court

571 U.S. 49 (2013) (No. 12-929) (with Jeffrey S. Bucholtz & Daniel S. Epps)

[SSRN] [WWW] [OPINION] [REPRINT]

Working papers

Life After *Erie*

Nov. 1, 2023

[SSRN]

John McCain's Citizenship: A Tentative Defense

Aug. 19, 2008

[SSRN]

The Feigned Issue in the Federal System

Nov. 26, 2007

[SSRN]

Alternative Theories of the Crime

May 24, 2007

[SSRN]

Commentary

Volokh Conspiracy

Contributor, 2019–present

[WWW]

Amendments should start with states

Harvard Gazette

Dec. 5, 2022

[WWW]

Let States Get the Ball Rolling on Amendments

Boston Globe

Dec. 15, 2021

[WWW]

Closing Reflections on the Supreme Court and Constitutional Governance

Presidential Commission on the Supreme Court of the United States

July 20, 2021

[SSRN] [WWW]

Letter to the Hon. Michael A. Chagares, Chair, Advisory Committee on Appellate Rules, on the Participation of Former Judges (No. 18-AP-D)

Aug. 13, 2018

[[www](#)]

SCOTUS O.T. 2017 Symposium

Prawfsblawg, June 2018

[[www](#)]

SCOTUS O.T. 2016 Symposium

Prawfsblawg, June 2017

[[www](#)]

Comment, Restatement (4th) of the Foreign Relations Law of the United States (Treaties), Tentative Draft No. 2

American Law Institute, May 20, 2017

[[www](#)]

Letter to Rep. Trey Gowdy et al. on H.R. 38, the “Concealed Carry Reciprocity Act”

Mar. 23, 2017 (with Randy Barnett & William Baude)

[[www](#)]

Stephen Sachs on the Wrong Way To Criticize Originalism

The Volokh Conspiracy, Feb. 7, 2017 (guest post) (posted by Will Baude)

[[www](#)]

Full Faith and Credit in Court and in Congress

National Constitution Center, Sept. 12, 2016

[[www](#)]

Article IV, Section 1: Full Faith and Credit Clause

National Constitution Center, Sept. 12, 2016 (with Steve Sanders)

[[www](#)]

Talking About Standing in Zivotofsky and Robins

Prawfsblawg, May 17, 2015 (with Richard M. Re & Chris J. Walker) (posted by Richard M. Re)

[[www](#)]

Saving Originalism’s Soul

Library of Law & Liberty, Dec. 17, 2014, *reprinted in* Steven D. Smith et al., *The New and Old Originalism: A Discussion* (San Diego Legal Studies Paper No. 15-178, Feb. 9, 2015)

[[SSRN](#)] [[www](#)]

‘Calvinball’ with the US Constitution

San Francisco Daily Journal, Nov. 18, 2014, at 7

[[WORLDSCAT](#)]

Professor Stephen Sachs and *Atlantic Marine v. U.S. District Court*

The Volokh Conspiracy, Oct. 11, 2013 (guest post) (posted by Will Baude)

[[www](#)]

The Case for “Constitutional Backdrops”

SCOTUSreport, Aug. 29, 2012

[[www](#)]

Signed and Sealed

Slate, Oct. 12, 2010

[[www](#)]

Code

ColdCall

An algorithm for randomly selecting students for cold-calling. [\[XLSX\]](#) [\[AWK\]](#)

Projects in progress

“The Twelfth Amendment and the ERA”

“Truth in Legal Fiction”

“Arms and Agents of the State”

“How Standing Ate Procedure”

Awards

- 2020 Joseph Story Award, Federalist Society [\[WWW\]](#)
- 2013 Exemplary Legal Writing, *Green Bag Almanac & Reader* [\[SSRN\]](#)
- 2007 Kathryn T. Preyer Scholars (honorable mention), American Society for Legal History [\[SSRN\]](#)
- 1999 Dante Prize, Dante Society of America

Conferences organized

- 2018.02.02 “Amending the Constitution: 2018 Spring Roundtable,” Duke University School of Law (with the *Duke Journal of Constitutional Law & Public Policy*) [\[WWW\]](#)
- 2017.04.01 “Law and Theoretical Disagreement,” Duke University School of Law [\[WWW\]](#)
- 2014.09.19 “Forum Selection After *Atlantic Marine*,” U.C. Hastings School of Law (with Scott Dodson & Brad Shannon) [\[WWW\]](#)

Courses

- Civil Procedure [\[SYLLABUS\]](#)
- Conflict of Laws [\[SYLLABUS\]](#)
- Originalism and Its Discontents (Seminar) [\[SYLLABUS\]](#)
- Jurisprudence (Reading Group) [\[SYLLABUS\]](#)
- Thinking About Abortion (Reading Group) [\[SYLLABUS\]](#)
- The Original Constitution (Writing Group) [\[SYLLABUS\]](#)
- The Common Law in the Federal System (Reading Group) [\[SYLLABUS\]](#)
- Conservative Legal Thought (Readings) (with Ernest Young) [\[WWW\]](#)
- Abortion: Law, Policy, Ethics (Readings) (with Amanda Schwoerke) [\[SYLLABUS\]](#)

