NICOLE STELLE GARNETT
3115 Eck Hall of Law, Notre Dame, Indiana 46556
(574) 631-3091 | ngarnett@nd.edu

PRIMARY ACADEMIC APPOINTMENT

University of Notre Dame (1999-present)

John P. Murphy Foundation Professor of Law (2014-present); Professor of Law (2008-14); John Cardinal O'Hara, C.S.C. Associate Professor (tenured) (2005-08); Associate Professor (untenured) (2002-05); Assistant Professor (1999-2002); Provost Fellow (2008-2010)

Associate Dean for External Engagement, Notre Dame Law School (since 2022)

Director, Notre Dame Education Law Project (since 2023)

Fellow: Institute for Educational Initiatives, Fitzgerald Institute for Real Estate, deNicola Center for Ethics and Culture

Courses: Property, Local Government Law, State Constitutional Law, Education Law

OTHER ACADEMIC APPOINTMENTS

American Law Institute, *Elected Member* (since 2024)

Manhattan Institute, New York, New York, *Senior Fellow* (since 2021)

VISITING ACADEMIC APPOINTMENTS

USC Gould School of Law, *Distinguished Visiting Professor of Law* (October 2007)

University of Chicago Law School, *Visiting Professor of Law* (January-June 2007)

Hoover Institution, *Visiting Scholar* (May 2010, June 2008, May 2005)

Northwestern University School of Law, *Visiting Scholar* (Spring 2004)

LEGAL EXPERIENCE

Law Clerk, Justice Clarence Thomas, Supreme Court of the United States, 1998-99

Law Clerk, Judge Morris S. Arnold, U.S. Court of Appeals, Eighth Circuit, 1995-96

Staff Attorney, Institute for Justice, Washington, D.C., 1996-98

Defended the constitutionality of early private-school-choice programs, including in the litigation culminating in *Zelman v. Simmons-Harris* (U.S. 2002); filed the first lawsuit challenging the exclusion of faith-based schools from the program invalidated in *Carson v. Makin* (U.S. 2022).

EDUCATION

Yale Law School, New Haven, Connecticut. J.D., 1995

Stanford University, Stanford, California. B.A., with distinction and departmental honors, Political Science, 1992

BOOKS

John E. Coons, *The Case for Parental Choice: God, Family, and Educational Liberty* (Nicole Garnett, Richard Garnett, and Ernest Morrell, eds.) (Notre Dame Press, 2023)

Lost Classroom, Lost Community: Catholic Schools' Importance in Urban America (with Margaret Brinig) (University of Chicago Press, 2014)

Ordering the City: Land Use, Policing, and the Restoration of Urban America (Yale University Press, 2010)

BOOK CHAPTERS

"Educational Pluralism and Religious Liberty in the U.S.," forthcoming in *Reflexiones nacionales sobre el derecho de educación* (María Paz Madrid and Javier Saldaña, eds.)

"The Legal Arc of School Choice," in James v. Shuls & Neal McCluskey, eds., *Fighting for the Freedom to Learn: Examining America's Centuries-Old School Choice Movement* (CATO 2025)

"Parental Choice and the Future of Faith-Based Schools" in *Oxford Handbook on the Future of K12 Education* (Kristine L. Bowman, ed., 2021)

"The Law of Parental Choice" (with John Schoenig) in *Routledge Handbook of Research on School Choice* (2nd Ed., Mark Berends, *et al.*, eds. 2020)

"Old Suburbs Meet New Urbanism," in *Infinite Suburbia* (Princeton Architectural Press, Alan Berger and Joel Kotkin, eds., 2017)

"Land Use Regulation, Innovation, and Growth," in *Rules for Growth: Promoting Innovation and Growth Through Legal Reform* (Kauffman Foundation on Entrepreneurship 2011)

"Mercantilism, American Style," in *Hernando De Soto and Property in a Market Economy* (Ashgate, 2010)

When Did Public Schools Become the Government, in progress (with Luke Thompson)

State Constitutions, The Expressio Unius *Principle, and Modern School Choice Litigation*, in progress (with Matthew Krauter)

"*Lemon*'s Long Shadow," forthcoming *SMU Law Review* (2026) (invited symposium piece)

"The Original Understanding of the First Amendment in Public Schools," forthcoming, *Notre Dame Law Review* (2026)

