

MICHAEL P. MORELAND

Villanova University Charles Widger School of Law
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Villanova, Pennsylvania 19085
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EMPLOYMENT

Villanova University

University Professor of Law and Religion
Director, McCullen Center for Law, Religion and Public Policy
Professor of Law
Vice Dean
Associate Professor of Law
Assistant Professor of Law

Villanova, Pennsylvania
2017-
2017-
2012-
2012-2015
2009-2012
2006-2009

The White House

Associate Director for Domestic Policy

Washington, D.C.
2005-2006

Williams & Connolly LLP

Associate

Washington, D.C.
2003-2005

United States Court of Appeals for the Tenth Circuit

Law Clerk to the Honorable Paul J. Kelly, Jr.

Santa Fe, New Mexico
2002-2003

VISITING APPOINTMENTS AND FELLOWSHIPS

University of Notre Dame

Visiting Professor of Law
Mary Ann Remick Senior Visiting Fellow, Center for Ethics and Culture

Notre Dame, Indiana
2015-2017

Princeton University

Forbes Visiting Fellow
James Madison Program, Department of Politics

Princeton, New Jersey
2010-2011

Some Institutes for Advanced Study (SIAS)

Fellow
Summer Institute on Comparative Federalism and Separation of Powers

Berlin, Germany
Ann Arbor, Michigan
2009-2010

EDUCATION

University of Michigan Law School

JD, with honors (2002)
Award for Highest Grade in Class, Constitutional Law (Fall 1999)

Ann Arbor, Michigan

Award for Best Oral Argument, Legal Practice II (Winter 2000)
Quarterfinalist, Campbell Moot Court Competition (2000-01, 2001-02)
Teaching Assistant to Arlene Saxonhouse, Development of Modern Political Thought (Spring 2002)
Research Assistant to Daniel Halberstam, Roderick M. Hills, Jr. and Carl E. Schneider

Boston College

Chestnut Hill, Massachusetts

MA (1997) and PhD (2009) in Theological Ethics

Dissertation: “Subsidiarity and the Safeguards of Federalism”

Dissertation Committee: David Hollenbach, SJ (Director), Lisa Sowle Cahill, John H. Garvey

Doctoral Comprehensive Examinations Passed with Distinction

University Fellowship Recipient

Graduate Assistant, Office of the Academic Vice President and Dean of Faculties (1996-98)

Teaching Assistant to Michael J. Himes, Introduction to Christian Theology (1997-98)

Teaching Assistant to Stephen J. Pope, Introduction to Christian Theology (1998)

Research Assistant to Michael J. Buckley, SJ and Stephen J. Pope

University of Notre Dame

Notre Dame, Indiana

BA, with honors (1993) in Philosophy

College of Arts and Letters Dean’s Honor List (every semester)

Notre Dame London Program (Spring 1992)

Mock Trial Team (President, 1991-93)

Resident Assistant, Grace Hall (1992-93)

PUBLICATIONS

Edited Book

Christianity and Private Law, Robert F. Cochran, Jr. and Michael P. Moreland, eds. (Routledge, 2020).

Articles and Book Chapters

1. “A Survey of the United States Supreme Court’s Abortion Jurisprudence,” in *Abortion: Global Positions and Practices, Religious and Legal Perspectives*, Alireza Bagheri, ed. (Springer, 2021).
2. “The Moral of Torts” (with Jeffrey Pojanowski), in *Christianity and Private Law*, Robert F. Cochran, Jr. and Michael P. Moreland, eds. (Routledge, 2020).
3. “The Pre-History of Subsidiarity in Leo XIII,” 56 *Journal of Catholic Legal Studies* 63 (2018).
4. “Approaches to Parental Demand for Non-Established Medical Treatment: Reflections on the Charlie Gard Case” (with John J. Paris, SJ, Brian M. Cummings, and Jason N. Batten), 44 *Journal of Medical Ethics* 443 (May 2018).
5. “The Catholic Tradition on the Due Use of Medical Remedies: The Charlie Gard Case” (with John J. Paris, SJ and Brian M. Cummings), 79 *Theological Studies* 165 (March 2018).

6. "Religious Freedom and the Physician-Patient Relationship" (with O. Carter Snead), in *Spirituality and Religion within the Culture of Medicine: From Evidence to Practice*, eds. Michael Balboni and John Peteet (Oxford University Press, 2017).
7. "Justice, Love, and Duties of Care in Tort Law," in *Agape, Justice, and Law*, eds. Robert F. Cochran and Zachary R. Calo (Cambridge University Press, 2017).
8. "What Are We Really Arguing about When We Argue about Freedom of the Church?," in *Religious Liberty: Essays on First Amendment Law*, eds. Daniel N. Robinson and Richard N. Williams (Cambridge University Press, 2016).
9. "John Courtney Murray and the 'Primacy of the Spiritual': Lessons for the Law," in *The Future of Public Theology and the Global Common Good*, eds. Kevin Ahern, Meghan Clark, Kristin Heyer, Laurie Johnston (Orbis Books, 2016).
10. "Institutional Conscience: From Free Exercise to Freedom of Association and Church Autonomy," in *The Conscience of the Institution*, ed. Helen M. Alvare (St. Augustine's Press, 2014).
11. "Preemption as Inverse Negligence Per Se," 88 *Notre Dame Law Review* 1249 (2013).
12. "Mistakes about Intention in the Law of Bioethics," 75:4 *Law and Contemporary Problems* 53 (2012).
13. "Ethical and Legal Issues in Assisted Ventilation," in *Assisted Ventilation of the Neonate* 94, 5th ed., eds. Jay Goldsmith and Edward Karotkin (Saunders Elsevier, 2011) (with John Paris, SJ, and Michael Schreiber, MD).
14. "Practical Reason and Subsidiarity: Response to Robert K. Vischer, *Conscience and the Common Good*," 49 *Journal of Catholic Legal Studies* 319 (2010).
15. "Circulatory Arrest in a Brain Dead Organ Donor: Is it Ethical to Provide Cardiac Compression?," 24 *Journal of Intensive Care Medicine* 389 (2009) (with Brian Cummings, MD, Natan Noviski, MD, and John Paris, SJ).
16. "Universalism and Particularism in Bioethics: Lessons from Theological Ethics," 21 *Law & Literature* 415 (2009).
17. "A Legal Revolution? The Bush Administration's Effect on the Judiciary and Civil Justice Reform," in *Judging Bush*, eds. Robert Maranto, Tom Lansford, and Jeremy Johnson (Stanford University Press, 2009) (with Lori A. Johnson).
18. "Institutional Conscience and Moral Dilemmas: Why 'Freedom of Conscience' Is Bad for 'Church Autonomy,'" 7 *Georgetown Journal of Law & Public Policy* 217 (2009).

