

# Maureen E. "Molly" Brady

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## APPOINTMENTS

### Harvard Law School

Deputy Dean, 2023-present  
Louis D. Brandeis Professor of Law, 2022-present  
Professor of Law, 2021-22  
Assistant Professor of Law, 2019-21

### University of Virginia School of Law

Associate Professor of Law, 2016-2019

## EDUCATION

**Yale University**, PhD in Law (with distinction), 2016  
Certificate of College Teaching Preparation, 2016

### Yale Law School. J.D., 2011

Joseph Parker Prize (best paper in legal history) (two-time recipient)  
Quintin Johnstone Prize (best paper on the topic of real property)  
Jewell Prize (best second-year student contribution to a secondary journal)  
Edgar M. Cullen Prize (best paper by a first-year student)  
Coker Teaching Fellow, Contracts  
*Yale Journal of Law and Technology*, Co-Editor-in-Chief & Articles Editor  
Yale Law Review, Co-Director

### Harvard College, A.B., History, *summa cum laude*, 2008

Phi Beta Kappa (senior fall election)  
Detur Book Prize (top 5% of freshman class)  
History Department Junior Essay Prize  
Harvard-Radcliffe Foundation for Women's Athletics Prize (top scholar-athlete)  
Harvard Track and Field, Captain  
*Harvard Lampoon*, Ibis (Vice-President)  
Bach Society Orchestra, Violist

## PUBLICATIONS

### Articles & Essays

*The Illusory Promise of General Property Law*, 132 YALE L.J. F. (2023) (invited) [\[SSRN\]](#) [\[WWW\]](#)

*Turning Neighbors into Nuisances*, 134 HARV. L. REV. 1609 (2021) [\[SSRN\]](#) [\[JOTWELL\]](#)

*Property and Projection*, 133 HARV. L. REV. 1143 (2020) [\[SSRN\]](#) [\[JOTWELL\]](#)

*The Forgotten History of Metes and Bounds*, 128 YALE L.J. 872 (2019) [\[SSRN\]](#) [\[JOTWELL\]](#)

*The Damagings Clauses*, 104 VA. L. REV. 341 (2018) [\[SSRN\]](#) [\[JOTWELL 1\]](#) [\[JOTWELL 2\]](#) [\[WWW\]](#)

*Penn Central Squared: What the Many Factors of Murr v. Wisconsin Mean for Property Federalism*, 165 U. PA. L. REV. ONLINE 53 (2017) [SSRN]

*Property's Ceiling: State Courts and the Expansion of Takings Clause Property*, 102 VA. L. REV. 1167 (2016) [SSRN]

*The Lost "Effects" of the Fourth Amendment: Giving Personal Property Due Protection*, 125 YALE L.J. 946 (2016) [SSRN]

*Defining "Navigability": Balancing State-Court Flexibility and Private Rights in Waterways*, 36 CARDOZO L. REV. 1415 (2015) [SSRN] [JOTWELL]

*The Failure of America's First City Plan*, 46 URB. LAW. 507 (2014) [SSRN]

*Leaving Room for Research: The Historical Treatment of the Common Law Research Exemption in Congress and Courts*, 12 YALE J.L. & TECH. 269 (2010) (published under maiden name, Maureen E. Boyle) [SSRN]

## **Books & Digital Content**

Thomas W. Merrill, Henry E. Smith & Maureen E. Brady, *PROPERTY: PRINCIPLES AND POLICIES* (4th ed. 2022) [WWW]

Gregory Alexander, Maureen E. Brady & Lior Jacob Strahilevitz, *PRACTICEPERFECT FOR PROPERTY* (2022) [WWW]

## **Invited Symposium Pieces, Book Chapters & Book Reviews**

*Covenants and the Contract Clause*, VA. ENV'T L. REV. (forthcoming 2024)

*Cottages as Public Nuisances: The Long History of Land Use Regulation of the Poor*, 73 DEPAUL L. REV. 241 (2024) (Clifford Symposium) [SSRN] [WWW]

*Analog Analogies and the Future of Trespass to Chattels*, 16 J. TORT L. 205 (2023) (with James Y. Stern) [SSRN] [WWW]

*Uses of Convention History in State Constitutional Law*, 2022 WIS. L. REV. 1169 [SSRN]

