

MAXWELL L. STEARNS

Venable, Baetjer & Howard Professor of Law
University of Maryland Carey School of Law
500 W. Baltimore Street
Baltimore, MD 21201-1786
(410) 706-3942
mstearns@law.umaryland.edu

EDUCATION

University of Virginia School of Law
Charlottesville, Virginia J.D., May 1987

Order of the Coif
Virginia Law Review
Armour Scholar, 1984-87

University of Pennsylvania
Philadelphia, Pennsylvania
B.A. Political Science and Economics, May 1983
Summa Cum Laude

Mortar Board Senior Honor Society
Pi Sigma Alpha Political Science Honor Society
Elected Member of Undergraduate Assembly

**TEACHING
EXPERIENCE**

University of Maryland Carey School of Law, Baltimore,
Maryland

Venable, Baetjer & Howard Professor of Law (effective
September 2016). Constitutional Law I and II; Law and
Economics.

Associate Dean for Research and Faculty Development
(July 2013 through June 2017). Responsible for workshop
programming, promoting academic research, and
facilitating other aspects of intellectual life within the law
school community.

Marbury Research Professor (rotating professorship,
2007 through September 2016). Constitutional Law I and
II, Public Choice and Public Law, Law and Economics.

Professor of Law (appointed with tenure beginning Fall
2006). Constitutional Law II, Public Choice and Public
Law, Evolutionary Psychology and the Law Special Topics
Seminar.

Distinguished Visiting Professor. Fall 2005 through Spring 2006. Research leave, Federal Civil Rights, Public Choice and Public Law.

George Mason University School of Law, Arlington, Virginia
Professor of Law. September 1992 to 2006. Constitutional Law, Advanced Constitutional Law -- First Amendment, Public Choice and Public Law, Federal Courts, Federal Civil Rights, Contracts II (Promoted to Associate Professor September 1995; awarded tenure September 1996; promoted to Full Professor September 1998).

The University of Michigan Law School, Ann Arbor, Michigan.
Visiting Professor. Fall 2001 through Spring 2002. Constitutional Law, Federal Courts, Public Choice and Public Law.

The University of Florida Fredric G. Levin College of Law, Gainesville, Florida. Visiting Professor. Spring 1999
Political and Civil Rights (First Amendment), Public Choice Theory.

TEACHING ABROAD

Aberdeen University School of Law, Aberdeen, Scotland
Visiting Professor. Summer 2016
Law and Economics: Private and Public (through University of Baltimore/University of Maryland Summer exchange program).

University of Canterbury, Department of Economics and Finance, Christchurch, New Zealand. Visiting Erskine Fellow. July through October 2010. Public Choice (3 credit hour course for undergraduate economics and law students).

The Buchmann Faculty of Law, Tel Aviv University, Tel Aviv, Israel. Visiting Professor. December 1997; May 1999; December 2000; July 2002; July 2003; December 2008-January 2009. Public Choice and Public Law; Selected Topics in United States Constitutional Law; Public Choice and Comparative Constitutional Law (condensed 2 credit hour courses).

Griffith University, Brisbane, Australia. Visiting Professor. Summer 2001. Public Choice and Comparative Constitutional Law (condensed 2 credit hour course).

OTHER LEGAL EXPERIENCE

Pepper, Hamilton & Scheetz, Philadelphia, Pennsylvania.
September 1990 to May 1992. Litigation Associate. Experience in insurance, intellectual property, contract, and state post-conviction death-penalty litigation.

Palmer & Dodge, Boston, Massachusetts.

October 1988 to August 1990. Litigation Associate. Experience in personal injury, construction, administrative, labor, municipal, and state post-conviction death-penalty litigation.

Harrison L. Winter, Chief Judge, United States Court of Appeals for the Fourth Circuit, Baltimore, Maryland. September 1987 to August 1988. Judicial Clerkship.

PUBLICATIONS

BOOKS

MAXWELL L. STEARNS, *LAW AND ECONOMICS: PRIVATE AND PUBLIC* (West Academic 2018) (with Todd Zywicki and Thomas Miceli) (Foreword by Tom Ulen).

