

AMALIA D. KESSLER

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EXPERIENCE

STANFORD UNIVERSITY, STANFORD, CA

LEWIS TALBOT AND NADINE HEARN SHELTON PROFESSOR OF INTERNATIONAL
LEGAL STUDIES, AND PROFESSOR (BY COURTESY) OF HISTORY

Oct. 2011-present

ASSOCIATE DEAN FOR ADVANCED DEGREE PROGRAMS

June 2019-present

FOUNDING DIRECTOR, STANFORD CENTER FOR LAW AND HISTORY

June 2017-present

JEAN-PAUL GIMON DIRECTOR OF THE FRANCE-STANFORD CENTER FOR
INTERDISCIPLINARY STUDIES

Sept. 2012-2018

PROFESSOR OF LAW AND (BY COURTESY) HISTORY,
AND HELEN L. CROCKER FACULTY SCHOLAR

Sept. 2008-Sept. 2011

ASSOCIATE PROFESSOR OF LAW AND (BY COURTESY) HISTORY,
AND HELEN L. CROCKER FACULTY SCHOLAR

Oct. 2007-Aug. 2008

ASSOCIATE PROFESSOR OF LAW AND (BY COURTESY) HISTORY

Sept. 2006-Sept. 2007

ASSISTANT PROFESSOR OF LAW

Aug. 2003-Aug. 2006

OSGOODE HALL LAW SCHOOL, YORK UNIVERSITY, TORONTO, CANADA
GENEST GLOBAL FACULTY

March 2016

TEL AVIV LAW SCHOOL
VISITING PROFESSOR

June 2013; June 2023

YALE LAW SCHOOL

SIDLEY AUSTIN-ROBERT D. MCLEAN '70 VISITING PROFESSOR OF LAW

Sept.-Dec. 2012

UNIVERSITÉ PANTHÉON-ASSAS (PARIS II), PARIS, FRANCE
VISITING PROFESSOR

June 2015; June 2010; May 2009

ÉCOLE DES HAUTES ÉTUDES EN SCIENCES SOCIALES, PARIS, FRANCE
VISITING PROFESSOR

Apr. 2009; May 2024

STUDIENSTIFTUNG DES DEUTSCHEN VOLKES, GUIDEL, FRANCE
FACULTY, THE EUROPEAN-AMERICAN JUDICIAL CONFLICT (CO-TAUGHT WITH
PROFESSOR THOMAS RÜFNER, UNIVERSITY OF TRIER)

Sept. 2007

NATIONAL ADVOCACY CENTER, U.S. DEPARTMENT OF JUSTICE, COLUMBIA, SC
FACULTY, CIVIL PROCEDURE

Mar. 2005

UNITED STATES DEPARTMENT OF JUSTICE, CIVIL DIVISION, WASHINGTON, DC
TRIAL ATTORNEY (COMMERCIAL LITIGATION), HONORS PROGRAM

2001-2003

PIERRE N. LEVAL, UNITED STATES CIRCUIT JUDGE, NEW YORK, NY
LAW CLERK, U.S. COURT OF APPEALS FOR THE SECOND CIRCUIT

2000

DAVIS POLK & WARDWELL, NEW YORK, NY
SUMMER ASSOCIATE

Summer 1998

EDUCATION

YALE LAW SCHOOL, J.D., 1999
Honors: Carolyn E. Agger Endowment for Women in Law, Postgraduate Grant
Yale Center for Studies in Law, Economics & Public Policy / Olin Research
Grant—research in 18th-century merchant-court archives (Paris, Summer
1997)
Dean's Research Funds—research on 18th-century French merchant law and
practice (Cambridge, MA, Summer-Fall 1999)

Activities: *Yale Law Journal*, Senior Editor
Yale Journal of Law and the Humanities, Articles Editor
Jerome N. Frank Legal Services Organization—political asylum clinic

STANFORD UNIVERSITY, Ph.D., European History, 2001; M.A., 1996
Dissertation: From Virtue to Commerce: The Parisian Merchant Court and the Rise of
Commercial Society in Eighteenth-Century France (dissertation
committee: Keith M. Baker, James Q. Whitman, Paul A. Robinson)
Honors: Andrew W. Mellon Fellowship for Summer Research
German Academic Exchange Service (DAAD) Scholarship (Regensburg,
Summer 1995)
Teaching: Instructor, Law, Commerce, and Theory: Conceptualizing the Rise of
Modernity
Teaching Assistant, undergraduate courses in 19th-century European intellectual
history, inter-war European culture, and 20th-century Indian history
Activities: *Stanford Humanities Review*, Editor
Graduate Resident Assistant
Tutor, French

