

October 2009

CURRICULUM VITAE

Louise Weinberg

EDUCATION

LL.M., Harvard University
J.D., Harvard University
A.B., Cornell University (summa)¹

CLERKSHIP

Hon. Charles E. Wyzanski, Jr., Chief Judge, United States District Court,
District of Massachusetts

PRACTICE OF LAW

Associate in Litigation, Bingham, Dana & Gould, Boston,
Massachusetts²

CURRENT ACADEMIC POSITION

Holder of the William B. Bates Chair for the Administration of Justice and Professor
of Law.

PUBLICATIONS

BOOKS

AMERICAN TRAGEDY: THE SUPREME COURT AND THE COMING OF THE CIVIL WAR (in
progress).

FEDERAL COURTS: CASES AND COMMENTS ON JUDICIAL FEDERALISM AND JUDICIAL
POWER (1200 pp., West Pub. Co. 1994)

(Reviewed in 94 MICH. L. REV.)

CONFLICT OF LAWS (900 pp., co-authored) (2d ed. Lexis-Nexus 2002).

CONFLICT OF LAWS (800 pp., co-authored) (Matthew Bender 1990)

(Reviewed in 90 MICH. L. REV)

ARTICLES

“Courts, United States Federal,” 2 THE OXFORD INTERNATIONAL ENCYCLOPEDIA OF
LEGAL HISTORY 255-262 (2009).

¹ At the time, this was a degree “With Distinction in All Subjects.”

² As the firm was then named.

Overcoming Dred, 24 CONST. COMM. 733-770 (2007) (pub. 2008).

Dred Scott and the Crisis of 1860, in Symposium, 82 CHI-KENT L. REV. 97-140 (2007).

Theory Wars in the Conflict of Laws, 103 MICH. L. REV. 1631-70 (2005).

Back to the Future: The New General Common Law, in Symposium, 35 J. MAR. L. & COMM. 523 (2004).

Our Marbury, 89 VA. L. REV. 1235-1312 (2003).

Of Theory and Theodicy: The Problem of Immoral Law, in LAW AND JUSTICE IN A MULTISTATE WORLD: A TRIBUTE TO ARTHUR T. VON MEHREN, 473-502 (Symeon Symeonides, ed. 2002).

This Activist Court, in Symposium, 1 GEO J. L. & PUB. POL. 111-125 (2002).

When Courts Decide Elections: The Constitutionality of Bush v. Gore, in Symposium, 82 B.U. L. REV. 609-666 (2002).

Of Sovereignty and Union: The Legends of Alden, 76 NOTRE DAME L. REV. 1113-1182 (2001).

The Article III Box, 79 TEX. L. REV. 1405-1431 (2000).

Choosing Law, Giving Justice, in Symposium, 60 LA. L. REV. 1361-65 (2000).

A Structural Revision of the Conflicts Restatement, in Symposium, 75 IND. L. J. 475-535 (2000).

Holmes' Failure, 96 MICH. L. REV. 691-723 (1997).

Fear and Federalism, in Symposium, 23 OH. N.U. L. REV. 1295-1342 (1997).

Methodological Interventions and the Slavery Cases, or, Night-Thoughts of a Legal Realist, in Symposium, 56 MD. L. REV. 1316-71 (1997).

The Power of Congress over Courts in Nonfederal Cases, 1995 B.Y.U. L. REV. 731-817 (1995).

Political Questions and the Guarantee Clause, in Symposium, 65 U. COLO. L. REV. 887-946 (1994).

Mass Torts at the Neutral Forum: A Critical Analysis of the American Law Institute's Proposed Choice Rule, in Symposium, 56 ALBANY L. REV. 807-854 (1993).

Is It All Right to Read Trollope?, 62 THE AMERICAN SCHOLAR 447 (1993).

The Federal-State Conflict of Laws: "Actual" Conflicts, in Symposium, 70 TEX. L. REV. 1743-1798 (1992).

Against Comity, 80 GEORGETOWN L. J. 53-94 (1991).

The Monroe Mystery Solved: Beyond the "Unhappy History" Theory of Civil Rights Litigation, in Symposium, 1991 B.Y.U. L. REV. 737-765 (1991).

