

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

(previous titles: Professor of Law, 2003 to 2008; Associate Professor of Law, 1998 to 2003)

Edward F. Howrey Professor of Law, 2022 to present

Member, American Law Institute, 2016 to present

University of Virginia All-University Teaching Award, 2008

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

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

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

Visiting appointments:

James S. Carpentier Visiting Professor of Law, Columbia Law School, Fall 2017

Visiting Professor of Law, Harvard Law School, Fall 2006

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

Associate, Litigation Department

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)

Wendell Prize, 1986

Detur Prize, 1985

PUBLICATIONS

STATUTORY INTERPRETATION (Foundation Press, University Casebook Series): second edition forthcoming 2024, first edition 2011

Vested Rights, “Franchises,” and the Separation of Powers, 169 U. PA. L. REV. 1429 (2021)

Intervention, 106 VA. L. REV. 271 (2020)

“Standing” and Remedial Rights in Administrative Law, 105 VA. L. REV. 703 (2019)

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)

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) (book review)

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

Charge to the Class of 2023, University of Virginia School of Law, April 2023

[video available at <https://www.youtube.com/watch?v=hBXBIR2LS3Y>]

Distinguished Commentator, National Conference of Constitutional Law Scholars, March 2021

(commented on three papers about constitutional history)

Symposium on the 200th Anniversary of the *Dartmouth College Case*, Hanover, NH,

March 2019 (panelist on “From the Contract Clause to Due Process”)

Conference on “The Administrative-Private Law Interface in IP,” Harvard Law School,

March 2018 (panelist on “Administrative Adjudication and the Public-Versus-Private Rights Divide: The *Oil States Energy Case*”)

[video available at https://www.youtube.com/watch?v=Zl_0f0ZNXmg]

Faculty Workshop, Columbia Law School, September 2017 (presented paper on standing in administrative law)

AALS Annual Meeting, San Francisco, CA, January 2017 (panelist on “Justice Scalia and Statutory Interpretation: A Retrospective Assessment”)

Originalism Works-in-Progress Conference, University of San Diego School of Law, February 2015 (presented comments on a paper by James Pfander)

[audio available through https://www.sandiego.edu/events/law/detail.php?_focus=47891]

Constitutional Law Workshop, University of Chicago Law School, October 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, October 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, September 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, February 2012 (presented article on *Erie Railroad Co. v. Tompkins*)

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

Chair Lecture, University of Virginia School of Law, November 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, February 2010 (panelist on “Originalism and Construction: Does Originalism Always Provide the Answer?”) [video available at <https://fedsoc.org/commentary/videos/originalism-and-construction-does-originalism-always-provide-the-answer-event-audio-video>]

Public Law Workshop, Columbia Law School, September 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, October 2006 (presented article on adjudication in the political branches)

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

Legal Studies Workshop, University of Virginia School of Law, February 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, September 2003 (presented article on standing)

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

National Association of Attorneys General, Washington, D.C., March 2003 (panelist on federal preemption of state law)

Constitutional Law Workshop, University of Chicago Law School, January 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, November 2001 (panelist on "Judicial Decisionmaking: Precedent & Constitutional Meaning")

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

Legal History Workshop, University of Virginia School of Law, September 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., January 2000 (presented article on preemption)

Conference on Comparative Constitutional Law, University of Virginia School of Law, November 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, January 1999 (presented synopsis of article on preemption)

current as of September 2023