

PAUL HORWITZ

**Gordon Rosen Professor of Law
University of Alabama School of Law
101 Paul Bryant Drive Tuscaloosa, AL 35487
Phone: (205) 348-6110 Email: phorwitz@law.ua.edu**

EDUCATION

Columbia Law School, New York
LL.M., 1997.

- **James Kent Scholar**
- **Walter Gellhorn Prize** – awarded to highest ranked LL.M. candidate

Faculty of Law, University of Toronto
LL.B., 1995.

- **Dean's List**, 1994-95
- **Co-Editor-in-Chief**, *University of Toronto Faculty of Law Review*, 1994-95
- **Osgoode Society Legal History Prize**, 1995
- **Dean's Key Award**, 1995 – awarded for extraordinary contributions to extracurricular activities of an academic nature by a graduating student
- **Borden & Elliot Advocacy Award**, 1995
- **Arnup Cup Trial Advocacy Competition** – Team Member, 1995
- **Niagara International Law Moot** – Coach, 1994-95. Team Member, 1993-94; member of winning team and winner of Second Best Oralist, Best Canadian Team, and Best Respondent Argument awards
- **Moot Court Committee**, 1994-95 – Member

Columbia Law School, New York
Completed first-year studies, 1992-93.

Columbia University Graduate School of Journalism, New York
M.S. in Journalism, 1991 (honors).

- **Wechsler Award** for reporting on national issues

McGill University, Montreal
B.A. in English Literature, 1990 (first class honors).

- **James McGill Award and Shakespeare Scholarship** for academic distinction, 1989

EXPERIENCE

University of Alabama School of Law
Gordon Rosen Professor of Law
Named Gordon Rosen Professor of Law, fall 2010. Named full professor in spring 2011. Tenure granted in spring 2009. Teaching: Constitutional Law, Law and Religion, and Legal Profession. Committees: Faculty Development, Ad Hoc Self-Study Committee. Past committees: Colloquium, Hiring (past co-chair), Faculty Chair Hiring, Ad Hoc Grading Committee. Member of University Faculty Senate. Winner of Dean Thomas Christopher Award for contributions to the law school, 2010.

Tuscaloosa, AL
Fall 2007-Present

University of Notre Dame Law School
Visiting Professor
Taught Constitutional Law I and Law and Religion.

South Bend, IN
Winter 2007

Southwestern Law School
Associate Professor
Tenure-track professor. Taught Constitutional Law I & II, Constitutional Law Seminar, and Legal Profession.

Los Angeles, CA
Fall 2004-Winter 2007

University of San Diego School of Law
Visiting Professor
Taught Federal Courts, Constitutional Law I, and Legislation.

San Diego, CA
Fall 2003-Spring 2004

University of Iowa College of Law
Visiting Professor
Taught Constitutional Law I course to first-year students in small-group format; small-group duties included instruction and assignments in legal research and writing and oral advocacy. Taught Advanced Civil Procedure during summer session.

Iowa City, IA
January-June 2003

O'Melveny & Myers
Associate
Associate in Washington office of large Los Angeles-based firm. Focused on complex civil litigation and class action defense, appellate litigation, general civil litigation, and pro bono litigation.

Washington, DC
Sept. 1999-January 2003

United States Court of Appeals for the Eleventh Circuit
Law Clerk to the Hon. Ed Carnes

Montgomery, AL
1998-99

O'Melveny & Myers
Summer Associate

Washington, DC
Summer 1998

Borden & Elliot
Associate

Toronto
January-May 1998

Columbia Law School
Research Asst., Profs. Kent Greenawalt, John Manning

New York
Summer 1997

Borden & Elliot
Student-at-law

Toronto
1995-96

PUBLICATIONS AND PRESENTATIONS

Books

- *Unspoken: Social Class and the American Legal Academy* (under contract with Harvard University Press; publication expected 2015).
- *First Amendment Institutions* (Harvard University Press, 2013).
- *The Agnostic Age: Law, Religion, and the Constitution* (Oxford University Press, 2011).