"Preserving the Exit Option: State Public Education Mandates and Parental Rights in Education," 100 *Notre Dame Law Review* 1709 (2026) (with John Meiser)

"Two Questions for School-Choice Funding after *Carson v. Makin*," 24 *First Amendment Law Review* 157 (2026) (with John Meiser)

"The Persistence of the Unconstitutional Status/Use Distinction in Federal Grants to Religious Nonprofits," with Cameron Grinnell, Manhattan Institute Report, October 17, 2025

"Privately Provided Equitable Services: Root Out Unconstitutional 'Secular, Neutral, and Non-Ideological Restrictions in Education Law,"with Sean Tehan, Manhattan Institute Report, September 23, 2025

"Parental Choice, Parental Rights, and State Education Mandates," 26 *Journal of Contemporary Legal Issues* 73 (2024) (SSRN)

"The Persistence of Religious Discrimination in Publicly Funded Pre-K Programs," with Tim Rosenberger and Theo Austin, Manhattan Institute Report (January 2024)

"Unconstitutional Religious Discrimination Runs Rampant in State Programs," with Tim Rosenberger, Manhattan Institute Report (December 2023)

"Decoupling Property and Education," 123 *Columbia Law Review* 1367 (2023) (SSRN)

"Implementing Education Savings Accounts," with Michael McShane, Manhattan Institute Report (June 2023)

"Unlocking the Potential of Private-School Choice: Avoiding and Overcoming Obstacles to Successful Implementation," Manhattan Institute Report (March 2023)

"Religious Covenants," with Patrick Reidy, c.s.c., 74 *Florida Law Review* 822 (2022) (SSRN)

"Well Done, Good and Faithful Servant," 97 *Notre Dame Law Review* 63 (2022), with Richard W. Garnett (*in memoriam*, John Copeland Nagle)

"Accountability and Private School Choice," Manhattan Institute Report (October 2021)

"What I Saw at the Daytona 500," *Harvard J. of L. & Public Pol'y*, August 30, 2021

"Religious Charter Schools: Legally Permissible? Constitutionally Required?" Manhattan Institute Report (December 2020)

"The Comparative Legal Landscape of Educational Pluralism," 73 *Arkansas Law Rev.* 455 (2020) (Hartman Holtz Distinguished Lecture) (SSRN)

"A Case for Educational Pluralism," 5 *Education Law and Policy Rev.* 35 (2019) (SSRN)

"post-Accountability Accountability," 52 *Michigan J. of Law Reform* 158 (2018) (SSRN)

"planning for Density: Promises, Perils and a Paradox," 33 *Journal of Land Use & Environmental Law* 1 (2018) (SSRN)

"Sector Agnosticism and the Coming Transformation of Education Law," 70 *Vanderbilt Law Review* 1 (2017) (SSRN)

"From and Muddle to a Mudslide: *Murr v. Wisconsin* and the Parcel-as-a-Whole Rule," *2016-17 CATO Supreme Court Review* 131 (2017) (SSRN)

"Justice Scalia's Rule of Law and Law of Takings," 41 *Vermont Law Review* 717 (2017) (SSRN)

"To Help, Not to Hurt: Justice Thomas's *Equality* Canon," *Yale Law Journal Forum*, August 2, 2017 (with William Consovoy)

"Three Things: A Tribute to Judge Morris Sheppard Arnold," 18 *Green Bag 2d* 255 (2015)

"The Legal Landscape of Parental Choice Policy," American Enterprise Institute, Nov. 2015

"School Closures as Education Reform: New Evidence from Chicago and Ohio," 9 *Journal of School Choice* 649 (2015)

"Disparate Impact, Public-School Closures and Parental Choice," 2014 *Chicago Legal Forum* 289 (2014) (SSRN)

"Accessory Dwelling Unit Reforms: Death by Thousand Paper Cuts?" *Zoning & Planning Law Report*, April 2014

"A Room of One's Own? Accessory-Dwelling-Unit Reforms and Local Parochialism" (with Margaret Brinig), 45 *Urban Lawyer* 519 (2013) (SSRN)

"Redeeming Transect Zoning?" 78 *Brooklyn Law Review* 571 (2013) (SSRN)

"Managing the Urban Commons," 160 *University of Pennsylvania Law Review* 1995 (2012) (SSRN)