19. "Parental Refusal of Medical Treatment for a Newborn," 28 *Theoretical Medicine and Bioethics* 427 (2007) (with John Paris, SJ and Michael D. Schreiber).
20. "Tort Reform by Regulation: FDA Prescription Drug Labeling Rules and Preemption of State Tort Claims," 1 *Journal of Health and Life Sciences Law* 39 (2007).
21. "*Howe v. MGH* and *Hudson v. Texas Children's Hospital*: Two Approaches to Resolving Family-Physician Disputes in End-of-Life Care," 26 *Journal of Perinatology* 726 (2006) (with JJ Paris, JA Billings, and B Cummings).
22. "Subsidiarity, Localism and School Finance," 2 *Journal of Catholic Social Thought* 369 (2005).
23. "Jacques Maritain, Thomism, and the Liberal-Communitarian Debate," in *The Failure of Modernism: Maritain and the Tradition*, ed. Brendan Sweetman (The Catholic University of America Press, 1999).
24. "A Catholic Perspective on Assisted Suicide," in *Physician Assisted Suicide: Expanding the Debate*, eds. Margaret P. Battin, Rosamond Rhodes, and Anita Silvers (Routledge, 1998): 324-333 (with John Paris, SJ).

Reviews and and Shorter Contributions

1. "Giving Embodiment Its Due" (Review of O. Carter Snead, *What It Means to Be Human: The Case for the Body in Public Bioethics* (Harvard University Press, 2020)), *Public Discourse* (January 3, 2021).
2. Review of Joshua Neoh, *Law, Love, and Freedom: From the Sacred to the Secular* (Cambridge University Press, 2019), 65 *The American Journal of Jurisprudence* 203 (2020).
3. "Amy Coney Barrett and the 'Dual Loyalty' Canard," *National Review* (online) (September 25, 2020)
4. "Defending the Freedom of the Church," *First Things* (online) (July 14, 2020).
5. "Justices rightly defend churches' autonomy on who teaches the Faith," *Our Sunday Visitor* (July 9, 2020).
6. "Comments on Steven Smith, *Pagans and Christians in the City*," 57 *Journal of Catholic Legal Studies* 63 (2019).
7. "Strict Scrutiny, Compelling State Interests, and Religious Freedom" (comment on Kathleen Brady, *The Distinctiveness of Religion in American Law: Rethinking Religion Clause Jurisprudence* (Cambridge University Press, 2015)), 32 *Journal of Law and Religion* 510 (2018).
8. "Reconciling Christianity and Liberalism," in "Polycarp's Dilemma: A Discussion of Nicholas Wolterstorff's *The Mighty and the Almighty: An Essay in Political Theology*" (Cambridge University Press, 2012), 30 *Journal of Law and Religion* 509 (2015).

9. "Religious Freedom and Discrimination," 4 *Journal of Christian Legal Thought* 9 (2014).
10. "Moral Absolutes and John Finnis: Response to Candace Vogler," 57 *Villanova Law Review* 907 (2012).
11. Review of William F. Storrar, Peter J. Casarella, and Paul Louis Metzger, *A World for All?: Global Civil Society in Political Theory and Trinitarian Theology* (Eerdmans, 2011), 73 *Theological Studies* 740 (2012).
12. "The Bishops and Religious Liberty," *Commonweal*, June 15, 2012, at 11.
13. "Out of the Shallows," Review of Steven D. Smith, *The Disenchantment of Secular Discourse* (Harvard University Press, 2010), *Commonweal*, March 25, 2011, at 28.
14. "Religious Free Exercise and Anti-discrimination Law," 70 *Albany Law Review* 1417 (2007).
15. "Silence Is Not Always Golden in Medical Decision-Making," 7 *American Journal of Bioethics* 39 (2007) (with John Paris, SJ).
16. Review of Mark G. Kuczewski, *Fragmentation and Consensus: Communitarian and Casuist Bioethics* (Georgetown University Press, 1997), 109 *Ethics* 482 (1999).
17. "Assisted Suicide, Liberalism, and Law in the United States," 12 *Proceedings of the World Congress on Medical Law* 461 (1998).

GRANTS

Charles Koch Foundation 2019-2024
 Director, Constitutional Studies Initiative
 (in collaboration with Politics, Philosophy, and Economics Initiative)
 \$1.69 million (\$5.815 million fully funded)

John Templeton Foundation 2013-2015
 Project Leader
 The Libertas Project: Law, Religion, and Freedom
 \$250,000

CONGRESSIONAL TESTIMONY

"The Limits of the National Labor Relations Board's Jurisdiction over Religiously-Affiliated Colleges and Universities," U.S. House of Representatives Subcommittee on Health, Employment, Labor and Pensions jointly with the Subcommittee on Higher Education and Workforce Training, September 12, 2012

ACADEMIC AND PROFESSIONAL PRESENTATIONS

Participated in a panel on “*Fulton v. Philadelphia* and the Future of Religious Free Exercise” as part of Notre Dame Law School’s Fifth Annual Religious Freedom Moot Court Tournament on April 11, 2021.

