

## RÉSUMÉ OF THOMAS E. BAKER

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### Positions

August 2002 to present: member of the founding faculty of the College of Law at Florida International University

January 2007 to May 2007: Visiting Professor, Marshall-Wythe School of Law at the College of William & Mary

August 1998 to August 2002: James Madison Chair in Constitutional Law and Director of the Constitutional Law Center, Drake University Law School (established and endowed by Congress, 20 U.S.C. § 4516)

October 1991 to August 1998: inaugural Alvin R. Allison Professor of Law, Texas Tech University School of Law (Professor 1984-91; Associate Professor 1982-84; Assistant Professor 1979-82)

Summer Semester 1994: Visiting Professor, University of Florida College of Law

Fall Semester 1992: on leave as Fulbright Professor, National and Kapodistrian University of Athens, Athens, Greece

September 1986 to January 1987: on leave as Acting Administrative Assistant to Chief Justice William H. Rehnquist (position created by 28 U.S.C. § 677)

August 1985 to August 1986: on leave as Federal Judicial Fellow, Supreme Court of the United States (selected Tom C. Clark Fellow for 1985-86)

August 1977 to August 1979: Law Clerk to Judge James C. Hill, United States Court of Appeals for the Fifth Circuit

June to August 1977: Interim Instructor of Law (Legal Writing), University of Florida, College of Law

### Courses Taught

American Constitutional Interpretation, American Constitutional History, Civil Procedure, Constitutional Law, Constitutional Law Seminar (Theory), Constitutional Law Seminar (Practicum), Contracts, Corrections, Criminal Law, Criminal Procedure, Federal Jurisdiction,

First Amendment, First Amendment Seminar, Framers' Constitution, Jurisprudence, Legal Analysis, Legal Process, Political and Civil Rights, Post-conviction Remedies, Supreme Court Seminar

**Publications**

FIRST AMENDMENT LAW: FREEDOM OF EXPRESSION AND FREEDOM OF RELIGION (Carolina Academic Press 5th ed. forthcoming 2022) (with Arthur D. Hellman, William D. Araiza & Ashutosh A. Bhagwat) and TEACHER'S MANUAL (forthcoming 2022) and ANNUAL SUPPLEMENT (forthcoming 2022)

CONSTITUTIONAL ANALYSIS IN A NUTSHELL (West Academic Publishing 3d ed. 2019)

FIRST AMENDMENT LAW: FREEDOM OF EXPRESSION AND FREEDOM OF RELIGION (Carolina Academic Press 4th ed. 2018) (with Arthur D. Hellman, William D. Araiza & Ashutosh A. Bhagwat) and TEACHER'S MANUAL (2018) and ANNUAL SUPPLEMENT (2018, 2019, 2020 & 2021)

FIRST AMENDMENT LAW: FREEDOM OF EXPRESSION AND FREEDOM OF RELIGION (Lexis-Nexis Publishing Co. 3d ed. 2014) (with Arthur D. Hellman & William D. Araiza) and TEACHER'S MANUAL (2014) and ANNUAL SUPPLEMENTS (2014, 2015, 2016 & 2017)

CONSTITUTIONAL LAW — SKILLS AND VALUES (Lexis-Nexis Publishing Co. 2013) (with William D. Araiza, Olympia Ross Duhart & Steven I. Friedland)

FIRST AMENDMENT LAW: FREEDOM OF EXPRESSION AND FREEDOM OF RELIGION (Lexis-Nexis Publishing Co. 2d ed. 2010) (with Arthur D. Hellman & William D. Araiza) and TEACHER'S MANUAL (2010) and ANNUAL SUPPLEMENTS (2010, 2011, 2012 & 2013)

A PRIMER ON THE JURISDICTION OF THE UNITED STATES COURTS OF APPEALS (Federal Judicial Center 2d ed. 2009)

APPELLATE COURTS: STRUCTURES, FUNCTIONS, PROCESSES, AND PERSONNEL (Lexis-Nexis Publishing Co. 2d ed. 2006) (with Daniel J. Meador & Joan E. Steinman) and TEACHER'S MANUAL (2006) and SUPPLEMENT (2009)

FIRST AMENDMENT LAW: FREEDOM OF EXPRESSION AND FREEDOM OF RELIGION (Lexis-Nexis Publishing Co. 2006) (with Arthur D. Hellman & William D. Araiza) and TEACHER'S MANUAL (2006) and ANNUAL SUPPLEMENTS (2006, 2007, 2008 & 2009)

AT WAR WITH CIVIL RIGHTS AND CIVIL LIBERTIES (Rowman & Littlefield Publishers, Inc. 2006) (editor with John F. Stack, Jr.)

CONSTITUTIONAL ANALYSIS IN A NUTSHELL (Westgroup Publishing 2d ed. 2003) (with the late Jerre S. Williams)

AMICUS HUMORIAE: AN ANTHOLOGY OF LEGAL HUMOR (Carolina Academic Press 2003) (editor with Robert M. Jarvis & Andrew J. McClurg)

FEDERAL COURT PRACTICE AND PROCEDURE: A THIRD BRANCH BIBLIOGRAPHY (William S. Hein & Co., Inc. 2001)

CAN A GOOD CHRISTIAN BE A GOOD LAWYER? HOMILIES, WITNESSES, AND REFLECTIONS (UNIVERSITY OF NOTRE DAME PRESS 1998) (editor with Timothy W. Floyd)

“THE MOST WONDERFUL WORK . . .” — OUR CONSTITUTION INTERPRETED (West Publishing Co. 1996)

THE UNITED STATES COURT OF APPEALS FOR THE ELEVENTH CIRCUIT: THE FIRST DECADE, 1981-1991 (ELEVENTH CIRCUIT HISTORICAL SOCIETY 1994) (with J. Ralph Beard & Sharon Kennedy)

RATIONING JUSTICE ON APPEAL — THE PROBLEMS OF THE U.S. COURTS OF APPEALS (West Publishing Co. 1994)

A REPORT OF THE JUSTICE RESEARCH INSTITUTE PREPARED FOR THE FEDERAL JUDICIAL CENTER ON THE PROBLEMS OF THE U.S. COURTS OF APPEALS (1992) (Pp. 548 Grant/Report)

A PRIMER ON THE JURISDICTION OF THE UNITED STATES COURTS OF APPEALS (Federal Judicial Center 1989)

THE GOOD JUDGE (Priority Press 1989) (Background Paper and Report of the Twentieth Century Fund Task Force on Federal Judicial Responsibility)

THE FRAMERS’ CONSTITUTION — DOCUMENTS AND MATERIALS (Tent. ed. 1988) (Pp. 425, sponsored by SmithKline Beckman Bicentennial Award in Legal Education) (with James E. Viator)

FEASIBILITY STUDY OF SENTENCING GUIDELINES FOR MUNICIPAL AND JUSTICE OF THE PEACE COURTS IN TEXAS (December 1981) (Pp. 390, Grant funded by State Department of Highways and Public Transportation) (with Charles P. Bubany, James M. Driscoll, Allen C. Gilbert & Roger C. Schaefer)

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*Dehors the Record: A Correction of a Final Jeopardy Question*, 14 FIU L. REV. 709 (2021)  
*Foreword: A 21st Century Précis to a 20th Century Classic*, in WALTER F. MURPHY, CONGRESS AND THE COURT (Quid Pro Quo Press 2014)

*Book Review: John Paul Stevens, Five Chiefs — a Supreme Court Memoir*, 62 J. LEGAL EDUC. 647-62 (2013)

*A Modest Experiment in Pedagogy: Lessons on Comparative Constitutional Law*, 6 FIU L. REV. 99-122 (2012)