HARVARD COLLEGE, A.B., *magna cum laude*, History & Literature (Modern France & England), 1994
Honors: *Phi Beta Kappa*
Lucy Allen Patton Senior Prize—awarded to the Radcliffe student graduating
with the highest grade point average in Humanities or Fine Arts
John Harvard and Elizabeth Cary Agassiz Scholarships
Detur Prize—awarded to top 5% of first-year students
Minda de Gunzburg Center for European Studies Research Grant
Activities: *The Harvard Advocate* (literary magazine), Executive Editor & Circulation
Manager
Tutor, French and English as a Second Language

WORKS IN PROGRESS

*Arbitration and the Quest for Modern American Democracy: Struggles over Industrialization, Immigration
and State-Building, 1900-1950* (under contract, Yale University Press)

BOOKS

Inventing American Exceptionalism: The Origins of American Adversarial Legal Culture, 1800-1877
(Yale University Press, 2017) (John Phillip Reid Book Award recipient)

*A Revolution in Commerce: The Parisian Merchant Court and the Rise of Commercial Society in Eighteenth-
Century France* (Yale University Press, 2007) (J. Russell Major Prize recipient)

PAPERS

- A Comparative Look at the Rise of “American Arbitration”: Reflections on Private/Public Partnership in French and American State-Building*, YALE JOURNAL OF LAW & THE HUMANITIES (forthcoming 2024)
- Modern Criminology’s Distant Mirror: The Transatlantic Rise of Histories of Animal Prosecutions*, CLIO@THEMIS (forthcoming 2024)
- The American Importation of the Accusatorial/Inquisitorial Divide: Francis Lieber’s Failed Transplant and Its Early Twentieth-Century Resurgence*, in *The Learned and Lived Law: Essays in Honor of Charles Donahue* (forthcoming, Brill’s Legal History Library, 2024)
- Toward an Account of the Nineteenth-Century Emergence of the Comparative Accusatorial/Inquisitorial Divide*, 71 AMERICAN JOURNAL OF COMPARATIVE LAW (forthcoming 2023)
- Adversarial/Inquisitorial Process*, in *Elgar Encyclopedia of Comparative Law* (3rd ed., 2023)
- Reflections on the Nexus of Procedure and History: The Example of Modern American Arbitration*, published in: 169 UNIVERSITY OF PENNSYLVANIA LAW REVIEW 2401 (2021); and 23 UNIVERSITY OF PENNSYLVANIA JOURNAL OF CONSTITUTIONAL LAW 2341 (2021)
- The Political Functions of (Pre-Modern) Courts and Procedure and Questions of Comparative Method*, 37 LAW AND HISTORY REVIEW 937 (2019)
- Continuities, Ruptures, and Causation in the History of American Legal Culture*, 70 STANFORD LAW REVIEW ONLINE 48 (2017)
- The Mystery of the ‘Charitable Arbitrator,’ or Reflections on a Neglected Old Regime Text and the Intersection Between Status and Practices of Arbitration and Mediation*, in *TEXTS AND CONTEXTS IN LEGAL HISTORY: ESSAYS IN HONOR OF CHARLES DONAHUE* (Robbins Collection, U.C. Berkeley, 2016)
- Arbitration and Americanization: The Paternalism of Progressive Procedural Reform*, 124 YALE LAW JOURNAL 2940 (2015)
- Delineating Between Conciliation and Adjudication: A Comment on Resnik and Curtis’s Representing Justice*, 56 ST. LOUIS UNIVERSITY LAW JOURNAL 1099 (2012)
- Recalling Past Convergence: Equity Procedure and the United States’ Forgotten Inquisitorial Tradition*, CUADERNOS DE LA MAESTRÍA EN DERECHO DE LA UNIVERSIDAD SERGIO ARBOLEDA (2012)
- The Making and Debunking of Legal Tradition (Comparative Law Symposium)*, 16 ROGER WILLIAMS UNIVERSITY LAW REVIEW 129 (2011)
- Constructing an Ideal: Chancellor Kent, Justice Story, and the Surprising Revival of Equity in Early Nineteenth-Century America*, ANNUAIRE DE L’INSTITUT MICHEL VILLEY: L’ÉQUITÉ ET SES MÉTAMORPHOSES 107 (vol. 2, 2010)
- Marginalization and Myth: The Corporatist Roots of France’s Forgotten Elective Judiciary*, 58 AMERICAN JOURNAL OF COMPARATIVE LAW 679 (2010) (Hessel Yntema Prize recipient)
- Power, Not Progress: An Alternative Reading of L’Hôpital’s Legal Reforms*, 28 LAW AND HISTORY REVIEW 837 (2010)
- Deciding Against Conciliation: The Nineteenth-Century Rejection of a European Transplant and the Rise of a Distinctively American Ideal of Adversarial Adjudication*, 10 THEORETICAL INQUIRIES IN LAW 423 (2009)
- Approches procédurales et institutionnelles de la justice: la réponse contrastée américaine et française à l’augmentation des procès civils « orientés public, »* DROIT ET ÉCONOMIE (38^e Congrès du Mouvement Jeune Notariat, 2007)

