

Brannon Padgett Denning

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Cumberland School of Law
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Employment

The University of Tennessee School of Law, *Visiting Professor*, Summer 2018, Summer 2017, Summer 2014, Summer 2013, Summer 2012, Summer 2010, Summer 2008, Summer 2007, Summer 2006, Summer 2005.

The Cumberland School of Law, Samford University, *Associate Professor*, 2003-2007; *Professor*, 2007-present; *Associate Dean for Academic Affairs*, 2014-2020; *Starnes Professor of Law*, 2018--. Tenure awarded Spring, 2005. Director of Faculty Development 2005-2010, 2020--present. Taught in Study Abroad Program at Sidney Sussex College, Cambridge University, Summer 2011, Summer 2009.

Southern Illinois University School of Law, *Assistant Professor*, 1999-2003. Tenure awarded Spring, 2003.

Yale Law School, *Research Associate & Senior Fellow*, 1997-1998.

Collaborated with Professor Boris I. Bittker researching and writing *Bittker on the Regulation of Interstate and Foreign Commerce* (WoltersKluwer).

Baker, Donelson, Bearman & Caldwell, P.C., *Associate*, 1995-1997.

Member of health law group in the Memphis, Tennessee office.

Courses Taught

Constitutional Law I, II; Contemporary Constitutional Theory Seminar; State and Local Taxation; Comparative Constitutional Law; Professional Responsibility; Legislation; Foreign Affairs and the Constitution; Guns and the Law

Awards

2021 Lightfoot, Franklin, and White Faculty Scholarship Award (senior faculty winner)

2019 Lightfoot, Franklin, and White Faculty Scholarship Award

2016 Lightfoot, Franklin, and White Faculty Scholarship Award

2012 Lightfoot, Franklin, and White Faculty Scholarship Award (senior faculty winner).

2008 Harvey S. Jackson Excellence in Teaching Award (upper-level courses).

Member, American Law Institute (elected 2006).

2006 Probate and Property Magazine, Excellence in Writing Award for Best Cutting Edge Article—Real Property (for *Retail Store Size-cap Ordinances: Legitimate Land Use Regulations or Unconstitutional Economic Protectionism?* 20 Probate & Property 8 (July/Aug. 2006)).

Graduation “Hooder” 2006, 2007, 2008, 2010, 2014 (faculty selected by vote of the third-year class to hood them at graduation).

2003 Senior Class Award, Southern Illinois University School of Law (awarded annually to honor professor chosen by the third year class).

Education

Yale Law School, LL.M., 1999
New Haven, Connecticut

The University of Tennessee, J.D., *magna cum laude*, 1995
Knoxville, Tennessee

Honors

Order of the Coif

University of Tennessee Certificate of Academic Excellence (highest class grade):

Property, Constitutional Law I & II, Supreme Court, Gratuitous Transfers,
Land Use Law, Administrative Law

American Jurisprudence Award in Constitutional Law I

Dean’s List: Spring 93, Fall 93, Spring 94, Fall 94, and Spring 95

The University of the South, B.A., *magna cum laude*, 1992
Sewanee, Tennessee

Honors

Phi Beta Kappa

Departmental Honors (Political Science)

Society of Wilkins Scholars

Order of Gownsmen, 1990-92

Omicron Delta Kappa

Pi Sigma Alpha

Publications

Books and Book Chapters

To Trust the People with Arms: The Supreme Court and the Second Amendment (with Robert J. Cottrol) (University Press of Kansas) (in press; forthcoming 2023).

American Constitutional Law: Powers and Liberties (7th ed. 2023 & annual supplements) (with the late Calvin Massey).

American Constitutional Law: Powers and Liberties (6th ed. 2019 & annual supplements) (with the late Calvin Massey).

The Glannon Guide to Constitutional Law: Powers and Liberties (3rd ed. 2019).

Guns and the Law: Cases, Problems, and Explanation (with Andrew J. McClurg) (2016).

The Glannon Guide to Constitutional Law: Individual Rights and Liberties (2nd ed., 2015).

Developing Professional Skills: Constitutional Law (2014).

NFIB v. Sebelius: Five Takes, in *The Affordable Care Act Decision: Philosophical and Legal Implications* 9-24 (Fritz Allhoff and Mark Hall eds. 2014) (with Glenn H. Reynolds) (edited version of 40 *Hastings Const. L.Q.* 807 (2013)).

Bittker on the Regulation of Interstate and Foreign Commerce (2nd ed., 2013 and annual supplements).

The Glannon Guide to Constitutional Law: Governmental Structure and Powers (2nd ed., 2013).

The Glannon Guide to Constitutional Law: Individual Rights and Liberties (2012).

Becoming a Law Professor: A Candidate's Guide (with Marcia McCormick and Jeffrey Lipshaw) (2010).

The Glannon Guide to Constitutional Law: Governmental Structure and Powers (2010).

Gun Litigation and the Constitution, in *Suing the Firearms Industry: A Legal Battle at the Crossroads of Gun Control and Mass Torts* (Tim Lytton ed., 2005).

Gun Control and Gun Rights: A Reader and Guide (with David B. Kopel and Andrew J. McClurg) (2002).