- Book Review: Jack M. Balkin & Reva B. Siegel, eds. The Constitution in 2020*, 50 AMER. J. LEGAL HIST. 104-05 (2010)
- An Annotated Bibliography on Law Teaching*, 18 PERSP.: TEACHING LEGAL RES. & WRITING 34-42 (2009) (with Mary Olszewska)
- An Annotated Bibliography on Federal Appellate Practice and Procedure*, 10 J. APP. PRAC. & PROC. 13-59 (2009)
- Applied Freakonomics: Explaining the “Crisis of Volume,”* 8 J. APP. PRAC. & PROC. 101-14 (2007)
- Reflections on Law Schools and the Idea of the University*, 1 FIU L. REV. 1-17 (2006)
- Contempt Power of Congress; Contempt Power of Courts; Finality of Decision; Missouri v. Jenkins (1990); Missouri v. Jenkins (1995); Nixon v. Condon (1932); Postal Power; Smith v. Allwright (1944); Spallone v. U.S. (1990); John Paul Stevens; Stone v. Powell (1976); Terry v. Adams (1953); United States v. Classic (1941); United States v. Lovett (1946); Frederick Moore Vinson; Youngstown Sheet & Tube Co. v. Sawyer (1952; entries in THE OXFORD COMPANION TO THE SUPREME COURT OF THE UNITED STATES (KERMIT L. HALL, et al., eds., OXFORD PRESS 2d ed. 2005)*
- Constitutional Theory in a Nutshell*, 13 WM & MARY B. RTS. J. 57-123 (2004)
- Teaching a Course on the Constitution — Finding and Using Founding Documents; Casebook and Supplement; Internet Sites Can Make a Web-Based Course; Using Quizzes; Opinion Writing Assignment; entries in Chapter 4, Constitutional Law in TEACHING THE LAW SCHOOL CURRICULUM (STEVEN FRIEDLAND & GERALD F. HESS, eds. 2004)*
- A Compendium of Clever and Amusing Law Review Writings — An Idiosyncratic Bibliography of Miscellany with In Kind Annotations Intended as a Humorous Diversion for the Gentle Reader*, 51 DRAKE L. REV. 105-49 (2002)
- Civil Rights and Civil Liberties in a Crisis: A Few Pages of History*, 3 NEV. L. J. 23-28 (2002)
- A Roundtable Discussion with Stephen L. Carter & Michael J. Gerhardt*, 50 DRAKE L. REV. 411-28 (2002)
- A Symposium Précis*, 50 DRAKE L. REV. 359-68 (2002)
- Abrams v. United States; Constitution; Warren E. Burger; Dartmouth College v. Woodward; Ex Post Facto Clause; Impeachment; essays in ENCYCLOPEDIA OF AMERICAN LAW (David Schultz, ed. 2002)*
- At War with Civil Rights and Civil Liberties*, 34 CASE W. RES. J. INT’L L. 219-21 (2002)

*First Things First: First Amendment Developments, October Term 2000*, PREVIEW OF UNITED STATES SUPREME COURT CASES at 418 (Aug. 2, 2001)

*A Roundtable Discussion with Lawrence Lessig, David G. Post & Jeffrey Rosen*, 49 DRAKE L. REV. 441-55 (2001)

*A Symposium Précis*, 49 DRAKE L. REV. 391-96 (2001)

*The Supreme Nonet*, 18 CONST. COMMENTARY 291-93 (2001) (review poem)

*A Case Study on the Importance of Settling the National Law: Why We Call the Supreme Court "Supreme,"* 4 GREENBAG 2d 129-37 (Winter 2001)

*Contemporary Lessons in Separation of Powers: Congressional Standing and the Line Item Veto; Federalism Writ Large: the Eleventh Amendment and State Sovereign Immunity; Welfare Rights and the Right to Travel*, essays in HISTORIC UNITED STATES COURT CASES — AN ENCYCLOPEDIA at 177, 199 & 1025 (John W. Johnson, ed., 2d ed. 2001)

*Towards a "More Perfect Union" — Some Thoughts on Amending the Constitution*, 10 WIDENER J. PUB. L. 1-19 (2000)

*A Generation Spent Studying the U.S. Courts of Appeals: A Chronology*, 34 CAL. DAVIS L. REV. 395-423 (2000)

*Towards a "More Perfect Union"*, A.B.A. INSIGHTS ON LAW & SOCIETY, Fall 2000, at 4-7

*A Symposium Précis*, 48 DRAKE L. REV. 433-43 (2000)

*Book Review: Michael J. Gerhardt, The Federal Appointments Process: A Constitutional and Historical Analysis*, 44 AMER. J. LEGAL HIST. 475 (2000)

*Book Review: Bernard Schwartz, ed., The Burger Court: Counter-Revolution or Confirmation?*, 43 AMER. J. LEGAL HIST. 220 (1999)

*Some Preliminary Comments on the Final Report of the White Commission*, 15 J. LAW & POLITICS 471-93 (1999)

*Clear and Present Dangers: The Importance of Ideas and the Bowels in the Cosmos*, 16 CONST. COMMENTARY 485-90 (Symposium 1999)

*Marbury v. Madison – Requiescat in Pace?*, 83 JUDICATURE 83-84 (1999) (review essay)

*At War with the Constitution: A History Lesson from the Chief Justice*, 14 BYU J. PUBLIC LAW 69-81 (1999) (review essay)

*Federal Court Practice and Procedure: A Third Branch Bibliography*, 30 TEX. TECH L. REV. 909-1126 (1999)

*Two Cheers for the Commission on Structural Alternatives for the Federal Courts of Appeals*, 1999 FED. COURTS L. REV. 1 (Feb. 1999) (<http://www.fedjudge.org/fclr/99frame1.htm>), reprinted in 1 FED. COURTS L. REV. 557 (2006)

*At War with the Constitution*, A.B.A. J., December 1998, at 76 (review essay)

*The Federal Impeachment Process: A Constitutional and Historical Analysis*, 42 AMER. J. LEGAL HIST. 74-76 (1998) (review essay)

*Mastering Modern Constitutional Law*, 21 SEATTLE U.L. REV. 927-71 (1998) (review essay)

*The U.S. Courts of Appeals: Problems and Solutions*, 45 FED. LAWYER 30-33 (1998)

*Constitutional Dreams*, A.B.A. J., September 1997, at 92 (review essay)

*Main Street Decisions*, A.B.A. J., August 1997, at 52-57

*2020 Year-end Report on the Judiciary by the Chief Justice of the United States*, 24 PEPPERDINE L. REV. 859-86 (1997)

*Chapter 65.1. Security: Proceedings Against Sureties*, in MOORE'S FEDERAL PRACTICE (3d ed. 1997)

*Chapter 66. Receivers Appointed By Federal Courts*, in MOORE'S FEDERAL PRACTICE (3d ed. 1997)

*Chapter 67. Deposit in Court*, in MOORE'S FEDERAL PRACTICE (3d ed. 1997)

*Chapter 69. Execution*, in MOORE'S FEDERAL PRACTICE (3d ed. 1997)

*Chapter 70. Judgment for Specific Acts; Vesting Title*, in MOORE'S FEDERAL PRACTICE (3d ed. 1997)

*Chapter 71. Process in Behalf of and Against Persons Not Parties*, in MOORE'S FEDERAL PRACTICE (3d ed. 1997)

*Bob Borks Amerika*, 44 U.C.L.A. L. REV. 1185-1205 (1997) (review essay)

*Tyrannous Lex*, 82 IOWA L. REV. 689-715 (1997)

*The Constitution of the United States: essay* in THE ENCYCLOPEDIA OF CIVIL RIGHTS IN AMERICA (Salem Press 1997)

*A Constitutional Bibliography*, 5 WM. & MARY BILL OF RTS. J. 277-97 (1996)

*A Self-Study of Federal Judicial Rulemaking: A Report from the Subcommittee on Long Range Planning to the Committee on Rules of Practice, Procedure and Evidence of the Judicial Conference of the United States*, 168 F.R.D. 679-729 (1995) (with Frank H. Easterbrook)

- Federal Reporter Third Series: A Call for Opinions “Sufficient unto the Case,”* 5 SCRIBES J. LEG. WR. 142-147 (1994-95)
- A Symposium Precipis*, 27 TEX. TECH L. REV. 911-23 (1996) (Faith and the Law Symposium Faculty Editor with Timothy W. Floyd)
- Home Building & Loan Assoc. v. Blaisdell; The Privilege Against Self-Incrimination; R.A.V. v. City of St. Paul; The U.S. Judicial System; West Virginia Bd. Educ. v. Barnette* in READY REFERENCE: AMERICAN JUSTICE (Salem Press 1996)
- A View to the Future of Judicial Federalism: “Neither Out Far Nor in Deep,”* 45 CASE W. RES. L. REV. 705-821 (1995)
- A Catalogue of Judicial Federalism in the United States*, 46 S. CAR. L. REV. 835-75 (1995)
- The Institution of Law Clerks in the U.S. Courts of Appeals*, 3 THE LONG TERM VIEW 71-76 (1995)
- Intramural Reforms: How the U.S. Courts of Appeals Have Helped Themselves*, 22 FLA. ST. UNIV. L. REV. 913-53 (1995)
- Exercising the Amendment Power to Disapprove of Supreme Court Decisions: A Proposal for a “Republican Veto,”* 22 HASTINGS CONST. L.Q. 325-57 (1995)
- The Inherent Power to Impose Sanctions: How a Federal Judge is Like an 800-pound Gorilla*, 14 REV. LITIG. 195-206 (1994)
- The Eleventh Circuit’s First Decade Contribution to the Law of the Nation, 1981-1991*, 19 NOVA L. REV. 323-70 (1994)
- A Book/Recordings Review of MAY IT PLEASE THE COURT: THE MOST SIGNIFICANT ORAL ARGUMENTS MADE BEFORE THE SUPREME COURT SINCE 1955* (Peter Irons & Stephanie Guitton, eds. 1993), 69 TULANE L. REV. 319-33 (1994)
- Imagining the Alternative Futures of the U.S. Courts of Appeals*, 28 GA. L. REV. 913-76 (1994)
- An Assessment of Past Extramural Reforms of the U.S. Courts of Appeals*, 28 GA. L. REV. 863-912 (1994)
- A Proposal that Congress Create a Commission on Federal Court Structure*, 14 MISS. COLL. L. REV. 271-80 (1994)
- Taking Another Measure of the “Crisis of Volume” in the U.S. Courts of Appeals*, 51 WASH. & LEE L. REV. 97-113 (1994) (with Denis J. Hauptly)
- Proposed Intramural Reforms: What the U.S. Courts of Appeals Might Do to Help Themselves*, 25 ST. MARY’S L.J. 1321-61 (1994)