Service

Public and professional

- 2015–present Adviser, Restatement of the Law (Third), Conflict of Laws, American Law Institute

- 2016–2022 Appellate Rules Advisory Committee, Judicial Conference of the United States
- 2018 Academic Advisory Board, Supreme Court Fellows Program
- 2014.04.25 Amend. 12-CV-F, Fed. R. Civ. P. 77(c)(1) (effective Dec. 1, 2014) (with Logan T. Mohs) [\[www\]](#)

Academic

- 2024–present Faculty Advisor, Harvard Federalist Society
- 2019 Co-Convener, Impeachment Reading Group, Duke University School of Law
- 2017–2018 Chair, Workshops Committee, Duke University School of Law
- 2017–2018 Faculty Advisor, Duke Law Students for Life

Professional memberships

- Academic Freedom Alliance
- American Law Institute
- Center for the Study of Constitutional Originalism, USD School of Law (Affiliated Scholar)
- Federalist Society
- Harvard Initiative on Law & Philosophy

Bar admissions

- 2011 Supreme Court of the United States
- 2022 U.S. Court of Appeals for the Second Circuit
- 2011 U.S. Court of Appeals for the Seventh Circuit
- 2010 U.S. Court of Appeals for the D.C. Circuit
- 2009 District of Columbia
- 2008 Massachusetts

Presentations

- 2024.06.20 “Truth in Legal Fiction,” Jurisprudence Discussion Group, *Oxford University*
- 2024.05.21 Panelist, “Debate: The Positivist Case For and Against Originalism,” Originalism Summer Seminar, *Georgetown University Law Center*
- 2024.04.06 “Remarks at the Alumni Dinner, in Memory of Charles Fried,” Federalist Society, *Harvard Law School* [\[www\]](#)
- 2024.03.30 Panelist, “Lawyers and Historians,” Symposium on Jack M. Balkin, Memory and Authority: The Uses of History in Constitutional Interpretation, Bill of Rights Journal, *William & Mary School of Law*
- 2024.03.20 Panelist, “Getting Published,” Law Teaching Colloquium, *Harvard Law School*
- 2024.02.28 Panelist, “Constitutions, Elections, and Procedure—(How) Can We Change How We Separate Powers?,” National Student Symposium, *Federalist Society*
- 2024.02.28 Panelist, “Becoming a Legal Academic,” National Student Symposium, *Federalist Society*
- 2024.02.28 Panelist, “Our Democracy Problem,” Harvard Thinking, *Harvard Gazette* [\[www\]](#)
- 2024.02.22 “Legal Conservatism,” Research Seminar on Methodologies and Schools of Thought, SJD Program, *Harvard Law School*

- 2024.02.19 “Give Parents the Vote” (with Joshua Kleinfeld), Public Law Workshop, *Harvard Law School*
- 2024.02.19 “Give Parents the Vote” (with Joshua Kleinfeld), Lunch Workshop, Federalist Society, *Harvard Law School*
- 2024.02.17 “*Dobbs* and the Originalists,” Symposium on the Future of History and Tradition, Harvard Journal of Law & Public Policy, *Harvard Law School*
- 2024.02.05 Invited Class Lecturer, “Understanding the Modern Supreme Court,” *Northeastern University*
- 2024.01.29 Moderator, “The Sweep and Force of Section 3,” Federalist Society, *Harvard Law School*
- 2023.11.16 Invited Class Lecturer, “Reproductive Rights Advocacy,” *Harvard Law School*
- 2023.11.15 Panelist, “*Mallory* and the Future of Personal Jurisdiction,” Federalist Society, *Georgetown University School of Law*
- 2023.11.14 “*Mallory v. Norfolk Southern Railway Co.*,” Ideas Lunch, *Harvard Law School*
- 2023.11.11 Panelist, “Showcase Panel IV: How Originalist is the Supreme Court?,” National Lawyers’ Convention, *Federalist Society* [www]
- 2023.11.03 Panelist, “The Originalism Debate,” Federalist Society, *University of Michigan Law School*
- 2023.11.01 “Life after *Erie*,” Antonin Scalia Chair Lecture, *Harvard Law School* [SSRN] [www] [VIDEO]
- 2023.10.12 “Original Law Originalism,” Judicial Originalism Conference, Center for the Study of Constitutional Originalism, *University of San Diego School of Law*
- 2023.09.18 Panelist, “An Introduction to Originalism: A Positivist Turn?,” Federalist Society, *Harvard Law School*
- 2023.09.17 “Constitution Day,” Harvard Community Seminar, *Harvard College* [www]
- 2023.09.05 “General Law and the Fourteenth Amendment,” Faculty Workshop, *Antonin Scalia Law School*
- 2023.07.26 “Polarization and Precedent: The 2022–2023 Supreme Court Term,” Program on Biblical Law and Christian Legal Studies, *Harvard Law School*
- 2023.05.22 “Positive Originalism,” Originalism Summer Seminar, *Georgetown University Law Center*
- 2023.04.19 “Good and Evil in the American Founding,” Herbert W. Vaughan Lecture on America’s Founding Principles, James Madison Program in American Ideals and Institutions, *Princeton University* [www] [VIDEO]
- 2023.04.07 Panelist, “Do we have an ‘Imperial’ Supreme Court?,” Abrams Institute Conversations, Media Freedom & Information Access Clinic, *Yale Law School*
- 2023.04.05 Panelist, “Academic Career Lunch & Learn,” Federalist Society, *Harvard Law School*
- 2023.04.04 “Single-Judge Divisions,” Ideas Lunch, *Harvard Law School*
- 2023.04.03 Moderator, “How Should We View the Founders?,” Federalist Society, *Harvard Law School*
- 2023.03.22 Discussant, John Stinneford, Edward Rood Eminent Scholar Chair Lecture, *University of Florida Levin College of Law*
- 2023.03.20 Panelist, “Was *Pennoy* Right?,” Federalist Society, *Cornell University Law School*
- 2023.02.23 “General Law and the Fourteenth Amendment,” Faculty Workshop, *Harvard Law School*
- 2023.02.10 “General Law and the Fourteenth Amendment” (with William Baude & Jud Campbell), Fourteenth Annual Originalism Works-in-Progress Conference, Center for the Study of Constitutional Originalism, *University of San Diego School of Law*
- 2023.02.06 Guest Lecturer, “Understanding the Modern Supreme Court,” *Northeastern University*
- 2023.02.01 Panelist, “The Relationship Between Positive Law and Constitutional Interpretation,” *Catholic University Columbus School of Law* [www]
- 2023.01.07 Panelist, “Selective Originalism,” Section on Law and Interpretation, Annual Meeting *American Association of Law Schools* [www]
- 2023.01.06 Moderator, “America and Her Discontents,” 24th Annual Faculty Conference, *Federalist Society* [www]
- 2023.01.06 Moderator, “*Dobbs* & the Rule of Law,” 24th Annual Faculty Conference, *Federalist Society* [www]
- 2022.11.28 Invited Class Lecturer, “Cases and Controversies in American Law,” *University of Missouri—Columbia*
- 2022.11.21 Invited Class Lecturer, “Supreme Court Simulation,” *South Texas College of Law—Houston*
- 2022.11.18 Invited Class Lecturer, “Constitutional Interpretation,” *University of Pennsylvania Carey Law School*