Participated in panel on “Gun Violence and the Second Amendment” at Villanova University on April 5, 2021.

Presented “Statute of Limitations Issues in Sex Abuse Cases” during conference “Church Today: Responding to the Sexual Abuse Crisis in the Catholic Church” at Villanova University on March 20, 2021.

Presented “Religious Liberty: COVID-19 and Beyond” to the Federalist Society Evansville, Indiana Lawyers Chapter on February 19, 2021.

Presented “Religious Liberty: Covid-19 and Beyond” to the Federalist Society Indianapolis Lawyers Chapter on December 7, 2020.

Webinar on “The Past, Present and Future of the Supreme Court” with Professor Michael Gerhardt (UNC-Chapel Hill), Union League Legacy Foundation, on October 21, 2020.

Webinar on “Supreme Court Preview,” Federalist Society Temple and Villanova Student Chapters on October 5, 2020.

Webinar on “Religious Liberty at the Supreme Court” with Professor Stephanie Barclay (Notre Dame) on September 24, 2020.

Delivered Ryan Center Constitution Day Lecture, “The Constitution in 2020” at Villanova University on September 18, 2020.

Presented “First Amendment: Establishment and Free Exercise of Religion” at the National Constitution Center’s Summer Teacher Institute on the First Amendment in Philadelphia on July 20, 2020.

Participated in webinar on “The Constitution and COVID-19” sponsored by the Union League Legacy Foundation, Philadelphia, Pennsylvania on May 13, 2020.

Presented (via Zoom) “Liberalism, Legal Authority, and the Nations,” at a conference on “Nationalism, Populism and Protestant Political Thought,” Cambridge Institute on Religion and International Studies, University of Cambridge, England on April 15, 2020.

Participated in a Federalist Society teleforum on “Religious Freedom in a Pandemic” on April 8, 2020.

Presented (via Zoom) on “Landmark Cases for the Free Exercise Clause,” Legal Humanities Fellowship, Collegium Institute, University of Pennsylvania on March 30, 2020.

Respondent to Vincent Phillip Muñoz, “Religious Liberty and the American Founding: Natural Rights and the Original Meaning of the First Amendment’s Religion Clauses,” James Madison Program, Princeton University on March 4, 2020.

Moderated a discussion on “Constitutional Interpretation: Living Constitution vs. Originalism” with Randy Barnett (Georgetown) and Mitch Berman (Penn), Jack M. Templeton Liberty Series, Union League of Philadelphia, Philadelphia, Pennsylvania on February 19, 2020.

Presented remarks on “The Founders’ Constitution” for National Review Institute Philadelphia Fellowship, Union League of Philadelphia, Philadelphia, Pennsylvania on February 10, 2020.

Presented remarks on a panel “Religious Liberty and Non-Discrimination in Catholic Schools,” Symposium on “Strategy and Perspective on Transforming Catholic Schools” hosted by the U.S. Conference of Catholic Bishops Committee on Catholic Education and the University of Notre Dame Alliance for Catholic Education, Washington, D.C. on January 21, 2020.

Participated in the panel “Religious Rights & Anti-Discrimination” at the National Association of Attorneys General Capital Forum in Washington, D.C. on December 9, 2019.

Presented “In God We Trust: Religion and the First Amendment” at Gettysburg College in Gettysburg, Pennsylvania on October 17, 2019.

Presented “Religious Freedom in Our Secular Age” and participated in a roundtable discussion at “The Idea of a Christian Society” meeting hosted by the De Gasperi Foundation in Rome, Italy on September 27, 2019.

Presented remarks on “Who’s a Citizen and Why? Constitutional, Historical, and Comparative Perspectives” for King’s College Annual Constitution Day in Wilkes-Barre, Pennsylvania on September 17, 2019.

“First Amendment: Establishment and Free Exercise of Religion,” Summer Teacher Institute, National Constitution Center, Philadelphia, Pennsylvania, July 30, 2019.

Presented on “Promoting a Responsible and Free Conscience in Today’s Society” at Blackfriars Hall at the University of Oxford, England on June 15, 2019.

Participated in a panel on “Combating Sex Abuse Problems in the Roman Catholic Church” at ComplianceNet Conference 2019 at Villanova University Charles Widger School of Law on June 4, 2019.

“Catholic Education and Religious Freedom in A Secular Age,” Conference on Freedom, Autonomy and Responsibility: Finding the Balance in Catholic Education and the Law in a Global Context, Australian Catholic University, Sydney, Australia, May 24, 2019.

“Adjunct Faculty Unionization and Religiously Affiliated Universities,” Colloquium on Catholicism and the Common Good, Duquesne University, Pittsburgh, Pennsylvania, April 5, 2019.

“Power Ecclesiastical and Political: Hobbes and Bellarmine on Religion in the State,” Conference on Toleration and Religious Freedom in the Early Modern and Contemporary World, Cambridge University, England, March 26, 2019.

“Adjunct Faculty Unionization and Religiously Affiliated Universities,” Conference on Religion and the Administrative State, C. Boyden Gray Center for the Study of the Administrative State, Antonin Scalia Law School, George Mason University, March 22, 2019.

“Religious Freedom in A Secular Age,” Panel on “Living Together in Diversity: Law, Religion, and Tradition,” Annual Meeting of the European Academy of Religion, Bologna, Italy, March 6, 2019.

Panelist: Symposium on Steven D. Smith’s *Pagans and Christians in the City: Culture Wars from the Tiber to the Potomac*, St. John’s University School of Law, New York, New York, February 1, 2019.

Panel organizer and moderator: “Free Exercise of Religion and Freedom of Speech,” Association of American Law Schools Annual Meeting, New Orleans, Louisiana, January 5, 2019.