Bittker on the Regulation of Interstate and Foreign Commerce (1999 and annual supplements, 2001-2012) (collaborator with Boris I. Bittker).

Articles

(* denotes peer-reviewed journal)

[*Retconning Heller: Five Takes on New York Rifle & Pistol Ass'n v. Bruen*](#) (with Glenn H. Reynolds), 65 *Wm. & Mary L. Rev.* ____ (forthcoming).

[*Ipsse Dixits, Bootstraps, and Constitutional Doctrine*](#), 74 *Baylor L. Rev.* ____ (forthcoming).

[*Can Judges Be Uncivilly Obedient?*](#), 60 *Wm. & Mary L. Rev.* 1 (2018).

[*Zone of Interests Standing in Constitutional Cases after Lexmark*](#), 21 *Lewis & Clark L. Rev.* 97 (2017) (with Sarah F. Bothma).

[*The Dormant Commerce Clause ~~Wynnes Won~~ Wins One: Five Takes on Wynne and Direct Marketing Association*](#), 100 *Minn. L. Rev. Headnotes* 103 (2016).

[Judicial Doctrine as Risk Regulation](#), 82 Tenn. L. Rev. 405 (2015) (with Michael B. Kent, Jr.).

[One Toke Over the \(State\) Line: Constitutional Limits on “Pot Tourism” Restrictions](#), 66 Fla. L. Rev. 2279 (2014).

[Anti-anti-evasion in Constitutional Law](#), 41 Fla. St. U. L. Rev. 397 (2014) (with Michael B. Kent, Jr.).

[Extraterritoriality and the Dormant Commerce Clause: A Doctrinal Post-Mortem](#), 73 La. L. Rev. 979 (2013).

[National Federation of Independent Business v. Sebelius: Five Takes](#), 40 Hastings Const. L.Q. 807 (2013) (with Glenn H. Reynolds).

[Anti-Evasion Doctrines in Constitutional Law](#), 2012 Utah L. Rev. 1773 (with Michael B. Kent, Jr.).

Due Process and Personal Jurisdiction: Implications for State Taxes, 64 St. Tax Notes 837 (2012).

Five Takes on *McDonald v. Chicago*, 26 J.L. & Pol. 273 (2011) (with Glenn H. Reynolds).

The “New Protectionism” and American Common Market, 85 Notre Dame L. Rev. 247 (2009) (with Norman R. Williams).

The New Doctrinalism in Constitutional Scholarship and *District of Columbia v. Heller*, 75 Tenn. L. Rev. 789 (2008).

Reconstructing the Dormant Commerce Clause Doctrine, 50 Wm. & Mary L. Rev. 417 (2008).

Morse v. Frederick and the Regulation of Student Cyberspeech, 35 Hastings Const. L.Q. 835 (2008) (with Molly C. Taylor).

Is the Dormant Commerce Clause Expendable? A Response to Edward Zelinsky, 77 Miss. L.J. 623 (2007).

Gonzales v. Carhart: An Alternate Opinion, 2006-2007 Cato Sup. Ct. Rev. 167.*

DaimlerChrysler Corp. v. Cuno, State Investment Incentives, and the Future of the Dormant Commerce Clause Doctrine, 2005-2006 Cato Sup. Ct. Rev. 173.*

Confederation-Era Discrimination Against Interstate Commerce and the Legitimacy of the Dormant Commerce Clause Doctrine, 94 Ky. L.J. 37 (2005-2006).

Retail Store Size-Capping Ordinances and the Dormant Commerce Clause Doctrine, 37 Urb. Law. 907 (2005) (with Rachel M. Lary).*

American Insurance Ass’n v. Garamendi and Executive Preemption in Foreign Affairs, 46 Wm. & Mary L. Rev. 825 (2004) (with Michael D. Ramsey).

Why the Privileges and Immunities Clause of Article IV Cannot Replace the Dormant Commerce Clause Doctrine, 88 Minn. L. Rev. 384 (2003).

The Maine Rx Prescription Drug Program and the Dormant Commerce Clause Doctrine: The Case of the

Missing Link[age], 19 Am. J. L. & Med. 7 (2003).

Constitutional Incidents: Interpretation in “Real Time,” 70 Tenn. L. Rev. 281 (2003) (with Glenn H. Reynolds).

Smokey and the Bandit in Cyberspace: the Dormant Commerce Clause, the Twenty-first Amendment, and State Regulation of Internet Alcohol Sales, 19 Const. Commentary 297 (2002).*

The Yale Law School Divisional Studies Program, 1954-1964: An Experiment in Legal Education, 52 J. Legal Educ. 365 (2002).*

The Relevance of Constitutional Amendments: A Reply to David Strauss, 77 Tulane L. Rev. 247 (2002) (with John R. Vile).

Reforming the New Confirmation Process: From “Despise and Resent” to “Advice and Consent,” 53 Admin. L. Rev. 1 (2001).

Necromancing the Equal Rights Amendment, 17 Const. Commentary 593 (2000) (with John R. Vile).*

Lower Court Interpretations of Lopez, or What If the Supreme Court Held a Constitutional Revolution and Nobody Came? 2000 Wis. L. Rev. 369 (with Glenn H. Reynolds).