2022.11.15 Moderator, “Reforming the Supreme Court,” Ideas Lunch, *Harvard Law School* [www]

2022.11.09 Moderator, “Reforming the Supreme Court,” The Supreme Court in a Constitutional Democracy Lecture Series, *Harvard Law School*

2022.11.07 Panelist, “Do the Courts Need Reform?,” Federalist Society, *Yale Law School*

2022.11.04 Panelist, “Who Decides: Questions of State Power, Corporate Power, and Originalism at Stake in *Mallory v. Norfolk Southern Railway*,” Freedom of Thought Project, *Federalist Society*

2022.10.29 Keynote Address, Symposium on Common Good Constitutionalism, Journal of Law & Public Policy and Federalist Society, *Harvard Law School*

2022.10.28 “Originalism,” Class of 1971, *Harvard Law School*

2022.10.27 Moderator, “Beyond *Dobbs*: What Comes Next?,” Federalist Society, *Harvard Law School*

2022.10.25 “Is Our Law Originalist? A Conversation with Professor Stephen Sachs,” *Harvard Law and Philosophy Society Podcast* [www]

2022.10.18 Panelist, “Fireside Chat on the Future of Originalism,” Federalist Society, *Harvard Law School*

2022.10.17 “Originalism and Original Sins,” Stranahan Lecture, *U. Toledo College of Law*

2022.09.29 Panelist, “After *Dobbs*,” Law Students for Life, *Harvard Law School*

2022.09.24 “Truth in Legal Fiction,” Workshop on Constitutional Law & General Jurisprudence, *Dartmouth College*

2022.09.15 Panelist, “Constitutional Issues in Recent Supreme Court Opinions,” 2022 Constitution Day, Declaration Center, *University of Mississippi* [www]

2022.09.14 “The Official Story of the Law,” Law & Philosophy Workshop, *Harvard Law School*

2022.07.26 “Understanding *Dobbs*: A Conversation with Prof. Stephen Sachs,” Program on Biblical Law and Christian Legal Studies, *Harvard Law School*

2022.07.25 “*N.Y. State Rifle & Pistol Ass’n v. Bruen*,” Supreme Court Lunch Series, *Harvard Law School*

2022.07.05 “*Dobbs* and the Future of the Conservative Legal Movement,” Federalist Society, *Harvard Law School*

2022.04.29 “The Official Story of the Law,” Faculty Workshop, *University of Virginia Law School*

2022.04.05 “Originalism, Abortion, and the Court,” Federalist Society, *Brown University*

2022.03.28 Panelist, “State Courthouse Steps: Texas SB8 Litigation,” Courthouse Steps Decision Webinar, *Federalist Society* [www]

2022.02.22 Guest Lecturer, “Interpreting ‘The Judicial Power,’” *Harvard Law School*

2022.02.14 Guest Lecturer, “Understanding the Modern Supreme Court,” *Northeastern University*

2022.01.12 Moderator, “Supreme Court Reform and the Biden Commission,” Federalist Society, *Harvard Law School*

2022.01.06 Panelist, “Unwritten ‘Law’?,” Section on Jurisprudence, Annual Meeting *American Association of Law Schools* [www]