"Are Charters Enough Choice? School Choice and the Future of Catholic Schools," 87 *Notre Dame Law Review* 1892 (2012) (SSRN)

"Catholic Schools and Broken Windows," with Margaret Brinig, 9 *Journal of Empirical Legal Studies* 347 (2012) (SSRN)

"Catholic Schools, Charter Schools, and Crime," with Margaret Brinig, 79 *University of Chicago Law Review* 31 (2012) (SSRN)

ARTICLES, ESSAYS, AND POLICY REPORTS

"The People Paradox," 2012 *University of Illinois Law Review* 43 (SSRN)

"Restoring Lost Connections: Land Use, Policing, and Urban Vitality," 36 *Oklahoma City Law Review* 253 (2011) (2010 William J. Brennan Lecture) (SSRN)

"A *Winn* for Educational Pluralism," 121 *Yale Law Journal Pocket Part* 31 (2011)

"Affordable Private Education and the Middle Class City," 77 *University of Chicago Law Review* 205 (2010) (SSRN)

"Unbundling Homeownership: Regional Reforms from the Inside Out," 119 *Yale Law Journal* 1904 (2010) (SSRN)

"Catholic Schools, Urban Neighborhoods, and Education Reform" (with Margaret Brinig), 85 *Notre Dame Law Review* 887 (2010) (SSRN)

"Governing? Gentrifying? Seceding? Real-Time Answers to Questions about BIDS," 3 *Drexel Law Review* 35 (2010) (SSRN)

"The Order Maintenance Agenda as Land Use Policy," 24 *Notre Dame Journal of Law, Ethics, and Public Policy* 131 (2010) (SSRN)

"'But for the Grace of God, There Go I': Justice Thomas and the Little Guy," 4 *NYU Journal of Law & Liberty* 626 (2010) (tribute to Justice Clarence Thomas) (SSRN)

"Private Norms and Public Spaces," 18 *William & Mary Bill of Rights Journal* 183 (2009) (invited tribute to Robert C. Ellickson) (SSRN)

"'No Taking without a Touching?' Reflections of an Armchair Originalist," 45 *San Diego Law Review* 761 (2008) (SSRN)

"Suburbs as Exit, Suburbs as Entrance," 106 *Michigan Law Review* 277 (2007) (SSRN)

"Planning as Public Use," 34 *Ecology Law Quarterly* 443 (2007) (SSRN)

- Reprinted in the *Land Use and Environmental Law Review* and the *2008 Zoning and Planning Law Handbook*

"Property In-Laws," 156 *University of Pennsylvania Law Review PENNumbra* 279 (2007)

"The Neglected Political Economy of Eminent Domain," 105 *Michigan Law Review* 101 (2006) (SSRN)

"Save the Cities, Stop the Suburbs?" 117 *Yale Law Journal* 599 (2006) (SSRN)

"Save the Cities, Stop the Suburbs?" 116 *Yale Law Journal Pocket Part* 192 (2006)

"Relocating Disorder," 91 *Virginia Law Review* 1075 (2005) (SSRN)

- Selected as one of the most important land use articles in 2005 and reprinted in West's *2006 Zoning and Planning Law Handbook*

"Unsubsidizing Suburbia," 90 *Minnesota Law Review* 459 (2005) (SSRN)

"Ordering (and Order in) the City," 57 *Stanford Law Review* 1 (2004) (SSRN)

ARTICLES, ESSAYS, AND POLICY REPORTS

"The Public Use Question as a Takings Problem," 71 *GW Law Review* 934 (2003) (SSRN)

"Trouble Preserving Paradise?" 87 *Cornell Law Review* 158 (2001) (SSRN)

"On Castles and Commerce: Zoning Law and the Home Business Dilemma," 42 *William & Mary Law Review* 1191 (2001) (SSRN)

- Reprinted in West's *2002 Zoning and Planning Law Handbook*

"The Road from Welfare to Work: Informal Transportation and the Urban Poor," 38 *Harvard Journal on Legislation* 173 (2001) (SSRN)

EDUCATION POLICY RESEARCH REPORTS

"Funding and Regulation of Faith Based Schools in Latin America," with María Paz Madrid San Martín, available in English and Spanish

- Argentina (June 2025)
- Belize (June 2025)
- Bolivia (June 2025)
- Columbia (June 2025)
- Ecuador (June 2025)
- El Salvador (June 2025)
- Honduras (June 2025)
- Mexico (June 2025)
- Peru (June 2025)

