

PETER J. SMITH

The George Washington University Law School
2000 H Street, NW • Washington, DC 20052
(202) 994-4797 • pjsmith@law.gwu.edu

ACADEMIC EXPERIENCE

THE GEORGE WASHINGTON UNIVERSITY LAW SCHOOL

Associate Dean for Research and Faculty Development

June 2011-Present

Professor of Law

2001-Present

- Teach Constitutional Law and Civil Procedure
- Awarded tenure in 2005; promoted to Professor in 2007
- Chosen by the Class of 2010 as the recipient of the Distinguished Faculty Service (teacher of the year) Award
- Appointments Committee (Chair, 2010-11; Member, 2005-07; 2009-11); Self-Study Committee (Co-Chair, 2007-08); Dean Search Committee (Vice-Chair, 2010-11); Intellectual Life Committee (Chair, 2011-12)

EDUCATION

HARVARD LAW SCHOOL,

J.D., *magna cum laude*, 1997

- Sears Prize (awarded to the two students with highest 2L grade point averages)

YALE UNIVERSITY

B.A., *magna cum laude* with distinction in History, 1992

- *Phi Beta Kappa*
- Robert E. Lewis Award (outstanding intramural athlete)
- Norman S. Buck Trophy (for contribution to the life of Branford College)
- Freshman Counselor

BOOKS

CONSTITUTIONAL LAW: A CONTEMPORARY APPROACH (with Gregory E. Maggs)
(West Publishing, 1st ed. 2009, 2d ed. 2011))

ARTICLES

Federalism, Lochner, and the Individual Mandate, 91 BOSTON U. L. REV. __
(forthcoming 2011)

Biblical Literalism and Constitutional Originalism, 86 NOTRE DAME L. REV. 693
(2011) (with Robert W. Tuttle)

How Different Are Originalism and Non-Originalism?, 62 HASTINGS L.J. 707 (2011)

Living Originalism, 59 DUKE L. J. 239 (2009) (with Thomas B. Colby)

Textualism and Jurisdiction, 108 COLUM. L. REV. 1883 (2008)

New Legal Fictions, 95 GEO. L. J. 1435 (2007)

Federalism, Instrumentalism, and the Legacy of the Rehnquist Court, 74 GEORGE
WASHINGTON LAW REVIEW 906 (symposium) (2006)

The Marshall Court and the Originalist's Dilemma, 90 MINN. L. REV. 612 (2006)

Sources of Federalism: An Empirical Analysis of the Court's Quest for Original Meaning, 52 UCLA L. REV. 217 (2004) (awarded honorable mention in AALS Scholarly Paper Competition)

States as Nations: Dignity in Cross-Doctrinal Perspective, 89 VA. L. REV. 1 (2003)

Pennhurst, Chevron, and the Spending Power, 110 YALE L.J. 1187 (2001)

Commas, Constitutional Grammar, and the Straight-Face Test: What If Conan the Grammarian Were a Strict Textualist? 16 CONST. COMM. 7 (1999)

The Anticommandeering Principle and Congress's Power to Direct State Judicial Action: Congress's Power to Compel State Courts to Answer Certified Questions of State Law, 31 CONN. L. REV. 649 (1999)

PRESENTATIONS

"Living Originalism," Conference on Constitutional Theory, University of Southern California Gould School of Law, Los Angeles, CA (April 2009)

"Originalism's Living Constitutionalism," Colloquium on Constitutional and Legal Theory, University of Texas Law School, Austin, TX (March 2008)

"New Legal Fictions," Colloquium on Constitutional Law, New York University School of Law, New York, NY (September 2006)

"Federalism, Instrumentalism, and the Legacy of the Rehnquist Court," Symposium, George Washington University Law School, Washington, DC (October 2005)

PROFESSIONAL EXPERIENCE

SUPREME COURT OF THE UNITED STATES, Washington, DC
Assistant to the Special Master 2003-2010
No. 132, Original, *Alabama et al. v. North Carolina*

SUPREME COURT OF THE UNITED STATES, Washington, DC
Counsel of Record 2003
Represented amicus curiae Satellite Broadcasting Association of America in *Top Rank, Inc. v. Florida State Boxing Comm'n*, No.03-549 (U.S. S. Ct.).

U.S. DEPARTMENT OF JUSTICE, CIVIL APPELLATE STAFF, Washington, DC
Attorney, Attorney General's Honor Program 1998-2001
Briefed and argued a wide variety of cases in the U.S. Courts of Appeals, including *Hibbs v. Nevada*, 273 F.3d 833 (9th Cir. 2001) (upholding the constitutionality of the Family and Medical Leave Act), *aff'd*, 123 S. Ct. 1972 (2003), and *Western States Medical Center v. Shalala*, 238 F.3d 1090 (9th Cir. 2001) (addressing constitutionality of Food and Drug Administration Modernization Act), *aff'd sub nom. Thompson v. Western States Medical Center*, 535 U.S. 357 (2002). Assisted the Solicitor General in drafting briefs for cases in the Supreme Court, including *Alden v. Maine*, *Saenz v. Roe*, *Grupo Mexicano v. Alliance Bond Fund*, and *Buckman Co. v. Plaintiffs' Legal Committee*. Helped to develop the legal strategy in the government's suit against the tobacco industry and co-authored the brief in opposition to the industry's motion to dismiss the suit.

U.S. COURT OF APPEALS FOR THE ELEVENTH CIRCUIT, Atlanta, GA
Law Clerk, Chambers of Judge Phyllis A. Kravitch 1997-1998