2021.12.14 “*Whole Woman’s Health v. Jackson* and *United States v. Texas*,” Courthouse Steps Decision Webinar, *Federalist Society* [www]

2021.11.04 Panelist, “Supreme Court Hears Texas Abortion Case,” We the People Podcast, *National Constitution Center* [www]

2021.11.02 “*Whole Woman’s Health v. Jackson* and *United States v. Texas*,” Courthouse Steps Oral Argument Webinar, *Federalist Society* [www]

2021.10.26 “The Supreme Court and S.B. 8,” Ideas Lunch, *Harvard Law School*

2021.10.22 “Originalism: A Debate” (with Noah Feldman), Federalist Society, *Harvard Law School*

2021.10.21 “The Law of Interpretation,” The Supreme Court as a Lawmaking Institution (Seminar), *Harvard Law School*

2021.10.14 “The Law of Interpretation,” Constitutional & Statutory Interpretation Seminar, *Georgetown University Law Center*

- 2021.09.17 “Law Within Limits: Judge Williams and the Constitution,” Symposium in Honor of Judge Stephen F. Williams, C. Boyden Gray Center for the Study of the Administrative State, *Antonin Scalia Law School, George Mason University*
- 2021.05.25 “Original Law Originalism,” Originalism Summer Seminar, *Georgetown University Law Center*
- 2021.05.05 “Making Fetch Happen,” Dissenting Opinions Podcast (with William Baude), Constitutional Law Institute, *University of Chicago Law School* [www]
- 2020.03.23 Discussant, Lawrence Solum, “Originalism and Diversity of Citizenship,” Center for Federalism and Intersystemic Governance, *Emory University School of Law*
- 2021.03.06 “Originalism: Standard and Procedure,” National Conference of Constitutional Law Scholars, Rehnquist Center, *University of Arizona James E. Rogers College of Law* [www]
- 2021.03.09 “Stephen Sachs and Ernest Young,” Digging a Hole: The Legal Theory Podcast (with Sam Moyn and David Schleicher) [www]
- 2021.02.25 Panelist, “Where Does the Rule of Law Go from Here?,” Federalist Society, *Duke University School of Law*
- 2021.02.16 Invited Class Discussant, Modern Supreme Court, *Northeastern University*
- 2021.02.12 Panelist, “Originalism’s Conservative Foes,” Federalist Society, *University of Virginia School of Law* [www]
- 2021.02.08 Panelist, “The Next Four Years,” Program in Public Law, *Duke University School of Law*
- 2021.01.28 Panelist, “The Electoral College’s Finest Hour?,” Federalist Society, *University of Texas at Austin School of Law*
- 2020.11.24 Invited Class Discussant, Advanced Erie Problems, *Harvard Law School*
- 2020.11.18 “The Misunderstood Eleventh Amendment,” Fall Speaker Series, Georgetown Center for the Constitution, *Georgetown University Law Center* [www]
- 2020.11.10 Panelist, “Is the Supreme Court Really in Crisis?,” Federalist Society, *Yale Law School*
- 2020.11.03 “The Misunderstood Eleventh Amendment,” Invited Class Presentation (with William Baude), Advanced Topics in Federal Courts, *University of Virginia School of Law*
- 2020.10.31 “Deep Bench: The Coming War,” Deep Background Podcast (with Noah Feldman) [www]
- 2020.10.27 “Originalism and Positivism,” Invited Class Presentation, Constitutional Originalism, *Georgetown University Law Center*
- 2020.10.23 “The Unlimited Jurisdiction of the Federal Courts,” *Civil Procedure Workshop*
- 2020.10.22 Panelist, “Appraising the Electoral College,” Federalist Society, American Constitution Society, Program in Public Law, Program in American Values and Institutions, & Department of Political Science, *Duke University* [www]
- 2020.10.19 “Finding Law,” Law & Philosophy Workshop, *University of Chicago Law School*
- 2020.10.16 Panelist, “A Discussion on Originalism: Analyzing Differences in Originalist Constitutional Interpretation,” Federalist Society, *UNC School of Law*
- 2020.10.12 Panelist, “The Supreme Court’s Abortion Jurisprudence,” Federalist Society, *University of Chicago Law School*
- 2020.10.01 Panelist, “Was *Erie* Correctly Decided?,” Federalist Society, *Duke University School of Law*
- 2020.09.17 Panelist, “A Constitution Day Conversation: How Do We Interpret the Constitution?,” Constitutional Law Institute, *University of Chicago Law School* [www]
- 2020.07.23 “*Seila Law LLP v. CFPB*,” Supreme Court Workshop, *Duke University School of Law*
- 2020.05.19 “Original Law Originalism,” Originalism Summer Seminar, *Georgetown University Law Center*
- 2020.04.29 Panelist, “Corpus Linguistics, Constitutional Interpretation, and the Right to Keep and Bear Arms,” Center for Firearms Law, *Duke University School of Law* [www]
- 2020.04.02 “Finding Law,” Invited Class Presentation, Conflict of Laws, *Notre Dame Law School*
- 2020.03.14 “Remarks from the 2020 Joseph Story Award,” 2020 Student Symposium, *Federalist Society* [www]
- 2020.03.14 Panelist, “Originalism and Interstate Relations,” 2020 Student Symposium, *Federalist Society* [www]
- 2020.03.05 “The Official Story,” Legal Theory Workshop, *Yale Law School*
- 2020.02.21 “The Misunderstood Eleventh Amendment” (with William Baude), Eleventh Annual Originalism Works-in-Progress Conference, Center for the Study of Constitutional Originalism, *University of San Diego School of Law*