Our Inquisitorial Tradition: Equity Procedure, Due Process, and the Search for an Alternative to the Adversarial, 90 CORNELL LAW REVIEW 1181 (2005)

A "Question of Name": Merchant-Court Jurisdiction and the Origins of the Noblesse Commercante, A VAST AND USEFUL ART: THE GUSTAVE GIMON COLLECTION ON FRENCH POLITICAL ECONOMY (Mary Jane Parrine ed., 2004), 49-65

Enforcing Virtue: Social Norms and Self-Interest in an Eighteenth-Century Merchant Court, 22 LAW AND HISTORY REVIEW 71 (2004) (Surrency Prize recipient)

Limited Liability in Context: Lessons from the French Origins of the American Limited Partnership, 32 JOURNAL OF LEGAL STUDIES 511 (2003)

Searching for a "New System" of Government: Linguet and the Rise of the Centralized, Administrative State, 28 HISTORICAL REFLECTIONS / RÉFLEXIONS HISTORIQUES 93 (2002)

BOOK REVIEWS & MISCELLANEOUS WRITINGS

Comment, Debate on Martti Koskenniemi's *The Uttermost Parts of the Earth*, 29 RECHTSGESCHICHTE / LEGAL HISTORY 273-74 (2021)

Participation in Roundtable on "The U.S. and International Courts and Tribunals: A Historical Approach to the Current Dilemma," in PROCEEDINGS OF THE ANNUAL MEETING OF THE AMERICAN SOCIETY OF INTERNATIONAL LAW 89 (2021)

Reexamining the Parlement of Paris and the French État de droit (Book Review, Françoise Hildesheimer & Monique Morgat-Bonnet, *Le parlement de Paris: histoire d'un grand corps de l'État monarchique : XIIIe-XVIIIe siècle*), 28 RECHTSGESCHICHTE / LEGAL HISTORY 289 (2020)

Introduction, Book Symposium: Theaters of Pardoning, 72 STANFORD LAW REVIEW ONLINE 61 (2020)

Introduction, Special Issue on Legal Histories and Legacies of the Nineteenth Amendment, 15 STANFORD JOURNAL OF CIVIL RIGHTS & CIVIL LIBERTIES 311 (2020)

Book Review, Erika Vause, *In the Red and in the Black: Debt, Dishonor, and the Law in France between Revolutions*, 92 JOURNAL OF MODERN HISTORY 437 (2020)

Book Review, Clare Haru Crowston, *Credit, Fashion, Sex: Economies of Regard in Old Regime France*, 119 AMERICAN HISTORICAL REVIEW 1780 (2014)

Book Review, Alessandro Stanziani, *Rules of Exchange: French Capitalism in Comparative Perspective, Eighteenth to Early Twentieth Centuries*, 118 AMERICAN HISTORICAL REVIEW 922 (2013)

Op Ed, *Stuck in Arbitration*, New York Times, March 7, 2012, at A27

Book Review, Michael Sonenscher, *Before the Deluge: Public Debt, Inequality, and the Intellectual Origins of the French Revolution*, 83 BUSINESS HISTORY REVIEW 426 (2009)

Book Review, Mitchel de S.-O.-l'E. Lasser, *Judicial Deliberations: A Comparative Analysis of Judicial Transparency and Legitimacy*, 18 YALE JOURNAL OF LAW & THE HUMANITIES 327 (2006)

Book Review, Cindy Skach, *Borrowing Constitutional Designs: Constitutional Law in Weimar Germany and the French Fifth Republic*, 16 LAW AND POLITICS BOOK REVIEW 344 (2006)

Book Review, Suzanne Desan, *The Family on Trial in Revolutionary France*, 24 LAW AND HISTORY REVIEW 219 (2006)

Book Review, Geoffrey C. Hazard, Jr. & Angelo Dondi, *Legal Ethics: A Comparative Study*, 15 LAW AND POLITICS BOOK REVIEW 22 (2005)

Book Review, *Antoine Garapon & Ioannis Papadopoulos, Juger en Amérique et en France*, 52 AMERICAN JOURNAL OF COMPARATIVE LAW 777 (2004)

Book Review, *Kristin Ruggiero, Modernity in the Flesh: Medicine, Law, and Society in Turn-of-the-Century Argentina*, 14 LAW AND POLITICS BOOK REVIEW 320 (2004)

Book Review, *Charlotte Wells, Law & Citizenship in Early Modern France*, 5 STANFORD HUMANITIES REVIEW 302 (1997)

PRESENTATIONS

The American Importation of the Comparative Accusatorial/Inquisitorial Divide: Francis Lieber's Failed Transplant and Its Early Twentieth-Century Resurgence, Festschrift Honoring Charles Donahue, Harvard Law School (scheduled, spring 2024)

Modern Criminology's Distant Mirror: The Transatlantic Rise of Histories of Animal Prosecutions, Co-Convener of Workshop on Transnational Exchange in the Development of Criminal Law Thought: Western Europe and the United States, 19th and 20th Centuries, France-Stanford Center for Interdisciplinary Studies, Paris (May 26, 2023)