*Zombie State Constitutional Provisions*, 2021 WIS. L. REV. 1063 [SSRN]

*The Domino Effect in State Takings Law: A Response to 51 Imperfect Solutions*, 2020 U. ILL. L. REV. 1455 [SSRN]

Book Review, Caroline R. Sherman, *The Uses of the Dead: The Early Modern Development of Cy-Près Doctrine*, 38 LAW & HIST. REV. 291 (2020) [WWW]

*Property Convergence in Takings Law*, 46 PEPP. L. REV. 695 (2019) [SSRN]

## **Works in Progress**

*The Origins of “Single-Family” Zoning*

*The Old Old Textualism: Lessons from Debates on Dictionaries in Private Law*

*Hidden Information in Property Law*

*The Role of “Value” in Moral Nuisance Cases* (book chapter)

## **Amicus Briefs**

Brief of Property Law Professors in Support of Appellees, *Taylor v. Northam*, 2021 WL 3918940 (Va. Sept. 2, 2021) (No. 210113) [www]

## HONORS & AWARDS

### **Scholarship**

Cromwell Article Prize, American Society for Legal History (2020)

Association of American Law Schools Scholarly Papers Competition Winner (2019)

Selected for Yale/Harvard/Stanford Junior Faculty Forum (2019)

Selected for reprinting twice in *LAND USE AND ENVIRONMENT LAW REVIEW* (2020-21 ed. & 2019-20 ed.) (for one of 4-5 best articles in preceding year)

Selected for reprinting twice in *ZONING AND PLANNING LAW HANDBOOK* (2019 ed. & 2018 ed.)

American Society for Legal History Student Research Colloquium (2014)

NEH Summer Scholar, “The Meanings of Property” (2014)

### **Teaching**

HLS “Last Lecture” Series Speaker, chosen by Graduating Class Marshals (2021)

HLS Student Government Teaching and Advising Award (2020)

UVA Student Council Distinguished Teaching Award (2019)

Charge to the Class of 2019, University of Virginia School of Law (2019)

Z Society Distinguished Faculty Award (2018) (for “one outstanding member of the University of Virginia’s faculty who has positively impacted the student body”)

Honoree, Seven Society 27th Annual Monticello Dinner Series (2017) (for “transformative instruction of students at the University of Virginia School of Law”)

Ignite Scholar, Center for Teaching Excellence (2016-17)

## WORK EXPERIENCE

**Ropes & Gray LLP**, Boston, MA, 2012-13

*Associate, Corporate Department.*

**Hon. Bruce M. Selya, United States Court of Appeals for the First Circuit**, Providence, RI & Boston, MA, 2011-12

*Law Clerk.*

**Hon. Bruce M. Selya, Roger Williams Law School**, Bristol, RI, Fall 2011

*Teaching Assistant, “Lessons of Litigation”* (appellate advocacy course).

**Ropes & Gray LLP**, Boston, MA, Summer 2010  
*Summer Associate, Litigation and Corporate Departments.*

**New Haven State's Attorney's Office**, New Haven, CT, Fall 2009  
*Extern to State's Attorney Michael Dearington.*

**Wolf, Greenfield & Sacks, P.C.**, Boston, MA, Summer 2009  
*Summer Associate, Intellectual Property Litigation Department.*

## WORKSHOPS

*Hidden Information in Property Law*  
Harvard Law School, Law and Economics Workshop (March 5, 2024)  
UCLA Legal Theory Workshop (January 25, 2024)

*The Uses of History in State Constitutional Law*  
University of Texas School of Law (March 2, 2023)  
Harvard Law School, Summer Faculty Workshop (August 11, 2022)  
University of Wisconsin Law, Public Law in the States Conference (May 21, 2022)

*Zombie State Constitutional Provisions*  
University of Wisconsin Law, Public Law in the States Conference (June 4, 2021)  
Pitt Law, Faculty Workshop (April 22, 2021)  
Brooklyn Law School, Faculty Workshop (April 15, 2021)  
University of Arizona Law, Faculty Workshop (April 8, 2021)

