

Caleb Nelson

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EMPLOYMENT

UNIVERSITY OF VIRGINIA SCHOOL OF LAW, Charlottesville, Virginia, 1998 to present:

Emerson G. Spies Distinguished Professor of Law, 2008 to present

Professor of Law, 2003 to 2008; Associate Professor of Law, 1998 to 2003

Research chairs held: Elizabeth D. and Richard A. Merrill Professor, 2013 to 2016

Class of 1966 Research Professor, 2009 to 2012

Albert Clark Tate, Jr., Research Professor, 2004 to 2007

Member, American Law Institute, 2016 to present

University of Virginia All-University Teaching Award, 2008

McFarland Award, 2006 (awarded every two years to a member of Virginia's junior faculty for excellence in scholarship)

Paul M. Bator Award, Federalist Society, 2006

Visiting Professor, Harvard Law School, Fall 2006

Winner of the Scholarly Papers Competition, Association of American Law Schools, 2000

Courses taught: Civil Procedure, Federal Courts, Legislation, Constitutional Law

TAFT, STETTINIUS & HOLLISTER, Cincinnati, Ohio, 1995 to 1998:

Associate, Litigation Department (focused on civil appellate litigation)

Received the highest score on the July 1993 Ohio bar exam

U.S. SUPREME COURT, Washington, D.C., 1994 to 1995:

Law Clerk to Justice Clarence Thomas

U.S. COURT OF APPEALS FOR THE D.C. CIRCUIT, Washington, D.C., 1993 to 1994:

Law Clerk to Judge Stephen F. Williams

THE PUBLIC INTEREST, Washington, D.C., 1988 to 1990:

Managing Editor, 1990

Assistant Managing Editor, 1989 to 1990

Assistant Editor, 1988 to 1989

EDUCATION

YALE LAW SCHOOL (J.D. 1993):

Articles Editor, *Yale Law Journal*

Joseph Parker Prize, 1993 (awarded for the best paper on legal history)

Connecticut Bar Association (Real Property Section) Scholar, 1992

Edgar M. Cullen Prize, 1991 (awarded for the best paper by a first-year student)

HARVARD COLLEGE (A.B. 1988 *magna cum laude* in mathematics):

Phi Beta Kappa (elected as a junior)

The Harvard Salient: Editor-in-Chief, 1987; Managing Editor, 1986

Wendell Prize, 1986

Detur Prize, 1985

PUBLICATIONS

- The Constitutionality of Civil Forfeiture*, 125 YALE L.J. 2446 (2016)
- Avoiding Constitutional Questions Versus Avoiding Unconstitutionality*, 128 HARV. L. REV. FORUM 331 (2015)
- The Legitimacy of (Some) Federal Common Law*, 101 VA. L. REV. 1 (2015)
- State and Federal Models of the Interaction Between Statutes and Unwritten Law*, 80 U. CHI. L. REV. 657 (2013)
- A Critical Guide to Erie Railroad Co. v. Tompkins*, 54 WM. & MARY L. REV. 921 (2013) (invited contribution to symposium)
- STATUTORY INTERPRETATION (Foundation Press, University Casebook Series 2011)
- Judicial Review of Legislative Purpose*, 83 N.Y.U. L. REV. 1784 (2008)
- Adjudication in the Political Branches*, 107 COLUM. L. REV. 559 (2007)
- Statutory Interpretation and Decision Theory*, 74 U. CHI. L. REV. 329 (2007) (review of ADRIAN VERMEULE, JUDGING UNDER UNCERTAINTY (2006))
- The Persistence of General Law*, 106 COLUM. L. REV. 503 (2006)
- What Is Textualism?*, 91 VA. L. REV. 347 (2005), and *A Response to Professor Manning*, 91 VA. L. REV. 451 (2005)
- Does History Defeat Standing Doctrine?*, 102 MICH. L. REV. 689 (2004) (with Ann Woolhandler)
- Originalism and Interpretive Conventions*, 70 U. CHI. L. REV. 519 (2003)
- Sovereign Immunity as a Doctrine of Personal Jurisdiction*, 115 HARV. L. REV. 1559 (2002)
- The Treaty Power and Self-Execution: A Comment on Professor Woolhandler's Article*, 42 VA. J. INT'L L. 801 (2002) (invited contribution to symposium)
- Stare Decisis and Demonstrably Erroneous Precedents*, 87 VA. L. REV. 1 (2001)
- Preemption*, 86 VA. L. REV. 225 (2000)
- A Re-evaluation of Scholarly Explanations for the Rise of the Elective Judiciary in Antebellum America*, 37 AM. J. LEGAL HIST. 190 (1993)