Arbitration, Immigration, and the Struggle over Jewish-American Identity: The Turn to Municipal Courts, ABF Spring Speakers Series (March 1, 2023)

Corporatist Arbitration in the Pursuit of Industrial Democracy: Private/Public Governance and the Regulation of Trade and Labor Relations, Private Law Workshop, Notre Dame Law School (Dec. 2, 2022)

Arbitration and the Rise of the Modern Administrative State: Frances Kellor's Bureau of Industries and Immigration, Annual Conference of the American Society for Legal History, Chicago (Nov. 12, 2022)

The Rise and Fall of a Pluralist Model of Jewish Self-Governance: The Jewish Court of New York as the "Official Arbitrating Organ" of the State-Run Courts, Facultad de Derecho, Pontificia Universidad Católica de Chile (Aug. 3, 2022)

Invited Participant, Manuscript Conference on Sarah Staszak's *Privatizing Justice: Arbitration and Litigation Reform in the U.S.*, Georgia State University College of Law (May 16, 2022)

Arbitration, Immigration, and the Struggle over Jewish-American Identity: The Turn to Municipal Courts, History of Political Thought Workshop, Stanford University (scheduled, April 28, 2022)

Maternalist Arbitration: Frances Kellor and the New York Bureau of Industries and Immigration, Legal History Colloquium, Northwestern University Law School and American Bar Foundation (scheduled, April 6, 2022)

The Rise and Fall of the Jewish Court and the Good Will Court as "Official Arbitration Organs" of the State-Run Courts, Loyola Law School Los Angeles Faculty Workshop (March 10, 2022)

The Public Roots of Private Ordering: Arbitration and the Rise of the Modern American State, Center for Advanced Study in the Behavioral Sciences, Stanford University (February 7, 2022)

Religion, Arbitration, and the State: The Jewish Conciliation Court as the "Official Arbitrating Organ" of the State-Run Courts, 1919-1950, Annual Conference of the American Society for Legal History, New Orleans (Nov. 5, 2021)

Invited Examiner, Habilitation à Diriger des Recherches, Michela Barbot, École de droit de Sciences Po, Paris (Sept. 21, 2021)

Invited Commentator, Book Manuscript Workshop, Christian Burset's *An Empire of Laws: Legal Pluralism in the Eighteenth-Century British Empire*, Notre Dame Law School (July 29, 2021)

Interdisciplinarity in Legal Research, Catholic University of Brasilia & Consortium of Brazilian Academic Institutions (May 24, 2021)

The Jewish Conciliation Court as the “Official Arbitrating Organ” of the State-Run Courts, Notre Dame Law Faculty Workshop (Apr. 13, 2021)

The Jewish Conciliation Court as the “Official Arbitrating Organ” of the State-Run Courts, U.C. Berkeley Law Faculty Workshop (Apr. 6, 2021)

Reflections on the Nexus of Procedure and History: The Example of Modern American Arbitration, Symposium on Civil Procedure, Judicial Administration, and the Future of the Field, University of Pennsylvania Law School (Feb. 12-13, 2021)

Invited Commentator, Workshop on Orit Malka’s “Disqualified Witnesses,” The David Berg Foundation Institute for Law and History, Tel Aviv University (Nov. 25, 2020)

Invited Participant, Roundtable on the United States and International Courts and Tribunals: A Historical Lens to the Present and Future, Annual Meeting of the American Society of International Law, Washington, D.C. (June 25, 2020)

Municipal-Court Reform and the Struggle over Jewish-American Identity: Recovering the Public Roots of the Early Twentieth-Century Campaign for Arbitration and Conciliation, History and Social Sciences Forum, University of Chicago (May 6, 2019)

Book Panel/ Authors Meet Readers (Tamar Herzog’s *A Short History of European Law: The Last Two and a Half Millennia*), Annual Conference of the American Society for Legal History, Houston, TX (Nov. 9, 2018)

Invited Examiner, Dissertation Defense, Kellen Funk, *The Lawyers’ Code: The Transformation of American Legal Practice, 1928-1938*, Princeton University (Oct. 18, 2018)

The Public Roots of Private Ordering: An Institutional Account of the Origins of Modern American Arbitration, University of Illinois Law Faculty Workshop (Aug. 30, 2018)

Invited Participant, Manuscript Conference on the New Edition of Robert Kagan’s *Adversarial Legalism: The American Way of Law*, Georgia State University College of Law (Apr. 24, 2018)

The Public Roots of Private Ordering: An Institutional Account of the Origins of Modern American Arbitration, Clough Distinguished Lecture in Jurisprudence, Clough Center for the Study of Constitutional Democracy, Boston College (Apr. 10, 2018)

The Public Roots of Private Ordering: An Institutional Account of the Origins of Modern American Arbitration, Columbia Legal Theory Workshop (Apr. 9, 2018)