*Turning Neighbors into Nuisances*  
University of Michigan Law School, Faculty Workshop (March 11, 2021)  
Arkansas Law School Faculty Workshop (March 9, 2021)  
Duke University School of Law, Faculty Workshop (February 24, 2021)  
Harvard Law School, Faculty Workshop (February 4, 2021)  
Southern Methodist University Law, Faculty Workshop (January 20, 2021)  
Vanderbilt Law School, Faculty Workshop (January 19, 2021)  
Harvard Law School, Private Law Workshop (November 4, 2020)  
Boston Area Juniors' Roundtable (September 25, 2020)

*Property and Projection*  
Temple University, Beasley School of Law Colloquium (January 14, 2020)  
UCLA School of Law, Faculty Colloquium (November 1, 2019)  
Antonin Scalia Law School, George Mason Faculty Workshop (August 27, 2019)  
Yale/Harvard/Stanford Junior Faculty Forum (June 5, 2019)  
Junior Faculty Forum, University of Richmond Law School (May 21, 2019)  
University of Virginia School of Law, Faculty Workshop (April 19, 2019)  
St. John's School of Law, Faculty Workshop (February 13, 2019)  
Boston University School of Law, Property Works in Progress (October 19, 2018)

*The Forgotten History of Metes and Bounds*  
Washington and Lee School of Law, Faculty Workshop (January 14, 2019)  
NYU School of Law, Law and Economics Workshop (November 7, 2018)  
Yale Law School, Contemporary Legal Scholarship Workshop (October 29, 2018)  
North American Workshop in Private Law Theory (NAWPLT-VI), Yale Law School (October 26, 2018)

William & Mary Law School, Faculty Enrichment Program (October 4, 2018)  
Cardozo Law School, Faculty Workshop (March 28, 2018)  
AALS Annual Meeting, Section on Property Law, Structural Facilitation of Property Markets  
(January 4, 2018) (selected from call for papers)  
Harvard Law School, Private Law Workshop (November 15, 2017)  
Northeastern School of Law, Property Works in Progress (September 15, 2017)  
University of Virginia Legal History Writing Group (November 7, 2016)  
Law and Society Annual Meeting (May 30, 2015)  
Harvard University, Center for History and Economics, New Histories of Paperwork Conference  
(April 24, 2015)  
Connecticut Association of Land Surveyors Annual Meeting (October 31, 2014)  
Association for Law, Property and Society Annual Meeting, University of British Columbia (May  
2, 2014) (working title, “Community Knowledge and its Collapse: History of an Early  
American Property Regime”)

*The Damagings Clauses*

Junior Faculty Scholars Works-in-Progress Conference, Marquette University Law School  
(September 29, 2017)  
Emory Law School, Faculty Colloquium (September 27, 2017)  
Junior Faculty Forum, University of Richmond Law School (May 11, 2017)  
Faculty Ideas in Progress Series, University of Virginia School of Law (April 12, 2017)  
Notre Dame Law School, Faculty Colloquium (March 9, 2017)  
AALS Annual Meeting, Property Law Works in Progress (January 4, 2017)  
Boston University School of Law, Property Works in Progress Conference (September 23, 2016)

*The Lost “Effects” of the Fourth Amendment: Giving Personal Property Due Protection*

Yale Law School, Contemporary Legal Scholarship Workshop (November 2, 2015)  
Association for Law, Property and Society Annual Meeting, University of Georgia Law School  
(May 2, 2015)

*The Failure of America’s First City Plan*

University of Virginia, Symposium, The Modernity of Work and Place: Jane Jacobs and the 21st  
Century City (November 18, 2016)  
American Society for Legal History Annual Meeting (New Directions in the History of Property  
Panel) (November 12, 2011)

INVITED PRESENTATIONS

*Commentator*

Organization of American Historians Panel, Risky Business: Women and Credit in the Nineteenth  
Century (March 23, 2023)  
North American Workshop in Private Law Theory (NAWPLT) IX, UCLA School of Law (February  
24, 2023)  
University of Toronto Faculty of Law, Workshop Commentator on James Penner, “Property  
Rights; A Re-Examination” (October 22, 2020)  
Equity Workshop, Notre Dame Law School (September 13, 2019)  
Georgetown Law, Law, Culture, and Humanities Annual Conference, Aesthetic Judgments in  
Land Use Law (March 16, 2018)  
NAWPLT V, USC Gould School of Law (December 2, 2017)

*Panels*

Institute for Justice, A Century of Government Trespassing: The Open Fields Doctrine at 100,  
Open Fields and Fourth Amendment Values (May 10, 2024)  
University of Virginia School of Law, Program in Law, Communities, and the Environment