Co-convenor and moderator, “The Value of Tradition in the Global Context” (with keynote address from Justice Samuel Alito), Università LUMSA, Rome, Italy, December 11-13, 2018.

Respondent to Ilya Somin, “Why the Supreme Court Got the Travel Ban Decision Wrong,” Villanova University Law School Federalist Society Chapter, November 7, 2018.

“The State and Freedom of Speech,” Notre Dame Center for Ethics and Culture, University of Notre Dame, November 2, 2018.

Panelist: “Approaches to Constitutional and Statutory Interpretation,” Federalist Society Pennsylvania Chapters Conference, Philadelphia, Pennsylvania, October 19, 2018.

“Spending as Speech,” Seton Hall Law School, Newark, New Jersey, September 27, 2018

Respondent: Adrian Vermeule, *Law’s Abnegation* (Harvard University Press, 2016), Villanova University School of Law, John F. Scarpa Conference on Law, Politics, and Culture, September 21, 2018

Panelist: “The Scope and Limits of Presidential Power,” McGowan Center for Ethics and Professional Responsibility, King’s College, Wilkes-Barre, Pennsylvania, September 17, 2018

Panelist: “The Catholic Church and the Sex Abuse Crisis,” Villanova University, September 6, 2018

“American Conceptions of the Rule of Law in the Founding Era and Early Republic,” Summer Teacher Institute, National Constitution Center, Philadelphia, Pennsylvania, July 9, 2018

“Religious Freedom and the U.S. Constitution,” Civic Education Summer Seminar, Wheatley Institute, Brigham Young University, Philadelphia, Pennsylvania, June 14, 2018

Panelist: “Faculty Unionization at Religiously-Affiliated Institutions,” Annual Conference of the National Center for the Study of Collective Bargaining in Higher Education and the Professions, City University of New York, April 17, 2018

Panelist: “Current Issues about Religious Freedom,” Annual Civil Rights Symposium, Civil and Equal Rights Committee of the Pennsylvania Bar Association in conjunction with the Pennsylvania Bar Institute, Philadelphia, Pennsylvania, April 12, 2018

“Adjunct Faculty Unionization and Religiously Affiliated Universities,” Workshop on “Religion and the Administrative State,” Center for the Study of the Administrative State, George Mason University Antonin Scalia Law School, March 15, 2018

“The Freedom of the Church and Religiously Affiliated Universities,” Panel on “Religious Universities and Professional Education: Positive Influence or Prejudicial Effect?,” European Academy of Religion, Bologna, Italy, March 8, 2018

Respondent: David C. Schindler, *Freedom from Reality: The Diabolical Character of Modern Liberty* (University of Notre Dame Press, 2017), Lunch Round Table, Center for Ethics and Culture and the Constitutional Studies Minor, University of Notre Dame, March 1, 2018

“Bioethics and the Law: Physician-Assisted Suicide,” Creighton University School of Law, Omaha, Nebraska, February 21, 2018

“The Pre-History of Subsidiarity in Leo XIII,” Symposium on Christian Legal Thought, St. John’s University School of Law, New York, January 26, 2018

“Freedom of Speech and Religion in 2017,” Public Affairs Committee of the Union League of Philadelphia, December 5, 2017

“Hobbes and the Philosophy of Tort Law,” International Thomas Hobbes Colloquium, Paris Descartes University-Sorbonne, Paris, France, October 28, 2017

Panelist: “The Crisis in Puerto Rico,” Villanova University Department of Romance Languages and Literatures, October 19, 2017

Panelist: “A Conversation on the Changing Face of Religion in American Public Life,” Religious Freedom Annual Review, International Center for Law and Religion Studies, Brigham Young University, Provo, Utah, July 6, 2017

“Religious Freedom and the Secular,” Colloquium “On Secularization” (co-sponsored by the Notre Dame Center for Ethics and Culture and the Universite Paris Descartes-Sorbonne), Paris, France, May 13, 2017

“Love, Justice, and Duties of Care in Tort Law,” Notre Dame Law School faculty workshop, April 18, 2017

“The Moral of Torts,” Conference on “Religious Critiques of Law,” Nootbaar Institute on Law, Religion, and Ethics, Pepperdine University School of Law, March 10, 2017

Panelist: “Executive Power in the Age of Trump,” Eastern District of Pennsylvania Chapter of the Federal Bar Association, Philadelphia, Pennsylvania, February 9, 2017

“The Philosophy of the Founders,” Liberty Weekend Program, Foundations of the Union League of Philadelphia, January 5, 2017

Panelist: “Is the Constitution Judeo-Christian?” National Constitution Center, (sponsored by the Katz Center for Advanced Judaic Studies, University of Pennsylvania and the National Constitution Center), Philadelphia, Pennsylvania, November 21, 2016

“The Common Good and Constitutional Law,” Conference on “Public Theology and the Global Common Good,” Boston College, October 15, 2016

“Adjunct Faculty Unionization and Religiously Affiliated Universities,” Annual Law and Religion Roundtable, McGill University, Montreal, Quebec, June 21, 2016

“Torts and Double-Effect in the Common Law Tradition,” Intention and Double-Effect Workshop, Pontifical University of Chile, Santiago, Chile, May 20, 2016

“*Whole Woman’s Health v. Hellerstedt*: Abortion Regulations at the Supreme Court,” 31st Annual Medical Ethics Conference, University of Notre Dame, March 19, 2016

Respondent, 18th Annual McElroy Lecture on Law and Religion (with Kent Greenawalt and Andrew Koppelman), University of Detroit Mercy, March 16, 2016

“Religious Freedom after Justice Scalia,” Marquette University Law School, Milwaukee, Wisconsin, March 7, 2016