Book Chapters

- “**The Blogger as Public Intellectual**” in *Public Intellectualism in Comparative Context: Different Countries, Different Disciplines* (forthcoming).
- “**Law, Religion, and Kissing Your Sister**” in *Legal Responses to Religious Practices in the United States: Accommodation and its Limits* (Austin Sarat, ed., Cambridge University Press, 2012).
- “**Ordinary and Extraordinary Transitions**” in *Transitions: Legal Change, Legal Meanings* (Austin Sarat, ed., University of Alabama Press, 2011).
- “**Of Footnote One and the Counter-Jurisdictional Establishment Clause: The Story of Santa Fe Independent School District v. Doe**” in *First Amendment Stories* (Rick Garnett & Andrew Koppelman eds., Foundation Press 2011).
- “**Democracy as the Rule of Law**” in *When Governments Break the Law: The Rule of Law and the Prosecution of the Bush Administration* (Austin Sarat & Nasser Hussain, eds., New York University Press, 2010).
- “**Order in the Courts**” in *Sovereignty, Legality, and Emergency* (Austin Sarat, ed., Cambridge University Press, 2010).
- “**Anonymity, Signaling, and Silence as Speech**” in *Speech and Silence in American Law* (Austin Sarat, ed., Cambridge University Press, 2010).

Articles and Book Reviews

- “**Defending (Religious) Institutionalism**” 99 *Virginia Law Review* (forthcoming 2013).
- “**Freedom of the Church Without Romance**” *Journal of Contemporary Legal Issues* (forthcoming).
- “**Rethinking the Law, Not Abandoning it: A Comment on “Overlapping Jurisdictions”**” *Faulkner Law Review* (forthcoming).
- **Book Review of James R. Hackney, *Legal Intellectuals in Conversation: Reflections on the Construction of Contemporary American Legal Theory*** *Journal of Legal Education* (forthcoming).
- **Book Review of Abner S. Greene, *Against Obligation: The Multiple Sources of Authority in a Liberal Democracy*, and Eric Beerbohm, *In Our Name: The Ethics of Democracy*** *Tulsa Law Review* (forthcoming).

Articles and Book Reviews (continued)

- **“Fisher, Academic Freedom, and Distrust”** *Loyola Law Review* (forthcoming).
- **Book Review: *What Ails the Law Schools?*** 111 *Michigan Law Review* 955 (2013).
- **“Act III of the Ministerial Exception”** 106 *Northwestern University Law Review* 973 (2012). First published online as 106 *Northwestern University Law Review Colloquy* 156 (2011), and selected for publication in the print law review.
- **“The First Amendment’s Epistemological Problem”** 87 *Washington Law Review* 445 (2012).
- **Book Review: *Law’s Allure: How Law Shapes, Constrains, Saves, and Kills Politics*, by Gordon Silverstein,** 59 *Journal of Legal Education* 467 (2010).
- **“Our Boggling Constitution; or, Taking Text Really, Really Seriously”** 26 *Constitutional Commentary* 651 (2010). Selected by the *Green Bag* board of advisors as an exemplar of good writing in 2010-11 and reprinted in the *Green Bag’s 2012 Almanac & Reader*.
- **“Judicial Character (And Does it Matter)”** 26 *Constitutional Commentary* 97 (2009) Review essay.
- **“Honor’s Constitutional Moment: The Oath and Presidential Transitions”** 103 *Northwestern University Law Review* 1067 (2009). First published online as 103 *Northwestern University Law Review Colloquy* 259 (2008), and selected for publication in the print law review.
- **“Demographics and Distrust: The Eleventh Circuit on School Prayer in *Adler v. Duval County*”** 63 *University of Miami Law Review* 835 (2009).
- **“Religion and American Politics: Three Views of the Cathedral”** 39 *University of Memphis Law Review* 973 (2009). Also published by the Law and Religion Program of Boston College Law School in a special edition for distribution to members of the AALS Law and Religion Section.
- **“The Philosopher’s Brief”** 25 *Constitutional Commentary* 285 (2009).
- **Book Review: *Law and Judicial Duty*, by Philip Hamburger,** 10 *Engage* 131 (July 2009).
- **“Churches As First Amendment Institutions: Of Spheres and Sovereignty”** 44 *Harvard Civil Rights-Civil Liberties Law Review* 79 (2009).
- **Book Review: *The Invisible Constitution*, by Laurence H. Tribe** 10 *Engage* 150 (February 2009).
- **“Three Faces of Deference”** 83 *Notre Dame Law Review* 1061 (2008).
- **Book Review: *How Judges Think*, by Richard A. Posner, and *Constitutional Conscience*, by H. Jefferson Powell** 9 *Engage* 143 (2008).
- **“Universities as First Amendment Institutions: Some Easy Answers and Hard Questions”** 54 *UCLA Law Review* 1497 (2007).