LECTURES & PRESENTATIONS

"*Mahmoud* and the Future of Parental Rights," Federalist Society National Lawyers' Convention, November 8, 2025

"The Original Understanding of the First Amendment in Public Schools, at *Notre Dame Law Review* symposium, "Constructing the Whole First Amendment," October 31, 2025

"Religious Liberty, Public Funding, and Faith-Based Schools in Latin America," at Pontifical University of Chile, School of Law, October 15, 2025

"Reflections on the 100th Anniversary of *Pierce v. Society of Sisters*," Catholic University of America, Columbus School of Law, September 8, 2025

"Was *Pierce* a Mistake?" at *Pierce v. Society of Sisters*: 100th Anniversary, Stanford Constitutional Law Center, May 10, 2025

"Accountability and Private School Choice," International School Choice and Reform Conference, January 18, 2025

LECTURES & PRESENTATIONS

"The Legal Arc of School Choice," International School Choice and Reform Conference, January 19, 2025

"Preserving The Exit Option: State Public Education Mandates and Parental Rights in Education," at *Notre Dame Law Review* symposium "100 Years: *Pierce v. Society of Sisters*, October 4, 2024.

"Parental Rights, Parental Choice, and State Constitutions," at Educational Choice: The Legacy of *Meyer v. Nebraska* and *Pierce v. Society of Sisters*, NYU Law School, March 8, 2024.

"Educational Freedom in the U.S. and Latin America: A Comparative Perspective," at Pluralismo educativo en América Latina y el Caribe, Faculdad de Dericho, Pontifica Universidad Catolica de Chile, May 11, 2023

"Parental Choice: The Implementation Imperative," University of Arkansas, Department of Education Reform, April 20, 2023

"Decoupling Property and Education," at *Columbia Law Review* symposium on "Property and Education," Columbia Law School, February 10, 2023

"Catholic Schools and Religious Liberty in the United States," Notre Dame, Rome Global Gateway, December 12, 2022

"Religious Covenants"
- Law & Religion Colloquium, St. John's University School of Law, Oct. 17, 2022
- Yale Law School Advanced Religious Liberty Seminar, February 11, 2022
- Notre Dame Law School, faculty colloquium, November, 30, 2021
- Northwestern Law School, faculty colloquium, March 15, 2021
- Real Estate Research Roundtable, University of Notre Dame, April 20, 2021

"Takings, Forbearance, and our (post) Urban Future," Brigham-Kanner Property Rights Conference, William & Mary Law School, October 2, 2020

"Public Financing of Confessional Schools," Pontifical Universidad Católica de Chile, faculty colloquium, July 10, 2020

"The Comparative Legal Landscape of Educational Pluralism"
- Cornell Law School, faculty colloquium, April 24, 2020
- Chicago-Kent Law School, faculty colloquium, November 5, 2019

"The Case for Educational Pluralism," Washington University-St. Louis School of Law, September 5, 2019

"Educational Pluralism in the U.S.: The Critical Contribution of Catholic Schools," at Catholic Schools in Global Context, Australian Catholic University, May 23, 2019

"The Natural Law Case for Educational Pluralism," U.C. Berkeley School of Law, Natural Law Symposium, April 9, 2019

LECTURES & PRESENTATIONS

"The Levers of Educational Pluralism," AALS Annual Meeting, Section on Education, New Orleans, Louisiana, January 4, 2019

"Educational Autonomy in the US," Freedom, Autonomy, and Accountability in the U.S. and Chile, Pontifical Universidad Católica de Chile, December 5, 2018

"The Case for Educational Pluralism," Giannella Lecture, Villanova Law School, October 30, 2018

"Upscaling the Neighborhood," Regulation and Rule of Law Workshop, Hoover Institution, Stanford University, April 13, 2018

"Justice Thomas and the Little Guy," Justice Thomas: 25 Years on the Supreme Court, Yale Law School, February 11, 2017

"Sector Agnosticism and the Coming Transformation of Education Law," Florida State University College of Law, faculty colloquium, February 2, 2017

"Planning for Density: Promises, Perils, and Paradoxes," Environmental Law Distinguished Lecture, Florida State College of Law, February 1, 2017