- Recent Developments in the Federal Rules of Procedure: The 1993 Changes and Beyond*, 11 FIFTH CIR. REPTR. 531-44 (1994)
- A Bibliography for the United States Courts of Appeals*, 25 TEX. TECH L. REV. 335-405 (1994)
- Politics and the Supreme Court of the United States*, ENAUSMA NOMIKO FORUM, January 1994, at 24-27 (Greek trans. in journal of opinion of the University of Athens)
- A Review of Corpus Juris Humorous*, 24 TEX. TECH L. REV. 869-89 (1993) (review essay)
- Book Review: JOSEPH GOLDSTEIN, THE INTELLIGIBLE CONSTITUTION* (1992), 10 CONST. COMMENTARY 167-174 (1993)
- Religious Convictions and Professional Education*, 1 J. PROFESSIONAL ETHICS 2-32 (with Timothy W. Floyd) (1993)
- Bd. of Education v. Dowell* (1991); *Contempt Power of Congress*; *Contempt Power of Courts*; *Finality of Decision*; *Nixon v. Condon* (1932); *Postal Power*; *Smith v. Allwright* (1944); *Spallone v. U.S.* (1990); *Missouri v. Jenkins* (1990); *Stone v. Powell* (1976); *Terry v. Adams* (1953); *United States v. Classic* (1941); *United States v. Lovett* (1946); *Frederick Moore Vinson*; *Youngstown Sheet & Tube Co. v. Sawyer* (1952): THE OXFORD COMPANION TO THE SUPREME COURT OF THE UNITED STATES (K. HALL, ED., OXFORD PRESS 1992)
- Book Review: FRANK M. KEMERER, WILLIAM WAYNE JUSTICE — A JUDICIAL BIOGRAPHY* (1992), 9 CONST. COMMENTARY 361-67 (1992)
- A Legislative History of the Creation of the Eleventh Circuit*, 8 GA. ST. U. L. REV. 363-83 (1992)
- An Outline of the Jurisdiction of the United States Courts of Appeals or “Everything is Reviewable . . . In Its Own Way,”* 9 FIFTH CIR. REPTR. 779-857 (1992)
- Some Preliminary Thoughts on Long-Range Planning for the Federal Judiciary*, 23 TEX. TECH L. REV. 1-15 (1992)
- Why Congress Should Repeal the Federal Employers’ Liability Act of 1908*, 28 HARV. J. LEG. 79-122 (1992)
- The Role of Religious Convictions in the Teaching of Law Students*, 17 J. LEG. PROF. 77-123 (1992) (with Timothy W. Floyd)
- The Impropriety of Expert Witness Testimony on the Law*, 40 U. KAN. L. REV. 325-64 (1992)
- Not Another Constitutional Law Course: A Proposal to Teach a Course on the Constitution*, 76 IOWA L. REV. 739-61 (1991) (with James E. Viator)
- An Introduction to Federal Court Rulemaking Procedure*, 22 TEX. TECH L. REV. 323-37 (1991)



*A Course on the Constitution*, 40 J. LEGAL EDUC. 530-32 (1990) (with James E. Viator)

*On Redrawing Circuit Boundaries — Why the Proposal to Divide the United States Court of Appeals for the Ninth Circuit is Not Such A Good Idea*, 22 ARIZ. ST. L.J. 917-61 (1990)

*“Our Federalism” in Pennzoil Co. v. Texaco, Inc. or How the Younger Doctrine Keeps Getting Older Not Better*, 9 REV. LITIG. 303-57 (1990)

*C-SPAN: A Guide for Law Professors*, 40 J. LEGAL EDUC. 295-305 (1990)

*Toward A Unified Theory of the Jurisdiction of the United States Courts of Appeals*, 39 DE PAUL L. REV. 235-97 (1990)

*A Law Student’s Responsibility for a Liberal Education*, 20 TEX. TECH L. REV. 1153-60 (1989)

*“The Right of the People to be Secure. . .”: Toward a Metatheory of the Fourth Amendment*, 30 WM. & MARY L. REV. 881-92 (1989)

*Siskel and Ebert at the Supreme Court*, 87 MICH. L. REV. 1472-1502 (1989) (review essay)

*The Need for a New National Court*, 100 HARV. L. REV. 1400-1417 (1987) (with Douglas D. McFarland)

*Origins of the Eighth Amendment*, in BIBLIOGRAPHY ON THE INTENT OF THE FRAMERS OF THE UNITED STATES CONSTITUTION — SELECTED PHRASES AND CLAUSES (1987)

*Thinking About Federal Jurisdiction — Of Serpents and Swallows*, 17 ST. MARY’S L.J. 239-71 (1986)

*The Ambiguous Independent and Adequate State Ground in Criminal Cases: Federalism Along a Mobius Strip*, 19 GA. L. REV. 799-859 (1985)

*A Compendium of Proposals to Reform the United States Courts of Appeals*, 37 U. FLA. L. REV. 225-95 (1985)

*Federal Jurisdiction: Thrust and Parry*, 11 LITIGATION 17-20, 59-60 (1985), reprinted in J. KOETL (ed.), THE LITIGATION MANUAL - A PRIMER FOR TRIAL LAWYERS 2-11 (2d ed. 1989)

*Eighth Amendment Challenges to the Length of a Criminal Sentence: Following the Supreme Court “From Precedent to Precedent”*, 27 ARIZ. L. REV. 25-74 (1985) (with Fletcher N. Baldwin, Jr.)

*Federal Jurisdiction*, 16 TEX. TECH L. REV. 145-86 (1985) (FIFTH CIRCUIT SURVEY)

*The History and Tradition of the Amount in Controversy Requirement: A Proposal to “Up the Ante” in Diversity Jurisdiction*, 102 F.R.D. 299-327 (1984)

*Dam Federal Jurisdiction!*, 32 EMORY L.J. 3-87 (1983) (with Hon. James C. Hill)

*A Primer on Precedent in the Eleventh Circuit*, 34 MERCER L. REV. 1175-89 (1983)

*Constitutional Criminal Procedure*, 34 MERCER L. REV. 1241-71 (1983) (Eleventh Circuit Symposium)

*“Taking” a Constitutional Look at the State Bar of Texas Proposal to Collect Interest on Attorney-Client Trust Accounts*, 14 TEX. TECH L. REV. 327-75 (1983) (with Robert E. Wood, Jr.)

*Deferred Fine - An Alternative Disposition for Class C Misdemeanors*, 46 TEX. B. J. 163-74 (1983) (with Charles P. Bubany)

*A Postscript on Precedent in the Divided Fifth Circuit*, 36 SW. L.J. 725-42 (1982)

*Probation for Class C Misdemeanors: To Fine or Not to Fine is Now the Question*, 22 S. TEX. L.J. 249-60 (1982) (with Charles P. Bubany)

*Constitutional Criminal Procedure*, 33 MERCER L. REV. 1083-1118 (1982) (Eleventh Circuit Symposium)

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*Precedent Times Three: Stare Decisis in the Divided Fifth Circuit*, 35 SW. L.J. 687-739 (1981)

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*The Constitutionality of Saying a Prayer at a City Council Meeting: May America Bless God?*, PREVIEW OF UNITED STATES SUPREME COURT CASES at 56 (Nov. 4, 2013) (*Town of Greece v. Galloway*, 572 U.S. 565 (2014))

*SCOTUS Masks*, JOTWELL.COM (Oct. 4, 2013) (reviewing Cass R. Sunstein, *Constitutional Personae* (July 25, 2013))

*Can Congress Make it a Crime to Lie About Military Medals or Is the First Amendment a “Get out of Jail Free Speech Card”?*, PREVIEW OF UNITED STATES SUPREME COURT CASES at 182 (Feb. 20, 2012) (*United States v. Alvarez*, 567 U.S. 709 (2012))