Uneasy Riders: The Case for a Truth-in-Legislation Amendment, 1999 Utah L. Rev. 957 (with Brooks R. Smith).

The Constitutionality of State and Local “Sanctions” Against Foreign Countries: Affairs of State, States’ Affairs, or a Sorry State of Affairs? 26 Hastings Const. L.Q. 307 (1999) (with Jack H. McCall).

Justice Thomas, the Import-Export Clause, and *Camps Newfound/Owatonna v. Harrison*, 70 Colo. L. Rev. 155 (1999).

The Import-Export Clause, 68 Miss. L.J. 521 (1998) (with Boris I. Bittker).

Article II, the Vacancies Act, and the Appointment of “Acting” Executive Branch Officials, 76 Wash. U. L.Q. 1039 (1998).

Gun Shy: The Second Amendment as an “Underenforced Constitutional Norm,” 21 Harv. J.L. & Pub. Pol’y 719 (1998).

Comfortably Penumbral, 77 B.U.L. Rev. 1089 (1997) (with Glenn Harlan Reynolds).

Means to Amend: Theories of Constitutional Change, 65 Tenn. L. Rev. 155 (1997).

It Takes a Militia: A Communitarian Case for Compulsory Arms Bearing, 5 Wm. & Mary Bill Rts. J. 185 (1996) (with Glenn Harlan Reynolds).

Can the Simple Cite be Trusted? Lower Court Interpretations of *United States v. Miller* and the Second Amendment, 26 Cumb. L. Rev. 961 (1996).

Symposia Contributions

A Skeptical Look at Associational Marketplaces and Gun Ownership, 39 Quinnipiac L. Rev. 397 (2021).

[Have Gun—Will Travel?](#), 83 L. & Contemp. Prob. 97 (2020).

[State Legalization of Marijuana as a “Diagonal Federalism” Problem](#), 11 FIU L. Rev. 349 (2016).

[Vertical Federalism, Horizontal Federalism, and Legal Obstacles to State Marijuana Legalization Efforts](#), 65 Case Western Reserve L. Rev. 567 (2015).

[Williams-Yulee v. The Florida Bar and the Continuing Campaign to Delegitimize Judicial Elections](#), 68 Vand. L. Rev. *En Banc* 113 (2015) (with Michael E. DeBow).

[Wynne: Lose or Draw?](#) 67 Vand. L. Rev. *En Banc* 245 (2014) (with Norman R. Williams).

[Anti-Evasion Doctrines and the Second Amendment](#), 81 Tenn. L. Rev. 551 (2014).

[Environmental Federalism and State Renewable Portfolio Standards](#), 64 Case Western Res. L. Rev. 1519 (2014).

The Truth in Legislation Amendment: An Idea Whose Time Has Come, 78 Tenn. L. Rev. 831 (2011) (with Brooks R. Smith).

Heller, High Water(mark)? Lower Courts and the New Right to Keep and Bear Arms, 60 Hastings L.J. 1245 (2009) (with Glenn H. Reynolds).

Five Takes on *District of Columbia v. Heller*, 69 Ohio St. L.J. 671 (2008) (with Glenn H. Reynolds).

Dormant Commerce Clause Limits on the Regulation of Big Boxes and Chain Stores: An Update, 58 Case Western Res. L. Rev. 1233 (2008).

In Defense of a “Thin” Second Amendment: Culture, the Constitution, and the Gun Control Debate, 1 Alb. Gov’t L. Rev. 418 (2008).

Cuno and the Court: The Case for Minimalism, 4 Geo. J.L. & Pub. Pol’y 33 (2006).

What Hath *Raich* Wrought? Five Takes, 9 Lewis & Clark L. Rev. 915 (2005) (with Glenn H. Reynolds).

Empirical Measurements of Judicial Performance: Thoughts on Choi and Gulati’s *Tournament of Judges?* 32 Fla. St. U. L. Rev. 1123 (2005).

Rulings and Resistance: The New Commerce Clause Jurisprudence Encounters the Lower Courts, 55 Ark. L. Rev. 1253 (2003) (with Glenn H. Reynolds).

Telling *Miller*’s Tale: A Reply to David Yassky, 65 Law & Contemp. Prob. 113 (2002) (with Glenn H. Reynolds).*

The “Blue Slip”: Enforcing the Norms of the Judicial Confirmation Process, 10 Wm. & Mary Bill Rts. J. 75 (2001).

Survey of Illinois Law: Constitutional Law, 25 So. Ill. U. L.J. 733 (2001).

Palladium of Liberty? Causes and Consequences of the Federalization of State Militias in the Twentieth Century, 21 Okla. City U. L. Rev. 191 (1996).

Shorter Works

Bill, 41 So. Ill. U. L.J. 253 (2017) (a tribute to the late Bill Schroeder).

[Is There a Second Amendment “Right to be Negligent?,” 68 Fla. L. Rev. Forum 99 \(2017\).](#)

[How to Stop Worrying and Learn to Love the Second Amendment: A Reply to Professor Magarian](#), 92 Texas Law Review *See Also* 89 (2013) (with Glenn H. Reynolds).