Articles and Book Reviews (continued)

- **“Uncovering Identity”** 105 *Michigan Law Review* 1283 (2007) (review of Kenji Yoshino, *Covering: The Hidden Assault on Our Civil Rights* (2006)).
- **“Evaluate Me!”: Conflicted Thoughts on Gatekeeping in Legal Scholarship’s New Age”** 39 *Connecticut Law Review CONNtemplations* 39 (2007). Invited contribution to premier issue of online law review supplement.
- **Book Review: *Silence and Freedom, by Louis Michael Seidman*** 8 *Engage* 147 (2007).
- **“Religious Tests in the Mirror: The Constitutional Law and Constitutional Etiquette of Religion in Judicial Nominations”** 15 *William & Mary Bill of Rights Journal* 75 (2006).
- **“Or of the [Blog]”** 11 *NEXUS* 45 (2006). Reprinted in *Freedom of the Press: Its Constitutional History and the Contemporary Debate* (Garrett Epps, ed. 2008).
- **“Grutter’s First Amendment”** 46 *Boston College Law Review* 461 (2005).
- **“Free Speech As Risk Analysis: Heuristics, Biases, and Institutions in the First Amendment”** 76 *Temple Law Review* 1 (2003). Reprinted in *First Amendment Law Handbook, 2004-2005 Edition* (James L. Swanson, ed. 2004).
- **“Law’s Expression: The Promise and Perils of Judicial Opinion Writing in Canadian Constitutional Law”** 38 *Osgoode Hall Law Journal* 101 (2000). Refereed journal.
- **“Citizenship and Speech”** 43 *McGill Law Journal* 445 (1998). Review essay. Refereed journal.
- **“The Past, Tense: The History of Crisis – and the Crisis of History – in Constitutional Theory”** 61 *Albany Law Review* 459 (1997). Review essay.
- **Book Review – *Foreign Affairs and the United States Constitution*, 2nd ed., by Louis Henkin** 35 *Columbia Journal of Transnational Law* 723 (1997).
- **“Scientology in Court: A Comparative Analysis and Some Thoughts on Selected Issues in Law and Religion”** 47 *DePaul Law Review* 85 (1997).
- **“The Sources and Limits of Freedom of Religion in a Liberal Democracy: Section 2(a) and Beyond”** 54 *University of Toronto Faculty of Law Review* 1 (1996). Winner of the Martin L. Friedland Prize for best article in a volume of the *Law Review*, a J.S.D. Tory Fellowship, and a McMillan Binch Essay Fellowship. Selected as lead article in volume.
- **“Jury Selection After *Dagenais*: Prejudicial Pre-trial Publicity”** 42 *Criminal Reports* (4th) 220 (1996).
- **Book Review – *Bankruptcy and Family Law*, by Robert Klotz** 26 *Canadian Business Law Journal* 472 (1996).
- **“Anti-Abortion Protests and the Public Forum: A Comment on *Ontario (Attorney General) v. Dieleman*”** 17 *Advocates’ Quarterly* 466 (1995).
- **“Bora Laskin and the Legal Process School”** 59 *Saskatchewan Law Review* 77 (1995). Refereed journal.

Articles and Book Reviews (continued)

- **“Regulating TV Violence: An Analysis of the Voluntary Code Regarding Violence in Television”** 52 *University of Toronto Faculty of Law Review* 345 (1994). Winner of a McMillan Binch Essay Fellowship.