"Justice Scalia, the Rule of Law, and the Law of Takings," the 19th Annual Conference on Litigating Takings Challenges, Tulane Law School, November 4, 2016

"Old Suburbs Meet New Urbanism," 100 Years of Zoning, University of Florida Levin College of Law, September 23, 2016

"The Government' Powers and Willingness to Acquire Land and Manage Development: A U.S. Perspective," at Cityscapes: A Conference on Comparative Land Use Law, Yale Law School, April 1, 2016

"Planning as a Public Use Safe Harbor," at *Kelo v. New London:* A Decade Later, University of Connecticut School of Law, March 20, 2015

"Catholic Schools as Neighborhood Institution," at *The Future of K-12 Catholic Education: National and Milwaukee Perspectives*, Marquette Law School, November 19, 2014 (conference built around *Lost Classroom, Lost Community*)

A Crisis of Community: Catholic School Closures and Urban Neighborhoods (book events)

- University Club of Chicago, June 26, 2014
- Metropolitan Club of Washington D.C., September 17, 2014
- University of Pennsylvania, September 18, 2014
- Chicago History Museum, November 20, 2014
- Archdiocese of Baltimore, December 16, 2014
- Archdiocese of Washington, D.C., December 16, 2014
- Archdiocese of Houston, March 5, 2015
- Institute for Advanced Catholic Studies, USC, November 5, 2015

"Charter Schools, Catholic Schools, and the 'Crowding-Out' Problem," at Peter Schuck, *Why Government Fails So Often: And How it Can Do Better* (Princeton University Press, 2014), Chicago, Illinois, October 24, 2014 (conference organizer)

LECTURES & PRESENTATIONS

"Converging Urban-Suburban Land Use Regulations," AALS Annual Meeting, Joint Session of the Property and Real Estate Sections, January, 4, 2014

"Was Jane Jacobs Wrong? Confronting the Paradoxes of Mixing Land Uses," Distinguished Gifford Lecture in Real Property, William S. Richardson School of Law, University of Hawaii, November 18, 2013

"Public-School Closures as a Land-Use Problem," Law & Economics and Organization Workshop, Yale Law School, March 28, 2012

"Redeeming Transect Zoning?" Brooklyn Law School, law review symposium, February 10, 2012.

"Managing the Urban Commons" at

- University of Pennsylvania Law School, Conference on Property Theory, November 6, 2011
- G.W. University Law School, faculty colloquium, February 13, 2012

"Are Charters Enough Choice?" *Notre Dame Law Review* symposium on "Law and Educational Innovation," November 18, 2011.

"Catholic Schools, Charter Schools, and Urban Neighborhoods," *University of Chicago Law Review* symposium, June 18, 2011

"Catholic Schools and Broken Windows" 2010 Conference on Empirical Legal Studies, Yale Law School, November 6, 2010

"Land Use Planning, Innovation, and Growth" Kauffman Foundation Summer Legal Institute, Dana Point, California, July 7-11, 2010.

"Restoring Lost Connections: Land Use, Policing, and Urban Vitality," William J. Brennan Distinguished Lecture, Oklahoma City University School of Law, April 8, 2010.

"Governing? Gentrifying? Seceding? Real-Time Answers to Questions about BIDs" symposium on "Business Improvement Districts and the Evolution of Urban Governance," Drexel University School of Law, January 22, 2010

"Catholic Schools, Urban Neighborhoods, and Education Reform," at

- Midwest Law and Economics Association, Annual Meeting, October 9, 2010
- American Law and Economics Association, Annual Meeting, May 15, 2009

"Affordable Education and the Middle-Class City," *University of Chicago Law Review* symposium on "Reassessing the State and Local Government Law Toolkit," University of Chicago Law School, June 19, 2009

"'But for the Grace of God, There Go I;' Justice Thomas and the Little Guy," *NYU Law Journal of Law and Liberty* symposium on "The Unknown Justice Thomas,", March 2, 2009

"Reordering the City," Association of American Law Schools, Annual Conference, State and Local Government Law Section, January 8, 2009

LECTURES & PRESENTATIONS

"Mercantilism, American Style," Association of American Law Schools, Annual Conference, Property Law Section, January 7, 2009

"Private Norms and Public Spaces," 2008 Brigham-Kanner Property Rights Conference (honoring Robert Ellickson), William & Mary Law School, October 17, 2008

"No Taking without a Touching? Reflections of an Armchair Originalist," University of San Diego School of Law, First Annual Conference on Originalism, November 16, 2007

"Suburbs as Exit, Suburbs as Entrance"
- USC Gould School of Law, faculty colloquium, October 5, 2007
- University of Chicago Law School, faculty colloquium, March 1, 2007
- Social Science History Association, Minneapolis, Minnesota, Nov. 3, 2006

"The Neglected Political Economy of Eminent Domain"
- University of Michigan Law School, faculty colloquium, March 20, 2007
- Northwestern University School of Law, faculty colloquium, April 18, 2006
- UCLA School of Law, faculty colloquium, February 13, 2006
- University of Florida, Levin College of Law, Nelson Symposium on Local Government, November 18, 2005
- J. Reuben Clark Law School, BYU, faculty colloquium, September 7, 2005

"Eminent Domain Reform: Is More Money the Answer?" at the AALS Annual Meeting, Property and Local Government Law Sections, January 6, 2006

"A Four Category Taxonomy of Disorder," at Colloquium on the Law, Economics, and Politics of Urban Affairs, NYU School of Law, February 7, 2007

"Planning as Public Use," UC Berkeley School of Law, October 26, 2006

"Relocating Disorder"
- University of Alabama School of Law, faculty colloquium, April 18, 2005
- Wake Forest University School of Law, faculty colloquium, October 28, 2004
- University of St. Thomas School of Law (Minneapolis), faculty colloquium, October 18, 2004

"Ordering (and Order in) the City"
- University of Illinois College of Law, faculty colloquium, October 5, 2004
- Northwestern University School of Law, faculty colloquium, March 9, 2004

"Property Regulation and the Public Order"
- University of San Diego School of Law, faculty colloquium, Sept. 19, 2003
- The College of Law at Arizona State University, faculty colloquium, Sept. 15, 2003
- Georgetown Law School, Environmental Law Workshop, Sept. 11, 2003
- University of Virginia School of Law, faculty colloquium, July 22, 2003

RED MASS LECTURES

- Diocese of Lafayette in Indiana, October 6, 2025
- Archdiocese of Oklahoma City, October 29, 2024
- Diocese of Fort Worth, September 28, 2023
- Diocese of Wichita, September 8, 2022
- Archdiocese of Houston, October 25, 2012

SELECTED COMMENTARY

"The Department of Justice Strengthens Religious Freedom," *City Journal*, September 14, 2026 (with Michael Helfand and John Meiser)

"These States are Leading on Restoring Religious Freedom," *City Journal*, June 1, 2026 (with Michael Helfand)

"Universal School Choice Works," *City Journal*, January 27, 2026

"A Judge Just Upheld Religious Liberty in New York," *City Journal*, October 9, 2025 (with Michael Helfand and Sydney Atfield)

"Parental Rights are on the Move," *National Review*, August 21, 2025

"Permitting Religious Charter Schools Would Strengthen Parental Choice," Education Next, Spring 2025

"Texas Marks a Milestone in the Battle for Parental Choice," *City Journal*, May 8, 2025

"The Way Forward for Religious Charter Schools after *St. Isidore*," *National Review*, June 1, 2025

"The Unconstitutional Ban on Religious Charter Schools," *First Things*, May 30, 2025

"The Court Should Bless Religious Charter Schools," *Wall Street Journal*, April 24, 2025

"Exposing the Hidden Web of Religious Discrimination in Government Funding," *City Journal*, April 4, 2025 (with Michael Helfand)

"Trump Can End Religious Discrimination," *Wall Street Journal*, November 21, 2024 (with John Meiser)

"The Next School-Choice Battles," *National Review*, August 22, 2024

"A Crackdown on Religious Organizations," *City Journal*, March 24, 2024

"Time to Tear Out the Shag Carpeting," *Law & Liberty*, January 9, 2024 (with Tim Rosenberger)

"Slow Progress Toward Free Exercise," *Wall Street Journal*, December 14, 2023 (with Tim Rosenberger)

"Oklahoma's Pluralism Problem," *City Journal*, October 26, 2023

"Overcoming Present Shock in Education," *Law & Liberty*, October 11, 2023

SELECTED COMMENTARY

"The School Choice Moment," *National Review*, August 10, 2023 (with Michael McShane)

"Parental Choice Victories are Worth Celebrating, Now Comes the Hard Part," *the74*, June 22, 2023 (with Michael McShane)

"Religious Charter Schools are OK in Oklahoma," *wall Street Journal*, June 16, 2023

"Supreme Court Opens Door to Religious Charter Schools," *Education Next*, Spring 2023.

