

BRADFORD R. CLARK

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Washington, DC 20052

(202) 994-2073
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ACADEMIC EXPERIENCE

George Washington University Law School, Washington, DC

William Cranch Research Professor of Law, 2007-present

Professor of Law, 2001-present

Associate Professor (with tenure), 1997-2001

Associate Professor (untenured), 1993-1997

Courses:

Civil Procedure I, Civil Procedure II, Constitutional Law I,
Federal Courts, Advanced Constitutional Structure (Seminar),
Foreign Relations and Constitutional Structure (Seminar)

Committee Service:

Faculty Appointments Committee, 1999-2000, 2011-present

Chair, Clerkship Committee, 2002-2006, 2008-present

Member, Clerkship Committee, 1994-present

Faculty Adviser to *The George Washington Law Review*, 1998-present

Tenure and Promotion Committee, 2008-09

Dean Search Committee, 1998-99

Academic Service:

Member, Executive Committee, AALS Section on Federal Courts,
2005-present

Member, Planning Committee, AALS New Teachers Conference, 1994-95

University of Michigan Law School, Ann Arbor, MI

Visiting Professor of Law, Fall 2009

Courses: Civil Procedure

Harvard Law School, Cambridge, MA

Visiting Professor of Law, 2007-08

Courses: Civil Procedure, Constitutional Law (Advanced),

Foreign Relations and Constitutional Structure (Seminar)

BOOKS AND BOOK CHAPTERS

THE LAW OF NATIONS IN UNITED STATES COURTS (Oxford University Press) (forthcoming 2013) (with Anthony J. Bellia Jr.)

Process-Based Preemption, in PREEMPTION CHOICE: THE THEORY, LAW AND REALITY OF FEDERALISM'S CORE QUESTION (Cambridge University Press 2009)

LAW REVIEW PUBLICATIONS

The Law of Nations as Constitutional Law, 98 VA. L. REV. (forthcoming 2012) (with Anthony J. Bellia Jr.)

The Forgotten Statutory Framework for the Application of General Law and State Law in Federal Courts, 54 WM. & MARY L. REV. (forthcoming 2012) (with Anthony J. Bellia Jr.)

Cases Arising Under the Law of Nations, 80 GEO. WASH. L. REV. (forthcoming 2012) (with Anthony J. Bellia Jr.)

The Alien Tort Statute and the Law of Nations, 78 U. CHI. L. REV. 445 (2011) (with Anthony J. Bellia Jr.)

The Eleventh Amendment and the Nature of the Union, 123 HARV. L. REV. 1817 (2010)

The Political Branches and the Law of Nations, 85 NOTRE DAME L. REV. 1795 (2010) (with Anthony J. Bellia Jr.)

The Federal Common Law of Nations, 109 COLUM. L. REV. 1 (2009) (with Anthony J. Bellia Jr.)

Federal Lawmaking and the Role of Structure in Constitutional Interpretation, 96 CAL. L. REV. 699 (2008)

The Procedural Safeguards of Federalism, 83 NOTRE DAME L. REV. 1681 (2008)

Constitutional Compromise and the Supremacy Clause, 83 NOTRE DAME L. REV. 1421 (2008)

Domesticating Sole Executive Agreements, 93 VA. L. REV. 1573 (2007)

Erie's Constitutional Source, 95 CAL. L. REV. 1289 (2007)

Constitutional Structure, Judicial Discretion, and the Eighth Amendment, 81 NOTRE DAME L. REV. 1149 (2006)

LAW REVIEW PUBLICATIONS (cont.)

Unitary Judicial Review, 72 GEO. WASH. L. REV. 319 (2003)

The Constitutional Structure and the Jurisprudence of Justice Scalia, 47 ST. LOUIS U. L. J. 753 (2003)

The Supremacy Clause as a Constraint on Federal Power, 71 GEO. WASH. L. REV. 91 (2003)

Putting the Safeguards Back Into the Political Safeguards of Federalism, 80 TEX. L. REV. 327 (2001)

Separation of Powers as a Safeguard of Federalism, 79 TEX. L. REV. 1321 (2001)

Translating Federalism: A Structural Approach, 66 GEO. WASH. L. REV. 1161 (1998)

Ascertaining the Laws of the Several States: Positivism and Judicial Federalism After Erie, 145 U. PA. L. REV. 1459 (1997)

Federal Common Law: A Structural Reinterpretation, 144 U. PA. L. REV. 1245 (1996)

Note, *Judicial Review of Congressional Section Five Action: The Fallacy of Reverse Incorporation*, 84 COLUM. L. REV. 1969 (1984)