MAXWELL L. STEARNS, *LAW AND ECONOMICS: PRIVATE AND PUBLIC TEACHER'S MANUAL* (West Academic 2018) (with Todd Zywicki and Thomas Miceli).

MAXWELL L. STEARNS, *PUBLIC CHOICE CONCEPTS AND APPLICATIONS IN LAW* (West Publishing Company 2009) (with Todd J. Zywicki) (Foreword by Daniel A. Farber).

TEACHER'S MANUAL, PUBLIC CHOICE CONCEPTS AND APPLICATIONS IN LAW (West Publishing Company 2010) (with Todd Zywicki).

MAXWELL L. STEARNS, *CONSTITUTIONAL PROCESS: A SOCIAL CHOICE ANALYSIS OF SUPREME COURT DECISION MAKING* (University of Michigan Press 2000) (paperback edition with Afterword on *Bush v. Gore*, March 2002) (Foreword by Lee Epstein).

MAXWELL L. STEARNS, *CONSTITUTIONAL PROCESS: A SOCIAL CHOICE ANALYSIS OF SUPREME COURT DECISION MAKING* (University of Michigan Press 2000) (Foreword by Lee Epstein).

MAXWELL L. STEARNS, *PUBLIC CHOICE AND PUBLIC LAW: READINGS AND COMMENTARY* (Anderson Press 1997) (Foreword by Saul Levmore).

BOOK CHAPTERS

Maxwell L. Stearns, “A public choice perspective,”
METHODODOLOGIES OF LAW AND ECONOMICS, chapter 3, 44-71
(Thomas S Ulen, ed., Edward Elgar Publishing 2017).

Maxwell L. Stearns, “A social choice view of law and economics,”
METHODODOLOGIES OF LAW AND ECONOMICS, chapter 4, 72-101
(Thomas S Ulen, ed., Edward Elgar Publishing 2017) (with Megan
McGinnis).

Maxwell L. Stearns, *The Economics of Constitutional Law*, in
Oxford Handbook on the U.S. Constitution 991-1012
(Oxford 2015) (Graber, Levinson, Tushnet, eds).

Maxwell L. Stearns, *Private Rights Adjudication and the
Normative Foundation of Durable Constitutional Precedent*,
PRECEDENT ON THE UNITED STATES SUPREME COURT: THEORY
AND PRACTICE (Peters, CJ, ed., Springer 2013) (invited
contribution).

Maxwell L. Stearns, *An Introduction to Social Choice*, THE ELGAR
HANDBOOK ON PUBLIC CHOICE 88-134 (Dan Farber and Anne
O’Connell, eds. Elgar 2010) (invited contribution).

Maxwell L. Stearns, *A Private-Rights Standing Model to Promote
Public-Regarding Behaviour by Government Owned Corporations*,
in FROM BUREAUCRACY TO BUSINESS ENTERPRISE: LEGAL AND
POLICY ISSUES IN THE TRANSFORMATION OF GOVERNMENTAL
SERVICES 121-42 (Michael J. Whincop, ed., Ashgate) (2003)
(invited contribution).

LONGER ARTICLES

Maxwell L. Stearns, *Constitutional Law’s Conflicting Premises*, 96
NOTRE DAME L. REV. __ (2020) (lead article).

Maxwell L. Stearns, Obergefell, Fisher, and the Inversion of
Tiers, 19 UNIVERSITY OF PENNSYLVANIA JOURNAL OF
CONSTITUTIONAL LAW 1043 (2017) (lead article).

Maxwell L. Stearns, *Constitutional Law in Social Choice
Perspective*, 163 Public Choice 167 (2015) (solicited contributor
for 50th Anniversary Keynote Speaker Series, March 2013) (also
available in on-line format).

Maxwell L. Stearns, “*Grains of Sand*” or “*Butterfly Effect*”:

Standing and the Legitimacy of Precedent, 64 ALABAMA LAW 349 REVIEW (2013) (invited contribution for February 2013 conference commemorating 25th Anniversary of William Fletcher, *The Structure of Standing*, 98 Yale L.J. 221 (1998)).

