

## Jeffrey A. Pojanowski

Notre Dame Law School  
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### ACADEMIC APPOINTMENTS

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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, Statutory Interpretation, Private Law Workshop, 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 Workshop

UNIVERSITY OF VIRGINIA SCHOOL OF LAW, Charlottesville, VA

Olin-Smith Fellow in Law, 2009

### PUBLICATIONS

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#### 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

*Reevaluating Legal Theory*, 130 YALE L. J. 1458 (2021) (review essay).

*The Moral of Torts* (with Michael P. Moreland), in CHRISTIANITY AND PRIVATE LAW (Robert F. Cochran, Jr. and Michael P. Moreland, eds., Routledge Press 2021).

*Torts Against the State* (with Paul B. Miller), in CIVIL WRONGS AND JUSTICE IN PRIVATE LAW (Paul B. Miller and John Oberdiek, eds., Oxford University Press 2020).

*The Relationship between Forms and Methods in Constitutional Interpretation: Comparative Reflections*, in DIALOGUES ON ITALIAN CONSTITUTIONAL JUSTICE: A COMPARATIVE PERSPECTIVE (Vittoria Barsotti, Marta Cartabia, Paolo G. Carozza, and Andrea Simoncini, eds., Routledge Press 2020).

*Teaching Jurisprudence in a Catholic Law School*, 58 J. CATH. L. STUD. 75 (2020) (symposium).

*Reconstructing an Administrative Republic*, 116 MICH. L. REV. 959 (2018) (review essay).

*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) (review essay).

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

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

*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) (review essay).

## CONFERENCES ORGANIZED

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*Practical Reason and Private Law*, University of Notre Dame, Notre Dame Kylemore Abbey Global Centre, County Galway, Ireland (May 31–June 2, 2022).

*The Legacy of John Finnis: Contemporary Engagements and Developments*, University of Notre Dame and Oxford University, London, U.K.. (October 15–16, 2021).

*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

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Presenter, “Authenticity and Free Speech,” *Liberalism’s Limits: Religious Exemptions and Hate Speech*, LUMSA University and St. John’s University Law School, Rome, Italy (July 7, 2022).

Presenter, “Legal Formalism and Methodological Positivism in Private Law,” *Methodology in Private Law*, Bucerius Law School, Hamburg, Germany (May 27–28, 2022).

Paper Commentator, *AALS Jurisprudence Section Works-in-Progress Workshop*, Online Workshop (August 12, 2022).

Lead Commentator, *The Normativity of Law*, Online Symposium, for *DIALOGOI: Ancient Philosophy Today* (November 20, 2021).

Panel Discussant, “Natural Law and its Role in Understanding Human Rights,” *Inalienable Rights and the Traditions of Constitutionalism*, Kellogg Institute for International Studies, Notre Dame, IN (November 15, 2021).

Presenter, “The Internal Point of View in Private Law,” *The Legacy of John Finnis: Contemporary Engagements and Developments*, London, U.K. (October 16, 2021).

Presenter, “The Internal Point of View in Private Law,” *Faulkner University Private Law Consultation*,

Gulf Shores, AL (May 13, 2021).

Presenter, “Precedent, Interpretive Method, and Competing Conceptions of the Rule of Law,” Panel on Stare Decisis and the Rule of Law, International Forum on the Future of Constitutionalism, Global Summit, Zoom (January 15, 2021).

Presenter, “Teaching Jurisprudence at a Catholic Law School,” St. John’s Law Review and Journal of Catholic Legal Studies Symposium on *A Light Unseen: A History of Catholic Legal Education in the United States*, Queens, NY (February 14, 2020).

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

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).

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

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

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

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

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

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).

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).

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).

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).

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

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

Presenter, “Without Deference,” University of Pennsylvania Advanced Statutory Interpretation and Legislation Seminar, Philadelphia, PA (November 8, 2016).

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

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

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

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

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) (with Randy J. Kozel).

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

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

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

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

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

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

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

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

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).

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

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).

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

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

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

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

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).

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

## PROFESSIONAL SERVICE

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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; COLUMBIA LAW REVIEW, HARVARD UNIVERSITY PRESS; JOURNAL OF LAW & COURTS; LEGAL THEORY; OXFORD JOURNAL OF LEGAL STUDIES; REVIEW OF EUROPEAN AND COMPARATIVE LAW, POLITICS & POETICS; STANFORD LAW REVIEW; UNIVERSITY OF NEW SOUTH WALES LAW JOURNAL; YALE LAW JOURNAL.  
Appointments Committee, Notre Dame Law School (Vice Chair 2015–17, 2019–21)  
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)  
Promotions Committee, Notre Dame Law School (2021–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).

## 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

## OTHER LEGAL EXPERIENCE

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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

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Member, American Association of Law Schools  
Member of the Bars of the State of New York and the District of Columbia