[The Case Against Appointing Politicians to the Supreme Court](#), 64 Fla. L. Rev. Forum 31 (2012).

Three Cheers for Bob Lloyd, 78 Tenn. L. Rev. 639 (2011).

Locally-Grown Food Laws and Constitutional Limits on State and Local Government: Suggestions for Policymakers and Advocates, 1 J. Agric., Food Sys. & Community Dev. 139 (2010) (with Samantha Graff & Heather Wooten).*

Heller’s Future in the Lower Courts, 102 Nw. U. L. Rev. 2035 (2008) (with Glenn H. Reynolds).

Entries in Encyclopedia of Supreme Court of the United States (David Tanenhaus et al. eds. 2009):

American Insurance Ass’n v. Garamendi
C & A Carbone v. Clarkstown
Cooley v. Board of Wardens
Crosby v. National Foreign Relations Council
Davis v. Bandemer
Katzenbach v. McClung
MLB v. SLJ
Vieth v. Jubelirer
United States v. Lopez
West Lynn Creamery v. Healy
Progressive Era Commerce Clause Cases
The Right to Keep and Bear Arms

The Year of the Gun: Second Amendment Rights and the Supreme Court, 86 Texas Law Review *See Also* 22 (2008) (with Glenn H. Reynolds).

Debate, [The Future of the Dormant Commerce Clause: Abolishing the Prohibition on Discriminatory Taxation](#), 155 PENNumbra 209 (2007) (with Edward A. Zelinsky).

Retail Store Size-Capping Ordinances: Legitimate Land Use Regulations or Unconstitutional Economic

Protectionism, 20 *Probate & Property* 8 (July/Aug. 2006) (winner of the 2006 Excellence in Writing Award for Best Cutting Edge Article in Real Property).

Crosby v. National Foreign Trade Council and Norfolk Southern v. Shanklin, in *The Oxford Guide to the United States Supreme Court* (Kermit Hall ed., 2d ed. 2005).

The Import-Export Clause and Article I, § 10, cl. 1 in *The Heritage Guide to the Constitution* (Edwin Meese, Matthew Spalding & David F. Forte, eds. 2005).

The Dormant Commerce Clause Doctrine: Prolegomenon to a Defense, 88 *Minn. L. Rev.* 1801 (2004) (reply to Jim Chen, A Vision Softly Creeping: Congressional Acquiescence and the Dormant Commerce Clause, 88 *Minn. L. Rev.* 1764 (2004)).

Walter V. Schaefer in *Great American Judges: An Encyclopedia* (John R. Vile ed., 2003).

International Decisions, *American Insurance Ass'n v. Garamendi* and *Deutsch v. Turner Corp.*, 97 *Am. J. Int'l L.* 950 (2003).*

The Judicial Confirmation Process and the "Blue Slip," 85 *Judicature* 218 (March-April 2002).*

Charlton Heston, Wayne LaPierre, Firearms Litigation Clearinghouse, Potomac Institute, and Maryland v. United States, in *Encyclopedia of Guns in American Society* (Gregg Carter et al. eds, 2002).

Where Do We Stand Now? Standing in Environmental and Resources Litigation, 17 *Nat. Res. & Envir.* 14 (2002) (with Stephen Gidiere).

John Marshall, Luther Martin, Thurman Arnold, and Tapping Reeve, in *Great American Lawyers: An Encyclopedia* (John R. Vile ed., 2001).

International Decisions, *Crosby v. National Foreign Trade Council*, 120 S. Ct. 2288 (2000), 94 *Am. J. Int'l L.* 750 (2000) (with Jack H. McCall).*

States' Rights and Foreign Policy, 79 *Foreign Affairs* 9 (Jan./Feb. 2000) (with Jack H. McCall).

Book Reviews

Common Law Constitutional Interpretation: A Critique, 27 *Const. Commentary* 621 (2011) (book review of David A. Strauss, *The Living Constitution* (2010)).*

Book Review, *Texas L. Rev. Dicta* (2011) (book review of Daniel A. Farber & Suzanna Sherry, *Judgment Calls: Principle and Politics in Constitutional Law* (2009)).

Parties, Politics, and the Constitution, *Concurring Opinions Blog* (book review of Mark Tushnet, *Why the Constitution Matters* (2010)).

"Hey! Teachers! Leave Them Kids Alone," *Concurring Opinions Blog* (book review of Anne Proffitt Dupre, *Speaking Up: The Unintended Costs of Free Speech in Public Schools* (2009)).

Publius for All of Us, 26 Const. Commentary 75 (2009) (book review of Dan T. Coenen, *The Story of the Federalist: How Hamilton and Madison Reconceived America* (2007)).*

Book Review, 24 J.L. & Rel. 723 (2009) (book review of *Law and the Sacred* (Austin Sarat, Lawrence Douglas & Martha Merrill Umphrey, eds. 2007)).*

Book Review, 99 L. Lib. J. 621 (2007) (book review of William Wiecek, *XII Oliver Wendell Holmes Devise History of the Supreme Court of the United States, The Birth of the Modern Constitution: The Supreme Court, 1941-1953* (2006)).*

Brother, Can You Paradigm? 23 Const. Commentary 81 (2006) (book review of Jed Rubenfeld, *Revolution by Judiciary: The Structure of American Constitutional Law* (2005)).*

Judge Noonan's J'Accuse . . . ! 34 Cumb. L. Rev. 477 (2004) (book review of John T. Noonan, *Narrowing the Nation's Power: The Supreme Court Sides with the States* (2002)).