"Oklahoma's Approval of First Ever Religious Charter School is Cause for Celebration," *Education Next*, June 7, 2023

"Tilling the Garden of School Choice," *Law & Liberty*, May 10, 2023

"Biden Boils the Religious Liberty Frog," *Wall Street Journal*, April 14, 2023 (with Meredith Holland Kessler)

"As Private-School Choice Spreads, Implementation is Imperative," *Education Next*, March 23, 2023

"Losing a Lifeline," *City Journal*, February 22, 2023

"The Future for Religious Charter Schools," *First Things*, February 14, 2023

"From School Choice to Parent Choice," *City Journal*, January 31, 2023

"A Radical Step in the Right Direction," *City Journal*, October 2, 2022

"The First Amendment Wins," *National Review*, July 14, 2022

"Another Chink in the Armor of Legal Discrimination against Religious Schools," *Public Discourse*, July 5, 2022

"A victory for Religious Liberty and Educational Pluralism," *City Journal*, June 22, 2022

"Endorse Religious Liberty," *City Journal*, April 25, 2022 (with Elizabeth Totzke)

"Correcting Maine's Error," *City Journal*, December 7, 2021

"clarence Thomas's Constitutional Excavation," *National Review*, October 28, 2021

"why We Still Need Catholic Schools," *City Journal*, Summer 2020

LAW SCHOOL SERVICE

- Associate Dean for External Engagement, 2022-present
- Director, Notre Dame Education Law Project, 2024-present
- Clerkship Committee, 2020-present (chair), 2000-2009
- *Ad hoc* Committee on Accommodations, 2025-26
- Promotions Committee, 2022-2024, 2013-15 (chair, 2013-14), 2011
- Interim Faculty Director, Religious Liberty Initiative (2021-22)
- Appointments Committee, 2016-20 (chair, 2018-19)
- Faculty Development Committee, 2014-16
- Curriculum Committee, 2015-16; 2009-2012; 2004-06 (chair, 2015-16, 2010-11)
- Faculty Colloquium Committee, 2014-15; 2001-2005
- Dean Search Committee, 2008-2009
- Law Librarian Search Committee, 2005-2006
- ABA Self-Study Committee, 2002-2003
- Admissions Committee, 2000-2003, 2012-13
- Faculty Sponsor, *Notre Dame Law Review* (2018-present); Federalist Society (1999-2015, 2025-present); Married Law Students Association (2000-present); Education Law Forum (2015-present); Legal Voices for Children and Youth (2019-present); Federalist Society (1999-2009)

UNIVERSITY SERVICE

- Alliance for Catholic Education, Executive Committee, 2010-2025
- Institute for Educational Initiatives, Faculty Committee, 2010-22
- Fitzgerald Institute for Real Estate, Faculty Committee, since 2018
- Search Committee for Director of Institute for Educational Initiatives, 2019-21
- Provost Advisory Committee (tenure and promotions), 2017-2020
- Notre Dame Institute for Advanced Studies, Selection Committee, 2013-18
- Provost Review Committee (reviewing Provost's performance), 2014-15
- Laetare Medal Selection Committee, 2008-2014 (Notre Dame's highest honor)
- External Review of Graduate School (internal member of review committee), 2011
- Academic Council, 2006-2009 (Executive Committee, 2007-2009)
    - Chair, Faculty Affairs Subcommittee, 2007-2009
- Chair, Notre Dame Task Force on Collaborative Hiring, 2008-2009
- Chair, Academic Articles Decennial Review, 2007-2009
- Notre Dame Task Force on the Future of K-12 Catholic Schools, 2005-2006