Choosing Law: The Limitations Debates, in Symposium, 1991 U. ILL. L. REV. 683-725 (1991).

"Lawyers Are Not to Blame," *The Austin- American Statesman*, Sept. 5, 1991, at A9 (invited "op-ed").

Federal Common Law, 83 NW. U. L. REV. 805-852 (1989).

The Curious Notion That the Rules of Decision Act Blocks Supreme Federal Common Law, 83 NW. U. L. REV. 860-875 (1989) (debate with M. Redish).

Irving Younger, 73 MINNESOTA L. REV. 823-824 (1989) (in memoriam).

The Place of Trial and the Law Applied: Overhauling Constitutional Theory, in Symposium, 59 COLO. L. REV. 67-104 (1988).

The Helicopter Case and the Jurisprudence of Jurisdiction, 58 U.S.C. L. REV. 913-946 (1985).

The New Judicial Federalism: Where We Are Now, in Symposium, 19 GA. L. REV. 1075-1096 (1985).

Insights and Ironies: The American Bhopal Cases, in Symposium, 20 TEX. INT'L. L. J. 304-319 (1985).

On Departing from Forum Law, in Symposium, 35 MERCER L. REV. 595-627 (1984), reprinted in A CONFLICT-OF-LAWS ANTHOLOGY (Gene R. Shreve ed. 1997), at 122.

Conflicts Cases and the Problem of Relevant Time: A Response to the Hague Symposium, 10 HOFSTRA L. REV. 1023-1043 (1982).

Choice of Law and Minimal Scrutiny, 49 U. CHI. L. REV. 440-488 (1982), reprinted in A CONFLICT-OF-LAWS ANTHOLOGY 339 (Gene R. Shreve ed., 1997).

A New Judicial Federalism?, 107 DAEDALUS 129 (Winter 1978), reprinted in A NEW AMERICA? (Graubard, ed., Norton, 1978).

The New Judicial Federalism, 29 STANFORD L. REV. 1191-1244 (1977).

The New Meaning of Equity, 28 J. LEGAL ED. 532-541 (1977).

The Photocopying Revolution and the Copyright Crisis, 38 THE PUBLIC INTEREST 99 (1975).

Choice of Law and the Proposed Federal Rules of Evidence: New Perspectives, 122 U. PA. L. REV. 594-630 (1974).

CONTRIBUTIONS

"Courts, United States Federal," in II THE OXFORD INTERNATIONAL ENCYCLOPEDIA OF LEGAL HISTORY (Stanley N. Katz ed., 2009), at 255-262..

Of Theory and Theodicy: The Problem of Immoral Law, in LAW AND JUSTICE IN A MULTISTATE WORLD (2002).

On Departing from Forum Law, in A CONFLICT-OF-LAWS ANTHOLOGY 122 (Gene R. Shreve, ed. 1997).

Choice of Law and Minimal Scrutiny, in A CONFLICT-OF-LAWS ANTHOLOGY 339 (Gene R. Shreve, ed. 1997).

A New Judicial Federalism?, in A NEW AMERICA? (Stephen Graubard, ed., Norton, 1978).

Introductory Remarks, in "Artists in the Nineties," PROCEEDINGS OF THE ANNUAL MEETING--THE PHILOSOPHICAL SOCIETY OF TEXAS 35 (1989).

Motion and Debate, *in* PROCEEDINGS OF THE AMERICAN LAW INSTITUTE, 79TH ANNUAL MEETING, at 468-9, 481-3, 485-6 (2002.).

Motion and Debate, *in* PROCEEDINGS OF THE AMERICAN LAW INSTITUTE, 70TH ANNUAL MEETING at 255, 262, 267-68, 274-75 (1993).

(Reprinted in part, 54 LA. L. REV. 837 (1994) by editors of the review as basis of a Symposium.).

Motion and Debate, *in* PROCEEDINGS OF THE AMERICAN LAW INSTITUTE, 69TH ANNUAL MEETING, at 211-216 (1992) (motion carried).

Motion and Debate, *in* PROCEEDINGS OF THE AMERICAN LAW INSTITUTE, 65th ANNUAL MEETING, at 229-337 (motion carried); Comments, 344-45 (1988).