Panelist: “What Does ‘The Free Exercise of Religion’ Clause Protect?” (with Marci Hamilton), Union League of Philadelphia Liberty Series (sponsored by the Abraham Lincoln Foundation and the National Constitution Center), January 26, 2016

“Federalism and Religious Liberty” (with William Marshall and Carl Esbeck), Annual Florida Chapters Conference of the Federalist Society, Orlando, Florida, January 23, 2016

“The Present and Future of Religious Freedom” (with Noel Francisco), Lumen Christi Institute, Chicago, Illinois, December 10, 2015

“When is a Religious Institution a Religious Institution?,” Conference on “For Freedom Set Free,” Notre Dame Center for Ethics and Culture, November 19-21, 2015

“Freedom of Speech and Compelling Government Interests,” Conference on “Law and the Culture of Liberty,” James Madison Program, Princeton University, May 19, 2015

Panelist: “Pope Francis and the Vocation of a Lawyer,” Fordham Law School Institute on Religion, Law & Lawyer’s Work, New York, New York, April 29, 2015

“Pope Francis and the Project of Catholic Legal Theory,” John F. Scarpa Conference on Law, Politics, and Culture, Villanova University School of Law, April 24, 2015

Panelist: “The Impact of *Pacific Lutheran* on Collective Bargaining at Catholic Colleges and Universities,” Annual Conference on Collective Bargaining in Higher Education and the Professions, CUNY Graduate Center, New York, New York, April 21, 2015

“Catholic Hospital Mergers and Implementation of the Ethical and Religious Directives,” Notre Dame Medical Ethics Conference, Rome, Italy, March 11, 2015

“Wisdom and Justice in the Law School Curriculum,” Conference on “Wisdom, Law, and Lawyers,” Nootbaar Institute on Law, Religion, and Ethics, Pepperdine University School of Law, February 28, 2015

Remarks at Conference on “Medical Ethics: A Natural Law Perspective,” Witherspoon Institute, Princeton, New Jersey, June 23, 2014

Respondent: “John Finnis on Religious Freedom,” Conference on the Scholarship of John Finnis, Princeton University, March 26, 2014

Panelist: “Pregnant, Brain-dead, and on Life Support,” Notre Dame Medical Ethics Conference, March 22, 2014

“Institutional Religious Freedom,” Wheatley Institution Lecture Series on Religious Freedom, Brigham Young University, March 5, 2014

“Love and Justice in the Law,” Conference on “Love and Law,” Nootbaar Institute on Law, Religion, and Ethics, Pepperdine University School of Law, February 8, 2014

Response to Michael Baur, “What Rights Are and Why There Are Any: What the Classical Natural Law Approach Has to Say,” Federalist Society Faculty Conference, New York City, January 4, 2014

“Justice and Technology in the Liberal Tradition,” Arthur J. Schmitt Lecture, Notre Dame Center for Ethics and Culture, December 3, 2013

“NLRB Jurisdiction over Religiously-Affiliated Colleges and Universities,” Duquesne University School of Law Lunch Workshop and Duquesne University Faculty Congress, November 4, 2013

“Religious Freedom and Anti-Discrimination Norms,” Annual Meeting of the Christian Legal Society, Clearwater, Florida, October 18, 2013

“What Are We Really Arguing about When We Argue about the Freedom of the Church?,” Annual Law and Religion Roundtable, Stanford University, June 28, 2013.

“For-Profit Hospices and Medicare: Outcomes, Incentives, and End-of-Life Issues,” Notre Dame Medical Ethics Conference, March 9, 2013

Remarks on the U.S. Supreme Court and the Second Amendment, Villanova Center for Peace and Justice Education, February 21, 2013

Comments on M. Cathleen Kaveny, *Law's Virtues: Fostering Autonomy and Solidarity in American Society* (Georgetown University Press, 2012), Brookings Institution, Washington, D.C. (with E.J. Dionne, William Galston, Melissa Rogers, Margaret Little, and M. Cathleen Kaveny), January 31, 2013

“Freedom of the Church,” AALS Section on Law and Religion (with Michael McConnell, Sarah Barringer Gordon, and Paul Horwitz), New Orleans, Louisiana, January 5, 2013

“Religious Freedom: Justice or Toleration?,” Notre Dame Center for Ethics and Culture (with Richard Garnett and Paul Horwitz), Conference on “The Crowning Glory of the Virtues: Exploring the Many Facets of Justice,” November 8-10, 2012

“Alasdair MacIntyre as Teacher,” *Civitas Dei* Medal Symposium, Villanova University, September 27, 2012

“The Role of the Church in Public Life,” Villanova University Office for Mission Effectiveness, Faculty Workshops on Catholic Social Teaching (June 8, 2012, May 16, 2012, June 10, 2011, May 10, 2011, June 11, 2010, May 11, 2010, June 12, 2009, May 14, 2009, June 3, 2008, May 15, 2008, and May 14, 2007)

“The State of Religious Liberty in 2012,” Colorado Springs, Colorado, Federalist Society Lawyers Chapter, June 7, 2012

“The State of Religious Liberty in 2012,” Denver, Colorado, Federalist Society Lawyers Chapter, June 6, 2012

“Ethical Issues in the Affordable Care Act,” 2012 Ethos Lecture, SUNY Downstate Medical Center (Brooklyn, New York), April 23, 2012

“Religious Freedom and Protection of Conscience,” Richmond, Virginia, Saint Thomas More Society Forum on Religion in Public Life, April 16, 2012

“Augustine and Law,” Association for the Study of Law, Culture, and the Humanities (with James Boyd White and Zachary Calo), Fort Worth, Texas, March 17, 2012

“Freedom of the Church and the Origins of Liberalism,” Nootbaar Institute on Law, Religion, and Ethics, Pepperdine University School of Law, February 25, 2012

“Mistakes about Intention in the Law of Bioethics,” Notre Dame Center for Ethics and Culture Conference (with Robert K. Vischer and Patrick McKinley Brennan), November 11, 2011