*Book Note*, WILLIAM P. CAHILL & ROBERT M. JARVIS, *OUT OF THE MUCK: A HISTORY OF THE BROWARD SHERIFF’S OFFICE, 1915-2000* (2010), 84 FLA. B.J. 69 (2010)

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*Member of the Panel of Critical Readers*, GARNER'S MODERN AMERICAN USAGE (Bryan A. Garner, ed., 3d ed. 2009)

*A Judge's Entourage*, LOS ANGELES DAILY JOURNAL, July 15, 2009, at 6

*Member of the Panel of Academic Contributors*, BLACK'S LAW DICTIONARY (Bryan A. Garner, ed., 9th ed. 2009)

*A Model Faculty Mentoring Protocol*, THE LAW TEACHER at 6 (Fall 2008) (<http://washburnlaw.edu/faculty/schwartz-michael-institute/15-1lawteacher%282008%29.pdf>)

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*Voters Who Have No ID: Can a State Keep Them from Voting?*, PREVIEW OF UNITED STATES SUPREME COURT CASES at 149 (Jan. 7, 2008) (*Crawford v. Marion County Election Board*, 553 U.S. 181 (2008))

*The Chief Justice — Respect His Privacy*, NATIONAL LAW JOURNAL, Mar. 14, 2005, at 23

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*"Rx Pot" — Home Remedy or Illegal Drug? Who Gets to Say — California or Congress?*, PREVIEW OF UNITED STATES SUPREME COURT CASES at 124 (Nov. 29, 2004) (*Gonzales v. Raich*, 545 U.S. 1 (2005))

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*A Primer on Supreme Court Procedures*, PREVIEW OF UNITED STATES SUPREME COURT CASES at 475-85 (Aug. 9, 2004)

*Storm Center — The Year Ahead in the Supreme Court*, SLATE.COM, Oct. 4, 2004, <http://slate.com/id/2107744/>

*Federal Courts Funding Crisis Looms*, NATIONAL LAW JOURNAL, August 9, 2004, at A55

*Bush v. Gore Could Happen Again*, JURIST — THE LEGAL EDUCATION NETWORK: LEGAL FORUM at <http://jurist.law.pitt.edu/forum/baker1.php> (June 14, 2004)

*Can the President's National Energy Policy Development Group Be Required to Disclose How It Works?*, PREVIEW OF UNITED STATES SUPREME COURT CASES at 390 (Apr. 12, 2004) (*Cheney v. U.S. District Court*, 542 U.S. 367 (2004))

*Member of the Panel of Academic Contributors*, BLACK'S LAW DICTIONARY (Bryan A. Garner, ed., 8th ed. 2004)

*Can a Mentally Ill Defendant Just Say “No” to Being Drugged to Become Competent to Stand Trial?*, PREVIEW OF UNITED STATES SUPREME COURT CASES at 281 (Feb. 21, 2003) (*Sell v. United States*, 539 U.S. 166 (2003))

*Affirmative Action or Reverse Discrimination: Trick or Treat?*, JURIST — THE LEGAL EDUCATION NETWORK: LEGAL FORUM at <http://jurist.law.pitt.edu/forum/forumnew35.htm> (Oct. 31, 2001)

*Affirmative Action: How “Strict” Is Constitutional Strict Scrutiny?*, PREVIEW OF UNITED STATES SUPREME COURT CASES at 61 (Oct. 22, 2001) (*Adarand Construction, Inc. v. Mineta*, 534 U.S. 103 (2001))

*When Can the Media Be Held Liable for Broadcasting Illegally Recorded Conversations?*, PREVIEW OF UNITED STATES SUPREME COURT CASES at 123 (Nov. 20, 2000) (*Bartnicki v. Vopper*, 532 U.S. 514 (2001))

*Common Sense Advice*, 84 JUDICATURE 102 (2000) (book note)

*Can A State Give Instructions to Members of Congress and Label Them If They Disobey?*, PREVIEW OF UNITED STATES SUPREME COURT CASES at 56 (Oct. 23, 2000) (*Cook v. Gralike*, 531 U.S. 510 (2001))

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*Think Hard: Winner Takes Court*, NATIONAL LAW JOURNAL, June 19, 2000, at A18

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*Can a State Require the Boy Scouts to Appoint an Assistant Scoutmaster Who is Gay?*, PREVIEW OF UNITED STATES SUPREME COURT CASES at 360 (Apr. 4, 2000) (*Boy Scouts of America v. Dale*, 530 U.S. 640 (2000))

*What Are the Free Speech Limits on Drafting Rules of Engagement for Abortion Clinic Protests?*, PREVIEW OF UNITED STATES SUPREME COURT CASES at 180 (Dec. 20, 1999) (*Hill v. Colorado*, 530 U.S. 703 (2000))

*The First Amendment and Mandatory Student Fees — Is Fee Speech Free Speech?*, PREVIEW OF UNITED STATES SUPREME COURT CASES at 6 (Oct. 20, 1999) (*Brd. of Regents v. Southworth*, 529 U.S. 217 (1999))

*Report Challenges Congress to Restructure Federal Court Systems*, WASHINGTON LEGAL FOUNDATION BACKGROUNDER, VOL. 14, NO. 38 (Oct. 15, 1999)

*Traveling Back in Time — Privileges and Immunities Clause Unearthed to Strike Down State Welfare Law*, LEGAL TIMES, July 12, 1999, at S24

*Courts as Drive-by Victims*, NATIONAL LAW JOURNAL, June 21, 1999, at A22

*Quietly, A U.S. Judicial Overhaul Takes Shape: The Public Needs to Pay Attention To Proposals for Federal Appeals Courts*, BRIDGE NEWS FORUM, April 29, 1999; reprinted in KNIGHT-RIDDER TRIBUNE BUSINESS NEWS, April 29, 1999; BUFFALO NEWS, May 9, 1999; JOURNAL OF COMMERCE, May 5, 1999, at 4A

*Justice For All Depends on You*, DES MOINES REGISTER, April 24, 1999, at A13

*Experimenting with the Structure of the Federal Appellate Courts — The 9th Should Be First*, LEGAL TIMES, March 29, 1999, at 15; reprinted in THE RECORDER, March 31, 1999, at 6 and FULTON COUNTY DAILY REPORT, March 31, 1999, at 6; CONNECTICUT LAW TRIBUNE, April 15, 1999, at 6

*Can Federal Judges Make a Federal Case Out of a Local Tax Imposed on the Privilege of Engaging in the Occupation of Being a Judge*, PREVIEW OF UNITED STATES SUPREME COURT CASES at 341 (Mar. 15, 1999) (*Jefferson County v. Acker*, 527 U.S. 423 (1999))

*Welfare Across State Lines: May California Limit Welfare Benefits for New Residents to the Amount Paid by the State From Which They Moved*, PREVIEW OF UNITED STATES SUPREME COURT CASES at 223 (Dec. 31, 1998) (*Saenz v. Roe*, 526 U.S. 489 (1999))

*Taming “Tough Law” — Pop quizzes can aid the teaching of Constitutional Law*, THE LAW TEACHER, Fall 1998, at 7

*There’s No Basis For Censure — The Founding Fathers Provided only one way to Sanction a President; the Constitution is Clear*, L.A. TIMES, Sept. 16, 1998 at B7, reprinted in BALTIMORE SUN, Sept. 29, 1998, at 11A; DES MOINES REGISTER, Oct. 1, 1998 at 13; FLORIDA TODAY, Sept. 20, 1998, at 15A; RALEIGH NEWS & OBSERVER, Sept. 20, 1998, at A29; SALT LAKE CITY TRIBUNE, Sept. 21, 1998, at A7

*In Memoriam: Bernard Schwartz*, 33 TULSA L.J. 1072 (1998)

*Introduction of Professor Ronald D. Rotunda*, 29 TEX. TECH L. REV. 953-54 (1998)

*The Line Item Veto in the Supreme Court, Take 2: Sequel or Finale?*, PREVIEW OF UNITED STATES SUPREME COURT CASES at 464 (Apr. 8, 1998) (*Clinton v. City of New York*, 524 U.S. 417 (1998))

*“Don’t Show Me the Money!” — How Much Money Must an Organization Spend on Political Messages to be Subject to Federal Disclosure Requirements*, PREVIEW OF UNITED STATES SUPREME COURT CASES at 214 (Dec. 30, 1997) (*FEC v. Akins*, 524 U.S. 11 (1998))

*Greek Students Get Lesson in Free Speech*, USA TODAY, June 11, 1997, at 13A

*The Supreme Court Argument in Clinton v. Jones: Dragging the President Into Court*, LEGAL TIMES, Jan. 6, 1997, at 24, reprinted in BROWARD DAILY BUSINESS REVIEW, Jan. 10, 1997,

at A12; CONNECTICUT LAW TRIBUNE, Jan. 13, 1997; FULTON COUNTY DAILY REPORT, Jan. 8, 1997; MIAMI DAILY BUSINESS REVIEW, Jan. 10, 1997, at A12; NEW JERSEY LAW JOURNAL, Jan. 13, 1997, at 28; PALM BEACH DAILY BUSINESS REVIEW, Jan. 10, 1997, at A12; THE RECORDER, Jan. 8, 1997, at 5

*Would Having to Defend a Civil Lawsuit Alleging Sexual Harassment Amount to “Constitutional Harassment” of the President?*, PREVIEW OF UNITED STATES SUPREME COURT CASES at 254 (Dec. 23, 1996) (*Clinton v. Jones*, 520 U.S. 681 (1997))

*Debating on the Sidewalks — How Much Does the First Amendment Limit the Courts’ Regulation of Abortion Protestors?*, LEGAL TIMES, Oct. 7, 1996, at S43 reprinted in NEW JERSEY LAW JOURNAL, Oct. 14, 1996, at 25; TEXAS LAWYER, Oct. 21, 1996, at 24

*The Four That Didn’t Bark at the 5th Circuit’s Ruling Against Affirmative Action*, WEST’S LEGAL NEWS, Sept. 20, 1996, at 9-20-96 WLN 9951

*Considering the Constitutionality of Court Injunctions Against Protestors Outside Abortion Clinics*, PREVIEW OF UNITED STATES SUPREME COURT CASES at 12 (Sept. 19, 1996) (*Schenck v. Pro-Choice Network*, 519 U.S. 357 (1997))

*Avoiding a “Bright Line” on Punitive Damages*, TEXAS LAWYER, July 22, 1996, at 24, also published in NEW JERSEY LAW JOURNAL, August 5, 1996, at 27

*Justices Void Punitive Award: Five Eyebrows to Four*, Washington Legal Foundation Legal Opinion Letter, Vol. 6, No. 19 (July 12, 1996)

*Exiling Homosexuals from State Politics*, TEXAS LAWYER, Oct. 9, 1995, at 34

*Can Voters Exclude Homosexuals and Their Interests from the Legislative Process*, PREVIEW OF UNITED STATES SUPREME COURT CASES at 11 (Sept. 20, 1995) (*Romer v. Evans*, 517 U.S. 620 (1996))

*Offering Vivid Analysis of Difficult Issues*, LEGAL TIMES, July 3, 1995, at 50-51 (review of RICHARD A. POSNER, *OVERCOMING LAW* (1995)), also published in NEW JERSEY LAW JOURNAL, July 31, 1995, at 22; THE RECORDER, July 17, 1995, at 7; TEXAS LAWYER, May 22, 1995, at 22

*Selecting Military Judges: Is a Constitutional Violation Harmless?*, PREVIEW OF UNITED STATES SUPREME COURT CASES at 346 (April 7, 1995) (*Ryder v. United States*, 515 U.S. 177 (1995))

*The Law of the Land: Can States Limit the Number of Terms Members of Congress May Serve?*, PREVIEW OF UNITED STATES SUPREME COURT CASES at 142 (Nov. 14, 1994) (*U.S. Term Limits, Inc. v. Thornton*, 514 U.S. 779 (1995))

*Reading the High Court’s Tea Leaves: Term Limits*, TEXAS LAWYER, Oct. 24, 1994, at 20-21

*The Inherent Power to Impose Sanctions*, TEXAS LAWYER, Apr. 25, 1994, at 16

*Testing the Lemon Test*, TEXAS LAWYER, Mar. 28, 1994, at 18-19

*The Inherent Power to Impose Sanctions: How a Federal Judge Is Like An 800-Pound Gorilla*, Washington Legal Foundation Legal Opinion Letter, Vol. 4, No. 6 (Mar. 25, 1994)

*Creating a Public School District for an Insular Religious Community: Has the State Gone Too Far or Just Far Enough?*, PREVIEW OF THE UNITED STATES SUPREME COURT CASES at 248 (Mar. 18, 1994) (*Kiryas Joel School Dist. v. Grumet*, 512 U.S. 687 (1994))

*Judges, Heal Thyselves: The Dawn of F.3d*, LEGAL TIMES, Mar. 7, 1994, at 30-31, also published in: CONNECTICUT LAW TRIBUNE, Mar. 14, 1994, at 23; TEXAS LAWYER, Jan. 17, 1994, at 18-19; THE RECORDER, Mar. 9, 1994, at 7

*Can Federal Courts Review Executive Branch Decisions to Close Military Bases?*, PREVIEW OF UNITED STATES SUPREME COURT CASES at 171 (Feb. 18, 1994) (*Dalton v. Specter*, 511 U.S. 462 (1994))

*Discomfiting Glimpses of (Hopefully) Old Ways — Ginsburg Confirmation Includes Bitter Reminders*, NATIONAL LAW JOURNAL, Aug. 16, 1993, at 15-16

*What Questions for Judge Ginsburg?*, TEXAS LAWYER, July 19, 1993, at 12-13

*May the Mentally Retarded be Involuntarily Committed on a Lesser Showing than is Required for the Mentally III?*, PREVIEW OF UNITED STATES SUPREME COURT CASES at 282 (Mar. 19, 1993) (*Heller v. Doe*, 509 U.S. 312 (1993))

*Professor Baker's 10 Cleverest Opinions*, TEXAS LAWYER, Mar. 15, 1993, at 14-15

*Can an Appeal from an IRS Summons Order Survive a Third Party's Compliance with the Summons?*, PREVIEW OF UNITED STATES SUPREME COURT CASES at 28 (Sept. 30, 1992) (*Church of Scientology v. United States*, 506 U.S. 9 (1992))

*Does the National Firearms Act Apply to a "Conversion Kit" That Allows a Purchaser to Turn a Pistol into a Rifle?*, PREVIEW OF UNITED STATES SUPREME COURT CASES at 205 (Feb. 21, 1992) (*United States v. Thompson/Center Arms Co.*, 504 U.S. 505 (1992))

*It's Comment Time for Latest Proposed Federal Rules Changes*, TEXAS LAWYER, Oct. 7, 1991, at 12-13

*The Free Speech Challenge to State Laws Banning Political Campaigning*, PREVIEW OF UNITED STATES SUPREME COURT CASES at 8 (Sept. 30, 1991) (*Burson v. Freeman*, 504 U.S. 191 (1992))

*Federal Statutory and Constitutional Challenges to Mandatory Retirement Provisions for State Court Judges*, PREVIEW OF UNITED STATES SUPREME COURT CASES at 254 (Apr. 19, 1991) (*Gregory v. Ashcroft*, 501 U.S. 452 (1991))

*Law Professors Overstep Limits — Experts Shouldn't Testify on the Substance of Law*, TEXAS LAWYER, Feb. 11, 1991, at 24-25

*Defamation by Quotation: Is There a First Amendment Right to Put Words in Other People's Mouths?*, PREVIEW OF UNITED STATES SUPREME COURT CASES at 152 (Jan. 25, 1991) (*Masson v. New Yorker Magazine, Inc.*, 501 U.S. 496 (1991))

*Government Liability for Medical Malpractice by Military Physicians*, PREVIEW OF UNITED STATES SUPREME COURT CASES at 85 (Nov. 9, 1990) (*United States v. Smith*, 499 U.S. 160 (1991))

*An Invitation to Get Involved — Participation Can Influence Federal Rule-Making*, TEXAS LAWYER, Sept. 3, 1990, at 22-23

*Shaping a Court System for the 90's — Federal Courts Study Committee Takes a Look Ahead*, TEXAS LAWYER, May 28, 1990, at 32-35

*Interpreting the Interstate Agreement on Detainers*, PREVIEW OF UNITED STATES SUPREME COURT CASES at 309-10 (Mar. 29, 1985) (*Ramirez v. Indiana*, 471 U.S. 147 (1985))

*Federal Court Jurisdiction to Review Orders of the Nuclear Regulatory Commission*, PREVIEW OF UNITED STATES SUPREME COURT CASES at 41-43 (Oct. 12, 1984) (*Florida Power & Light Co. v. Lorion*, 470 U.S. 729 (1985))

“Who’s Calling?” in *War Stories*, 71 A.B.A. J. 154 (March 1985) (anecdote)

*The Silkwood Case: Should State or Federal Law Apply?*, PREVIEW OF UNITED STATES SUPREME COURT CASES at 5-7 (Sept. 30, 1983) (*Silkwood v. Kerr-McGee Corp.*, 464 U.S. 238 (1984))

*Appellate Court Evaluations of the Sufficiency and Weight of the Evidence*, PREVIEW OF UNITED STATES SUPREME COURT CASES at 6-7 (Apr. 8, 1982) (*Tibbs v. Florida*, 457 U.S. 31 (1982))

### **Lectures and Continuing Legal Education**

Invited Guest Blogger, PRAWFSBLAWG (<http://prawfsblawg.blogs.com>) (June 2010 & July 2011)

*An Experiment in Pedagogy Redux: Lessons on Comparative Constitutional Law*, Annual Meeting of the World Institute for Research and Publication – Constitutional Law, Sao Paulo, Brazil (online May 14-16, 2010)

*An Experiment in Pedagogy: Lessons on Comparative Constitutional Law*, International Association of Law Schools Conference on Constitutional Law, Washington, DC (Sept. 11-14, 2009)



*Some Remarks on “What the Best College Teachers Do,”* panel on Diverse Teaching Methods Designed to Improve the Education of Law Students, 62nd Annual Meeting of the Southeastern Association of Law Schools, Palm Beach, Florida (Aug. 3, 2009).