Invited Participant, Litigation Section Panel on American-Style Litigation: A Force for Good or Ill? (Amalia Kessler’s *Inventing American Exceptionalism* & Alexandra Lahav’s *In Praise of Litigation*), Annual Meeting of the American Association of Law Schools (Jan. 4, 2018)

Book Panel/ Authors Meet Readers (Amalia Kessler’s *Inventing American Exceptionalism* & Daniel Sharfstein’s *Thunder in the Mountains*), Annual Conference of the American Society for Legal History, Las Vegas, NV (Oct. 27, 2017)

Inventing American Exceptionalism: The Origins of American Adversarial Legal Culture, 1800-1877, Lunch Talk with Stanford Alumni, Jeffer Mangels Butler & Mitchell (Jun. 8, 2017)

Commentator, Stanford/Yale/Harvard Junior Faculty Forum (Jun. 6, 2017)

Inventing American Exceptionalism: The Origins of American Adversarial Legal Culture, 1800-1877, Bay Area Civil Procedure Forum (Apr. 12, 2017)

Panel Commentator, "Race, Identity, and Local Court Reform in the Early Twentieth Century," Annual Conference of the Association for the Study of Law, Culture, and the Humanities, Stanford University (Mar. 31, 2017)

Inventing American Exceptionalism: The Origins of American Adversarial Legal Culture, 1800-1877, Boston University Legal History Series (Mar. 23, 2017)

The Freedmen's Bureau Exception: The Triumph of Due (Adversarial) Process and the Dawn of Jim Crow, Vanderbilt Law Faculty Workshop (Feb. 15, 2017)

Prioritizing the Political: Discourse, Power, and Contingency in Legal History and Beyond, Bakerfest (Conference in Honor of Keith M. Baker), Stanford University, Feb. 3, 2017

Inventing American Exceptionalism: The Origins of American Adversarial Legal Culture, 1800-1877, International Workshop on the Constitution in Trial Courts: Hierarchy, Adjudication, and Democracy, Bar-Ilan University (Jan. 3, 2017)

Inventing American Exceptionalism: The Origins of American Adversarial Legal Culture, 1800-1877, U. Penn Law School Faculty Workshop (Nov. 22, 2016)

Commentator, International Junior Faculty Forum, U. Penn Law School (Nov. 11, 2016)

The Mystery of the 'Charitable Arbitrator,' or Reflections on a Neglected Old Regime Text and the Intersection Between Status and Practices of Arbitration and Mediation, Roundtable Conference on Texts and Contexts in Legal History in Honor of Professor Charles Donahue, Harvard Law School (Oct. 7, 2016)

Inventing American Exceptionalism: The Origins of American Adversarial Legal Culture, 1800-1877, U.C. Davis Law School Faculty Workshop (Apr. 4, 2016)

Genest Global Faculty Lecture, *Inventing American Exceptionalism: The Origins of American Adversarial Legal Culture, 1800-1877*, Osgoode Hall Law School, York University (Mar. 23, 2016)

Inventing American Exceptionalism: The Origins of American Adversarial Legal Culture, 1800-1877, Elmer J. Schaefer Workshop Series, William & Mary Law School (Mar. 17, 2016)

Invited Speaker, Equity in the Federal Courts, Annual Meeting of the American Association of Law Schools, Panel on Remedies (Jan. 9, 2016)

Keynote Speaker, *Inventing American Exceptionalism: The Origins of American Adversarial Legal Culture, 1800-1877*, Australian and New Zealand Law and History Society Conference, University of Adelaide (Dec. 11, 2015)

Freedmen's Bureau Courts and the Critique (and Resurgence) of Adversarialism, Annual Conference of the American Society for Legal History, Washington, D.C. (Oct. 30, 2015)

Commentator, International Junior Faculty Forum, Stanford Law School (Oct. 9, 2015)

Invited Speaker, *Freedmen's Bureau Courts and the Emergence of Adversarial Due Process*, Conference on Constitutional Culture: Identities, Texts, Institutions, Faculty of Law, Queen's University, Kingston, Ontario (Oct. 2-3, 2015)

Inventing American Exceptionalism: The Origins of American Adversarial Legal Culture, 1800-1877, Institut Michel Villey, Université Panthéon-Assas, Paris (June 5, 2015)

The Freedmen's Bureau Exception: The Triumph of Due (Adversarial) Process and the Dawn of Jim Crow, Law and History Workshop, Harvard Law School (Oct. 28, 2014)

Arbitration and Americanization: Frances Kellor, the American Arbitration Association and the Paternalism of Progressive Procedural Reform, Arbitration, Transparency, and Privacy: A Seminar, Quinnipiac-Yale Dispute Resolution Workshop, Yale Law School (Oct. 23, 2014)

Commentator, International Junior Faculty Forum, Stanford Law School (Oct. 10, 2014)

The Freedmen's Bureau Exception: The Triumph of Due (Adversarial) Process and the Dawn of Jim Crow, Public Law Workshop, University of Minnesota Law School (Nov. 18, 2013)