The New Judicial Federalism (STAN. L. REV. 1977)

(Indexed in STUART, THEORIES OF FEDERALISM (1979).)

RECORDINGS

PBS Series, "The Supreme Court," Parts I and II, released January 2007 (DVD).

"Our Marbury," Association of American Law Schools, Section on Federal Courts, Program on "*Marbury v. Madison* In Its Bicentennial Year," January 4, 2003 (Recorded Resources Corp. 2003).

"When Courts Decide Elections: Was Bush v. Gore Constitutional?", Association of American Law Schools, Section on Federal Courts, Program on "Courts and Electoral Politics," January 4, 2002 (Recorded Resources Corp. 2002).

"A Structural Revision of the Conflicts Restatement," Association of American Law Schools, Section on Conflict of Laws, New Orleans, January 9, 1999 (Recorded Resources Corp. 1999).

"Night Thoughts of a Legal Realist," Association of American Law Schools, Section on Conflict of Laws, Washington, D.C., January 4, 1997 (Recorded Resources Corp. 1997).

"Federal-State Conflicts," Association of American Law Schools, Association of American Law Schools, Section on Conflict of Laws, program on "Federal Conflicts Law," AALS Section on Conflict of Laws, San Antonio, Tx., Jan. 4, 1992 (Recorded Resources Corp. 1992).

"The Limitations Debates and the Impact of Wortman," Association of American Law Schools, Section on Conflict of Laws, Workshop on Conflict of Laws, Washington, D.C., July, 1988 (Recorded Resources Corp. 1988).

"The Relation between Jurisdiction and Choice of Law," Association of American Law Schools, Section on Conflict of Laws, Los Angeles, January, 1987 (Recorded Resources Corp. 1987).

PRESENTATIONS

SELECTED PROFESSIONAL TALKS AND INVITATIONS

The Supreme Court and the Coming of the Civil War, Scholia Society, Austin, January 12, 2009.

"*Dred Scott* and the Crisis of 1860," Town & Gown Society, Austin, Texas, October 23, 2008.

"The Supreme Court and the Coming of the War," Austin Civil War Round Table, February 16, 2007.

"The Supreme Court and the Crisis of 1860," Faculty Workshop, St. Louis University Law School, St. Louis, October 19, 2006.

"Equality and *Dred Scott*," three-day conference on *Dred Scott v. Sanford*, at the University of Texas Law School March 31, 2006. A symposium of the conference papers was published by the *Chicago-Kent Law Review*.

"The Election of Abraham Lincoln and the Supreme Court," Faculty Colloquium, Georgia State University Law School, Macon, November 7, 2005.

"The Election of 1860 and the Supreme Court," Faculty Colloquium, University of Texas Law School, October 7, 2005.

"Lincoln's Election and the Supreme Court," Conference on "Presidential Elections and the Supreme Court," University of California (Irvine) & Whittier Law School, Oct. 27, 2004, co-symposiasts Eric Foner, Mark Tushnet, Samuel Issacharoff, Richard Pildes.

"A General Theory of *Erie*," faculty Drawing Board Lunch, Law School, University of Texas, May 11, 2004.

"The New General Common Law," Section on Admiralty, AALS, Program on "Federal Common Law Revisited," January 4, 2004.

"Brief Introduction to *Virginia v. Black*," Faculty Constitutional Lunch, Law School, University of Texas, July 29, 2003.

"President Bush and the Judiciary," Government Department, University of Texas, Panel on "The Bush Presidency," Texas Union Theatre, February 10, 2003, reported in *The Daily Texan*, February 11, 2003.

"Our *Marbury*," Section on Federal Courts, AALS, Program on "*Marbury v. Madison* In Its Bicentennial Year, January 4, 2003. [Recorded Resources Corp. 2003].

"Did the South Have a Constitutional Right to Secede?," University of Texas Dep't of Continuing Education, November 6, 2002.

"When Courts Decide Elections: Was *Bush v. Gore* Constitutional?," Section on Federal Courts, AALS, Program on "Courts and Electoral Politics," January 4, 2002 (Recorded Resources Corp. 2002).