- 2020.02.06 “The Unlimited Jurisdiction of the Federal Courts,” Works-in-Progress Workshop, *University of Chicago Law School*
- 2020.01.23 Discussant, Ilan Wurman, “Can a Dead Constitution Bind the Living?,” Federalist Society, *Duke University School of Law*
- 2020.01.04 Panelist, “Is Everything Political?,” 22nd Annual Faculty Conference, *Federalist Society* [www]
- 2020.01.04 Panelist, “Luncheon Debate: Resolved: The Electoral College Should Be Abrogated,” 22nd Annual Faculty Conference, *Federalist Society* [www]
- 2019.12.12 Discussant, Samuel Bray, “Equity Will Not . . .,” Judicial Administration Roundtable, *Duke University School of Law*
- 2019.11.14 Panelist, “What is Originalism?,” National Lawyers Convention, *Federalist Society* [www]
- 2019.11.08 “Fee-Shifting as Access to Justice,” Civil Rules Planning Conference, Bolch Judicial Institute, *Duke University School of Law*
- 2019.10.17 “Truth in Legal Fiction,” Ideas Lunch, *Duke University School of Law*
- 2019.09.25 “Suing the Government: Politics and Procedure,” Miami Lawyers’ Chapter, *Federalist Society*
- 2019.09.25 “Suing the Government: Politics and Procedure,” Federalist Society, *FIU College of Law*
- 2019.09.19 Panelist, “Supreme Court Wrap-Up and Preview,” Program in Public Law, Federalist Society & American Constitution Society, *Duke University School of Law*
- 2019.09.17 Panelist, “Originalism vs. Living Constitution,” Federalist Society & American Constitution Society, *NCCU School of Law*
- 2019.09.13 Discussant, Richard R.W. Brooks, “Economic (or Core) Irreparability & Equity’s Response to Legal Uncertainty,” Equity Workshop, *Notre Dame Law School*
- 2019.07.23 “*Franchise Tax Board v. Hyatt*,” Supreme Court Lunch Series, *UNC School of Law*
- 2019.07.19 “*Franchise Tax Board v. Hyatt*,” Post-Decision SCOTUScast, *Federalist Society* [www]
- 2019.06.25 “Jurisdiction, Allegiance, and Corporate Persons,” Conflict of Laws Roundtable, *UNC School of Law*
- 2019.05.21 “Original Law Originalism,” Originalism Summer Seminar, *Georgetown University Law Center*
- 2019.05.16 Discussant, Sunita Patel, “Cracking Open the Courthouse Door to Sue Police,” Culp Colloquium, *Duke University School of Law*
- 2019.05.16 Discussant, Portia Pedro, “The Chancellors’ New Clothes,” Culp Colloquium, *Duke University School of Law*
- 2019.05.14 “Precedent,” Federalist Society, *Stanford Law School*
- 2019.04.30 “Finding Law,” Ipse Dixit Podcast (with Brian L. Frye) [www]
- 2019.04.25 “Originalism v. Living Constitution” (with Eric J. Segall), Workshop for Judges of the Eleventh Circuit, *Sarasota, Fla.*
- 2019.04.01 “The Official Story,” Speaker Sidebar (with Nathan S. Chapman), *University of Georgia School of Law* [www]
- 2019.04.01 “The Official Story,” Faculty Workshop, *University of Georgia School of Law*
- 2019.03.14 “*Franchise Tax Board v. Hyatt*,” Post-Argument SCOTUScast, *Federalist Society* [www]
- 2019.03.13 “Finding Law,” Public Law Workshop, *Harvard Law School*
- 2019.03.09 Moderator, Plenary Session 5, National Conference of Constitutional Law Scholars, Rehnquist Center, *University of Arizona James E. Rodgers College of Law*
- 2019.02.28 Panelist, “Originalism Where the Text Runs Out,” Federalist Society, *University of Virginia School of Law*
- 2019.02.12 “Immunity is for Sovereigns,” Ideas Lunch, *Duke University School of Law*
- 2019.02.08 Panelist, “Originalism as Faith or Originalism as Law?,” Federalist Society & American Constitution Society, *UNC School of Law* [www]
- 2019.02.01 Panelist, “Stare Decisis and Precedent,” 2019 Annual Florida Chapters Conference, *Federalist Society* [www]
- 2019.01.28 “From Scratch,” First Mondays Podcast (with Dan Epps) [www]
- 2019.01.14 “*Franchise Tax Board of California v. Hyatt*: Reviving Sister-State Sovereign Immunity,” Courthouse Steps Oral Argument, *Federalist Society* [www]
- 2018.11.27 Panelist, “Chief Justice Roberts: The Supreme Court’s New Center?,” Program in Public Law, *Duke University School of Law*