SELECTED PRESENTATIONS

“Common Law in Federal Court: The Forgotten Statutory Framework,” Symposium: Law Without a Lawmaker, College of William and Mary, Marshall-Wythe School of Law, Williamsburg, VA (Feb. 24, 2012)

“Cases Arising Under the Law of Nations,” A Symposium to Mark the 100th Anniversary of Farrand’s *Records of the Federal Convention*, George Washington University Law School, Washington, DC (Nov. 4, 2011)

“The Alien Tort Statute and the Law of Nations,” Annual Workshop, International Law in Domestic Courts Interest Group, American Society of International Law, University of Virginia Law School, Charlottesville, VA (Dec. 13, 2010)

“The Alien Tort Statute and the Law of Nations,” Fourth Annual Potomac Foreign Relations Law Roundtable, George Washington University Law School, Washington, DC (May 7, 2010)

“The Eleventh Amendment and the Nature of the Union,” Constitutional Law Colloquium, Northwestern University Law School, Chicago, IL (Mar. 2, 2010)

SELECTED PRESENTATIONS (cont.)

- “The Political Branches and the Law of Nations,” Center for International and Comparative Law Roundtable, Duke Law School, Durham, NC (Jan. 30, 2010)
- “The Eleventh Amendment and the Nature of the Union,” Legal Theory Workshop, University of Michigan Law School, Ann Arbor, MI (Oct. 15, 2009)
- “The Federal Common Law of Nations,” Faculty Workshop, Georgetown University Law Center, Washington, DC (Apr. 7, 2009)
- “The Federal Common Law of Nations,” Annual Workshop, International Law in Domestic Courts Interest Group, American Society of International Law, Temple Law School, Philadelphia, PA (Dec. 8, 2008)
- “The Federal Common Law of Nations,” Legal Theory Workshop, Columbia Law School, New York, NY (Oct. 13, 2008)
- “Asking the Wrong Question: Treaties and the Self-Execution Debate,” Foreign Relations Law Workshop, Duke Law School, Durham, NC (Sept. 27, 2008)
- “Statutory Interpretation and the Supremacy Clause,” Statutory Interpretation Colloquium, Georgetown University Law Center, Washington, DC (Mar. 24, 2008)
- “The Procedural Safeguards of Federalism,” Symposium: Separation of Powers as a Safeguard of Federalism, Notre Dame Law School, South Bend, IN (Oct. 19, 2007)
- “Domesticating Sole Executive Agreements,” Faculty Workshop, Harvard Law School, Cambridge, MA (Sept. 24, 2007)
- “Process-Based Preemption,” Conference on Federalism in the Overlapping Territory, Duke Law School, Durham, NC (Nov. 10, 2006)
- “Unitary Judicial Review,” *Marbury* and It’s Legacy: A Symposium to Mark the 200th Anniversary of *Marbury v. Madison*, George Washington University Law School, Washington, DC (Apr. 10, 2003)
- “Translating Federalism: A Structural Approach,” Textualism and the Constitution: A Symposium, George Washington University Law School, Washington, DC (Feb. 13, 1998)

EDUCATION

Columbia University School of Law, New York, NY

J.D., 1985, *Harlan Fiske Stone Scholar*

Columbia Law Review

Articles & Book Reviews Editor, 1984-85; Member, 1983-84

Teaching Fellow

Civil Procedure, Fall 1984; Property, Spring 1984

Florida State University, Tallahassee, FL

B.A. in Political Science, *summa cum laude*, 1981

PROFESSIONAL EXPERIENCE

Supreme Court of the United States, Washington, DC

Special Master, Alabama et al. v. North Carolina, No. 132 (Original), 2003-11

Gibson, Dunn & Crutcher, Washington, DC

Associate, 1989 & 1990-93

The Honorable Antonin Scalia, Supreme Court of the United States

Law Clerk, 1989-90

U.S. Attorney's Office, E.D. Va., United States Department of Justice

Special Assistant U.S. Attorney, 1988

Office of Legal Counsel, United States Department of Justice

Attorney Advisor, 1986-88

The Honorable Robert H. Bork, U.S. Court of Appeals, DC Circuit

Law Clerk, 1985-86

Sullivan & Cromwell, New York, New York

Summer Associate, 1984 & 1985

TESTIMONY

The DC Circuit: The Importance of Balance on the Nation's Second Highest Court,

Before the Subcommittee on Administrative Oversight and the Courts,

Committee on the Judiciary, United States Senate, Sept. 24, 2002

PROFESSIONAL ASSOCIATIONS

Admitted to the D.C. Bar; Member, American Bar Association