SELECTED PRESENTATIONS AND PANELS

- Originalism Works-in-Progress Conference, University of San Diego School of Law, Feb. 2015 (presented comments on a paper by James Pfander)
[video available at <http://www.sandiego.edu/law/school/events/webcasts/2015.php#wip>]
- Constitutional Law Workshop, University of Chicago Law School, Oct. 2014 (presented article on federal common law)
- Faculty Workshop, Stanford Law School, March 2014 (presented article on federal common law)

Faculty Workshop, George Washington University Law School, Oct. 2013 (presented work in progress on federal common law)

Charge to the Class of 2013, University of Virginia School of Law, April 2013
[video available at <https://www.youtube.com/watch?v=ROVSiqEW32Y>]

Legal Studies Workshop, University of Virginia School of Law, Sept. 2012 (presented article on state and federal models of the interaction between statutes and unwritten law)

Symposium on “Law Without a Lawmaker,” William & Mary Law School, Feb. 2012 (presented article on *Erie Railroad Co. v. Tompkins*)

David Aldrich Nelson Lecture in Constitutional Jurisprudence, Clinton, New York, Sept. 2011 (gave speech on “The Constitution and the Benthamite View of the Common Law”)

Chair Lecture, University of Virginia School of Law, Nov. 2010 (gave speech on “The Relation Between Legislative Intent and Statutory Meaning”)
[video available at https://www.youtube.com/watch?v=PEpKUHPv_TQ]

Federalist Society, National Student Symposium, University of Pennsylvania Law School, Feb. 2010 (participated in panel discussion on “Originalism and Construction: Does Originalism Always Provide the Answer?”) [video available at <http://www.fed-soc.org/multimedia/detail/originalism-and-construction-does-originalism-always-provide-the-answer-event-audiovideo>]

Public Law Workshop, Columbia Law School, Sept. 2008 (presented article on judicial review of legislative purpose)

Colloquium on Public Law, NYU School of Law, March 2008 (presented article on judicial review of legislative purpose)

Faculty Workshop, Harvard Law School, Oct. 2006 (presented article on adjudication in the political branches)

Constitutional Theory Colloquium, Northwestern University School of Law, Feb. 2006 (presented draft of article on adjudication in the political branches)

Legal Studies Workshop, University of Virginia School of Law, Feb. 2005 (presented article on the persistence of general law)

Summer Workshop, University of Virginia School of Law, June 2004 (presented article on textualism in statutory interpretation)

Constitutional Law Conference, University of Virginia School of Law, Sept. 2003 (presented article on standing)

AALS Mid-Year Meeting, New York City, June 2003 (participated in panel discussion on federal preemption of state tort law)

National Association of Attorneys General, Washington, D.C., March 2003 (participated in panel discussion on preemption)

Constitutional Law Workshop, University of Chicago Law School, Jan. 2003 (presented article on originalism and interpretive conventions)

Legal Studies Workshop, University of Virginia School of Law, April 2002 (presented draft of article on originalism and interpretive conventions)

Federalist Society, National Lawyers' Convention, Nov. 2001 (participated in panel discussion on "Judicial Decisionmaking: Precedent & Constitutional Meaning")

Constitutional Law Conference, University of Virginia School of Law, Oct. 2000 (presented draft of article on sovereign immunity)

Legal History Workshop, University of Virginia School of Law, Sept. 2000 (presented draft of article on sovereign immunity)

Legal Studies Workshop, University of Virginia School of Law, April 2000 (presented article on *stare decisis*)

AALS Annual Meeting, Washington, D.C., Jan. 2000 (presented article on preemption)

Conference on Comparative Constitutional Law, University of Virginia School of Law, Nov. 1999 (presented draft of article on *stare decisis*)

Governmental Affairs Committee, United States Senate, July 1999 (testified about the proposed "Federalism Accountability Act of 1999")

Virginia Faculty Retreat, Jan. 1999 (presented synopsis of article on preemption)