- 2018.11.19 “Animal Magnetism,” First Mondays Podcast (with Dan Epps & Marin K. Levy) [www]
- 2018.11.08 Discussant, Ilan Wurman, “A Debt Against the Living: An Introduction to Originalism,” Federalist Society, *UNC School of Law*
- 2018.11.02 “Grounding Originalism,” Originalism 3.0 Symposium, Northwestern University Law Review, *Northwestern Pritzker School of Law*
- 2018.10.25 “Was *Pennoyer* Right? The Future of Personal Jurisdiction,” Federalist Society, *University of Pennsylvania Law School*
- 2018.10.23 “Of Law and Politics” (with Jedediah Purdy), American Constitution Society & Federalist Society, *Duke University School of Law*
- 2018.10.22 “The Official Story of the Law,” Faculty Workshop, *Duke University School of Law*
- 2018.10.10 “Finding Law,” Faculty Workshop, *George Washington University Law School*
- 2018.10.09 “Finding Law,” Faculty Workshop, *Antonin Scalia Law School, George Mason University*
- 2018.09.22 “The Official Story of the Law,” Law & Philosophy Workshop, *Dartmouth College*
- 2018.09.18 Discussant, Suja Thomas, “Is Summary Judgment Constitutional?,” Federalist Society, *Duke University School of Law*
- 2018.09.04 “Text vs. Precedent in Constitutional Law” (with Steven Calabresi), Federalist Society, *Yale Law School*
- 2018.06.14 “Grounding Originalism” (with William Baude), Workshop on the Law of Interpretation, Surrey Centre for Law & Philosophy, *University of Surrey*
- 2018.06.12 “Finding Law,” Jurisprudence Discussion Group, *Oxford University*
- 2018.05.22 “Original Law Originalism,” Originalism Summer Seminar, *Georgetown University Law Center*
- 2018.04.20 “Precedent and the Semblance of Law,” *Settled Versus Right*: Book Talk with Randy Kozel, *University of Richmond School of Law*
- 2018.04.01 “Brooding Omnipresence,” Oral Argument Podcast (with Christian Turner & Joe Miller) [www]
- 2018.03.02 “Originalism v. Living Constitution” (with Eric J. Segall), U.S. District Court for the Southern District of Georgia Advisory Committee, *Amelia Island, Fla.*
- 2018.02.08 Discussant, Bradley A. Smith, “Citizens Disunited,” Federalist Society, *Duke University School of Law*
- 2018.02.02 Discussant, Andrew Coan, “Amending the Law of Constitutional Interpretation,” Amending the Constitution: 2018 Spring Roundtable, *Duke University School of Law*
- 2018.01.05 Panelist, “The Constitution and Campus Politics: A Conversation for Young and Nearly Young Law Professors,” 20th Annual Faculty Conference, *Federalist Society*
- 2018.01.05 “Finding Law,” 20th Annual Faculty Conference, *Federalist Society*
- 2017.09.26 “Finding Law,” Public Law Workshop, *University of Pennsylvania Law School*
- 2017.09.18 “Originalism v. Living Constitution” (with Eric J. Segall), Augusta Lawyers Chapter, Federalist Society, *Augusta University*
- 2017.09.12 “Originalism Without Text,” Contemporary Issues in Legal Scholarship Workshop, *Yale Law School*
- 2017.05.31 “Originalism vs. Living Constitution” (with Jorge Farinacci Fernós), Puerto Rico Lawyers Chapter, Federalist Society, *Interamerican University of Puerto Rico School of Law*
- 2017.05.18 Discussant, Aaron Tang, “Reverse Political Process Theory,” Culp Colloquium, *Duke University School of Law*
- 2017.04.20 “Finding Law,” Elmer J. Schaefer Workshop, *William & Mary Law School*
- 2017.04.19 “Finding Law,” Faculty Scholarship Retreat, *Duke University School of Law*
- 2017.04.12 “What is Originalism? (And Why Does It Matter?),” Federalist Society, *Duke University School of Law*
- 2017.04.05 “Finding Law,” Faculty Workshop, *Washington University School of Law*
- 2017.04.01 “What We Can All Disagree On,” Roundtable on “Law and Theoretical Disagreement,” *Duke University School of Law*
- 2017.02.18 Discussant, Mitchell N. Berman, “Our Principled Constitution,” Eighth Annual Originalism Works-in-Progress Conference, Center for the Study of Constitutional Originalism, *University of San Diego School of Law* [www]
- 2017.01.31 Panelist, “Can He Do That?: The Constitutionality and Force of President Trump’s Executive Orders,” *Duke University School of Law*