Maxwell L. Stearns, *Direct (Anti-)Democracy*, 80 GEORGE WASH. L. REV. 311 (2012) (issue lead article) (posted on *Concurring Opinions* and “featured article” on George Washington Law Review website).

Maxwell L. Stearns, *Commerce Games and the Individual Mandate*, 100 GEORGETOWN L.J. 1117 (2012) (with Leslie Henry).

Maxwell L. Stearns, *Standing at the Crossroads: The Roberts Court in Historical Perspective*, 83 NOTRE DAME L. REV. 875 (2008) (issue lead article).

Maxwell L. Stearns, *The New Commerce Clause Doctrine in Game Theoretical Perspective*, 67 VAND. L. REV. 1 (2007) (volume lead article).

Maxwell L. Stearns, *Defining Dicta*, 57 STANFORD L. REV. 953 (2005) (with Michael Abramowicz) (issue lead article).

Maxwell L. Stearns, *A Beautiful Mend: A Game Theoretical Analysis of the Dormant Commerce Clause Doctrine*, 45 WM. & MARY L. REV. 1 (2003) (volume lead article).

Maxwell L. Stearns, *Beyond Counting Votes: The Political Economy of Bush v. Gore*, 54 VAND. L. REV. 1849 (2001) (with Michael Abramowicz) (issue lead article).

Maxwell L. Stearns, *From Lujan to Laidlaw: A Preliminary Model of Environmental Standing*, 11 DUKE ENVTL L. & POL'Y F. 321 (2001).

Maxwell L. Stearns, *Should Justices Ever Switch Votes?: Miller v. Albright in Social Choice Perspective*, 7 S. CT. ECON. REV. 87 (1999).

Maxwell L. Stearns, *Restoring Positive Law and Economics: Introduction to Public Choice Theme Issue*, 6:4 GEO. MASON L. REV. 709 (1998) (issue lead article).

Maxwell L. Stearns, *How Outcome Voting Promotes Principled Issue Identification: A Reply to Professor John Rogers and Others*, 49 VAND. L. REV. 1045 (1996).

Maxwell L. Stearns, *Standing Back from the Forest: Justiciability and Social Choice*, 83 CAL. L. REV. 1309 (1995) (issue lead article).

Maxwell L. Stearns, *Standing and Social Choice: Historical Evidence*, 144 U. PA. L. REV. 309 (1995) (issue lead article).

Maxwell L. Stearns, *The Misguided Renaissance of Social Choice*, 103 YALE L. J. 1219 (1994).

Maxwell L. Stearns, *The Public Choice Case Against the Item Veto*, 49 WASH. & LEE L. REV. 385 (1992).

SHORTER ARTICLES AND ESSAYS

Maxwell L. Stearns, *Reflections on the Aftermath of Election 2016*, 77 MD. L. REV. 271 (2017).

Maxwell L. Stearns, *A look at the political economy of formation and function of the constitution*, Interview by Amir mohammadi doust. GHALAMYARAN MAGAZINE Jul. 2017: 109-110. Print. (in Farsi).

Maxwell L. Stearns, *The Powerful Voice: Justice Scalia, Statutory Standing, and Narrowing the Spokeo Class*, CASETEXT, available at <http://tinyurl.com/jl9mo5v> (May 20, 2016).

Maxwell L. Stearns, *Election 2016 and the Structural Constitution: A Preliminary Framing*, as part of *Constitution Day Lectures*, 76 MARYLAND L. REV. ENDNOTES 4 (2016).

Maxwell L. Stearns, *Spokeo v. Robins and the Constitutional Foundations of Statutory Standing*, 68 VAND. L. REV. EN. BANC 221 (2015).

Maxwell Stearns, "Dicta," *ENCYCLOPEDIA OF THE SUPREME COURT OF THE UNITED STATES* (Vol 2) (edited by David S. Tanenhaus) (McMillan reference USA: Detroit, 2008) pp. 33-34.

Maxwell Stearns, "Rule of Four," *ENCYCLOPEDIA OF THE SUPREME COURT OF THE UNITED STATES* (Vol. 4), pp. 298-99.

Maxwell Stearns, "Standing," *ENCYCLOPEDIA OF THE SUPREME COURT OF THE UNITED STATES* (Vol. 4), pp. 442-46.