Book Review, 96 L. Lib. J. 229 (2004) (book review of Robert J. Cottrol, Raymond T. Diamond and Leland B. Ware, *Brown v. Board of Education: Caste, Culture, and the Constitution* (2003)).*

Against (Constitutional) Settlement, 19 Const. Commentary 781 (2002) (book review of Louis Michael Seidman, *Our Unsettled Constitution* (2001)).*

Book Review, 94 L. Lib. J. 141 (2002) (book review of Richard C. Cortner, *Civil Rights and Public Accommodations: The Heart of Atlanta Motel and McClung Cases*).*

Book Review, 93 L. Lib. J. 345 (2001) (book review of William E. Nelson, *Marbury v. Madison: The Origins and Legal of Judicial Review*).*

Op-Eds

Pouring State Power Away, Nat'l L.J., Dec. 13, 2004.

Time to Sober Up: The Constitution Does Let States Stop Cross-Border Alcohol Sales, Legal Times, Feb. 23, 2004.

Conservative Court Could Be Dems' Best Friend, FoxNews.Com, Nov. 27, 2002 (with Glenn H. Reynolds).

Unpublished Works

Justice Thomas and the Dormant Commerce Clause: Anatomy of a Doctrinal Divorce (July, 2012).

[The Five Stages of Law Review Submission](#) (with Miriam A. Cherry) (September, 2005).

Works in Progress

A Political Safeguards Theory of Decision Rules (with Michael B. Kent, Jr.)

Public Presentations

Presenter, “Five Takes on *New York Rifle & Pistol Ass’n v. Bruen*,” January 4, 2023. Association of American Law Schools Annual Meeting, San Diego, CA.

Moderator, “Twenty-first Amendment Litigation Update,” August 30, 2022. Center for Alcohol Policy Annual Law & Policy Conference, Nashville, TN.

Participant, “State Firearm Laws after *Bruen*,” July 12, 2022. The RAND Corporation (via Zoom).

Presenter, “Private Gun Control Efforts,” March 18, 2022. Duke Center for Firearms Law and Policy, Durham, NC.

Presenter, “Navigating the U.S. Job Market,” September 27, 2021, sponsored by the Max Planck Institute (via Zoom).

Moderator, “Twenty-first Amendment Litigation Update.” August 30, 2021. Center for Alcohol Policy Annual Law & Policy Conference, Chicago, IL.

Panelist, “Navigating the Hiring Process,” July 26, 2021, Southeastern Association of Law Schools Annual Meeting, Amelia Island, FL.

Presenter, “A Skeptical Look at Associational Marketplaces and Gun Ownership,” November 13, 2020. Quinnipiac University School of Law (via Zoom).

Presenter, “Enforcing the Second Amendment Using Section 5 of the Fourteenth Amendment” September 9, 2020. Duke Center for Firearms Law and Policy (via Zoom).

Moderator, “Twenty-first Amendment Litigation Update,” August 31, 2020. Center for Alcohol Policy Annual Law & Policy Conference (via Zoom).

Panelist, “Second Amendment Discussion Group.” August 3, 2020, Southeastern Association of Law Schools Annual Meeting (via Zoom).

Panelist, “Beating the Odds.” August 1, 2020, Southeastern Association of Law Schools Annual Meeting (via Zoom).

Presenter, “Have Gun—Will Travel?” September 27, 2019. Duke Center for Firearms Law and Policy, Durham, NC.

Moderator, “What’s the Verdict: A Decision in Tennessee Retailers” and “The History and Meaning of the Twenty-first Amendment,” August 26-27, 2019. Center for Alcohol Policy Annual Law & Policy Conference, Boston, MA.

Moderator, “The Impact of *TWSRA v. Blair*,” June 19, 2019. Annual Meeting of the National Conference of Liquor Administrators, Louisville, KY.

Panelist, “The Second Amendment in the Lower Courts,” April 25, 2019, Federalist Society Birmingham Lawyers Chapter, Birmingham, AL.

Panelist, “Alcohol Regulatory Policy, History, and Present-Day Implications,” February 25, 2019. North

Carolina Alcohol Policy Forum, Raleigh, NC.

Panelist, “*Murphy v. NCAA*: Implications for State and Local Taxation,” January 18, 2019. ABA Tax Section Mid-Year Meeting, New Orleans, LA.

Moderator, “Another Date with the Supremes?” October 11, 2018. Center for Alcohol Policy Annual Law & Policy Conference, St. Paul, MN.

Panelist, “A Second Look: Reassessing the Right to Bear Arms,” August 2, 2018, Federalist Society Chattanooga Lawyers Chapter, Chattanooga, TN.