"*Bush v. Gore*," Faculty Colloquium, the University of Texas School of Law, October 23, 2001.

"Judicial Power and the War Powers," Conference on the War Powers, The Goldwater Chair, Arizona State University, Tempe, Arizona, November 1, 2000.

"Remarks on *Crosby*," Faculty Colloquium Panel on "The Burma Case," the University of Texas School of Law, September 8, 2000.

"Some Remarks on *Alden v. Maine*," Conference of the State Chief Justices, the University of Texas School of Law, February, 2000.

"Secession: A Constitutional Right?", Austin Civil War Round Table, October 20, 1999.

"The Power of Congress to Say What Process Is Due," Texas Law Review Symposium, Restructuring Federal Courts, October 15-16, 1999. Papers published.

"*Marbury*," October 12, 1999, Constitutional Lunch, the University of Texas School of Law.

"John Marshall as Founding Father," Joint Meeting, Daughters of the American Revolution, Texas Chapters, and Sons of the American Revolution, Texas Chapters, Annual Constitutional Luncheon of the Daughters of the American Revolution, September 25, 1999.

"Remarks on *Alden v. Maine*," faculty colloquium (panel presentation) on Federalism and the 11th Amendment, September 3, 1999, the University of Texas School of Law.

"A Structural Revision of the Conflicts Restatement," Association of American Law Schools, New Orleans, January 9, 1999 [Recorded Resources Corp. 1999]. Papers published.

"Fear and Federalism," Fourth Annual Conference on Constitutional Law, Columbus, Ohio, April 10, 1997. Papers published.

"Night Thoughts of a Legal Realist," Association of American Law Schools, Washington, D.C., January 4, 1997, [Recorded Resources Corp. 1997]. Papers published.

"The Justiciability of Political Questions," Annual Rothgerber Conference on Constitutional Law, Conference on the Guaranty Clause, March 18, 1994, University of Colorado, Boulder, Colorado. Papers published.

"Choosing Liability Law for Mass Torts," Symposium on Thirtieth Anniversary of *Babcock v. Jackson*, February 15, 1993, at Albany Law School, Albany, New York. Papers published.

"Federal-State Conflicts," program on "Federal Conflicts Law," AALS Section on Conflict of Laws, Annual Meeting, San Antonio, Tx., Jan. 4, 1992. [Recorded Resources Corp. 1992.] Papers published.

"Federal Common Law," faculty colloquium, University of San Diego School of Law, April 5, 1991.

"Federal Courts: Forum for Public Interest Litigation," Fourth Annual Thomas P. O'Neill Symposium in American Politics, Boston College, Boston, Massachusetts, October 21, 1988.

"The Limitations Debates and the Impact of *Wortman*," AALS Workshop on Conflict of Laws, Washington, D.C., July, 1988. [Recorded Resources Corp. 1988]. Papers published.

"The Relation between Jurisdiction and Choice of Law," AALS Section on Conflict of Laws, Los Angeles, January, 1987 [Recorded Resources Corp. 1987]. Papers published.

INVITED PRESENTATIONS, GENERAL AUDIENCES

The Savoy Operas, British Studies, The University of Texas, September 18, 2009

The Supreme Court and the Coming of the Civil War, Scholia Society, Austin, January 12, 2009.

"Dred Scott in the Election of Abraham Lincoln," Town & Gown Society, Austin, October 23, 2008.

"The Supreme Court and the Coming of the Civil War," Austin Civil War Round Table, February 15, 2007.

"The Supreme Court," Parts 1 and 2, Public Broadcasting System, first aired January 31, 2007.

Videotaped readings, Milton's "Paradise Lost," University of Texas, August, 2006.

"The Judicial Review Controversy," QUEST, University of Texas, Austin, January 27, 2006

"The Marshall Court" and "The New Deal Court," Austin, Public Broadcasting Service televised interviews, August 3, 2005.

"Barry Unsworth's *Pascali's Island*," University of Texas School of Law, Aug. 23, 2004 and August 29, 2006.

Reading Modern Poets, Panel, Harry Ransom Center, Aug. 12, 2004.

"The Marshall/Jefferson Controversy," Public Broadcasting Service, televised interview, June 2004.