“Institutional Conscience: From Free Exercise to Freedom of Association and Church Autonomy,” University of Chicago, Lumen Christi Conference on God, Freedom, and Public Life, October 7, 2011

“Moral Absolutes and John Finnis: Response to Candace Vogler,” Villanova University School of Law, John F. Scarpa Conference, September 30, 2011

“Mistakes about Intention in the Law of Bioethics,” Duke University School of Law, “Theological Argument in Law: Engaging with Stanley Hauerwas,” September 9, 2011

“Institutional Conscience: From Free Exercise to Freedom of Association and Church Autonomy,” Witherspoon Institute (Princeton, New Jersey), The Protection of Institutional Religious Conscience, June 4, 2011

Response to Steven D. Smith’s *The Disenchantment of Secular Discourse*, Conference on Catholic Legal Theory, University of Oklahoma College of Law, May 19, 2011

“The Ministerial Exception and the Pluralist State,” Princeton University, James Madison Program in American Ideals and Institutions, April 15, 2011

“Preemption as Inverse Negligence Per Se,” Faculty Workshop, Marquette University Law School, November 5, 2010

“Technology and *Caritas in Veritate*: A Reflection on Bioethics and the Law,” Fordham Law School, Institute on Religion, Law & Lawyer’s Work, September 21, 2010

“The Politics of Virtue and Language: The Social Theory of the English Dominicans,” Conference on Catholic Theological Ethics in the World Church, Trent, Italy (in absentia), July 25, 2010

Response to Nicholas Wolterstorff, *Justice: Rights and Wrongs*, Conference on Catholic Legal Theory, Loyola University-Chicago School of Law, May 25, 2010

“Catholic Social Thought and Legal Theory,” Seminar on Christian Perspectives on Law (Professor David A. Skeel), University of Pennsylvania Law School, October 23, 2007, September 30, 2008, and October 27, 2009

“Conscience and the Common Good,” Notre Dame Center for Ethics and Culture, November 14, 2009

“Legal Issues in Church Management,” Villanova University Center for the Study of Church Management, Church Management Institute (October 7, 2009, July 10, 2008, and July 10, 2007)

“Immigration, Citizenship, and Subsidiarity,” Catholic Theological Society of America, Halifax, Nova Scotia, June 6, 2009

“Killing and Letting Die: Some Lessons from the Law of Torts,” Colloquium on Dignity and Suffering at the End of Life, Blackfriars Hall, University of Oxford, March 14, 2009

“Killing and Letting Die: Some Lessons from the Law of Torts,” University of St. Thomas (Minnesota) School of Law Faculty Workshop, March 9, 2009

“A Legal Revolution? The Bush Administration’s Effect on the Judiciary and Civil Justice Reform,” Judging Bush Conference, Villanova University, November 22, 2008

Education Policy and the 2008 Election, Saint Joseph’s University, October 28, 2008

Catholic Social Teaching and the 2008 Election: Immigration, Villanova University Office for Mission Effectiveness, October 21, 2008

Domestic Policy and the 2008 Election, Loras College (Dubuque, Iowa), October 16, 2008

Urban Policy and the 2008 Election, University of Pennsylvania Institute for Urban Research, October 6, 2008

“Implications of the Genetic Information Nondiscrimination Act (GINA) of 2008” (with James J. McCartney, OSA), Mendel in the 21st Century Symposium, Villanova University, September 23, 2008

“Medical Liability Reform and Access to Health Care,” Villanova University Office for Mission Effectiveness, Catholic Social Teaching and Access to Health Care Conference, March 27, 2008

“Institutional Conscience and the First Amendment,” Georgetown University Law Center, Conference on Church Autonomy (with Douglas Laycock and John Mansfield), March 14, 2008

“Institutional Conscience and the First Amendment,” Loyola University Chicago Stritch School of Medicine, Catholic Health Care Ethics: Clinical, Global and Social Concerns, February 28, 2008

“Preemption and the Political Economy of Tort Reform,” Notre Dame Law School Faculty Colloquium, February 8, 2008

“Preemption and the Political Economy of Tort Reform,” SMU Dedman School of Law Faculty Forum, January 24, 2008

“Preemption and the Political Economy of Tort Reform,” Hofstra University School of Law Faculty Workshop, January 14, 2008

“John Courtney Murray and Natural Law in American Catholic Social Thought,” Notre Dame Center for Ethics and Culture, December 1, 2007.

Respondent to James R. Stoner, Jr., “Determination and Deduction: How Aquinas Might Distinguish the Work of the Legislator from the Work of the Judge,” Villanova University School of Law, John F. Scarpa Conference on Law, Politics, and Culture, October 16, 2007

Panel on Immigration Policy, Villanova University, Saint Thomas of Villanova Symposium, September 21, 2007

“Religion, Society, and the State in the U.S.,” Institute for Ecumenical Research, Strasbourg, France, July 5, 2007

“Bioethics and the Inversion of the Establishment Clause” (with William R. Dailey, C.S.C.), University of Portland, Garaventa Center for Catholic Intellectual Life and American Culture, The American Experiment: Religious Freedom Conference, April 12-14, 2007

“Religious Free Exercise and Anti-discrimination Law,” Panel on the First Amendment and Freedom of Religion, Albany Law School, Albany Law Review Symposium, “A Second-Class Constitutional Right?: Free Exercise and the Current State of Religious Freedom in the United States,” March 29, 2007

“Matters of Life and Death: Religion and Law at the Crossroads,” Boston College Law School, March 20, 2007

“Immigration and the Rule of Law,” Catholic Common Ground Initiative (Jacksonville, Florida), March 9-11, 2007

“Bioethics and Public Policy,” University of Pennsylvania Center for Bioethics, November 13, 2006