Panelist, “Rights under Fire: Firearms and Regulation under the United States and Louisiana Constitutions,” July 26, 2018, Annual Meeting of the Baton Rouge Bench and Bar, Point Clear, AL.

Panelist, “Regulators Prepared for “Challenge” Management—A Review of Three Cases Challenging This Industry’s Regulatory Structure,” June 20, 2018, Annual Meeting of the National Conference of Liquor Administrators, Kona, HI.

Panelist, “The Legal Relevance of *Towards Liquor Control*,” March 18-20, 2018, Annual Meeting of the National Alcohol Beverage Control Association, Washington, D.C.

Participant, Federalist Society/Liberty Fund Seminar on “The Federalists, the Anti-federalists, and the Constitution They Created.” February 9-10, 2018. San Francisco, CA.

Panelist and Moderator, “*Heller* after Ten Years.” February 2, 2018. Campbell University Norman Adrian Wiggins School of Law, Raleigh, NC.

Speaker, “Free Speech and Hate Speech on College Campuses.” November 10, 2017. Alabama Higher Education Diversity Officers Meeting, Birmingham, AL.

Panelist, “Telling the Story: Alcohol Regulation and the Three Tier System.” October 24, 2017. National Alcohol Beverage Control Association Administrators Conference, Grand Rapids, MI.

Moderator, “Alcohol Litigation Roundup.” September 7, 2017. Center for Alcohol Policy Annual Law & Policy Conference, Chicago, IL.

Summer Faculty Forum, “Can Judges Be Uncivily Obedient?” June 20, 2017. The University of Tennessee College of Law, Knoxville, TN.

Participant, Constitution Day Program, “Marijuana Legalization and Federalism.” September 19, 2016. Case Western University, Cleveland, OH.

Moderator, “Alcohol Litigation Roundup.” August 30, 2016. Center for Alcohol Policy Annual Law & Policy Conference, Dallas, TX.

Panelist, “Representing Canna-businesses,” March 14-15, 2016, Annual Meeting of the National Alcohol Beverage Control Association, Arlington, VA.

Presenter, “State Legalization of Marijuana as a ‘Diagonal Federalism’ Problem,” at Separation of Powers

Symposium, March 10-11, 2016, Florida International School of Law, Coral Gables, FL.

Speaker, “The Dormant Commerce Clause ~~Wynnes One Wins One~~: Five Takes on *Wynne* and *Direct Marketing Association*.” November 17, 2015. The University of Minnesota Law School Corporate Institute Forum on Taxation and Regulation’s Perspectives on Taxation Lecture Series. The University of Minnesota School of Law, Minneapolis, MN.

Moderator, “The Twenty-first Amendment a Decade After *Granholm*.” September 10, 2015. Center for Alcohol Policy Annual Law & Policy Conference, Chicago, IL.

Panelist, “Conference for Aspiring Law Professors.” September 27, 2014. Arizona State University Sandra Day O’Connor College of Law, Tempe, AZ.

Speaker, “Things to Consider If You’re Considering Law School.” September 22, 2014. Career Services and Pre-Law Club Event, The University of the South, Sewanee, TN.

Presenter, “Vertical Federalism, Horizontal Federalism, and Legal Obstacles to State Marijuana Legalization Efforts,” Marijuana, Federal Power, and the States. September 12, 2014. Case Western Reserve University School of Law, Cleveland, OH.

Moderator, “Commercial Speech, the First Amendment, and Alcohol Advertising.” September 4, 2014. Center for Alcohol Policy Annual Law & Policy Conference, Chicago, IL.

Panelist, “Life After Tenure.” August 7, 2014. Southeastern Association of Law Schools Annual Meeting, Palm Beach, FL.

Summer Faculty Forum, “Judicial Doctrine as Risk Regulation.” June 19, 2014. The University of Tennessee College of Law, Knoxville, TN.

Speaker, “The Second Amendment and the Great American Gun Debate.” Daughters of the American Revolution Chapter. April 2, 2014. Birmingham, AL.

Presenter, “Anti-Evasion Doctrines and the Second Amendment,” New Frontiers in the Second Amendment: Second Amendment Rights in the Wake of *Heller* and *McDonald*. March 1, 2014. The University of Tennessee College of Law, Knoxville, TN.

Moderator, “Supreme Court Roundup.” October 24, 2013. Center for Alcohol Policy Annual CLE, Washington, D.C.

Presenter, “Environmental Federalism and Renewable Portfolio Standards,” Law and Economics Center and Property and Environment Research Center Workshop on Environmental Federalism. October 18, 2013. Case Western Reserve University School of Law, Cleveland, OH.

Panelist, “Conference for Aspiring Law Professors.” September 28, 2013. Arizona State University Sandra Day O’Connor College of Law, Tempe, AZ.

Speaker, “Things to Consider If You’re Considering Law School.” September 23, 2013. Career Services and Pre-Law Club Event, The University of the South, Sewanee, TN.

Speaker, "The Second Amendment." September, 17, 2013. Sons of the American Revolution, Homewood, AL.