"Tom Stoppard's *Copenhagen*," The Tuesday Club, Austin, October 2002.

"The New Judicial Activism," The Tuesday Club, Austin, February 2001.

"John Marshall as Founding *Father*," Daughters of the American Revolution, Texas Chapters, and the Sons of the American Revolution, Texas Chapters; Annual Joint Meeting, Austin, September 25, 1999.

"Secession: A Constitutional Right?," Austin Civil War Round Table, October 19, 1999.

"Romantic Poems," Honors Program, the University of Texas, Austin, February 14, 1995.

"The Model of the American System of Civil Justice," World Economic Forum, Davos, Switzerland, January 1995.

"Interview," Spiro Show, Austin Community TV, 1993

"The Trollope Mystique," in "A Trollope Roundtable," British Studies Seminar, University of Texas, Austin, January 22, 1993.

"Art in the 1990's," panel chair, Texas Philosophical Society Annual Meeting, San Antonio, Texas, December, 1989.

"Law as Design: Does Neatness Count?," 37th Annual International Design Conference, Aspen, Colo., July, 1987.

"Women and Success," 37th Annual International Design Conference, Aspen, Colo., July, 1987.

"The Formalist Impulse in Law," Faculty Center, University of Texas at Austin, November, 1987.

"The Litigious American," Faculty Center, University of Texas at Austin, November, 1985.

PUBLISHED LETTERS

Letter, "Illogical Beliefs," *Austin-American Statesman* (June 2008).

Letter, "Bilingual Education," *Austin-American Statesman* (August 9, 2008).

Letter, "Israel," *Austin American Statesman* (June 16, 2008).

Letter, "Roe v. Wade Revisited," *Austin-American Statesman* (April 29, 2005).

Letter, "Mapping Peace," *Commentary Magazine*, Sept. 2003, at 4.

Letter, "Read Column in Reverse," *Austin-American Statesman*, Sunday, Jan. 25, 2003.

Letter, "Taxing Gas at the Pump," *Commentary Magazine*, Dec. 2002, at 4, response from James Woolsey at 5-6.

Letter, "Tort Truths," *Austin-American Statesman*, Nov. 21, 2002, at A20.

Letter, "Acting in Despair," *Austin-American Statesman*, April 12, 2002, at A12.

"America, the War, and Israel: An Exchange," *The New York Review of Books*, Jan. 17, 2002, at 49; reply by Tony Judt, at 49.

Letter, "Change Our Policies?" *The Austin- American Statesman*, Nov. 18, 2001, at J2.

LEARNED SOCIETY COMMITTEES AND SERVICE

American Law Institute

Life Member, 2007-

Advisory Groups:

Aggregate Litigation, 2006-

Intellectual Property, 2003-

International Jurisdiction and Judgments, 2003-

Federal Courts Revision Project, 1996-2000

Products Liability, 1990-1996

Complex Litigation Project, 1989-1993

Association of American Law Schools

Section on Federal Courts

Acting Chair, 2004-05

Chair, 2003-2004

Program Chair, 2002-2003

Executive Committee, 2001-present
Section on Conflict of Laws
Chair, 1990-91
Program Chair, 1989-90
Executive Committee, 1988-90, 1986-87
Section on Admiralty and Maritime Law
Chair, 2005-06
Executive Committee (ex officio), 2006-07

PROFESSIONAL SERVICE, GENERAL ORGANIZATIONS

World Economic Forum
Faculty Fellow, Davos, Switzerland, 1995-

OTHER PROFESSIONAL MEMBERSHIPS

Society of American Legal History
Supreme Court Historical Society

HONORARY ELECTED MEMBERSHIPS AND AWARDS

The American Law Institute
The Philosophical Society of Texas
Phi Beta Kappa
Phi Kappa Phi
Texas Exes Distinguished Educator Award

COURSES OFFERED

Constitutional Law
Federal Courts
Supreme Court Seminar

RESEARCH INTERESTS

American constitutional law and theory
American constitutional history
American judicial biography
Constitutional litigation
Federal courts
Judicial power

Federalism

Photo and summary at

<http://www.utexas.edu/law/faculty/lweinberg/>