- 2017.01.05 “*Pennoyer Was Right*,” Young Legal Scholars Paper Presentations, 19th Annual Faculty Conference, *Federalist Society*
- 2016.11.15 “*Pennoyer Was Right*,” Federalist Society, *Yale Law School*
- 2016.11.07 “Statutory Interpretation: How Much Should Interpreters Care How Congress Really Works?,” Federalist Society, *Duke University School of Law*
- 2016.11.03 “Finding Law,” Legal Theory Workshop, *UCLA School of Law*
- 2016.09.15 “Living Constitution vs. Originalism” (with Steve Vladeck), Federalist Society, *University of Texas School of Law* [www]
- 2016.08.03 “Original Law,” Faculty Workshop, *Duke University School of Law*
- 2016.07.14 “*Pennoyer Was Right: Jurisdiction and General Law*,” Civil Procedure Workshop, *University of Washington School of Law*
- 2016.06.29 “The Law of Interpretation” (with William Baude), Harvard/Stanford/Yale Junior Faculty Forum, *Yale Law School*
- 2016.06.17 Guest Lecturer, “Law and Legal Reasoning 4: Legal Theory,” College of Professional Studies, *Northeastern University*
- 2016.03.31 “*Pennoyer Was Right: Jurisdiction and General Law*,” Faculty Workshop, *Harvard Law School*
- 2016.03.07 “The Law of Interpretation,” Faculty Workshop, *St. John’s University School of Law*
- 2016.02.20 “The Law of Interpretation,” Seventh Annual Originalism Works-in-Progress Conference, Center for the Study of Constitutional Originalism, *University of San Diego School of Law*
- 2016.02.05 “The Law of Interpretation,” Constitutional Interpretation: Comparative Perspectives, *University of Notre Dame in London*
- 2016.01.25 Guest Lecturer, “Understanding the Modern Supreme Court,” *Northeastern University*
- 2016.01.09 Moderator, “7 Minute Presentations of Works in Progress Panel 2-A,” 18th Annual Faculty Conference, *Federalist Society*
- 2015.11.30 “The Law of Interpretation,” Constitutional Law Colloquium, *Georgetown University Law Center*
- 2015.09.28 Panelist, “Fix the Court,” American Constitution Society, *Harvard Law School*
- 2015.05.06 “The Law Is What We Say It Is,” Jurisprudence Discussion Group, *Oxford University*
- 2015.05.05 “Originalism as a Theory of Legal Change,” Jurisprudence Discussion Group, Constitutional Studies Programme & Public Law Discussion Group, *Oxford University*
- 2015.04.21 “Why Federalists Should Learn to Love the Federal Courts,” Federalist Society, *Yale Law School*
- 2015.04.20 “Originalism as a Theory of Legal Change,” Federalist Society, *Yale Law School*
- 2015.04.02 “Originalism & Today’s Laws,” Federalist Society / American Constitution Society, *University of Arizona James E. Rogers College of Law*
- 2015.02.11 Discussant, Richard A. Epstein, “How Progressives Rewrote the Constitution: Theories of Originalism in Constitutional Interpretation,” *Duke University School of Law*
- 2015.01.04 “The Law of Interpretation,” 17th Annual Faculty Conference, *Federalist Society*
- 2014.11.11 “Originalism as a Theory of Legal Change,” Public Law Colloquium, *Northwestern University School of Law*
- 2014.09.19 “Five Questions After *Atlantic Marine*,” Forum Selection After *Atlantic Marine*, *U.C. Hastings College of the Law*
- 2014.06.17 “*Walden v. Fiore, Daimler AG v. Bauman, and Atlantic Marine Construction Co. v. U.S. District Court*,” Supreme Court Lunch Series, *UNC School of Law*
- 2014.06.13 “Originalism as a Theory of Legal Change,” Junior Scholars Colloquium, *Federalist Society*
- 2014.04.11 “Originalism as a Theory of Legal Change,” Carolina Junior Scholar Series, *NCCU School of Law*
- 2014.03.31 “Forum Selection and *Atlantic Marine*: Where Do We Go from Here?,” CLE Lecture, *Federal Bar Association (EDNC Chapter)*
- 2014.03.24 “Originalism as a Theory of Legal Change,” Legal Theory Workshop, *Columbia Law School*
- 2014.03.01 Panelist, “Liquidation: Theory, Techniques, and Problems,” The Role of History in Constitutional Law, Constitutional Law Center, *Stanford Law School*
- 2014.02.21 “Originalism as a Theory of Legal Change,” Fifth Annual Originalism Works-in-Progress Conference, Center for the Study of Constitutional Originalism, *University of San Diego School of Law*