Presentations and Miscellaneous

- Scheduled speaker, symposium on the fiftieth anniversary of *New York Times v. Sullivan*, University of Georgia School of Law, fall 2013.
- Scheduled speaker, symposium on religious institutions, DePaul Law School, fall 2013.
- Closing commentator for symposium, *Civility, Legality, and the Limits of Justice*, University of Alabama School of Law, September 2013.
- Co-organizer and presenter, fourth Annual Law and Religion Roundtable, Stanford Law School, June 2013.
- Speaker, *Lincoln and the Law in War and Peace*, Florence-Lauderdale Public Library, Florence, AL, May 2013.
- Panelist, discussion on same-sex marriage cases sponsored by University of Alabama Capstone Alliance, April 2013.
- Speaker, *Public Intellectualism in Comparative Context*, Notre Dame Institute for Advanced Study, April 2013.
- Speaker, *The Freedom of the Church*, Association of American Law Schools, Law and Religion Section, January 2013.
- Chair, Law and Religion Section, Association of American Law Schools, 2012.
- Speaker, *Religious Liberty and Justice*, Notre Dame Center for Ethics and Culture, November 2012.
- Speaker, *The Freedom of the Church in the Modern Era*, Inaugural Conference of the Institute for Law and Religion, University of San Diego School of Law, October 2012.
- Workshop speaker, “*First Amendment Institutions*,” Arizona State University School of Law, September 2012.
- Keynote speaker, Aspiring Law Professors Conference, Arizona State University School of Law, September 2012.
- Co-organizer and presenter, third Annual Law and Religion Roundtable, Harvard Law School, June 2012.
- Workshop speaker, “*Citizens United, Hosanna-Tabor, and the Return of British Pluralism*,” Southwestern Law School, March 2012.
- Conference presenter and respondent, “The Competing Claims of Law and Religion: Who Should Govern?,” Pepperdine Law School, Feb. 23-25, 2012.

Presentations and Miscellaneous (continued)

- Presented draft chapters of “First Amendment Institutions,” University of St. Thomas (Minnesota) School of Law, October 2011.
- Moderator and respondent, Symposium, Matters of Faith, University of Alabama School of Law, October 2011.
- Roundtable conference on book “First Amendment Institutions,” featuring First Amendment scholars from various law schools and hosted by Notre Dame Law School, September 2011.
- Presented draft chapters of “First Amendment Institutions,” University of Virginia Law School, September 2011.
- Op-ed, “How to Respond to Rick Perry and ‘The Response,’” New York Times, August 6, 2011.
- Co-organizer and presenter, Second Annual Law and Religion Roundtable, Northwestern Law School, June 2011.
- Presented draft chapter of book manuscript, “First Amendment Institutions,” Brigham Young University Law School, April 2011.
- Presented draft chapters of book manuscript, “First Amendment Institutions,” University of San Diego College of Law, February 2011.
- Chair-elect, Law and Religion Section, Association of American Law Schools, 2011.
- Presented paper titled “Constitutional Agnosticism,” 2010 Religious Legal Theory Conference: Religion in Law, Law in Religion, St. John’s University School of Law, November 2010.
- Program committee co-chair, Law and Religion Section, Association of American Law Schools, Annual Convention 2011.
- Co-organizer and presenter, First Annual Law and Religion Roundtable, Brooklyn Law School, June 2010.
- Presented early chapters of book manuscript, “Constitutional Agnosticism,” Emory Law School, Atlanta, GA, March 2010.
- Presented early chapters of book manuscript, “Constitutional Agnosticism,” Columbia Legal Theory Workshop, Columbia Law School, New York, NY, February 2010.
- Commenter/moderator at symposium, “Transitions,” University of Alabama School of Law, January 29, 2010.
- Presented paper titled “Democracy as the Rule of Law” at *Prosecuting Bush* Symposium, Amherst College, Amherst, MA, October 2009.
- Panelist on individual rights at conference on *The Constitution in 2020*, Yale Law School, New Haven, CT, October 2009.
- Panelist on two panels concerning planning and promoting a scholarly career at annual conference of the Southeastern Association of Law Schools, August 2009.

