

TODD DAVID PETERSON

EDUCATION:

Law School: University of Michigan Law School; J.D., 1976, *Summa Cum Laude*;
Class Rank: 4/360; Order of the Coif; Note Editor, Michigan Law Review

College: Brown University; A.B. with Honors in History, 1973

LEGAL EMPLOYMENT:

1987- Present: Carville Dickinson Benson Research Professor and Professor of
Law (tenure granted 1991, full professor in 1996)
The George Washington University Law School
Washington, D.C. 20052 (202) 994-1004

Courses taught: Civil Procedure, Law of Separation of Powers, Advanced
Professional Identity Formation

Director of the GW Law Inns of Court and Fundamentals of Practice

Programs: The GW Law Inns of Court and Fundamentals of Practice programs are designed to support and enhance professional identity formation, to provide students with a more meaningful law school experience, and to contribute to more informed and satisfying career choices. The programs, which have both structural and substantive components, prepare students more effectively for the real world of practice and help them to find a job that is meaningful to them. These programs won the ABA's E. Smyth Gambrell Professionalism Award in 2018.

Administrative Service: Past service as Chair of the following faculty committees:

Faculty Appointments Committee, Fundamentals of Lawyering
Appointments Committee, Curriculum Committee, Planning Committee,
Building Committee, Clinical Affairs Committee, Peer Review
Committee, and the Committee on the First-Year Writing and Research
Program.

Recipient: Distinguished Faculty Service Award (voted by third-year students)
May 1997 and May 2002

1997- 1999: Deputy Assistant Attorney General, Office of Legal Counsel
United States Department of Justice
950 Pennsylvania Avenue, N.W.
Washington, DC 20530

On two-year leave of absence from the law school. Provided legal advice to the Attorney General and the White House on a wide range of constitutional and

statutory issues, including the separation of powers, executive privilege, and the Bill of Rights.

1985-1987: Partner: Ross, Dixon & Masback
1001 K Street, N.W.
Washington, D.C. 20004

Commercial and professional-liability litigation; advice on corporate insurance and directors' and officers' liability matters. During my last year at the firm, I was the administrative partner and, in addition to my client responsibilities, was responsible for all aspects of firm operation and management.

1982-1985: Attorney-Advisor: Office of Legal Counsel,
United States Department of Justice
950 Pennsylvania Avenue, N.W.
Washington, D.C. 20530

Provided legal advice to the Attorney General and the White House on a wide range of constitutional and statutory issues, including executive privilege, the separation of powers, the first amendment, and various administrative law issues. Recipient, Special Commendation for Outstanding Service -- December 1994.

1976-1982: Associate: Crowell & Moring/Jones, Day, Reavis & Pogue
1001 Pennsylvania Avenue, N.W.
Washington, D.C. 20004

Administrative, commercial, and antitrust litigation; federal regulation of mining, including safety and health and environmental issues. Administrative duties included terms as chairman of summer associate committee, vice-chairman of recruiting committee, and supervisor of firm's law clerks and paralegals; recruited at six different law schools.

PUBLIC SERVICE:

Co-chair, Special Committee on Race and Ethnicity -- D.C. Circuit Task Force on Gender, Race and Ethnic Bias, 1993 - 1996. See *Report of the Special Committee on Race and Ethnicity to the D.C. Circuit Task Force on Gender, Race and Ethnic Bias*, 64 GEORGE WASHINGTON UNIVERSITY LAW REVIEW 189-341 (1996).

Consultant to the National Commission on Judicial Discipline and Removal, 1992 -1993. See 1 RESEARCH PAPERS OF THE NATIONAL COMMISSION ON JUDICIAL DISCIPLINE AND REMOVAL 243 (1993).

PUBLICATIONS:

Teaching Well-Being as Part of Professional Identity Formation, forthcoming

Arbitrating Executive Privilege, 73 AMERICAN UNIVERSITY LAW REVIEW 217 (2023)

Separation-of-Powers Suits in the Post-Trump Era, 135 HARVARD LAW REVIEW F. 194 (2022)

Creating a “Whole-Building Approach” to Law Student Wellness and Professional Development, Conference paper from 2020 Conference: Integrating Positive Psychology into Legal Education, Paper maintained on Suffolk Law School’s Open Resources for Integrating Positive Psychology into Legal Education.

Federal Prosecutorial Independence, 15 DUKE JOURNAL OF CONSTITUTIONAL LAW AND PUBLIC POLICY 217 (2020)

Categorical Confusion in Personal Jurisdiction Law, 76 WASHINGTON AND LEE LAW REVIEW 655 (2019)

Procedural Checks: How the Constitution (and Congress) Control the Power of the Three Branches, 13 DUKE JOURNAL OF CONSTITUTIONAL LAW AND PUBLIC POLICY 211 (2017).

The Moral Obligation of Law Schools to Address Issues of Law Student Well-Being, 29 NOTRE DAME J. OF LAW, ETHICS AND PUBLIC POLICY 67 (2016)

The Many Connections Between Well-Being and Professionalism in the Practice of Law, 36 UALR L. Rev. 263 (2014)

The Timing of Minimum Contacts after Goodyear and McIntyre, 80 GEORGE WASHINGTON LAW REVIEW 202 (2011)

Contempt of Congress v. Executive Privilege, 14 UNIVERSITY OF PENNSYLVANIA JOURNAL OF CONSTITUTIONAL LAW 77 (2011)

The Timing of Minimum Contacts, 79 GEORGE WASHINGTON LAW REVIEW 101 (2010)

Stemming the Tide of Law Student Depression: What Law Schools Need to Learn from the Science of Positive Psychology (with Elizabeth Waters Peterson), IX YALE J. OF HEALTH POLICY, LAW & ETHICS 357 (2009)

Protecting the Appropriations Power: Why Congress Should Care About Settlements at the Department of Justice, 2009 BRIGHAM YOUNG UNIVERSITY L. REV. 327 (2009)

The Misguided Law of Compulsory Counterclaims in Default Cases, 50 ARIZONA L. REV. 1107 (2008)

Congressional Investigations of Federal Judges, 90 IOWA L. REV. 1 (2004)

Congressional Power over Pardon & Amnesty: Legislative Authority in the Shadow of Presidential Prerogative, 38 WAKE FOREST L. REV. 1225 (2003).

Congressional Oversight of Open Criminal Investigations, 77 NOTRE DAME L. REV. 1373 (2002).

Controlling the Federal Courts Through the Appropriations Process, 1998 WISCONSIN LAW REVIEW 993 (1998)

Studying the Impact of Race and Ethnicity in the Federal Courts, 64 GEORGE WASHINGTON UNIVERSITY LAW REVIEW 173 (1996)

Restoring Structural Checks on Judicial Power in the Era of Managerial Judging, 29 U.C. DAVIS LAW REVIEW 41 (1995)

The Role of the Executive Branch in the Discipline and Removal of Federal Judges, 1993 ILLINOIS LAW REVIEW 809 (1994).

Prosecuting Executive Branch Officials for Contempt of Congress, 66 NYU LAW REVIEW 563 (1991).

The Law and Politics of Shared National Security Power -- A Review of The National Security Constitution by Harold Hongju Koh, 58 GEORGE WASHINGTON LAW REVIEW 747-773 (1991).

The Permissible Scope of Hearings, Discovery, and Additional Fact-finding During Judicial Review of Informal Agency Action (with R. McMillan, Jr.), 1982 DUKE LAW JOURNAL 333-390.

Discovery in Judicial Review of Informal Agency Action (with R. McMillan, Jr.), 8 LITIGATION No. 1, 33 (1981).

Note, *The Impact of Michigan's Common-Law Disabilities of Coverture on Married Women's Access to Credit*, 74 MICHIGAN LAW REVIEW 76 (1975).