*Federalism and the Separation of Powers: Safeguards of Liberty*, Liberty Fund, Inc. Invitational Scholarly Colloquium, Indianapolis, Indiana (June 11-14, 2009)

*Alexander Hamilton and the Creation of the Constitution*, Panelist and Commentator, Constitution Day Program, Florida International University, College of Law (Sept. 17, 2007)

*What is Judicial Independence? and Why does it Matter?*, Panelist, *Judicial Independence and the Constitution*, Constitution Day Program, Florida International University, College of Law (Sept. 18, 2006)

*Judicial Branch Planning Workshop*, Participant, by invitation of the Chief Justice of the Florida Supreme Court, sponsored by the Supreme Court of Florida Task Force on Judicial Branch Planning, Orlando, Florida (May 18-19, 2006)

*Applied Freakonomics: Explaining the “Crisis of Volume,”* (commentator on *Overview: “Demand” and “Supply”* by Richard A. Posner), National Conference on Appellate Justice sponsored by American Academy of Appellate Lawyers, Federal Judicial Center, Institute of Judicial Administration & National Center for State Courts, Washington, DC (Nov. 4, 2005)

*The Office of Chief Justice*, Presenter & Panelist, *The Constitution & the Court: Selecting Justices*, Constitution Day Program, Florida International University, College of Law (Sept. 16, 2005)

*Cybercourts of Appeals*, Panelist, *Cybercourts and On-Line Dispute Resolution Symposium*, Network-Lawyers Seminars On-Line (Dec. 3-5, 2003)

*At War with Civil Rights & Civil Liberties*, Planner and Presider, Symposium hosted by the Florida International University College of Law (Oct. 17, 2003) (with Philip Chase Bobbit, Lee Epstein, Louis Fisher, Mark Graber, Michael Greenberger, Mark V. Tushnet, and John F. Stack, Jr.)

*Reflections on Law Schools and the Idea of the University*, Provost’s Dinner for the Faculty Senate, Florida International University Convocation (Oct. 3, 2002)

*Civil Rights and Civil Liberties in Crisis*, Presenter & Panelist, *Program on 9/11 – One Year Later*, Center for Transnational and Comparative Studies and the Jack D. Gordon Institute for Public Policy and Citizenship Studies, Florida International University (Sept. 11, 2002)

*A Conversation About the Permanent Things*, Program for the Christian Legal Society at Drake University Law School (Apr. 9, 2002)

*Roundtable Discussion*, Moderator with Stephen L. Carter and Michael J. Gerhardt, *Judicious Choices: Nominating and Confirming Supreme Court Justices Symposium*, Drake University Law School (Mar. 2, 2002)

*Supreme Court Seminar* with The Honorable Clarence Thomas, Associate Justice, Supreme Court of the United States at Drake University Law School (February 2002)

*Putting the Constitution in Context: Adding History to Teaching Constitutional Law*, Presenter & Panelist, Program of the Section on Constitutional Law, Association of American Law Schools Annual Meeting, New Orleans, Louisiana (January 4, 2002) (with Michael Curtis, Paul Finkelman and Linda K. Kerber)

*At War with the Constitution*, A Forum on the Attack Against America, Drake University Law School sponsored by the International Law Society and the Federal Bar Association for the Southern District of Iowa (September 28, 2001)

Moderator, *The Constitution and the Internet*, LAW.COM On-Line Seminar (Feb. 26-Mar. 2, 2001) (with Jack Balkin, Jerry Berman, Robert Corn-Revere, Michael Froomkin, Lawrence Lessig, Sanford Levinson, David G. Post, Jeffrey Rosen, Paul Schwartz, Cass Sunstein, Eugene Volokh and Jonathan Zittrain)

*Roundtable Discussion*, Moderator with Lawrence Lessig, David G. Post and Jeffrey Rosen, *The Constitution and the Internet Symposium*, Drake University Law School (Feb. 17, 2001)

*U.S. Supreme Court: Year in Review*, LAW.COM On-Line Symposium (Sept. 11-26, 2000) (with Erwin Chemerinsky, Moderator, Clint Bolik, David Cole, Lucinda Finley, Thomas Goldstein, Douglas Laycock, Tony Mauro, Jay Sekulow, Nadine Strossen, *et al.*)

*Rights at the Schoolhouse Gate: Students & Privacy*, Iowa State Bar Association Center for Law & Civil Education and Close Up Foundation, Iowa Communications Network (April 2000)

*A Generation Spent Studying the U.S. Courts of Appeals: A Chronology*, Managing the Federal Courts — Will the Ninth Circuit be a Model for Change, University of California at Davis Law Review Symposium (March 2000)

*Supreme Court Seminar* with The Honorable Clarence Thomas, Associate Justice, Supreme Court of the United States at Drake University Law School (February 2000)

*Presidential Politics and the Supreme Court*, CNN's Burden of Proof with Greta Van Susteren (January 2000)

*American Constitutionalism*, Assembly of Faculty and Students at Central College, Pella, Iowa (February 1999)

*Everything You Always Wanted to Know About the Supreme Court . . . But Were Afraid to Ask*, Continuing Education Lecture to the Lincoln Inn of Court, Des Moines, Iowa (February 1999)

*Impeachment and Censure of the President*, Midmorning Show with Catherine Lampher on Minnesota Public Radio Network (December 1998)

*“More cases than we know what to do with . . . .” — What Lawyers Need to Know about the Crisis in Federal Appeals and the Reforms being Proposed — with an Emphasis on our Eighth Circuit*, Federal Practice Seminar, Iowa State Bar Association, Des Moines, Iowa (December 1998)

*Graduate and Law School Forum for Undergraduates*, Iowa Conference of Political Scientists, Iowa State University, Ames, Iowa (November 1998)

*The Future of the Federal Appellate System: Can We Continue as We Have?*, American Bar Association Annual Meeting Program, American Academy of Appellate Lawyers, Section of Litigation Appellate Practice Committee, and Appellate Judges Conference, Toronto, Canada (August 1998) (with Hon. Patrick E. Higginbotham, Hon. Danny J. Boggs, Hon. Robert M. Parker, Paul Carrington, Kathleen Lewis, Eric Magnuson, Sidney Powell and Sanford Svetcov)

*A Status Report on the Commission on Structural Alternatives for the Federal Courts of Appeals*, Annual Meeting of the American Academy of Appellate Lawyers, Toronto, Canada (August 1998) (with Daniel J. Meador)

*Perceived Problems and Proposed Solutions for the U.S. Courts of Appeals*, Federal Bar Association Government Leadership Forum on *Restructuring the Federal Appeals Courts: Is It Time?*, Washington, D.C. (April 1998) (with Hon. Procter Hug, Jr., Russell R. Wheeler, Maggie Smolen and William N. LaForge)

Presenter, Invitational Research Conference of the Commission on Structural Alternatives for the Federal Courts of Appeals, Washington, D.C. (March 1998)

*The Far-Reaching Impact of Recent Supreme Court Decisions*, ABA Connection Program, National Continuing Legal Education Teleconference, sponsored by the Section of Litigation, the Judicial Division, and the Public Education Division (August 1997) (with Hon. Joseph R. Weisberger and Hon. Betty Barteau)

*Oral History Interview with the Honorable James C. Hill, Senior Circuit Judge, United States Court of Appeals for the Eleventh Circuit*, Eleventh Circuit Historical Society, Jacksonville, FL (July 1997)

*Civil Litigation Reform in the 21st Century — The Appeals Process*, Pepperdine University School of Law, Malibu, CA (March 1997) (with Hon. Thomas M. Reavley and William M. Richman)

*Faith and the Law*, Moderator for National On-Line Symposium, Counsel Connect (August 1996)

*A Draft Self-Study of Federal Judicial Rulemaking*, Conference on the Federal Rules of Civil Procedure, Southwestern Legal Foundation and Southern Methodist University School of Law, Dallas, TX (March 1995) (with Hon. Frank H. Easterbrook)

*Facing Future Issues with State-Federal Implications*, Middle Atlantic State-Federal Judicial Relationships Conference, Williamsburg, VA (November 1994), reprinted at 162 F.R.D. 219 (1995)

*State/Provincial Court Relationships with Federal Courts*, Invitational Conference on Courts and Jurisdiction in Federal Systems: the United States, Canada, and Australia, University of South Carolina, Columbia, SC (November 1994)

*Recent Changes in the Federal Rules of Procedure*, Workshop for Staff Attorneys, Federal Judicial Center, Nashville, TN (April 1994)

*Exercising the Amendment Power to Disapprove of Supreme Court Decisions: A Proposal for a "Republican Veto,"* First International Congress of Philosophy of Political Science, Universidad del Museo Social Argentino, Instituto de Ciencias Politicas, Buenos Aires, Argentina (October 1993)

*Alternatives for the Federal Courts of Appeals*, National Workshop for Judges of the U.S. Courts of Appeals, Washington, D.C. (February 1993)

*"Equal Justice Under Law": The Importance of an Independent Judiciary for the Protection of Civil Rights and Civil Liberties,* National and Kapodistrian University of Athens, Athens, Greece (December 1992)

*The Role of the Supreme Court in the American Judicial System*, Democratic University of Thrace, Komotini, Greece (November 1992)

*Judicial Federalism in the United States*, The Aristotelian University of Thessaloniki, Thessaloniki, Greece (November 1992)

*The Role of Religious Values in the Teaching of Law Students*, National Conference on Ethics and the Professions, Center for Applied Philosophy & Ethics in the Professions, University of Florida (January 1992) (with Timothy W. Floyd)

*An Academic Perspective on Long-Range Planning for the Federal Judiciary*, presented to the Long-Range Planning Committee of the Judicial Conference of the United States, New York, NY (November 1991)

*Appellate Jurisdiction*, Fifth Circuit Appellate Practice and Advocacy Seminar, Fifth Circuit Bar Association, New Orleans, LA (October 1991)

*Some Naive Thoughts on "Law and Literature" . . . and Locke . . . and Comparative Constitutional Law*, Symposium on Law, the Bill of Rights, and the Great Plains, sponsored by Center for Great Plains Studies, University of Nebraska (March 1991)

*Lunch with the Justices: A Brown Bag Series with the Supreme Court*, C-SPAN Grant Coordinator and Discussion Leader, Texas Tech University School of Law (Spring 1991)

*The Jurisdiction of the U.S. Courts of Appeals*, Federal Judicial Center Seminar for Newly-Appointed United States Circuit Judges, Washington, DC (December 1989)

*Censorship and the First Amendment*, Lecture at Austin College (November 1989)

*Current Events Program*, Panelist, C-SPAN, Washington, DC (August 1988)

*Time Management in Law School*, First Year Law School Lecture Series, Texas Tech University (March 1988)

*The Changing Supreme Court*, Introduction to American Law Program for International Students, University of Florida (July 1987)

*The Role of the Supreme Court*, Understanding Federal Government Operations Seminar, Brookings Institution (November 1986)

*The Supreme Court and the "Inferior Courts" under Article III*, Introduction to American Law Program for International Students, University of Florida (July 1986)

*Inside the Supreme Court*, Seminar on United States Constitutional History, Clemson University (March 1986)

*Federal Jurisdiction, Venue and Pleadings*, State Bar of Texas Videotape Library (February 1985) (with Hon. Joe Fish)

*Jurisdiction of the United States Courts of Appeals*, Federal Practice Seminar, Texas Tech University School of Law (February 1985)

*Recent Supreme Court Decisions of Impact on Jurisdiction and Procedure in the Lower Federal Courts*, Judicial Conference of the Fifth Judicial Circuit (April 1983) (with L.A. Scot Powe, Jr. & Charles Alan Wright)

*Recent Developments in Habeas Corpus*, Stay Abreast in the Law Seminar, Texas Tech University School of Law (October 1982)

*Sentencing Guidelines*, Seminar for Municipal Court Judges, Texas Tech University School of Law (August 1982)

*Federal Jurisdiction Update*, Stay Abreast in the Law Seminar, Texas Tech University School of Law (October 1981)

*General Principles of Probation*, Seminar for Municipal Court Judges, Texas Tech University School of Law (August 1981)

### **Law School Committees**

Academic Planning; Academic Standards (Chair); Accepted Students' Day; Admissions (Chair); Affirmative Action; Alumni Relations; Appointments (Chair); Budget Advisory; Building;

Committee for the Year 2000; Catholic Law Students Association Advisor; Criminal Law Association Advisor; Curriculum; Dean Search; Faculty Mentor; Faculty Resource; Faculty Retreat; Grade Appeals (Chair); Federalist Society Advisor; Honor Council; Honors and Awards (Chair); Independent Textbook Review; Judicial Clerkships (Chair); Lecturers Review; Library; Long Range Planning; Orientation; Promotion and Tenure (Chair); Rules; ABA Self-Study; Student Bar Association Advisor; Student Counseling; Writing Contests

### **University Committees**

Athletic Council; Steering Committee for Self-Study and Accreditation Review by Southern Association of Colleges and Schools (1991-94); Texas Tech University Health Sciences Center Institutional Review Board for the Protection of Human Subjects (Chair subcommittee to draft General Assurance for U.S. Dept. H.H.S.; Chair subcommittee to draft informed consent guidelines for mentally disabled subjects); Faculty Development Committee; Faculty Grievance Panel; Honorary Degrees & Faculty Awards; Phi Kappa Phi Executive Committee

### **Awards and Honors**

Albert Nelson Marquis Lifetime Achievement Award designated by the Marquis Who's Who Publications Board for career longevity and demonstrated excellence in law and legal education (2018)  
American Law Institute (elected 1984; elected to Life Membership 2009)  
Elected Perpetual Member, Fellowship of Catholic Scholars (2015)  
Fellow, American Bar Foundation (2011)  
Professor of the Year for 2020-21, FIU College of Law Student Bar Association  
Professor of the Year for 2011-12, FIU College of Law Student Bar Association  
Professor of the Year for 2011-12, FIU College of Law Student Bar Association  
Professor of the Year for 2010-11, FIU College of Law Student Bar Association  
FIU's Top Scholar Award (Spring 2012)  
FIU Book Author Award (Spring 2012)  
FIU's Top Faculty Presidential Recognition Award (Spring 2010)  
Operational Excellence Award in recognition of meritorious performance, Florida International University (Spring 2009)  
Fellow, American Academy of Appellate Lawyers (July 2004)  
Pioneer Award from the Student Bar Association in Appreciation for Guidance and Dedication to the Florida International University College of Law (March 2004)  
Elected Graduation Hooding Professor by the FIU College of Law Graduating Classes of 2005, 2006, 2007 & 2008  
Student Bar Association President's Award for Outstanding Service to the Students of Drake Law School (March 2002)  
WHO'S WHO IN AMERICA (56th ed. 2002)  
2000 Outstanding Scholars of the 21st Century, International Biographical Centre, Cambridge, England (2001)  
Commendation for Distinguished Service to the Federal Courts awarded by the Judicial Conference of the United States (1995)  
,Smith Kline Beckman Bicentennial of the Constitution Award in Legal Education (1988)  
Justice Tom C. Clark Judicial Fellow Award for 1985-86  
Faculty Development Leave, Texas Tech University (Fall 1992)

Barnie E. Rushing, Jr. University Faculty Distinguished Researcher Award, Texas Tech University (1997)

Spencer A. Wells University Award for Creative Excellence in Teaching, Texas Tech University (1991)

President's Excellence in Teaching Award, Texas Tech University (1990)

Outstanding Professor Award, Texas Tech School of Law (1989)

Outstanding Professor Award, Texas Tech School of Law (1988)

Outstanding Faculty Research Award, Texas Tech School of Law (1995)

Outstanding Faculty Research Award, Texas Tech School of Law (1983)

Biographee: WHO'S WHO IN AMERICA; WHO'S WHO IN AMERICAN LAW; WHO'S WHO AMONG AMERICAN TEACHERS; WHO'S WHO AMONG RISING YOUNG AMERICANS; WHO'S WHO OF EMERGING LEADERS IN AMERICA; WHO'S WHO IN SOCIETY; WHO'S WHO IN THE SOUTH AND SOUTHWEST; WHO'S WHO IN THE WORLD; INTERNATIONAL WHO'S WHO OF INTELLECTUALS; COMMUNITY LEADERS OF AMERICA; DICTIONARY OF INTERNATIONAL BIOGRAPHY; INTERNATIONAL DIRECTORY OF DISTINGUISHED LEADERSHIP; INTERNATIONAL LEADERS IN ACHIEVEMENT; MEN OF ACHIEVEMENT; DIRECTORY OF AMERICAN SCHOLARS