Respondent to Susan S. Stabile, “‘Poor’ Coverage: The Preferential Option for the Poor and Access to Health Care,” Villanova University School of Law, Symposium on Catholic Social Thought and Law, October 27, 2006

Panel on Stem Cell Research, “An Unknown Future: The Body, Biotechnology, and Human Nature,” Boston College Winston Center for Leadership and Ethics, October 14, 2006

“*Gonzales v. Oregon* and the Future of Assisted Suicide,” University of Pennsylvania Law School, Bioethics, Law & Public Policy Society, September 21, 2006

Respondent to Amelia J. Uelmen, “Reconciling Evangelization and Dialogue through Love of Neighbor,” Villanova University School of Law, John F. Scarpa Conference on Law, Politics, and Culture, September 15, 2006

“Subsidiarity and School Finance,” Symposium on Catholic Social Teaching and the Law, Villanova University School of Law, October 2004

“*Homo Economicus* and Catholic Social Thought,” Conference of Young Catholic Moral Theologians, University of Notre Dame, July 2002

“Assisted Suicide and the Dilemmas of Federalism,” Notre Dame Center for Ethics and Culture, University of Notre Dame, December 2001

Response to Jean Porter, “Natural Law and Moral Discernment,” Catholic Theological Society of America (Miami, Florida), June 1999

“Legal and Moral Aspects of Genetic Discrimination in Health Insurance,” Ethics and Technology Conference, Boston College, June 1999

“Assisted Suicide, Liberalism, and Law in the United States,” World Congress on Medical Law (Siofok, Hungary), July 1998

“Competing Conceptions of Autonomy in the Assisted Suicide Debate,” College Theology Society, Saint Louis University, May 1998

“Assisted Suicide, Liberalism, and Law,” New England Regional Meeting of the American Academy of Religion, Andover Newton Theological School (Newton Centre, Massachusetts), April 1998

“Damned If You Do, Damned If You Don’t: Thomas Aquinas on Moral Dilemmas,” Theology Graduate Student Conference, Boston College, March 1998

“John Milbank’s Post-Modern Augustinianism and Biblical Interpretation” New England Regional Meeting of the American Academy of Religion, Wheaton College (Norton, Massachusetts), April 1997

“Jacques Maritain, Thomism, and the Liberal-Communitarian Debate,” American Maritain Association, Arizona State University, October 1996

COURSES TAUGHT

Torts (2006-07, 2007-08, 2008-09, Fall 2009, Fall 2011, Fall 2013, Fall 2018, Fall 2019, Fall 2020)

Advanced Torts (Fall 2009, Spring 2012, Fall 2014)

Constitutional Law I (Notre Dame Law School) (Spring 2017)

Constitutional Law II (Fall 2013, Fall 2014, Fall 2017)

Bioethics and the Law (Spring 2007, Spring 2009, Fall 2011)

Justice and Rights (1L Elective) (Spring 2010, Spring 2012, Spring 2013, Spring 2014, Spring 2015)

Law and Religion (Spring 2014, Spring 2015, Spring 2018, Spring 2020)

Evidence (Fall 2007, Fall 2008)

Catholic Social Teaching and Law (Notre Dame Law School) (Spring 2016, Spring 2017)

Catholic Social Teaching and Law (Spring 2008, Spring 2010)

Law, Politics, and Human Nature (Spring 2009)

Ethical Traditions and Contemporary Life (Villanova University Ethics Program) (Fall 2009, Spring 2010)

Ethical Traditions and Contemporary Life (Villanova University Honors Program) (Fall 2011, Spring 2019, Spring 2020)

Bioethics, Rivier College (Nashua, New Hampshire) (Spring 1999)

SERVICE

Villanova University Charles Widger School of Law

Academic Affairs Committee (2017-)
Library Task Force (2018-19)
Law School Strategic Planning Task Force (2011-2015) (Chair, 2012-2015)
Appointments Committee (2008-10, 2012-2015)
Co-Chair, Faculty Committee (2011-2012)
Dean Search Committee (2009-10)
Curriculum Reform Committee (2007-2010)
Co-Coordinator, Program on Legal Analysis and Reasoning, 1L Orientation (2009, 2011)
Convenor, Symposium on McCullen Symposium on Catholic Social Thought and the Law (2007-2015)
Faculty Moderator, Saint Thomas More Society (2006-2015), Federalist Society (2011-2012, 2018-),
Republican Club (2011-2012)
Faculty Speaker, 1L Brunch (2008)
Faculty Speaker, Admitted Students' Open House (2007)
Public Interest Fellowship Program, Fellowship Selection Committee (2006-10, 2013)
Clerkship Committee (2006-2010)
Building Committee (2006-07)

Villanova University

Issues Management Advisory Group (2013-2015)
Council of Graduate Deans (2012-2015)
Social Responsibility Proxy Committee (2008-2015)
Editorial Board, *Journal of Catholic Social Thought* (2006-)
Bookstore Management Task Force (2013)

Professional

AALS Law and Religion Section (2006-), Immediate Past Chair (2021), Chair (2020), Chair-Elect (2019),
Program Chair (2018), Section Program Committee (2008-09, 2015-16), Nominations Committee
(2016-2017)
Board of Trustees, Institute for Advanced Catholic Studies, University of Southern California, Los Angeles,
California (2017-)
Board of Trustees, Abraham Lincoln Foundation, Union League of Philadelphia (2016-19)
International Moot Court Competition in Law and Religion (held in conjunction with the Annual Meeting
of the European Academy of Religion, Bologna, Italy), Problem Drafter (2019), Judge (2018)
Witherspoon Institute (Princeton, New Jersey) Task Force on Conscience Protection (2009-2012)
Saint Thomas More Society of Philadelphia, Board of Governors (2007-)
Federalist Society, Religious Liberties Practice Group Executive Committee (2001-), Vice Chair (2020-)
Peer Reviewer: Cambridge University Press, Harvard University Press, *Journal of Law and Religion*, *Journal of
Catholic Social Thought*, *Journal of the American Academy of Religion*, *Theological Studies*

