

## Jeffrey A. Pojanowski

Notre Dame Law School  
Notre Dame, Indiana 46556

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### EDUCATION

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HARVARD LAW SCHOOL, J.D. 2004

*Magna cum laude* Honors  
Harvard Law Review, Articles Co-Chair  
Abram Chayes Fellow

PRINCETON UNIVERSITY, A.B., Woodrow Wilson School of Public & Int'l Affairs, 2000

Highest Honors  
Phi Beta Kappa

UNIVERSITY OF MELBOURNE, 1999, research on Australian constitutionalism

### EXPERIENCE

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#### ACADEMIC APPOINTMENTS

NOTRE DAME LAW SCHOOL, Notre Dame, IN

Professor of Law, 2015–present  
Associate Professor of Law, 2010–2015

- *Research:* administrative law, constitutional and statutory interpretation, jurisprudence.
- *Courses:* Administrative Law, Conflict of Laws, Common Law Theory, Jurisprudence, Statutory Interpretation, Torts
- Distinguished Professor of the Year (2013)
- Law School Commencement Speaker (2013)
- Robert and Marion Short Scholar (2013–16)

#### ACADEMIC FELLOWSHIPS

UNIVERSITY OF VIRGINIA SCHOOL OF LAW, Charlottesville, VA

Olin-Smith Fellow in Law, 2009

#### PROFESSIONAL LEGAL EXPERIENCE

LATHAM & WATKINS, LLP, 2006–08

Litigation Associate

SUPREME COURT OF THE UNITED STATES, Justice Anthony M. Kennedy, 2005–06

Law Clerk

U.S. COURT OF APPEALS FOR THE D.C. CIRCUIT, Honorable John G. Roberts, Jr., 2004–05

Law Clerk

## **PUBLICATIONS**

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### **ARTICLES**

*Enduring Originalism*, 104 GEO. L.J. 97 (2016) (with Kevin C. Walsh).

*Discretionary Dockets*, 31 CONST. COMMENT. 221 (2016) (with Randy J. Kozel).

*Reading Statutes in the Common Law Tradition*, 101 VA. L. REV. 1357 (2015).

*Private Law in the Gaps*, 82 FORDHAM L. REV. 1689 (2014).

*Statutes in Common Law Courts*, 91 TEXAS L. REV. 479 (2013).

*Administrative Change*, 59 UCLA L. REV. 112 (2011) (with Randy J. Kozel).

*Reason and Reasonableness in Review of Agency Decisions*, 104 NW. U. L. REV. 799 (2010).

### **SHORTER PUBLICATIONS**

*Revisiting Seminole Rock*, 15 GEO. J. L. & PUB. POL'Y \_\_ (forthcoming 2017) (invited symposium paper).

*Without Deference*, 81 MO. L. REV. 1075 (2017) (invited symposium paper).

*Neoclassical Administrative Law*, THE NEW RAMBLER REVIEW (September 26, 2016) (book review essay).

*Judicial Review of Administrative Action*, ENCYCLOPEDIA OF AMERICAN GOVERNANCE (2016).

*The Place of Force in General Jurisprudence*, 21 LEGAL THEORY 242 (2015) (book review essay).

*Redrawing the Dividing Lines between Natural Law and Positivism(s)*, 101 VA. L. REV. 1023 (2015) (invited symposium paper).

*Legal Thought in Enlightenment's Wake*, 4 JURISPRUDENCE 158 (2013) (book review essay).

*A Plausible But Not Decisive Objection*, 2 JOURNAL OF LAW: PERIODICAL LABORATORY OF LEGAL SCHOLARSHIP 500 (2012).

*Case Comment*, *American Ins. Ass'n v. Garamendi*, 123 S. Ct. 2374 (2003), 117 HARV. L. REV. 226 (2003).

## CONFERENCES ORGANIZED

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*Program in Constitutional Structure Book Roundtable: Law's Abnegation by Adrian Vermeule*, Notre Dame, IN (May 4, 2016).

*Constitutional Interpretation: U.S. and European Perspectives*, Notre Dame Law School Program on Constitutional Structure and Design, London, U.K. (February 5, 2016).

*Common Law in an Age of Regulation: U.S. and Commonwealth Perspectives*, Notre Dame Law School Program on Constitutional Structure and Design, London, U.K. (February 6, 2015).

*Statutory Interpretation and Constitutional Structure: U.S. and Commonwealth Perspectives*, Sponsored by the Notre Dame Law School Program on Constitutional Structure and Design, London, U.K. (February 28, 2014).