ENCYCLOPEDIA OF LAW AND SOCIETY: AMERICAN AND GLOBAL PERSPECTIVES (David Clark, ed. 2007): *Essays on Public Choice and the Rational Actor and Social Choice and Judicial Decision Making*.

Maxwell L. Stearns, *Appellate Courts Inside and Out* (Reviewing Jonathan Cohen, *Inside Appellate Courts*), 101 *MICH. L. REV.* 1764 (2003).

Maxwell L. Stearns, *The Condorcet Jury Theorem and Judicial Decision Making: A Reply to Saul Levmore*, 3 *THEORETICAL INQUIRY* (2002).

Maxwell L. Stearns, *The Case for Including Marks v. United States Within the Canon of Constitutional Law*, 17 *CONST. COMM.* 321 (2000).

Maxwell L. Stearns, *Why Should Lawyers Care About Institutional Data on Courts?*, 83 *JUDICATURE* 236 (2000).

Maxwell L. Stearns, Review of *Maltzman, Wahlbeck, and Spriggs, Crafting Law on the Supreme Court* (Cambridge U. Press 2000), in *LAW AND POLITICS BOOK REVIEW* (on-line journal fall 2001).

Maxwell L. Stearns, *The Remand that Made the Court Expand*, 16 *CONST. COMM.* 581 (1999).

Maxwell L. Stearns, *Mistretta versus Marbury: The Foundations of Judicial Review*, 74 *TEX. L. REV.* 1281 (1996).

Maxwell L. Stearns, *Book Review: William N. Eskridge: Dynamic Statutory Interpretation*, 86 *PUBLIC CHOICE* 379 (1996).

Maxwell L. Stearns, *Poetic Law: A Statement on Intent*, 48 *VAND. L. REV.* 195 (1995).

ENCYCLOPEDIA OF THE AMERICAN CONSTITUTION, SUPPLEMENT II. Article on Article III and Public Choice Theory (Leonard W. Levy, Kenneth L. Karst, and Adam Winkler, eds., May 1998).

Maxwell L. Stearns, *Maternal Duties During Pregnancy: Toward a Conceptual Framework*, 21 NEW ENG. L. REV. 595 (1985-86).

AMICUS BRIEF

Maxwell L. Stearns, Counsel of Record for *Amici Curiae*, *Motion for leave to file Amici Curiae Brief and Brief of Law Professors as Amici Curiae in Support of Neither Party*, filed in *Eric Lindsay Hughes v. United States*, No. 17-155 (January 26, 2018), available at https://www.supremecourt.gov/DocketPDF/17/17-155/33873/20180131112648540_BRIEF%201.25.2018.pdf.

OP-EDS

Maxwell Stearns, *The Right Time to Talk About Gun Control*, BALTIMORE SUN (December 17, 2012).

Maxwell Stearns, *No Fiction Pulitzer: The Problem Wasn't the Books*, BALTIMORE SUN (April 23, 2012).

Maxwell Stearns, *Individual Mandate is Constitutional*, BALTIMORE SUN (March 22, 2012) (with Leslie Henry).

Maxwell Stearns, *McDonald typifies need for consensus*, NATIONAL LAW JOURNAL (July 12, 2010) (with David S. Cohen).

Maxwell Stearns, *Yes, justices make law*, BALTIMORE SUN (May 3, 2010).

BLOG

BLINDSPOT: A BLOG ON LAW, POLITICS, AND CULTURE, available at www.blindspotblog.us (since March 2017).

Wide-ranging blog, with over 162 original posts and over 33,000 site visits, in which I explore my eclectic interests on such varied topics as Party Politics, the Supreme Court, the Constitution, Economics, the Media, Legal Education, Travel, Vegetarianism, the Mind, Books, Music, Coffee, and more.

UNDER SUBMISSION

Maxwell L. Stearns, *Charting Polarization's Perfect Storm* (with Vanessa Otero) (full length article, submitted to law reviews in the fall 2020 cycle).

Maxwell L. Stearns, *Modeling Narrowest Grounds* (full length article, submitted to law reviews in the fall 2020 cycle).