Lecturer on Pennsylvania Torts and Pennsylvania Evidence, Themis Bar Review (2009-)

Select Academic Conferences Attended

- Invited participant for “Law in a Polite and Commercial Society: Adam Smith’s Lectures on Jurisprudence and William Blackstone’s *Commentaries*” sponsored by the Federalist Society, the Liberty Fund, and the John Templeton Foundation, at Phoenix, Arizona on February 7-8, 2020.
- Invited participant in a manuscript workshop on Vincent Phillip Muñoz, “Religious Liberty and the American Founding: Natural Rights and the Original Meaning of the First Amendment Religion Clauses” at George Mason Antonin Scalia Law School, Arlington, Virginia on January 31, 2020
- AALS Annual Meeting, Washington, D.C., January 2020
- Participated in the Federalist Society’s National Lawyers Convention in Washington, D.C., November 14-16, 2019.
- Participated in a conference “I Have Called You Friends” sponsored by the de Nicola Center for Ethics and Culture at the University of Notre Dame, Indiana on November 7-9, 2019.
- Annual Law and Religion Roundtable, University of Toronto, Canada, June 20, 2019
- Roundtable on Richard W. Garnett, *Two There Are: Understanding the Separation of Church and State*, Notre Dame Law School, April 12, 2019
- Seminar on “Truth and Authority in Augustine’s *City of God*,” Lumen Christi Institute (University of Chicago), University of California-Berkeley, July 21-28, 2018
- AALS Annual Meeting, San Diego, California, January 2018
- Colloquium on tradition and law in American and Russian thought, Postsecular Conflicts Project of the University of Innsbruck and the Tradition Project at St. John’s University Law School, Trento, Italy, June 12-13, 2017
- Colloquium on “Law, Religion, and Medicine” University of California, Irvine School of Law Center for Biotechnology and Global Health Policy, Laguna Beach, California, April 21-22, 2017
- “Tradition and Law and Politics,” St. John’s University School of Law, New York, October 20-22, 2016
- Seminar on “Catholic Social Thought: A Critical Investigation,” Lumen Christi Institute (University of Chicago), University of California-Berkeley, July 31-August 7, 2016
- Colloquium on “The Past and Future of Free Exercise,” Federalist Society and John Templeton Foundation, San Francisco, California, June 24-25, 2016
- “Liberty in James Bryce’s Studies in History and Jurisprudence,” Liberty Fund, Toronto, Ontario, April 21-24, 2016
- AALS Annual Meeting, New York City, January 2016
- “Politics, Theology, and the Limits of Ethics” (celebrating the work of Gilbert Meilaender), Princeton University, April 10, 2015
- AALS Annual Meeting, Washington, D.C., January 2015
- Roundtable on “A Confident Pluralism,” Notre Dame Law School, December 11, 2014
- “Your Light Will Rise in the Darkness: Responding to the Cry of the Poor,” Notre Dame Center for Ethics and Culture, October 30–November 1, 2014
- Colloquium on “Liberty of Conscience,” The Federalist Society and the Liberty Fund, Chicago, Illinois, August 15-16, 2014
- Law and Religion Roundtable, Washington University-St. Louis School of Law, June 26-27, 2014
- “The Totalitarian Epoch: The Fate of Law and Liberty in the 20th Century and Beyond,” James Madison Program, Princeton University, May 19-20, 2014

Roundtable on Nicholas Wolterstorff, *The Mighty and the Almighty*, Notre Dame Law School, March 28, 2014
AALS Annual Meeting, New York City, January 2014
“Fearfully and Wonderfully Made: The Body and Human Identity,” Notre Dame Center for Ethics and Culture, November 7–9, 2013
Economics Institute for Law Professors, George Mason University School of Law, Law and Economics Center, Beaver Creek, Colorado, July 7-19, 2013
“Thomas More on Ethics, Law, and Liberty,” Murphy Institute for Catholic Thought, Law, and Public Policy, University of St. Thomas (Minnesota) School of Law, May 31-June 1, 2013
“*Pacem in Terris* after 50 Years,” Lumen Christi Institute, University of Chicago, April 4-5, 2013
AALS Annual Meeting, New Orleans, Louisiana, January 2013
ABA Associate Deans’ Conference, Las Vegas, Nevada, June 21-24, 2012
AALS Annual Meeting, Washington, D.C., January 2012
Annual Law and Religion Roundtable, Northwestern University, June 23-24, 2011
AALS Annual Meeting, San Francisco, California, January 2011
Annual Law and Religion Roundtable, Brooklyn Law School, June 24-25, 2010
AALS Annual Meeting, New Orleans, Louisiana, New York, January 2010
Conference on Catholic Legal Theory, The Catholic University of America, Columbus School of Law, June 2009
Conference on Catholic Social Thought and Legal Education, University of Saint Thomas, Minneapolis, Minnesota, November 2008
Conference on Catholic Legal Theory, Seattle University, May 2008
AALS Annual Meeting, New York City, January 2008
Conference on Catholic Legal Theory, University of St. Thomas, Minneapolis, Minnesota, June 2007
International Colloquium of Catholic Bioethicists, London, England, July 1-5, 2007
Conference on Immigration Policy, Woodstock Theological Center (Georgetown University), Fairfield University, July 19-20, 2007
Bradley Foundation Symposium, “Who Are We Today?: American Character and Identity in the Twenty-First Century,” Washington, D.C., May 2007
AALS Annual Meeting, Washington, D.C., January 2007

BAR ADMISSIONS

District of Columbia (2003) (inactive)
Iowa (2002) (inactive)
Minnesota (2005) (inactive)
U.S. Court of Appeals for the Tenth Circuit (2002) (inactive)