*The Dimensions of Politics and Jurisprudence*, Notre Dame Law School (October 4, 2013).

## PRESENTATIONS AND COMMENTARY

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Presenter, "Statutory Interpretation in the Common Law and Civil Tradition: Comparisons and Continuities," at *The Common Law and Civil Law Today: Convergence and Divergence*, Southern European Center for Legal Research, Canj, Montenegro (May 27, 2017) (invited).

Lead Commentator, Book Panel on *Natural Law in Court* by Richard Helmholz, Lumen Christi Institute & Loyola University Chicago Law School, Chicago, IL (May 18, 2017) (invited).

Presenter, "Revisiting *Seminole Rock*," at Conference on Challenging Administrative Power, Georgetown University Law Center, Washington, DC (April 7, 2017) (invited).

Commentator, Book Roundtable on *Pagans and Christians in the City* by Steven D. Smith, Notre Dame Law School, Notre Dame, IN (March 24, 2017) (invited).

Lead commentator, Notre Dame-Oxford London Public Law Conference: Continuity and Change in Public Law (February 17, 2017) (invited).

Presenter, "After Deference," University of Pennsylvania Advanced Statutory Interpretation and Legislation Seminar, Philadelphia, PA (November 8, 2016) (invited).

Invited Participant, The Tradition Project, St. John's Center for Law and Religion, New York, NY (October 20–22, 2016).

Presenter, "Without Deference," Antonin Scalia Law School Faculty Workshop, Arlington, VA (October 18, 2016) (invited).

Presenter, “The Fuller-Nagel Debate,” Law and Society Annual Meeting, New Orleans, LA (June 3, 2016) (invited).

Presenter, “Judicial Review after *Chevron*,” *Missouri Law Review* Symposium: A Future Without the Administrative State? (March 4, 2016) (invited).

Presenter, “Enduring Originalism,” Originalism Works-in-Progress Conference, University of San Diego Center for the Study of Constitutional Originalism, (February 20, 2016) (invited).

Presenter, “Enduring Originalism,” at Constitutional Interpretation: U.S. and European Perspectives, Notre Dame Law School Program on Constitutional Structure and Design, London, U.K. (February 5, 2016) (organized conference).

Panelist, *Auer and Chevron Deference*, Federalist Society Annual Faculty Conference, New York, NY (January 8, 2016) (invited).

Presenter/Prize Winner, “Discretionary Dockets,” Federalist Society Annual Faculty Conference, New York, NY (January 8, 2016) (invited) (with Randy J. Kozel).

Presenter, “Enduring Originalism,” University of Illinois College of Law, Program on Constitutional Theory, History, and Law Colloquium, (November 16, 2015) (invited).

Presenter, “Discretionary Dockets,” University of San Diego Law School (October 2, 2015) (invited).

Presenter, “Critical Realism and Methodology in Jurisprudence,” International Association for Critical Realism Annual Conference, Notre Dame, IN (July 30, 2015) (invited).

Panelist, *The Interplay of Text and Purpose*, National Foundation for Judicial Excellence, Eleventh Annual Judicial Symposium, Chicago, IL (July 18, 2015) (invited).

Panelist, *The Future of Auer Deference*, Federalist Society Administrative Law & Regulation Group Podcast (Mar. 19, 2015) (<http://www.fed-soc.org/multimedia/detail/the-future-of-auer-deference-podcast>) (invited).

Presenter, “Our Common Law Court,” (with Randy J. Kozel) The Common Law in an Age of Regulation: U.S. and Commonwealth Perspectives, Notre Dame Law School Program on Constitutional Structure and Design, London, U.K. (February 6, 2015) (organized conference).

Presenter, “Reading Statutes in the Common Law Tradition,” Federalist Society Annual Faculty Conference, Works-in-Progress Presentations, Washington D.C. (January 4, 2015) (invited).

Presenter, “Reading Statutes in the Common Law Tradition,” Private Law Theory Workshop, Harvard Law School (December 3, 2014) (invited).

Participant, Seminar Conference: Lord Sumption and the Limits of Law, Trinity and St. Johns Colleges, University of Oxford, U.K. (Oct. 24, 2014) (invited).

Presenter, “Reading Statutes in the Common Law Tradition,” Trinity College Dublin, School of Law (October, 22 2014) (invited).

Commentator, “Towards Classical Legal Positivism,” Conference on Jurisprudence and Its History, University of Virginia Law School (September 19, 2014) (invited).

Lecturer, “Intellectual History of Statutory Interpretation in the United States: The Past 50 Years,” School of Law, Trinity College Dublin (March 27, 2014) (invited).