IN PROGRESS

The Kaplow-Shavell Theorem

Rethinking Transaction Costs: Coase, Arrow, Nash, and the Evolution of Institutions and Rules

CONFERENCE PRESENTATIONS

Constitutional Law's Conflicting Premises, Constitutional Law and Economics Virtual Workshop (April 2020); Law and Society (May 2020); SEALS (July 2020).

20/20 Hindsight on the Trump Impeachment Game, Legislation & Policy Brief, American University Washington College of Law (March 2020).

Reflections on the Next Generation of Legal Scholarship, Conference on The Fate of Scholarship in American Law Schools, University of Baltimore School of Law (March 2016).

The Contributions of James Buchanan, panel commentator, George Mason University School of Law, Conference on the Contributions to Law and Economics of Armen Alchian, Robert Bork, and James Buchanan (November 13, 2013) (commenting on papers by Peter Boettke, David Haddock, and Jonathan McGinnis).

Constitutional Law in Social Choice Perspective, PUBLIC CHOICE, Invited as one of four panel keynote speakers at 50th Anniversary of Public Choice Society, March 2013).

Private Rights Adjudication and the Normative Foundation of Durable Constitutional Precedent, University of Baltimore Conference on Precedent 2012; George Mason University School of Law, Roundtable on Austrian Economics and the Law.

Maxwell L. Stearns, “*Grains of Sand*” or “*Butterfly Effect*”: *Standing and the Legitimacy of Precedent*, Conference on Standing commemorating 25th Anniversary of William Fletcher, *The Structure of Standing*, 98 Yale L.J. 221 (1998), University of Alabama School of Law 2013.

Author Meets Critics Book Panel: PUBLIC CHOICE CONCEPTS AND

APPLICATIONS IN LAW (May 2010): Law and Society Annual Meeting, Chicago, IL.

The Median Voter and Universal Participation by Supreme Court Justices (with Eugene Kontorovich) (September 2008): Midwest Law and Economics, Chicago, IL.

How Narrow is the Narrowest Grounds Rule? (September 2008): Midwest Law and Economics, Chicago, IL.

Teaching Public Choice: Comments on Public Choice Concepts and Applications in Law (October 2007): Canadian Law and Economics Association, Toronto, Canada.

Standing at the Crossroads: The Roberts Court in Historical Perspective (October 2007): Canadian Law and Economics Association, Toronto, Canada.

Crops, Guns & Commerce: A Game Theoretical Critique of Gonzales v. Raich (August 2005): Constitutional Law and Economics Conference, University of California at Berkeley, Boalt Hall College of Law.

A Rational Choice Analysis of the Dormant Commerce Clause: Midwest Political Science Association Annual Meeting (April 2002); Institutional Games and the U.S. Supreme Court (conference held at Texas A&M University, November 2001).

A Private-Rights Standing Model to Promote Public-Regarding Behavior by Government-Owned Corporations (solicited for conference on Government-Owned Corporations at Griffith University, Brisbane, Australia, Summer 2001).

Author meets critics book panels: CONSTITUTIONAL PROCESS: A SOCIAL CHOICE ANALYSIS OF SUPREME COURT DECISION MAKING: Midwest Political Science Association (April 2001); Public Choice Society (February 2000); Law and Society (May 2000).

The Canon of Constitutional Law, Georgetown University School of Law, December 1999 (discussion group with twenty-five leading constitutional scholars) (*The Case for Including Marks v. United States within the Canon of Constitutional Law* was initially prepared for this conference).

Beyond *Lujan*: Citizen Suits and Standing Doctrine in the 21st Century, Duke University School of Law, May 2000 (invited commentator) (*From Lujan to Laidlaw: A Preliminary Model of Environmental Standing* was initially prepared for this conference).

Static Constitutional Process: How Individual Cases are Decided (chapter 3 of CONSTITUTIONAL PROCESS: A SOCIAL CHOICE ANALYSIS OF SUPREME COURT DECISION MAKING): Public Choice Center, George Mason University (May 1997); American Law and Economics Association (ALEA) annual meeting, Berkeley, California (May 1998); American Political Science Association (APSA) Annual Meeting, Boston, Massachusetts (September 1998).

