

# THOMAS B. COLBY

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## TEACHING EXPERIENCE

### THE GEORGE WASHINGTON UNIVERSITY LAW SCHOOL

*John Theodore Fey Research Professor of Law* 2017-present  
*Professor of Law* 2010-2017  
*Associate Professor of Law* 2003-2010 (tenured 2008)

#### Teaching:

- Courses: Constitutional Law I  
Constitutional Law II  
Constitutional Law and the Supreme Court  
Civil Procedure
- Distinguished Faculty Service (teacher of the year) Award (2006, 2017)

#### Service (partial list):

- Associate Dean for Research and Faculty Development (2019-2024, 2014-2017)
- Appointments Committee (2008-2010, 2011-2013, 2018-2020, 2023-2025) (Chair 2012-2013, 2018-2019)
- Dean Search Committee (2013-2014)
- Curriculum Committee (2010-2011, 2013-2014) (Chair 2010-2011)
- Intellectual Life Committee (2013-2024) (Chair 2019-2024)
- Clerkship Committee (2003-2008, 2024-present)
- Faculty Advisor to the Van Vleck Constitutional Law Moot Court Competition (various years)

### THE UNIVERSITY OF CHICAGO LAW SCHOOL

*Bigelow Teaching Fellow & Lecturer in Law* 2001-2003  
· Courses: Legal Research & Writing  
Unenumerated Constitutional Rights

## ACADEMIC PUBLICATIONS

*Can Originalism Survive Jonathan Gienapp?*, 36 YALE JOURNAL OF LAW AND THE HUMANITIES (forthcoming 2025)

*Originalism and Structural Argument*, 113 NORTHWESTERN UNIVERSITY LAW REVIEW 1297 (2019)

*The Other Half of the Abortion Right*, 20 UNIVERSITY OF PENNSYLVANIA JOURNAL OF CONSTITUTIONAL LAW 1043 (2018)

*In Defense of the Equal Sovereignty Principle*, 65 DUKE LAW JOURNAL 1087 (2016)

*The Constitutionalization of Torts?*, 65 DEPAUL LAW REVIEW 357 (2016)

**ACADEMIC  
PUBLICATIONS  
CON'T**

- The Return of Lochner*, 100 CORNELL LAW REVIEW 527 (2015) (with Peter J. Smith)
- Originalism and the Ratification of the Fourteenth Amendment*, 107 NORTHWESTERN UNIVERSITY LAW REVIEW 1627 (2013)
- In Defense of Judicial Empathy*, 96 MINNESOTA LAW REVIEW 1944 (2012)
- The Sacrifice of the New Originalism*, 99 GEORGETOWN LAW JOURNAL 713 (2011)
- Living Originalism*, 59 DUKE LAW JOURNAL 239 (2009) (with Peter J. Smith)
- Notice and Comment Judicial Decisionmaking*, 76 UNIVERSITY OF CHICAGO LAW REVIEW 965 (2009) (with Michael Abramowicz)
- Clearing the Smoke from Philip Morris v. Williams: The Past, Present, and Future of Punitive Damages*, 118 YALE LAW JOURNAL 392 (2008)
- The Federal Marriage Amendment and the False Promise of Originalism*, 108 COLUMBIA LAW REVIEW 529 (2008)
- A Constitutional Hierarchy of Religions? Justice Scalia, the Ten Commandments, and the Future of the Establishment Clause*, 100 NORTHWESTERN UNIVERSITY LAW REVIEW 1097 (2006)
- Revitalizing the Forgotten Uniformity Constraint on the Commerce Power*, 91 VIRGINIA LAW REVIEW 249 (2005)
- Beyond the Multiple Punishment Problem: Punitive Damages as Punishment for Individual, Private Wrongs*, 87 MINNESOTA LAW REVIEW 583 (2003)
- The Supreme Court, 1994 Term—Leading Cases*, 109 HARVARD LAW REVIEW 131 (1995)
- Recent Case*, 108 HARVARD LAW REVIEW 507 (1994)

**EDUCATION**

**HARVARD LAW SCHOOL**

- J.D., *magna cum laude*, 1996
- Sears Prize (awarded to the two students with the highest 1L grade point averages)
  - *Harvard Law Review*, Supervising Editor

**DUKE UNIVERSITY**

- A.B., *summa cum laude* with distinction in History, 1992
- *Phi Beta Kappa*

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| <b>JUDICIAL<br/>CLERKSHIPS</b>    | <b>THE HONORABLE DAVID H. SOUTER</b> 1997-1998<br>Supreme Court of the United States, Washington, DC                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
|                                   | <b>THE HONORABLE GUIDO CALABRESI</b> 1996-1997<br>United States Court of Appeals for the Second Circuit, New Haven, CT                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| <b>PRACTICE<br/>EXPERIENCE</b>    | <b>MAYER, BROWN &amp; PLATT</b> , Washington, DC 1998-2001<br><i>Associate, Supreme Court &amp; Appellate Litigation</i> <ul style="list-style-type: none"> <li>· Litigated cases in federal and state supreme and intermediate appellate courts across the country, primarily in the areas of constitutional law (including affirmative action, federal preemption, due process, voting rights, free speech, and the Eighth Amendment) and torts (including punitive damages, product liability, negligence, and insurance bad faith)</li> <li>· Drafted memoranda on constitutional issues for government relations practice</li> <li>· Drafted dispositive motions for trial court litigation</li> </ul>                                                                                                                      |
|                                   | <b>OFFICE OF THE SOLICITOR GENERAL</b> 1996<br>United States Department of Justice, Washington, DC<br><i>Summer Law Intern</i>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
|                                   | <b>SIDLEY &amp; AUSTIN</b> , Chicago, IL 1995<br><i>Summer Associate</i>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
|                                   | <b>ROPES &amp; GRAY</b> , Boston, MA 1994<br><i>Summer Associate</i>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
|                                   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| <b>SELECTED<br/>PRESENTATIONS</b> | Yale Law School Symposium on Jonathan Gienapp's <i>Against Constitutional Originalism: A Historical Critique</i> (April 2025)<br>Northwestern University Law Review Symposium (November 2018)<br>Originalism Summer Seminar, Georgetown Center for the Constitution (2017-2024)<br>Duke Law School Faculty Workshop Series (November 2016)<br>Clifford Symposium on Tort Law and Social Policy, DePaul Law School (April 2015)<br>University of Chicago Law School Constitutional Law Workshop (April 2013)<br>University of San Diego Center for the Study of Constitutional Originalism (February 2013)<br>Northwestern University Constitutional Law Colloquium (March 2011)<br>Cornell Law School Faculty Workshop Series (April 2010)<br>University of Texas School of Law Colloquium on Constitutional Theory (April 2009) |
| <b>BAR<br/>ADMISSIONS</b>         | District of Columbia (active), Illinois (inactive)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |