

GREGORY E. MAGGS

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THE GEORGE WASHINGTON UNIVERSITY LAW SCHOOL:

Professor of Law (2000-present); Co-Director, National Security & U.S. Foreign Relations Law LL.M. Program (2009-present); Interim Dean (2010-2011; 2013-2014); Senior Associate Dean for Academic Affairs (2008-2010); Associate Professor of Law (1993-2000)

Subjects taught: Constitutional Law I, Constitutional Law Seminar, Counterterrorism Law, Contracts I & II, Commercial Paper--Payment System, Law of Software Contracts

Awards: Distinguished Faculty Service Award, conferred by vote of the graduating class (1997, 1998, 2004, 2005, 2011, 2012, 2013, 2014, and 2015); George Washington Award, conferred for outstanding service to the University (2012)

EDUCATION:

Harvard College, A.B., summa cum laude (1985); Phi Beta Kappa, John Harvard Scholar
Harvard Law School, J.D., magna cum laude (1988); Harvard Law Review (Articles Co-Chair)
U.S. Army War College, Master of Strategic Studies (2014); Daniel M. Lewin Writing Award

JUDICIAL CLERKSHIPS:

Hon. Clarence Thomas, U.S. Supreme Court (1991-1992)
Hon. Anthony M. Kennedy, U.S. Supreme Court (1989-1990)
Hon. Joseph T. Sneed, U.S. Court of Appeals for the Ninth Circuit (1988-1989)

OTHER LEGAL POSITIONS:

Reporter, Judicial Conference of the United States, Advisory Committee on Appellate Rules (2015-present) (appointed by Hon. John Roberts)
Special Master, U.S. Supreme Court (2000-2005): No. 128 Orig., Alaska v. United States
Consultant to the Office of Independent Counsel (Hon. Kenneth W. Starr) (1998-2000)
Assistant Professor of Law, University of Texas School of Law (Fall 1991, 1992-1993)
Research and private practice with Hon. Robert H. Bork (1990-1991)

MILITARY:

Colonel, U.S. Army Reserve, Judge Advocate General's Corps; commissioned (1990); mobilized (2007-2008); assigned as a trial or appellate military judge (2007-present); Uniform Code of Military Justice Committee (2005-2008, appointed by Hon. Donald H. Rumsfeld); Judge Advocates Association's Outstanding Career Armed Services Attorney Award (2002)

PROFESSIONAL MEMBERSHIPS:

American Law Institute (2007-present); Advisory Board, Center for Legal and Judicial Studies, Heritage Foundation (2002-present, appointed by Hon. Edwin Meese III)

ADMITTED TO PRACTICE LAW:

New York, District of Columbia, Massachusetts

GREGORY E. MAGGS -- PUBLICATIONS

BOOKS:

- Modern Military Justice: Cases and Materials (West 1st ed. 2012 & 2d ed. 2015) (co-authored with Lisa M. Schenck)
- Constitutional Law: A Contemporary Approach (West 1st ed. 2009, 2d ed. 2011 & 3d ed. 2015) (co-authored with Peter J. Smith)
- Terrorism and the Law: Cases and Materials (West 1st ed. 2005 & 2d ed. 2010)
- Questions & Answers: Payment Systems (LexisNexis 2003) (co-authored with Timothy R. Zinnecker)

ARTICLES: CONSTITUTIONAL LAW

- A Concise Guide to Using Dictionaries from the Founding Era to Determine the Original Meaning of the Constitution, 82 Geo. Wash. L. Rev. 358 (2014)
- Justice Kennedy's Use of Sources of the Original Meaning of the Constitution, 44 McGeorge L. Rev. 77 (2013) (symposium piece)
- A Concise Guide to the Records of the Federal Constitutional Convention of 1787 as Evidence of the Original Meaning of the U.S. Constitution, 80 Geo. Wash. L. Rev. 1707 (2012)
- A Concise Guide to the Records of the State Ratifying Conventions as a Source of the Original Meaning of the United States Constitution, 2009 U. Ill. L. Rev. 457.
- Which Original Meaning of the Constitution Matters to Justice Thomas, 4 N.Y.U. J. of L. & Liberty 494 (2009) (symposium piece)
- A Concise Guide to the Federalist Papers as a Source of the Original Meaning of the United States Constitution, 87 B.U. L. Rev. 801 (2007)
- Translating Federalism: A Textualist Reaction, 66 Geo. Wash. L. Rev. 1198 (1998)
- Virtual Impeachment and Book Review Conviction: Talk about Strange Justice, 64 Geo. Wash. L. Rev. 703 (1996)
- Yet Still Partial to It, 103 Yale L.J. 1627 (1994) (review of Cass Sunstein, *The Partial Constitution*)
- Innovation in Constitutional Law: The Right to Education and the Tricks of the Trade, 86 Nw. U.L. Rev. 1038 (1992)
- Book Note, Original Federalism, 101 Harv. L. Rev. 855 (1988)

ARTICLES: NATIONAL SECURITY LAW AND MILITARY LAW

- Judge Bork's Remarkable Adherence to Unremarkable Principles of National Security Law, 13 Ave Maria L. Rev. 1 (2015).
- Book Review, 103 Am. J. of Int'l Law 198 (2009) (review of Jeremy Scahill, *Blackwater: The Rise of the Most Powerful Mercenary Army* (2008) and From *Mercenaries to Market: The Rise and Regulation of Private Military Companies* (Simon Chesterman & Chia Lehnarts. eds. 2007))
- Assessing the Legality of Counterterrorism Measures Without Characterizing Them as Law Enforcement or Military Action, 80 Temple L. Rev. 661 (2007)
- Foreword to the Symposium: The New Face of Armed Conflict: Enemy Combatants After

GREGORY E. MAGGS -- PUBLICATIONS

- Hamdan v. Rumsfeld, 75 Geo. Wash. L. Rev. 971 (2007) (symposium piece)
- How the United States Might Justify a Preemptive Strike On a Rogue Nation's Nuclear Weapon Development Facilities Under the U.N. Charter, 57 Syracuse L. Rev. 465 (2007) (symposium piece)
- The Rehnquist Court's Non-Interference with the Guardians of National Security, 74 Geo. Wash. L. Rev. 1122 (2006) (symposium piece)
- The Campaign to Restrict the Right to Respond to Terrorist Attacks in Self-Defense under Article 51 of the U.N. Charter and What the United States Can Do about It, 4 Regent Int'l L. Journal 149 (2006) (symposium piece), also reprinted in Right of Private Defense: Expanding Horizons (P. Satyanarayana Prasad ed. 2010).
- Book Review, 67 J. Mil. Hist. 642 (2003) (review of Frederic L. Borch, Judge Advocates in Combat: Army Lawyers in Military Operations from Vietnam to Haiti)
- Cautious Skepticism about the Benefits of Adding More Formalities to the Manual For Courts-Martial Rule-Making Process: A Response to Captain Keven J. Barry, 166 Mil. L. Rev. 1 (2000)
- Judicial Review of the Manual For Courts-Martial, 160 Mil. L. Rev. 96 (1999), also reprinted in an edited form in Evolving Military Justice (Eugene Fidell & Dwight Sullivan, eds. 2002)

ARTICLES: CONTRACTS AND COMMERCIAL LAW

- A Complaint about Payment Law under the U.C.C.: What You See is Often Not What You Get, 67 Ohio St. L.J. 201 (2007) (symposium piece)
- Report Concerning the United States of America on "Protecting Legitimate Expectations and Estoppel," reprinted in La Confiance Légitime et L'Estoppel (Bénédicte Fauvarque-Cosson, ed., 2007) (conference report)
- The Waning Importance of Revisions to U.C.C. Article 2, 78 Notre Dame L. Rev. 595 (2003)
- Report Concerning the United States of America on "Regulating Electronic Commerce," 50 Am. J. Comparative L. 665 (2002) (conference report)
- Patterns of Drafting Errors in the Uniform Commercial Code, 2002 U. Ill. L. Rev. 81
- Karl Llewellyn's Fading Imprint on the Jurisprudence of the Uniform Commercial Code, 71 Colo. L. Rev. 541 (2000), also reprinted in Perspectives on the Uniform Commercial Code? (Douglas E. Litowitz ed. 2007)
- A New Proposal for Implementing Means Testing in Bankruptcy, 1 Corp. & Bus. L.J. 1 (1999)
- Ipse Dixit: The Restatement (Second) of Contracts and the Modern Development of Contract Law, 66 Geo. Wash. L. Rev. 508 (1998)
- The Holder in Due Course Doctrine as a Default Rule, 32 Ga. L. Rev. 783 (1998)
- Internet Solutions to Consumer Protection Problems, 49 S.C. L. Rev. 888 (1998)
- New Payment Devices and General Principles of Payment Law, 72 Notre Dame L. Rev. 755 (1997)
- Determining the Rights and Liabilities of the Remitter of a Negotiable Instrument: A Theory Applied to Some Unsettled Questions, 36 B.C. L. Rev. 619 (1995)
- Consumer Bankruptcy Fraud and the "Reliance on Advice of Counsel" Argument, 69 Am.

GREGORY E. MAGGS -- PUBLICATIONS

- Bankr. L.J. 1 (1995)
- Bankruptcy As a Business Tool, 71 Tex. L. Rev. 681 (1993) (review of Kevin J. DeLaney, Strategic Bankruptcy)
- The Pace Picks Up: Bankruptcy Cases are No Longer the Court's Stepchildren, Legal Times, Sept. 30, 1991 Special Supplement, at 26
- Note, "Adequate Protection" and the Availability of Postpetition Interest to Undersecured Creditors in Bankruptcy, 100 Harv. L. Rev. 1106 (1987)

ARTICLES: LEGISLATION AND ADMINISTRATIVE LAW

- Estoppel and Textualism, 54 Am. J. Comparative Law 167 (2006), also reprinted in Estoppel: Theories and Applications (S. Ravi ed. 2008)
- More Than One Cent for Tribute, 1 Green Bag 2d 98 (1997) (review of Fred S. McChesney, Money for Nothing)
- Reconciling Textualism and the Chevron Doctrine: In Defense of Justice Scalia, 28 Conn. L. Rev. 393 (1996)
- The Secret Decline of Legislative History: Has Someone Heard a Voice Crying in the Wilderness?, 1994 Public Interest L. Rev. 57.
- Reducing the Costs of Statutory Ambiguity: Alternative Approaches and the Federal Courts Study Committee, 29 Harv. J. Legis. 123 (1992)

JUDICIAL OPINIONS (selected)

- United States v. Harman, 66 M.J. 710 (Army Ct. Crim. App. 2008)
- United States v. Murphy, 67 M.J. 514 (Army Ct. Crim. App. 2008)
- United States v. Greene, 2015 WL 3989064 (Army Ct. Crim. App.)
- United States v. Wilson, 2013 WL 2407084 (Army Ct. Crim.App.)
- United States v. Rodriguez, 2013 WL 2298612 (Army Ct. Crim.App.)
- United States v. Henderson, 2012 WL 2064908 (Army Ct. Crim. App.)
- United States v. Anderson, 2011 WL 2269966 (Army Ct. Crim. App.)
- United States v. Henderson, 2011 WL 2206656 (Army Ct. Crim. App.)

REPORTS SUBMITTED AS SPECIAL MASTER FOR THE U.S. SUPREME COURT

- Report of the Special Master on Six Motions for Partial Summary Judgment and One Motion for Confirmation of a Disclaimer of Title, Alaska v. United States (U.S. Mar. 2004) (No. 128, Orig.) .
- Report of the Special Master on the Motion to Intervene by Franklin H. James, the Shakan Kwaan Thling-Git Nation, Joseph K. Samuel, and the Taanta Kwaan Thling-Git Nation, (U.S. Nov. 2001) (No. 128, Orig.)

OTHER

- Creating Law School Review Videos and Slides and Putting Them on the Internet (Sept. 1,

GREGORY E. MAGGS -- PUBLICATIONS

- 2001) (published in Jurist's "Lessons from the Web Series")
- The Permanence of Paperless Law Review Articles: Who is Worried and What Can Be Done?,
24 Rutgers L. Rec. 2000 (symposium piece)
- Self-Publication on the Internet and the Future of Law Reviews, 30 Akron L. Rev. 237 (1996)
- Just Say No?, 70 Chi.-Kent L. Rev. 101 (1995)
- Progress on Attorney's Fees: Expanding the "Loser Pays" Rule in Texas, 20 Houston L. Rev.
1915 (1994) (co-authored with Michael D. Weiss)
- Postscript: In Budget Disputes Between Elected Officials Will the Rule of Law Prevail?, 23 St.
Mary's L. J. 511 (1991) (comment)
- The 1989 Supreme Court Term: Review and Outlook, 1991 Public Interest L. Rev. 75.
- Case Comment, Asahi Metal Industry Co. v. Superior Court, 101 Harv. L. Rev. 260 (1987)