Presenter, “Private Law in the Gaps,” Statutory Interpretation and Constitutional Structure: U.S. and Commonwealth Perspectives, Notre Dame Law School London Centre (February 28, 2014) (organized conference).

Commentator and panelist, Conference on Legislated Rights, St. John’s College, University of Oxford (February 7, 2014) (invited).

Commentator, *The Dimensions of Politics and Jurisprudence*, Notre Dame Law School (October 4, 2013) (organized conference).

Presenter, “Private Law in the Gaps,” Indiana University (Bloomington) Faculty Colloquium (November 9, 2013) (invited).

Presenter, “Private Law in the Gaps,” Federalist Society Midwest Junior Faculty Workshop, Washington University-St. Louis (October 25, 2013) (invited).

Presenter, “Administrative Change,” & Panelist, Session on EU and US Judicial Oversight of Regulatory Agencies, Forum for EU-US Legal Affairs – Berlin, Germany (September 13, 2013) (invited).

Commentator, conference on The Constitution and Unwritten Law – Notre Dame Law School (March 22, 2013) (contributed).

Presenter, “Statutory Gaps and Private Law” – Washington University-St. Louis Faculty Colloquium (February 5, 2013) (invited).

Presenter, “Statutory Gaps and Private Law” – Notre Dame Law School Faculty Colloquium (January 22, 2013) (contributed).

Introductory speaker and moderator, John Finnis, “The Priority of Persons Revisited,” Notre Dame Center for Ethics and Culture, Fall Conference Keynote Address (October 10, 2012) (invited).

Presenter, “Statutory Interpretation, Legislative Supremacy, and Autonomy of Private Law,”  
Conference on the Moral Foundations of Private Law, Villanova Law School  
(March 23, 2012) (invited)

Presenter, “Statutes in Common Law Courts” – Notre Dame Law School Faculty  
Colloquium (January 24, 2012) (contributed).

Panelist, “*Judulang v. Holder*,” Federalist Society’s *SCOTUSCast*, January 11, 2012  
(<http://www.fed-soc.org/publications/detail/judulang-v-holder-post-decision-scotuscast>)  
(invited).

Presenter, “Statutes in Common Law Courts” – Washington University-St. Louis Law  
School Junior Faculty Forum (December 9, 2011) (contributed).

Presenter, “Statutes in Common Law Courts” – University of Illinois College of Law  
Colloquium (November 10, 2011) (invited).

Panelist, Discussion on Steven D. Smith’s *THE DISENCHANTMENT OF SECULAR DISCOURSE*,  
Annual Conference on Catholic Legal Thought, University of Oklahoma College of Law  
(May 19, 2011) (invited).

Presenter, “Administrative Change,” Notre Dame Law School Separation of Powers Roundtable,  
Notre Dame, Indiana (March 2011) (contributed).

Presenter, “Reason and Reasonableness in Review of Agency Decisions,” George Mason Law  
School Junior Scholars Workshop, Fairfax, Virginia (August 2009) (invited).

Presenter, “Reason and Reasonableness in Review of Agency Decisions,” University of Virginia  
Law School Summer Faculty Workshop (July 2009) (contributed).

## **PROFESSIONAL SERVICE**

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Editorial Board, *AMERICAN JOURNAL OF JURISPRUDENCE* (2012–present)

Peer Reviewer: *AMERICAN JOURNAL OF JURISPRUDENCE*; *HARVARD UNIVERSITY PRESS*;  
*JOURNAL OF LAW & COURTS*; *LEGAL THEORY*; *OXFORD JOURNAL OF LEGAL STUDIES*,  
*POLITICS & POETICS*, *UNIVERSITY OF NEW SOUTH WALES LAW JOURNAL*.

Appointments Committee, Notre Dame Law School (Vice Chair, 2015–17)

Admissions Committee, Notre Dame Law School (2014–15)

Colloquium Committee, Notre Dame Law School (2012–13)

Clerkship Committee, Notre Dame Law School (2010–14, Chair 2017–present)

Organizing Committee, Program of Study in Law, Ethics, & Public Policy, Notre Dame Law  
School (2011)

Faculty Contact, Program of Study in Law, Ethics, and Public Policy, Notre Dame Law  
School (2015–present).

## **PROFESSIONAL AFFILIATIONS**

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Member, American Association of Law Schools:

Sections on Administrative Law, Jurisprudence, and Torts & Insurance

Member, American Society of Political and Legal Philosophy

Member, Federalist Society, Faculty Division

Member of the Bars of the State of New York and the District of Columbia