Constitutional Law and Economics, The Cegla Institute, Buchmann Faculty of Law, Tel Aviv University, December 2000 (*The Condorcet Jury Theorem and Judicial Decision Making: A Reply to Saul Levmore* was initially prepared for this conference).

The Midwest Political Science Association, panel participant on *Positive Political Theory in Constitutional Law and Judicial Politics Research* (April 1998).

Presentation at law and economics conference on Richard Epstein, BARGAINING WITH THE STATE (1992), exploring public choice implications of Epstein thesis.

FACULTY PRESENTATIONS

Socrates without Hemlock (July 2020).

Constitutional Law's Conflicting Premises, University of Maryland Carey School of Law Legal Theory Workshop (2020).

The Inversion of Tiers, Edinburgh Law School, Edinburgh, Scotland (June 2016); Social Choice and Welfare (June 2014); UC Irvine Social Choice and the Law Workgroup (March 2014); University of Maryland Half-Baked Luncheon Workshop (June 2012); University of San Diego Law Faculty Summer Symposium (July 2012); Northwestern University School of Law Constitutional Law Symposium (November 2012); University of Maryland Junior Faculty Workshop (Fall 2013).

Direct (Anti-)Democracy, The University of Canterbury

Department of Economics and Finance, Christchurch, NZ (August 2010); Law and Economics Society (LEANZ), Auckland, NZ (August 2010); Law and Economics Society (LEANZ), Wellington and Center for Public Interest, Victoria University, Wellington, NZ (August 2010); The University of Canterbury School of Law, Christchurch, NZ (October 2010); The University of Illinois School of Law (November 2010); George Mason University School of Law (February 2011); University of Maryland Legal Theory Workshop (April 2011); Loyola Los Angeles School of Law (January 2012).

Direct (Anti-)Democracy, University of Maryland Carey School of Law, Half-Baked Ideas Luncheon Workshop (2009).

Takings Games (with Thoughts on Kelo), University of Maryland School of Law Half Baked Luncheon Workshop (2008).

How Narrow is the Narrowest Grounds Rule, University of Maryland School of Law Half Baked Luncheon Workshop (2008).

Standing at the Crossroads: The Roberts Court in Historical Perspective (October 2007): Washington University School of Law faculty workshop.

The New Commerce Clause Doctrine in Game Theoretical Perspective: University of Maryland School of Law Legal Theory Workshop (Fall 2005); Robert E. Levy Workshop, George Mason University School of Law (Fall 2005); The University of Colorado School of Law Legal Theory Workshop (Fall 2005).

Habeas Corpus, Non-Retroactivity and Social Choice, Bar Ilan University Law School (June 2005).

The Political Economy of the Roberts Court, University of Maryland Faculty of Law Distinguished Visiting Professor Lecture (November 2005).

Public Choice for the Uninitiated, University of Maryland Faculty of Law (October 2004).

Defining Dicta, George Washington University Faculty of Law (October 2004).

A Beautiful Mend: A Game Theoretical Analysis of the Dormant Commerce Clause Doctrine: Vanderbilt Law School Legal Theory

Workshop (March 2003); University of Chicago Constitutional Theory Workshop (April 2003).

A Rational Choice Analysis of the Dormant Commerce Clause: Northwestern University School of Law (November 2001); The University of Michigan Law School Legal Theory Workshop (November 2001).

Beyond Counting Votes: The Political Economy of Bush v. Gore: University of New South Wales (July 2001).

Should Justices Ever Switch Votes?: Miller v. Albright in Social Choice Perspective: Rutgers-Camden School of Law (December 1999); University of Florida Fredric G. Levin College of Law (January 1999); Emory University School of Law (March 1999); Florida State University College of Law (February 1999).

Static Constitutional Process: How Individual Cases are Decided (chapter 3 of CONSTITUTIONAL PROCESS: A SOCIAL CHOICE ANALYSIS OF SUPREME COURT DECISION MAKING): Tel Aviv University School of Law (December 1997); Hebrew University School of Law (December 1997); The University of Chicago Law and Economics Workshop (February 1997); Temple University School of Law (February 1997).