OTHER PROFESSIONAL SERVICE

- Consultant, United States Conference of Catholic Bishops, Committee on Catholic Education (2021-present, 2017-2019)
- Federalist Society for Law and Public Policy
    - Board of Directors (since 2022)
    - Board of Visitors (2021-22)
    - Olin-Searle Fellowship Selection Committee (since 2019)
    - Joseph Story Award Selection Committee (since 2017)
    - Senior Scholars Advisory Board (since 2019)
- Advisory Council Member, Project on Constitutional Originalism and the Catholic Tradition, Catholic University of America, since 2021
- Academic Council, Institute of Constitutional Thought and Leadership, Dayton University, since 2023
- Peer Reviewer, Yale University Press, University of Chicago Press, Oxford University Press, various law journals
- Contributor, *City Journal*
- Editorial Board, *International Journal of Education Law and Policy*
- National Prison Rape Elimination Commission, 2004-2006

***AMICUS CURIAE* BRIEFS**

Woolard v. Thurmond, Supreme Court of the United States, No. 26-237, Brief of the Notre Dame Education Law Project, et al., in support of petitioners

Hall v. Fleming and *Johnson v. Fleming*, Supreme Court of the United States, Nos. 26-193 & 26-240, Brief of the Notre Dame Education Law Project, *et al.*, in support of certiorari

Brown v. Labresh, Supreme Court of Utah, No. 2025-0512-SC, in support of petitioners

St. Mary Catholic Parish v. Roy, Supreme Court of the United States, No. 25-581, Brief of the Notre Dame Education Law Project, *et al.*, in support of certiorari

Comm. to Protect and Preserve the Idaho Constitution v. Idaho, Idaho Supreme Court, No. 53264-2025, in support of respondents

Columbus City Sch. Dist. v. Ohio, Ohio Ct. of Appeals, No. 25-AP-000603, in support of respondents

St. Dominic Academy v. Makin, U.S. Court of Appeals for the First Circuit, Brief of the National Council of Young Israel and Notre Dame Education Law Project in support of Appellant, No. 24-1739

Woolard v. Thurmond, U.S. Court of Appeals for the Ninth Circuit, No. 24-4291, Brief of the Manhattan Institute and Notre Dame Education Law Project

Hile v. Michigan, Supreme Court of the United States, No. 23-1084, Brief of the Manhattan Institute and Notre Dame Education Law Project, in support of *certiorari*

Charter Day School v. Peltier, Supreme Court of the United States, No. 22-238, Brief of the Jewish Coalition for Religious Liberty, *et al.*, in support of *certiorari*

Kennedy v. Bremerton School District, Supreme Court of the United States, No. 21-418, Brief of the Notre Dame Religious Liberty Initiative in Support of Petitioners

Shurtleff v. Boston, Supreme Court of the United States, No. 20-1800, Brief of the Notre Dame Religious Liberty Initiative in Support of Petitioners

carson v. Makin, Supreme Court of the United States, No. 20-1088, Brief of Partnership for Inner-City Education, Council for Islamic Schools in North America, and Young Israel Foundation in support of Petitioners

carson v. Makin, Supreme Court of the United States, No. 20-1088, Brief of Partnership for Inner-City Education, Council for Islamic Schools in North America, and the Union of Orthodox Jewish Congregations in support of *certiorari*

Gordon College v. DeWeese-Boyd, Supreme Court of the United States, No. 21-145, Brief of Benedictine College and Franciscan University in support of *certiorari*

GRANTS, HONORS, AND AWARDS

2022 Luksic Foundation Grant ($50,000) to advance research on educational pluralism in Latin America

2020 Notre Dame Law School Global Lawyering Initiative grant ($175,000) to advance research and advocacy on educational pluralism in the Global South

2018 Kellogg Institute, University of Notre Dame, Research Cluster Grant ($75,000) to advance research on Catholic Schools and the Common Good.

2018 Doctor of Humane Letters, *Honoris Causa*, Holy Cross College

2016 Reinhold Niebuhr Award (given annually to Notre Dame "faculty member or administrator whose body of academic work and life promote or exemplify the area of social justice in modern life")

2013 "All Faculty Team" Distinguished Faculty Honoree, Notre Dame v. Navy, Notre Dame Stadium, November 2, 2013

2009 Federalist Society, Paul M. Bator Award

PERSONAL

Married to Richard W. Garnett (1994) | Mother of four: Sister Abigail Margaret, S.V. (*née* Margaret Clare, 1999), Thomas William (2001), Elizabeth Ann (2004), and John Joseph (2012) | Parishioner, St. Joseph Catholic Church, South Bend, Indiana

Proud Kansan | Decent Cook