

Jeffrey A. Pojanowski

Notre Dame Law School
Notre Dame, Indiana 46556

(574) 631-4887
pojanowski@nd.edu

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, torts, jurisprudence.
- *Courses*: Administrative Law, Conflict of Laws, Common Law Theory, Jurisprudence, Torts
- Distinguished Professor of the Year (2013)
- Law School Commencement Speaker (2013)
- Robert and Marion Short Scholar (2013–16)

HARVARD LAW SCHOOL, Cambridge, MA

Visiting Professor of Law (fall semester 2018)

- *Courses*: Torts, Private Law Theory Workshop

UNIVERSITY OF VIRGINIA SCHOOL OF LAW, Charlottesville, VA

Olin-Smith Fellow in Law, 2009

PUBLICATIONS

ARTICLES

Neoclassical Administrative Law, 133 HARV. L. REV. 853 (2020).

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

- Reconstructing an Administrative Republic*, 116 MICH. L. REV. 959 (2018) (book review).
- Dunsmuir: A View from South of the Border*, 31 CAN. J. ADMIN. L. & PRAC. (Special Issue: A Decade of *Dunsmuir*) 197 (2018) (symposium).
- Revisiting Seminole Rock*, 15 GEO. J. L. & PUB. POL'Y 87 (2018) (symposium).
- Why Should Anyone be an Originalist?*, 31 DIRITTO PUBBLICO COMPARATO ED EUROPEO ONLINE 583 (2017) (symposium).
- Without Deference*, 81 MO. L. REV. 1075 (2017) (symposium).
- Neoclassical Administrative Common Law*, THE NEW RAMBLER REVIEW (September 26, 2016) (book review).
- Judicial Review of Administrative Action*, ENCYCLOPEDIA OF AMERICAN GOVERNANCE (2016).
- The Place of Force in General Jurisprudence*, 21 LEGAL THEORY 242 (2015) (book review).
- Redrawing the Dividing Lines between Natural Law and Positivism(s)*, 101 VA. L. REV. 1023 (2015) (symposium).
- Legal Thought in Enlightenment's Wake*, 4 JURISPRUDENCE 158 (2013) (book review).

WORKS IN PROGRESS

- Torts Against the State* (with Paul Miller), to be published in CIVIL WRONGS AND JUSTICE IN PRIVATE LAW (Paul Miller and John Oberdiek, eds., Oxford University Press, forthcoming).
- The Moral of Torts* (with Michael P. Moreland), to be published in CHRISTIANITY AND PRIVATE LAW (John Witte, ed., Routledge Press, forthcoming).

CONFERENCES ORGANIZED

- Constitutions, Peoples, and Sovereignty*, Notre Dame Law School Program on Constitutional Structure London, U.K. (February 21, 2020).
- 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, 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, 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, London, U.K. (February 28, 2014).

SELECTED PRESENTATIONS AND COMMENTARY

Panelist, “Administrative Law Perspectives beyond the Liberal/Conservative Divide,” American Association of Law Schools, Administrative Law Section Panel, Washington, DC (January 5, 2020) (invited).

Commentator, Oxford Studies in Private Law Theory Workshop, London, U.K. (August 9–10, 2019).

Conference Keynote Address, “The Crisis of Liberal Constitutionalism and Its Alternatives,” Disagreement in Constitutionalism, University of Padova, Treviso, Italy (May 9, 2019) (invited).

Presenter, “Neoclassical Administrative Law,” Harvard Law School Faculty Colloquium, Cambridge, MA (April 25, 2019) (invited).

Presenter, “Neoclassical Administrative Law,” St. John’s University School of Law Faculty Colloquium, Queens, NY (March 13, 2019) (invited).

Presenter, “Neoclassical Administrative Law,” Administrative Law New Scholarship Roundtable, University of Michigan Law School, Ann Arbor, MI (July 12, 2018) (selected).

Presenter, “The Moral of Torts,” (with Michael P. Moreland), at Christianity and Private Law, Pepperdine University Law School, Malibu, CA (February 3, 2018) (invited).

Guest Lecturer, course on Equality, Discrimination, and Affirmative Action. Faculty of Law, University of Navarre, Pamplona, Spain (January 8–12, 2018) (invited).

Presenter, “Neoclassical Administrative Law,” at Beyond Deference: Emerging Issues in Judicial Review of Agency Action. Antonin Scalia Law School, George Mason University, Center for the Study of the Administrative States, Arlington, VA (December 6, 2017) (invited).

Presenter, “The New Legalism in Administrative Law,” at Beyond Deference, Center for the Study of the Administrative States Research Roundtable, Arlington, VA (September 15, 2017) (invited).

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).

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).

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).

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).

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).

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

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

Presenter, “Statutory Gaps and Private Law” – Washington University-St. Louis Faculty Colloquium (February 5, 2013) (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” – 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,” University of Virginia Law School Summer Faculty Workshop (July 2009) (contributed).

PROFESSIONAL SERVICE

Co-Editor, AMERICAN JOURNAL OF JURISPRUDENCE (2019–present).
Editorial Board, AMERICAN JOURNAL OF JURISPRUDENCE (2012–present).
Peer Reviewer: AMERICAN JOURNAL OF JURISPRUDENCE; AUSTRALIAN JOURNAL OF LEGAL PHILOSOPHY; CAMBRIDGE UNIVERSITY PRESS; 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, 2019–20)
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)
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).

EDUCATION

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

OTHER 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

PROFESSIONAL AFFILIATIONS

Member, American Association of Law Schools
Member, American Society of Political and Legal Philosophy
Member of the Bars of the State of New York and the District of Columbia