(PLACE), and Use Regulation and Reform (March 29, 2024)  
 William & Mary Law School, Brigham-Kanner Property Rights Conference, The Restatement's Impact on Property Rights (October 26, 2023)  
 History of Value Conference, Princeton University (April 14, 2023)  
 Book Panel, Stanford Law School, Greg Ablavsky's Federal Ground (October 10, 2019)  
 Roundtable, Classical Liberal Institute at NYU School of Law, Eric Claeys's Natural Property Rights (April 22, 2021)  
 Roundtable, William & Mary Law School, Brigham-Kanner Property Rights Conference in Honor of Henry Smith (October 2, 2020)  
 "51 Imperfect Solutions: States and the Making of American Constitutional Law," Roundtable, Richmond Program on the American Constitution (April 12, 2019)  
 William & Mary Law School, Brigham-Kanner Property Rights Conference, The Federalism Dimension of Constitutional Property: A Tribute to Stewart Sterk (October 5, 2018)  
 Pepperdine Symposium, Federalism: Past, Present, and Future (March 21, 2018)  
 Implications of *Murr v. Wisconsin*, ALI-CLE Eminent Domain and Land Valuation Conference (January 25, 2018)

*Lectures*

Wolf Family Lecture on the American Law of Real Property, University of Florida Levin College of Law (March 16, 2024)  
 Supreme Court Lunch on *Tyler v. Hennepin County*, Harvard Law School (July 17, 2023)  
 Yale Law School Property Seminar (October 20, 2020)  
 "Markets and the Evolution of Property Law," Center for the Study of Law and Markets, William & Mary Law School (February 21, 2019)  
 Leading the Way: How States Have Impacted American Constitutional Jurisprudence, University of Virginia School of Law (September 4, 2018)  
 2017 Constitution Week Conference, Center for Constitutional Studies, Utah Valley University (September 21, 2017)  
 Collision Course: Takings and the Public Trust, Virginia Envtl. Law Forum (May 12, 2017)

COURSES TAUGHT

**Harvard Law School**

Property  
 Land Use Law  
 State and Local Government Law  
 Private Law Workshop  
 Urban Law and Policy (seminar on Boston and Cambridge development)  
 Upper-Level Writing Group on Property, Land Use, and Local Government  
 1L Reading Group on Comedy and the Law

**University of Virginia School of Law**

Property  
 Land Use  
 Urban Legal History (seminar on Charlottesville development)  
 State and Local Government

**Yale Law School**

Advanced Topics in Property (with Claire Priest)  
 Urban Law and Policy (reading group)

SERVICE

**Harvard University**

Academic Appointments Advisory Group (2023-present)  
 Generative AI (GenAI) Research and Scholarship Working Group (2023-present)

**Harvard Law School**

Deputy Dean (2023-present)  
Curriculum Committee (2023-present)  
AI Working Group (2023-present)  
Entry-Level Appointments Committee (2022-present)  
1L Section Leader (2020-23, 2024-present)  
Online Teaching Working Group (2020-21)  
Clerkship Committee (2019-present)

**University of Virginia School of Law**

Academic Placement Committee (2018-19)  
Clerkships Committee (2017-19)  
Faculty Retreat and Workshops Committee (2017-18)  
Order of the Coif Committee, Chair (2016-17)

**Other Professional Service**

Co-Editor, *Journal of Legal Analysis* (2024-present) [www]  
Contributor, Brennan Center State Court Report (2024-present) [www]  
Chair, Lolly Gasaway Faculty-Student Writing Award Selection Committee, Order of the Coif (2022-present)  
Contributor, SLoG (State & Local Government Law Blog) (2021-present) [www]  
Steering Committee, North American Workshop in Private Law Theory (2020-present)  
Associate Reporter, RESTATEMENT (FOURTH) OF PROPERTY (2019-present)  
Advisory Board, *Oxford Studies in Private Law Theory* (2018-present)  
National Advisory Board, *Virginia Environmental Law Journal* (2018-present)  
Faculty Liaison to the Virginia State Bar Association, Real Property Section (2016-19)  
American Society for Legal History, Annual Meeting Program Committee (2017)  
Society for American City and Regional Planning History, Member

Bar Admission: Massachusetts (2011).