Invited Speaker, "The Federal Rules and the Nature of Procedural Scholarship," Penn Law Review Symposium on The Federal Rules at 75 (Nov. 16, 2013)

Civic Republican Lawyering: Legal Oratory and the Antebellum Embrace of Adversarialism, Annual Conference of the American Society for Legal History, Miami, FL (Nov. 9, 2013)

Invited Faculty, Summer School for Young Legal Historians, David Berg Institute for Law and History, Tel Aviv University & Hebrew University Legal History Forum (June 23-24, 2013)

Civic Republicanism and the Cultural Foundations of American Adversarialism: Henry Vanderlyn and the Decline of Equity's Quasi-Inquisitorial Tradition, Legal History Workshop, Hebrew University Law School (June 18, 2013)

Civic Republicanism and the Cultural Foundations of American Adversarialism: Henry Vanderlyn and the Decline of Equity's Quasi-Inquisitorial Tradition, Law & History Workshop, Tel Aviv University Law School (June 12, 2013)

Market Freedom and Adversarial Adjudication: The Nineteenth-Century American Debates Over (European) Conciliation Courts and the Problem of Procedural Ordering, Tel Aviv University Law School Faculty Workshop (June 10, 2013)

Market Freedom and Adversarial Adjudication: The Nineteenth-Century American Debates Over (European) Conciliation Courts and the Problem of Procedural Ordering, Tulane Law School Faculty Workshop (Apr. 8, 2013)

Market Freedom and Adversarial Adjudication: The Nineteenth-Century American Debates Over (European) Conciliation Courts and the Problem of Procedural Ordering, Moritz College of Law Faculty Workshop (Mar. 21, 2013)

Market Freedom and Adversarial Adjudication: The Nineteenth-Century American Debates Over (European) Conciliation Courts and the Problem of Procedural Ordering, Yale Law School Faculty Workshop (Oct. 29, 2012)

Market Freedom and Adversarial Adjudication: The Nineteenth-Century American Debates Over (European) Conciliation Courts and the Problem of Procedural Ordering, Comparative Law and Economics Forum, Berkeley Law School (June 15, 2012)

Delineating Between Conciliation and Adjudication: A Comment on Resnik and Curtis's Representing Justice, Childress Lecture program on Justice Systems Circa 2011: Public Courts, Military Commissions and Aggregate Processing, Saint Louis University School of Law (Nov. 11, 2012)

Invited Speaker, Conference on Franco-American Legal Influences, Then and Now, Harvard Law School (June 13, 2011)

Panel Commentator, "Hidden and Emergent Financial Systems," Annual Meeting of the Law and Society Association, San Francisco, CA (June 2, 2011)

Market Freedom and Adversarial Adjudication: The Nineteenth-Century American Debates Over (European) Conciliation Courts and the Problem of Procedural Ordering, Chicago-Kent College of Law Faculty Workshop (Apr. 26, 2011)

Market Freedom and Adversarial Adjudication: The Nineteenth-Century American Debates Over (European) Conciliation Courts and the Problem of Procedural Ordering, Iowa Legal History Workshop (Apr. 25, 2011)

Civic Republicanism and the Cultural Foundations of American Adversarialism: Henry Vanderlyn and the Decline of Equity's Quasi-Inquisitorial Tradition, Harvard Legal History Workshop (Apr. 7, 2011s)

Civic Republicanism and the Cultural Foundations of American Adversarialism: Henry Vanderlyn and the Decline of Equity's Quasi-Inquisitorial Tradition, George Washington University Law School Works-in-Progress Series (Nov. 19, 2010)

Recalling Past Convergence: Equity Procedure and the United States' Forgotten Inquisitorial Tradition, Il Seminario Derecho de los Contratos Internacionales, Universidad Sergio Arboleda, Bogotá (Aug. 26, 2010)

Civic Republicanism and the Rise of a Unified (Oral and Adversarial) Model of Procedure, Law, History, and Culture Workshop, University of Southern California (Apr. 21, 2010)

Civic Republicanism and the Rise of a Unified (Oral and Adversarial) Model of Procedure, Legal History and Culture Speaker Series, University of Connecticut Law School (Mar. 24, 2010)

Civic Republicanism and the Rise of a Unified (Oral and Adversarial) Model of Procedure, Legal History Forum, Yale Law School (Mar. 23, 2010)

Civic Republicanism and the Rise of a Unified (Oral and Adversarial) Model of Procedure, Legal History Workshop, University of Virginia Law School (Mar. 22, 2010)

Civic Republicanism and the Rise of a Unified (Oral and Adversarial) Model of Procedure, Center for the Study of Law and Society Speaker Series, University of California at Berkeley Law School (Mar. 1, 2010)

Invited Speaker, Keynote Address, Comparative Law Workshop, Center for International and Comparative Law, Emory Law School (Feb. 19, 2010)