Panelist, "Becoming a Productive and Fulfilled Scholar." August 7, 2013. Southeastern Association of Law Schools Annual Meeting, Palm Beach, FL.

Summer Faculty Forum, "One Toke Over the (State) Line: Constitutional Limitations on 'Pot Tourism' Restrictions." July 2, 2013. The University of Tennessee College of Law, Knoxville, TN.

"Extraterritoriality and the Dormant Commerce Clause: A Doctrinal Post-Mortem." March 27, 2013. Charlotte School of Law, Charlotte, NC.

Speaker, "The Framing of the U.S. Constitution." October 16, 2012. Sons of the American Revolution, Homewood, AL.

Panelist, "Supreme Court Roundup." September 11, 2012. Center for Alcohol Policy Annual CLE, Dallas, TX.

Panelist, "Conference for Aspiring Law Professors." September 15, 2012. Arizona State University Sandra Day O'Connor College of Law, Tempe, AZ.

Panelist, "Whither Skills Training, Clinics, and Scholarship in Tough Financial Times." August 2, 2012. Southeastern Association of Law Schools Annual Meeting, Amelia Island, FL.

Presenter, "Justice Thomas and the Dormant Commerce Clause: Anatomy of a Doctrinal Divorce." July 30, 2012. Southeastern Association of Law Schools Annual Meeting, Amelia Island, FL.

Summer Faculty Forum, "Anti-anti-evasion in Constitutional Law." June 27, 2012. The University of Tennessee College of Law, Knoxville, TN.

Panelist, Center for Alcohol Policy 2012 Michigan Policy Forum Series. May 3, 2012. Lansing, MI.

Participant, Federalist Society/Liberty Fund Seminar on Hayek's "Law, Legislation, and Liberty." March 9-10, 2012. Atlanta, GA.

Panelist, "Second Amendment Rights and Public Campuses." February 21, 2012. Federalist Society Lawyers Chapter, Atlanta, GA.

Presenter, "U.S. Supreme Court O.T. 2010 Review and 2011 Preview." January 19, 2012. Alabama Circuit and District Judges' Mid-winter Conference, Cumberland School of Law, Birmingham, AL.

Panelist, "Pathways to the International Legal Academy and What You Find There: The Various Roles of Law Professors and Legal Academics." October 11, 2011. ABA International Meeting, Dublin, Ireland.

Panelist, "Twenty-first Amendment Litigation Update." September 12, 2011. Center for Alcohol Policy Annual CLE, Dallas, TX.

Panelist, "Conference for Aspiring Law Professors." September 10, 2011. Arizona State University Sandra

Day O'Connor College of Law, Tempe, AZ.

Presenter, "A Review of the Supreme Court OT 2010." August 11, 2011. Sewanee CLE Program, The University of the South, Sewanee, TN.

"The Constitutionality of the Individual Mandate, or Can the Government Make Us All Buy Chevy Volts?" June 10, 2011. The Redstone Club, Birmingham, AL.

Presenter, Constitutional Law Forum. December 15-16, 2010. The University of Louisville College of Law, Louisville, KY.

Panelist, "Twenty-first Amendment Litigation Update." October 25, 2010. Center for Alcohol Policy Annual CLE, Dallas, TX.

Panelist, "Conference for Aspiring Law Professors." October 2, 2010. Arizona State University Sandra Day O'Connor College of Law, Tempe, AZ.

Panelist, "The Rehnquist Federalism Revolution: Where Are We Now?" July 31, 2010. Southeastern Association of Law Schools Annual Meeting, Palm Beach, FL.

Summer Faculty Forum, "*McDonald v. Chicago*: Five Takes." June 30, 2010. The University of Tennessee College of Law, Knoxville, TN.

Participant, Liberty Fund Seminar on Private Property and the Constitution. June 18-20, 2010. Cambridge, MA.

Discussant, Vanderbilt Federalism Roundtable. February 25-26, 2010. Vanderbilt Law School, Nashville, TN.

Panelist, "*Heller* and Incorporation." August 3, 2009. Southeast Association of Law Schools Annual Meeting, Palm Beach, FL.

"*Heller*, High Water(mark)? Lower Courts and the New Right to Keep and Bear Arms," at "The Future of Second Amendment After *Heller*." Feb. 13, 2009. The University of California, Hastings School of Law, San Francisco, CA.

Constitutional Day Keynote Speaker, "Alabama and the Development of American Constitutional Law." September 17, 2008. University of South Alabama, Mobile, AL.

Moderator, "What Kind of Scholarship Should We Produce?" July 31, 2008. Southeast Association of Law Schools Annual Meeting, Palm Beach, FL.

Summer Faculty Forum, "*Heller*'s Future in the Lower Courts." July 9, 2008. The University of Tennessee College of Law, Knoxville, TN.

"Reconstructing the Dormant Commerce Clause Doctrine." April 24, 2008. American Enterprise Institute, Washington, D.C.

"Reconstructing the Dormant Commerce Clause Doctrine." February 28, 2008. University of Pennsylvania

Constitutional Law Workshop, The University of Pennsylvania School of Law, Philadelphia, PA.