### Service

Advisory Committee, JOURNAL OF LEGAL EDUCATION (2012-15)

Member, Project Advisory Board, *National Study of State Criminal Appeals*, conducted by the National Center for State Courts & Bureau of Justice Statistics (2009-12 )

Fellow, Program in the Study of Spirituality, Florida International University (2009- )

Board of Academic Advisors, Claremont Institute: Center for Constitutional Jurisprudence (2005-10)

Legal Policy Advisory Board, Washington Legal Foundation (1998-2012)

Board of Directors, American Judicature Society (2000-2002)

Contributing Editor, PREVIEW OF UNITED STATES SUPREME COURT CASES (1991-2012)

Iowa State Bar Association Federal Practice Committee (1998-2001)

Member, Committee on Rules of Practice and Procedure of the Judicial Conference of the United States, by appointment of the Chief Justice (1990-95); Chair, Subcommittee on Long-Range Planning (1991-95); Liaison Member to the Long Range Planning Committee of the Judicial Conference (1992-95)

Member, Board of Editors, JOURNAL OF SUPREME COURT HISTORY (1991-93)

Associate Fellow, Center for Great Plains Studies, University of Nebraska (1991-98)

Consultant, Justice Research Institute (1991-98)

Vice Chair, "Supreme Team" Committee to Develop and Implement a High School Curriculum on the Constitution, Texas Young Lawyers Association (1997-98)

Reporter, National Workshop for Judges of the U.S. Courts of Appeals, Washington, DC (February 1993)

Reporter, National Conference on State-Federal Judicial Relationships, Sponsored by: State Justice Institute, Federal Judicial Center, the National Center for State Courts, the Judicial Conference of the United States, the Conference of Chief Justices, and the National Judicial Council of State and Federal Courts, Orlando, FL (April 1992)

Rapporteur, Public Committee on the Federal Courts Report of the Council for Court Excellence (1991)

Associate Reporter, Federal Courts Study Committee (created by P.L. No. 100-702) (1989-90)

Member, State Bar of Texas Committee to Study Specialized Business Courts (1990-91)  
Board of Contributors, TEXAS LAWYER (1989-98)  
Member, American Law Institute Consultative Committee for Complex Litigation Project (1988-94)  
Member, American Law Institute Consultative Committee for Restatement of the Law Governing Lawyers (1988-2000)  
Rapporteur, National Task Force on Federal Judicial Responsibility, Twentieth Century Fund (1988-89)  
Member, American Bar Association Section of Criminal Justice Victims' Committee (1988-93)  
Member, Association of American Law Schools Committee on Courts (1986-87)  
Consultant, Victims' Constitutional Amendment Network (1987)  
Member, Fifth Circuit Indigents' Appeals Panel (*Vela v. Estelle*, 708 F.2d 954 (5th Cir. 1983), *cert. denied sub nom., McKaskle v. Vela*, 464 U.S. 1053 (1984))  
Contributing Editor, PREVIEW OF UNITED STATES SUPREME COURT CASES (1984-85)  
Member, AMERICAN CRIMINAL LAW REVIEW Criminal Practice Advisory Board (1981-85)  
Member, Editorial Board of HUMAN RIGHTS (1983-85)  
Member, American Bar Association Criminal Justice Section *Amicus Curiae* Briefs Committee (1983-84)  
Member, American Bar Association Individual Rights and Responsibilities Section Committee on Access to Civil Justice (1982)  
Member, American Bar Association Individual Rights and Responsibilities Section Committee on Freedom of Speech and of the Press (1982)  
Vice-Chair, American Bar Association Individual Rights and Responsibilities, Section Committee on First Amendment Rights (1982-84)

### **Other Activities**

Member, American Bar Association  
Member, The Florida Bar (inactive)  
Member, Bar Association of the Fifth Federal Circuit  
Member, Supreme Court Historical Society  
Member, Eleventh Circuit Historical Society  
Member, American Judicature Society  
Admitted, United States District Court for the Northern District of Texas, United States Courts of Appeals for Fifth, and Eleventh Circuits, and Supreme Court of the United States  
Attended, Symposium on Constitution Drafting in Post-Conflict States, William & Mary Institute of Bill of Rights Law (2007)  
Attended, The Last Word?: The Constitutional Implications of Presidential Signing Statements, William & Mary Bill of Rights Journal (2007)  
Attended, Symposium on the Religion Clauses in the 21st Century, West Virginia University College of Law (April 2007)  
Participant, American Judicature Society Annual Program, "What Role for AJS in Reforming Judicial Elections?" Chicago, Illinois (2001)  
Invitee, Eighth Circuit Judicial Conference, St. Louis, Missouri (2001)  
Attended, Association of American Law Schools Conference on New Ideas for Experienced Teachers: We Teach But Do They Learn?, Calgary, Alberta, Canada (2001)  
Participant, The Supreme Court's Most Extraordinary Term Symposium, Pepperdine University School of Law (2000)



Participant, Choosing our Judges: A National Forum on Judicial Selection, American Judicature Society, Washington, D.C. (2000)  
Attended, Archaeological Heritage: Current Trends in Its Legal Protection, Institute of Hellenic Constitutional History and Constitutional Law, Athens, Greece (1992)  
Attended, The Archeology of Democracy: An International Conference to Celebrate 2500 Years Since the Birth of Democracy in Greece, American School of Classical Studies, Athens, Greece (1992)  
Attended, Harvard Program of Instruction for Lawyers (1990, 1984, 1982)  
Attended, A Conference on Appointments to the Supreme Court of the United States, Northwestern University (1989)  
Member, International Platform Association (1988-90)  
Attended, C-SPAN Seminar for Professors, Washington, DC (1988)  
Attended, Association of American Law Schools Conference on Civil Procedure, University of Virginia (1988)  
Attended, Brookings Institution Colloquium “Judges and Legislators: Toward Institutional Comity”, Washington, DC (1986)  
Attended, Federal Judicial Center Seminar for Federal Appellate Judges, New Orleans, LA (1986) (Reporter on Internal Operating Procedures Discussion)  
Attended, American Enterprise Institute for Public Policy and Research Conference “Unity and Diversity: An International Conference on Constitutionalism”, Washington, DC (1985)  
Attended, Federal Judicial Center Seminar for Newly-Appointed Circuit Judges, Washington, DC (1985)  
Attended, Association of American Law Schools Conference on Teaching Constitutional Law, Los Angeles, CA (1983)  
Representative, Fifth Circuit Judicial Conference (1984, 1983, 1982)  
Drafter, First Inquiry Response on the Article III Judiciary, Texas Tech University (1982)  
Attended, Perspectives on the First Amendment Seminar, University of Georgia (1981)  
Representative, Fifth Circuit Closing and Opening Ceremonies (1981)  
Drafter, Bar Examination Questions for State Bar of Minnesota (1981-86)

### **Legal Education**

University of Florida, College of Law  
J.D. with High Honors (June 1977)  
Graduated 4th in class of 177  
Dean’s List Each Quarter  
Legal Writing I & II Honors Grades  
Member of the Board, UNIVERSITY OF FLORIDA LAW REVIEW  
Moot Court Board of Editors  
Moot Court Board of Supervisors  
Director, Governmental Research Council  
The Order of the Coif Legal Honorary Society  
Phi Kappa Phi National Honorary Society  
Omicron Delta Kappa National Leadership Honorary  
Selected, Department of Justice Honor Law Graduate Program  
Instructor, Appellate Advocacy (Legal Writing II)  
Instructor, Legal Research

Justice Watch, Drafted Public Defender's Briefs in Florida District Court of Appeals  
Best Paper and Presentation, Legal History Seminar, Professor Francis T. McCoy  
Summer Intern, United States Department of Justice, Criminal Division, Appellate Section (June to August 1976)  
Volunteer Research Aide to the Honorable R.A. Greene, Circuit Judge for the Eighth Judicial Circuit of Florida  
Research Assistant to Professor Fletcher N. Baldwin, Jr., preparing written and oral arguments in every level of Federal and Florida appellate court, *e.g.*, *United States v. Dinitz*, 424 U.S. 600 (1976)  
Paralegal for William S. Jonassen, P.A., Indian Rocks Beach, Florida  
Judge, University of Florida Student Government Court of Appeals  
Justice, University of Florida Student Government Board of Masters  
Contributing Editor, Law Center Newspaper  
Student Representative, John Marshall Bar Association Board  
Member, American Bar Association, Law Student Division

### **Undergraduate Education**

Florida State University  
B.S. cum laude (June 1974)  
Double Major: Economics & Political Science  
G.P.A. 3.5/4.0  
Dean's List Ten Quarters  
Phi Eta Sigma Honorary Fraternity  
Dormitory Resident Assistant  
Intramural Shot-put Champion

\* Updated May 25, 2021