- 2014.02.03 “*Atlantic Marine Construction Co. v. U.S. District Court for the Western District of Texas*,” Post-Decision SCOTUScast, *Federalist Society* [www]
- 2014.01.25 “Originalism as a Theory of Legal Change,” Faculty Scholarship Retreat, *Duke University School of Law*
- 2013.12.06 Panelist, “Originalism and the Good Constitution,” Searle Center Book Preview Roundtable, *Northwestern University School of Law*
- 2013.12.05 “Originalism as a Theory of Legal Change,” Constitutional Law Workshop, *University of Chicago Law School*
- 2013.11.12 *Atlantic Marine Construction Co. v. U.S. District Court for the Western District of Texas*,” Post-Argument SCOTUScast, *Federalist Society* [www]
- 2013.11.09 “The ‘Constitution in Exile’ as a Problem for Legal Theory,” The Role of Custom, Convention, and Tradition in U.S. Constitutional Law, *Duke University School of Law*
- 2013.11.01 “The ‘Constitution in Exile’ as a Problem for Legal Theory,” The Evolution of Theory: Discerning the Catalysts of Constitutional Change, *University of Notre Dame Law School*
- 2013.10.02 Panelist, “Supreme Court Moot: *Kaley v. United States*,” *Duke University School of Law*
- 2013.08.07 Panelist, “Choice of Law in the Post-*Nicastro* Era,” 2013 Annual Conference, *Southeastern Association of Law Schools*
- 2013.07.31 “Originalism as a Theory of Legal Change,” Faculty Workshop, *Duke University School of Law*
- 2013.07.18 “Originalism as a Theory of Legal Change,” Inazu Colloquium, *Duke University School of Law*
- 2013.06.04 “Forum Selection Clauses and *Atlantic Marine Construction Co.*,” Ad Hoc Junior Scholars Conflicts/Federal Courts Workshop, *Duke University School of Law*
- 2013.04.17 “Constitutional Backdrops,” Faculty Workshop, *St. Louis University School of Law*
- 2013.04.15 “Constitutional Backdrops,” Constitutional Law Colloquium, *University of Illinois College of Law*
- 2013.04.05 “What Is a Fundamental Right?,” Advancements in Healthcare and Patent Law, Biotechnology & Pharmaceutical Law Review, *NCCU School of Law*
- 2012.10.28 “How Congress Should Fix Personal Jurisdiction,” Junior Faculty Federal Courts Workshop, *William & Mary Law School*
- 2012.10.15 “Constitutional Backdrops,” Constitutional Law and Theory Colloquium, *Cornell University Law School*
- 2012.10.12 “The ‘Unwritten Constitution’ and Unwritten Law,” Symposium on Akhil Amar’s *America’s Unwritten Constitution*, *University of Illinois College of Law*
- 2012.09.27 Panelist, “Supreme Court Moot: *Lozman v. City of Riviera Beach*,” *Duke University School of Law*
- 2012.09.04 “How Congress Should Fix Personal Jurisdiction,” Junior Faculty Workshop, *UNC School of Law & Duke University School of Law*
- 2012.09.04 Panelist, “It’s Constitutional, What Now?,” American Constitutional Society, Federalist Society & Health Law Society, *Duke University School of Law*
- 2012.06.25 “Constitutional Backdrops,” Inazu Colloquium, *Duke University School of Law*
- 2012.06.12 *Zivotofsky v. Clinton*, Supreme Court Lunch Series, *UNC School of Law*
- 2012.06.06 “How Congress Should Fix Personal Jurisdiction,” Faculty Workshop, *Duke University School of Law*
- 2012.04.21 Panelist, “You Can Call It Obamacare, but Can You Call It Unconstitutional?,” Duke Law Alumni Association, *Duke University School of Law*
- 2012.03.23 Invited Class Lectures, *U.S. Naval Academy*
- 2012.02.27 Panelist, “The Court and the Affordable Care Act,” Program on Public Law, *Duke University School of Law*
- 2012.02.10 Moderator, “Policies, Proposals, and Practical Implications,” The Consequences and Constitutional Dilemmas of State Debt, *Duke Journal of Constitutional Law and Public Policy*, *Duke University School of Law*
- 2012.02.04 “Constitutional Backdrops,” Third Annual Originalism Works-in-Progress Conference, Center for the Study of Constitutional Originalism, *University of San Diego School of Law*
- 2012.01.27 “Constitutional Backdrops,” Faculty Workshop, *Duke University School of Law*
- 2011.11.04 “Constitutional Backdrops,” A Symposium to Mark the 100th Anniversary of Farrand’s Records of the Federal Convention, *George Washington University Law School*
- 2011.10.20 Discussant, Robert D. Cooter & Neil S. Siegel, “Taxes, Penalties, and the Minimum Coverage Provision,” Faculty Workshop, *Duke University School of Law*
- 2011.10.03 *Golan v. Holder*, Supreme Court Preview, *Duke University School of Law*

- 2011.09.16 Discussant, Erwin Chemerinsky, “Political Ideology and Constitutional Decision-Making: The Coming Example of the Affordable Care Act,” The Constitutionality of the Affordable Care Act: Ideas from the Academy, *Duke University School of Law*
- 2011.07.19 *J. McIntyre Machinery v. Nicaastro*, Supreme Court Lunch Series, *UNC School of Law*
- 2008.05.01 “Law, Norms, and Conflict Resolution in a Medieval English Fair,” La résolution des conflits: Justice publique et Justice privée: une frontière mouvante, 6th sess., “La résolution des conflits en matière de commerce, terrestre et maritime,” Centre d’Histoire Judiciaire, *Université Lille 2*
- 2005.04.12 “From St. Ives to Cyberspace: The Modern Distortion of the Medieval ‘Law Merchant,’” *Yale Information Society Project*
- 2004.05.19 Discussant, Asst. Att’y Gen. Viet Dinh, “Law, Liberty, and the Terrorist Threat,” *New College, Oxford*