Standing and Social Choice: Olin Workshop, Georgetown University Law School (January 1996); The Locke Institute, Institute for Humane Studies (April 1996); Hebrew University School of Law (May 1996).

Faculty presentations at GMUSL: *A Rational Choice Analysis of the Dormant Commerce Clause* (November 2001); *Beyond Counting Votes: The Political Economy of Bush v. Gore* (2001); *Static Constitutional Process: How Individual Cases are Decided* (chapter 3 of CONSTITUTIONAL PROCESS: A SOCIAL CHOICE ANALYSIS OF SUPREME COURT DECISION MAKING) (February 1997); *Standing Back From the Forest: Justiciability and Social Choice* (1995); *The Misguided Renaissance of Social Choice* (1994); *Poetic Law: A Statement on Intent* (1993); *The Public Choice Case Against the Item Veto* (1992).

OTHER PRESENTATIONS

“Scalia, Originalism, and Functional Constitutionalism,” The Academy at Johns Hopkins (commenting on Remarks by Michael Dorf, *“Does the Dead Constitution Have a Future?: Reflections on The Legacy of Justice Antonin Scalia”* (October 2016) (Joel Grossman, moderating)).

Election 2016 and the Structural Constitution: A Preliminary

Analysis, UMD Carey Law Constitution Day Program 2016 (program organizer, moderator, and participant) (other panelists: Larry Gibson, Robert Koulisch, Paula Monopoli).

Love and Death in the Supreme Court, UMD Carey Law Constitution Day Program 2015 (program organizer and moderator) (panelists: Richard Boldt, Natalie Ram, Mark Graber).

The Supreme Court Justice as Constitutional Scholar, UMD Carey Law Constitutional Day Program 2014 (program organizer and moderator) (panelists: Rebecca Taibleson, Thiru Vignarajah, Aaron Zelinsky).

The Duel (with Professor Mark Graber): On the (In)significance of Marbury v. Madison in the Law School Curriculum (October 2009) (precariously cast in the role of Alexander Hamilton while defending the inclusion of *Marbury* in the canon of Constitutional Law).

Commentator for panel discussion of Erin O'Hara and Larry Ribstein, THE LAW MARKET (Oxford 2009), American Enterprise Institute, Washington DC (January 2009) (with Larry Ribstein and Michael Greve).

The New Commerce Clause Doctrine in Game Theoretical Perspective, Campbell University School of Law (Spring 2006).

A Beautiful Mend: A Game Theoretical Analysis of the Dormant Commerce Clause Doctrine: University of California at Berkeley, Boalt Hall College of Law, Law and Economics Seminar (October 2004).

A Rational Choice Analysis of the Dormant Commerce Clause: Georgetown Law Center Law and Economics Seminar (November 2001).

Static Constitutional Process: How Individual Cases are Decided (chapter 3 of CONSTITUTIONAL PROCESS: A SOCIAL CHOICE ANALYSIS OF SUPREME COURT DECISION MAKING): graduate political science seminar, Johns Hopkins University (April 2000).

The Law and Economics of Survivor: Law and Economics Workshop, Tel Aviv University, Buchmann Faculty of Law (December 2000); Public Choice Society (March 2001).

The Center for Law and Economics, Economics Institute for Law Professors, George Mason University School of Law, Dartmouth, New Hampshire. Lecturer, Public and Social Choice (June 1997).

The Obscenity Doctrine: seminar on free speech, Tel Aviv University School of Law (May 1996).

Standing and Social Choice: student presentation, The University of Chicago School of Law (February 1997); seminar on Israeli Supreme Court, Tel Aviv University School of Law (May 1995).

SPEECHES

“Coming Around Again”: *My Unlikely Law and Economics Journey*, Investiture Speech for Conferral of Venable, Baetjer & Howard Professorship (February 28, 2019), available here: <http://video.law.umaryland.edu/OpenPlayer.asp?GUID=A374F5B2-7352-4497-83EC-14D5DFCED83C>.

Public Choice: What it is, why it matters: University of Maryland School of Law Board of Visitors (invited speaker) (April 2011).