Presentations and Miscellaneous (continued)

- Presented draft paper titled “Judicial Character (And Does it Matter)” at Prawfsfest, Florida State University School of Law, Tallahassee, FL, April 30-May 1, 2009.
- Presented draft paper titled “Judicial Character (And Does it Matter)” at John Marshall Law School, Atlanta, GA, April 15, 2009.
- Commenter/moderator at symposium, “Speech and Silence in American Law,” University of Alabama School of Law, February 27, 2009.
- Commenter/moderator at symposium, “Sovereignty, Emergency, and Legality,” University of Alabama School of Law, October 17, 2008.
- Participant in roundtable on Kent Greenawalt’s *Religion and the Constitution*, Notre Dame Law School, October 2008.
- Participant in Institute for Constitutional Studies, summer seminar on religion and its contribution to American constitutional thought, George Washington University Law School, summer 2008.
- “Religion and American Politics: Three Views of the Cathedral,” presentation at Boston College Law School Symposium, “Electing Faith: The Intersection of Law and Religion in Politics Around the World,” Boston College Law School, March 18, 2008.
- Commenter/moderator at symposium, “Imagining a New Constitution in the United States for the 21st Century,” University of Alabama School of Law, January 11, 2008.
- “Boumediene v. Bush,” presentation at 2007 Supreme Court Preview, University of Alabama School of Law, September 25, 2007.
- “Three Faces of Deference,” presentation at 2007 Houston Higher Education Law Roundtable, University of Houston School of Law, May 2007.
- “Universities As First Amendment Institutions: Some Easy Answers and Hard Questions,” presentation at UCLA Law Review Symposium, “Constitutional ‘Niches’: The Role of Institutional Context in Constitutional Law, UCLA Law School, February 2, 2007
- “Religious Tests in the Mirror,” presentation to the Federalist Society chapter, Pepperdine Law School, Malibu, CA, April 5, 2006.
- Panelist, “The Blogosphere and the Law,” Chapman Law School, Orange, CA, March 23, 2006.
- Panelist, “Religion, Division, and the Constitution,” Law & Religion Section, AALS Annual Meeting, January 7, 2006.
- Selected as Conference Fellow, A Comparative Examination of Hate Speech Protection, Nov. 6-7, 2005, Floersheimer Center for Constitutional Democracy, Benjamin N. Cardozo School of Law, New York, NY.
- Co-blogger on Prawfsblawg, <http://prawfsblawg.blogs.com>.

Presentations and Miscellaneous (continued)

- “Pragmatism and Its Consequences: A Review of Richard A. Posner’s Law, Pragmatism, and Democracy” *Writ*, May 30, 2003.
- “A Conspiracy of Judges?: A Review of Robert H. Bork’s Coercing Virtue” *Writ*, Mar. 14, 2003.
- “Three Years of Managed Care Litigation: A Progress Report” *HMOs & Health Plans*, vol. 5, issue 2, p. 25, winter 2002 (newsletter of the American Health Lawyers Association HMOs and Health Plans Practice Group).
- “For Judges and Clerks, The Song Remains the Same: A Review of The Forgotten Memoir of John Knox, A Supreme Court Clerk’s Account of His 1936-37 Clerkship” *Writ*, October 4, 2002.
- “Courts Should Deny Class Action Status for Allegations of Future Injury” Washington Legal Foundation Legal Backgrounder, May 28, 1999 (co-author with Brian Anderson)
- Canadian Radio-Television and Telecommunications Commission -- Presented remarks on the regulation of television violence at public hearings, Hull, Que., October 11, 1995.
- Co-editor, constitutional law section, Jotwell.
- Performed manuscript or proposal reviews for Harvard University Press, Cambridge University Press, Oxford University Press, University of Virginia Press, Yale Law Journal, Harvard Law Review, Law and Social Inquiry, and various other journals and legal publishers.
- Widely quoted in national and local media.
- Op-eds published in local newspapers.