“Dormant Commerce Clause Limits on Big Box and Formula Retail Store Regulation: An Update” at “Corporations and Their Communities.” February 24-25, 2008. Case Western Reserve School of Law, Cleveland, OH.

“In Defense of a ‘Thin’ Second Amendment: Culture, the Constitution, and the Gun Control Debate” at “Firearms, Militias, and Safe Cities: Merging History, Constitutional Law, and Public Policy.” October 18-19, 2007. Albany Law School, Albany, NY.

“*Morse v. Frederick* and the Regulation of Student Cyberspeech.” October 10, 2007. Willamette University School of Law, Salem, OR.

Summer Faculty Forum, “*Morse v. Frederick* and the Future of Student Speech.” July 11, 2007. The University of Tennessee College of Law, Knoxville, TN.

Summer Faculty Forum, “The Indispensability of the Anti-Discrimination Principle to the Dormant Commerce Clause Doctrine: A Response to Edward Zelinsky.” June 28, 2006. The University of Tennessee College of Law, Knoxville, TN.

Panelist, Symposium on *Cuno v. DaimlerChrysler*. October 7, 2005. The University of Minnesota School of Law, Minneapolis, MN.

Panelist, Town Hall Meeting: “The Role of the Supreme Court in American Government and Its Impact on the Lives of Average Americans.” August 25, 2005. Alabama Chapter, Alliance for Democracy and the Greater Birmingham Chapter of the National Organization for Women, Birmingham, AL.

Summer Faculty Forum, “The First Amendment and Public School Student Speech: A Problem and a Reappraisal.” June 22, 2005. The University of Tennessee College of Law, Knoxville, TN.

Presenter, “Recent Revisions to the Model Rules of Professional Conduct.” May 4, 2005. Shelby Co. (AL) Bar Association, Columbiana, AL.

Panelist, “State Tax Incentives for Business: Healthy Competition or Race to the Bottom?” May 2, 2005. The American Enterprise Institute, Washington, D.C.

Panelist, “Federalism Under the Influence: Booze, Dope, and the Commerce Clause.” November 10, 2004. The American Enterprise Institute, Washington, D.C.

“Confederation-Era Discrimination Against Interstate Commerce and the Legitimacy of the Dormant Commerce Clause Doctrine.” August 3, 2004. Young Scholars Presentation, Annual Meeting of the Southeastern Association of Law Schools, Kiawah Island, SC.

Presenter, “Gun Litigation and the Constitution” at “Suing the Firearms Industry: A Legal Battle at the Crossroads of Gun Control and Mass Torts.” November 6-7, 2003. Albany Law School, Albany, NY.

Panelist, “Ballistic Fingerprinting.” November 19, 2002. Sponsored by the Southern Illinois Chapter of the American Civil Liberties Union, Southern Illinois University, Carbondale, IL.

Panelist, "Federalism in the United States Constitution," at "Cooperative versus Competitive Federalism: Analyzing and Comparing the U.S. and German Federal Systems." June 20-21, 2002. Denver, CO. Sponsored by the Friedrich Naumann Foundation.

Presenter, "Rulings and Resistance: The New Commerce Clause Jurisprudence Encounters the Lower Courts," at "The Commerce Clause: Past, Present, and Future." March 14-15, 2002. University of Arkansas School of Law, Fayetteville.

Panelist, "National Security and Civil Liberties: An Historical Perspective." November 27, 2001. Sponsored by the SIU Public Policy Institute and the Southern Illinois Chapter of the ACLU, Southern Illinois University, Carbondale, IL.

"The Commerce Clause and the Lower Courts: What if the Supreme Court Held A Constitutional Revolution and Nobody Came?" October 30, 2001. University of Notre Dame Law School Federalist Society, South Bend, IN.

"Studying Constitutional Incidents." October 12, 2000. St. Louis University School of Law Faculty Colloquium, St. Louis, MO.

Participant, "Has Congress Abdicated Its Power?" October 22, 1999. St. Louis University School of Law, St. Louis, MO.

Service

Professional

Center for Alcohol Policy, Advisory Board Member, 2009-
AALS Constitutional Law Interest Group Executive Committee, 2008-2014
Visitor's Committee, Member, The University of the South, 2009-12.

Law School

Associate Dean for Academic Affairs, 2014-2020
Dean Search Committee, 2013
Co-Advisor, Cumberland Law Review, 2005-
Faculty Recruitment Committee, Member 2005-2021; Chair, 2008, 2009, 2010
Director of Faculty Development, 2005-2010, 2020-present
Ad Hoc Faculty Colloquium Committee, Chair, 2004-2010
Policy Committee, Member 2004-2006, 2013-
Long-Range Planning Committee, Member 2005-2006
Selection Committee, Harvey S. Jackson Teaching Award, Member, 2004-2007
Selection Committee, Lightfoot, Franklin & White Faculty Scholarship Award, Member,
2005-2010
M.C.L. Review Committee, Member, 2003-2005

University

Institutional Review Board, 2013-2014
Program and Structures Committee, 2009-10
Athletics Committee, 2004-2005

Community

Shades Valley YMCA, Board Member, 2007-2011

Usher, St. Luke's Episcopal Church, Mountain Brook, AL

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