Panel Commentator, "An Archeology of Agency in the Civil Law Tradition: Early Modern Spain, France, and Colonial Spanish America," Annual Meeting of the American Historical Association, San Diego, CA (Jan. 7-10, 2010)

Lessons from the Archives: Critical Reflections on the Standard Narrative of the Law Merchant, Annual Conference of the American Society for Legal History, Dallas, TX (Nov. 13, 2009)

The Making and Debunking of Legal Tradition, Annual Meeting of the American Society of Comparative Law: Methodological Approaches to Comparative Law, Roger Williams University School of Law (Oct. 2, 2009)

Le droit et le commerce: La juridiction consulaire de Paris au XVIII^e siècle, Seminar on "Capitalisme et marchés, XVIII^e-XIX^e siècles: Produits, travail et société," École des hautes études en sciences sociales, Paris (Apr. 3, 2009)

Une révolution du commerce: La juridiction consulaire de Paris et l'essor de la société de marché, Seminar on "La propriété et ses droits: Confiance et institutions judiciaires dans les sociétés de l'époque moderne," École des hautes études en sciences sociales, Paris (Apr. 2, 2009)

Panel Commentator, "Language and Republican Virtue in Early Modern France," Annual Meeting of the Society for French Historical Studies, St. Louis, MO (Mar. 28, 2009)

Marginalization and Myth: France's Forgotten Politicized Courts, Comparative Law Workshop, Villanova Law School (Mar. 25, 2009)

Deciding Against Conciliation: The Nineteenth-Century Rejection of a European Transplant and the Rise of a Distinctively American Ideal of Adversarial Adjudication, Willamette Law School Faculty Workshop (Mar. 9, 2009)

Invited Participant, Manuscript Conference on Benito Arruñada's *Building Market Institutions*, Mercatus Center at George Mason University (Feb. 2-4, 2009)

Deciding Against Conciliation: The Nineteenth-Century Rejection of a European Transplant and the Rise of a Distinctively American Ideal of Adversarial Adjudication, Conference in Honor of Mirjan Damaska, Yale Law School (Nov. 1, 2008)

Deciding Against Conciliation: The Nineteenth-Century Rejection of a European Transplant and the Rise of a Distinctively American Ideal of Adversarial Adjudication, Illinois Legal History Program, University of Illinois (Oct. 3, 2008)

Deciding Against Conciliation: The Nineteenth-Century Rejection of a European Transplant and the Rise of a Distinctively American Ideal of Adversarial Adjudication, Legal History Workshop, University of Minnesota Law School (Sept. 25, 2008)

Deciding Against Conciliation: The Nineteenth-Century Rejection of a European Transplant and the Rise of a Distinctively American Ideal of Adversarial Adjudication, Faculty Workshop, Haifa University Law School (July 23, 2008)

Deciding Against Conciliation: The Nineteenth-Century Rejection of a European Transplant and the Rise of a Distinctively American Ideal of Adversarial Adjudication, Semi-Plenary Session, Annual Meeting of the Research Committee on the Sociology of Law, Como, Italy (July 12, 2008)

Deciding Against Conciliation: The Nineteenth-Century Rejection of a European Transplant and the Rise of a Distinctively American Ideal of Adversarial Adjudication, Law & History Workshop, Tel Aviv University Law School (June 30, 2008)

Deciding Against Conciliation: The Nineteenth-Century Rejection of a European Transplant and the Rise of a Distinctively American Ideal of Adversarial Adjudication, Conference on the History of Legal Transplants, Hebrew University and Tel Aviv University (June 12, 2008)

Bankruptcy and the Reconceptualization of Merchant-Court Jurisdiction in Eighteenth-Century France, European Social Science History Conference, Lisbon, Portugal (Feb. 29, 2008)

Deciding Against Conciliation: The Nineteenth-Century Rejection of a European Transplant and the Rise of a Distinctively American Ideal of Adversarial Adjudication, Global Law Workshop, Duke Law School (Feb. 22, 2008)

Between Functionalism and Essentialism: Culture as Historically Contextualized Social Practice, Annual Meeting of the American Society of Comparative Law: Comparative Law and Culture, Cornell Law School (Nov. 9, 2007)

Law and Virtue: The Eighteenth-Century Parisian Merchant Court, Studienstiftung des Deutschen Volkes, Guidel, France (Sept. 19, 2007)

Invited Participant, Law, War, and History, Boalt Law School (Jan. 15-17, 2007)

Invited Participant, Pamphleteers on Commerce, Culture and Liberty: De La Court, Locke, Barbon, North, Child, Fletcher, Liberty Fund, Safety Harbor, FL (Jan. 4-7, 2007)

Launching a National Campaign: The Administrative Monarchy and the Rise of le Commerce, Social Science History Workshop, Stanford University (Nov. 15, 2006)

A Crisis in Virtue: The Challenges Posed by the Rise of Negotiability in Eighteenth-Century France, Annual Meeting of the Law and Society Association, Baltimore, MD (July 7, 2006)