The Political Economy of the Roberts Court: Keynote speaker at Campbell University Annual Symposium (Spring 2006).

The Commerce Clause (with Comments on the Medical Marijuana Case), Close-up Foundation (program for high school students throughout the United States in Washington DC) (March 2006).

Faculty Graduation Speaker, George Mason Law School (May 2001).

Themes of Constitutional Law, Fairfax Bar Association lecture for Fairfax Public School social studies and business law teachers (April 1998).

MISCELLANEOUS

The Supreme Court and the 2009 Election, Panel Moderator, with Bill Van Horne, Staff Member to Senator Ben Cardin for the Judiciary Committee and Elizabeth Hays, Staff Member to Senator Arlen Specter for the Judiciary Committee (sponsored by the Constitution Society, October 2008).

Recipient, Outstanding Faculty Publication Award for 1995, George Mason University School of Law, for *Standing and Social Choice: Historical Evidence*, 144 U. PA. L. REV. 309 (1995).

CONSTITUTIONAL LAW AND ECONOMICS VIRTUAL WORKSHOP

Creator and organizer of virtual academic workshop, with participants from leading academic institutions within the United States, Europe, and the Middle East, since April 2020.

LAW SCHOOL AND UNIVERSITY ACTIVITIES

*University of
Maryland Law
School*

Associate Dean	<p>Appointments Committee (ex officio 2013-17) Administrative Committee (ex officio 2013-15) Faculty Development (ex officio 2013-17)</p> <p>UMB/Carey Law/UB Junior faculty workshop Legal theory workshop Junior faculty exchange (expanded to include junior faculty from other institutions and ran from 2013-17) Learning-at-Lunch series (created and ran from in 2013-17) Annual Constitution Day Programs</p>
Committee Work	<p>Curriculum Committee (Academic years 2018-20) Administrative Committee (Spring 2011 to 2013, Spring 2018) Appointments Committee (Fall 2006 to Spring 2009) Library and Technology (Fall 2009 to Spring 2010) Promotions Committee (peer review of junior faculty instruction) (Fall 2006 to present)</p>
Other activities	<p>Faculty Development Workshop (Fall 2006-Spring 2008; 2013-14): Designed and implemented program for presentation and prepared feedback on works in various stages of progress for junior faculty members, with active participation of invited senior faculty.</p>

*George Mason
Law School*

Committee work	<p>Law School Dean Search Committee (Appointed by University Provost 2004-5) Chair, Retention, Promotion and Tenure Committee (“RPT”) (2000-01); RPT (2003-05) University-Wide Provost Search Committee (Appointed by University President Summer and Fall 1999) Appointments Committee (1999-2000) Chair, Judicial Clerkship and Placement Committee (1993-96; 1997-98) Chair, Ad Hoc Grade Policy Committee (Fall 1998) Chair, Academic Standing Committee (1997-98) Library, curriculum, law review advisory, and admissions committees</p>
Other activities	<p>Faculty Board of Directors, George Mason University Press (1994-95).</p>

**PEER AND
LAW REVIEW
SCHOLARSHIP
REVIEW**

Peer reviews: *The Journal of Legal Studies*; *Publius: The Journal of Federalism*; *The Supreme Court Economic Review*; *The Journal of Politics*; *Review of Law & Economics*; *The Journal of National Security Law & Policy*; *Public Choice*,

Law reviews: *Harvard Law Review*; *Yale Law Journal*; *Stanford Law Review*; *The Maryland Law Review*, and others.

Academic Press: *The University of Michigan Press*

BOARD OF ADVISORS

Ad Fontes Media (since November 2018): Colorado Public Benefit Corporation, founded by Vanessa Otero, with the following mission: “making news consumers smarter and news media better.” Website available here: <https://www.adfontesmedia.com/about-ad-fontes-media/>

BAR MEMBERSHIPS

Admitted to practice in Supreme Court, Massachusetts, Pennsylvania.

PROFESSIONAL MEMBERSHIPS

American Law Institute (elected member since September 2007)
American Bar Association

OTHER

Beth Am Synagogue Board of Trustees (2011-13)

PERSONAL

Married with two daughters and one son.