A Revolution in Commerce: The Administrative Monarchy and the Rise of le Commerce, Legal History Colloquium, NYU Law School (Mar. 29, 2006)

A Revolution in Commerce: The Administrative Monarchy and the Rise of le Commerce, Law and Humanities Colloquium, Cornell Law School (Mar. 27, 2006)

Our Inquisitorial Tradition: Equity Procedure, Due Process, and the Search for an Alternative to the Adversarial, Civil Justice Workshop, Boalt Law School (Feb. 2, 2006)

From Public Hazard to Social Good: The Parisian Merchant Court and the Rise of a New Conception of Commerce, Legal History Workshop, UCLA Law School (Jan. 18, 2006)

From Public Hazard to Social Good: The Parisian Merchant Court and the Rise of a New Conception of Commerce, Legal History Series, Columbia Law School (Nov. 17, 2005)

Panel Commentator, Symposium on Comparative Early Modern Legal History, Newberry Library, Chicago, IL (Oct. 14, 2005)

Panel Moderator, Conference and Festschrift in Honor of Lawrence Friedman, Stanford Law School (Oct. 1, 2005)

Panel Moderator, Gun Control: Old Problems, New Paradigms, Stanford Law School (Sept. 16, 2005)

The Adversarial Self-Conception of American Legal Culture and the Forgotten Equity Tradition, Cornell Law School and Sciences Po, Workshop on Rethinking “Legal Transplants” and “Mixed Jurisdictions”: When Civilian Legal Reasoning Meets Constitutional Thought, Paris, France (July 14, 2005)

A Revolution in Commerce: French Absolutism and the Rise of “le Commerce” as Social Function, Annual Meeting of the Research Committee on the Sociology of Law, Paris, France (July 12, 2005)

Our Inquisitorial Tradition: Equity Procedure, Due Process, and the Search for an Alternative to the Adversarial, Law & History Workshop, Tel Aviv University Law School (May 23, 2005)

Reconceiving Trade as Free, Private Exchange: Jurisdictional Conflict and the Eighteenth-Century Parisian Merchant Court, Annual Conference of the Society for French Historical Studies, Stanford University (Mar. 19, 2005)

Invited Participant, West Coast Law and Society Retreat, Berkeley, CA (Mar. 11-12, 2005)

A Revolution in Commerce: French Absolutism and the Rise of “le Commerce” as Social Function, Annual Conference of the American Society for Legal History, Austin, TX (Oct. 30, 2004)

Invited Participant, Empire, Human Rights, and Transnational Contexts in American Legal History, Miniconference, University of Texas, Austin (Oct. 28, 2004)

A “Question of Name”: Merchant-Court Jurisdiction and the Origins of the Noblesse Commercante, Gimon Conference on French Political Economy (1650-1850), Stanford University (Apr. 18, 2004)

FELLOWSHIPS AND AWARDS

Guggenheim Fellowship, Constitutional Studies (2021)

Fellowship, Center for Advanced Study in the Behavioral Sciences, Stanford University (2021-22)

John Phillip Reid Book Award, awarded by the American Society for Legal History for the best monograph by a mid-career or senior scholar published in English in Anglo-American legal history (2018)

Violet Andrews Whittier Fellowship, Stanford Humanities Center (2013-14)

Hessel Yntema Prize, awarded by the American Society of Comparative Law for the “most outstanding” article by a scholar under 40 appearing in volume 58 of the *American Journal of Comparative Law* (2011)

J. Russell Major Prize, awarded by the American Historical Association for the best book in English on any aspect of French history (2008)

Research Fellow, Workshop on Common Law Legal Transplants, Institute for Advanced Studies, Hebrew University (May-August 2008)

Charles A. Ryskamp Research Fellowship, American Council of Learned Societies (2007-2008)

Surrency Prize, awarded by the American Society for Legal History for the best article appearing in volume 22 of the *Law and History Review* (2005)

Special Commendation Award, U.S. Department of Justice (December 2002)

Performance Award, U.S. Department of Justice (December 2002)

Star Award for legal representation, U.S. Department of the Interior (September 2002)

PROFESSIONAL MEMBERSHIPS AND SERVICE

American Society for Legal History: Honors Comm. (2019-22); John Philip Reid Book Prize Committee, Chair & Member (2021-2023); Nominating Comm., Chair & Member (2017; 2008-2010; 2016-18); Program Comm., Chair & Member (2011; 2006; 2010; 2017); Executive Comm. (2011-2014); Board of Directors (2011-2014); Editorial Board of the *Law and History Review* (2017-)

Member, Legal History Prize Committee, William Nelson Cromwell Foundation (2022-23)

Member, International Scientific Advisory Board, Max Planck Institute for Legal History and Legal Theory (2022-27)

Member, Scientific Board, Center for Anglo-American Legal Tradition, University of Lodz, Poland (from 2023)

Co-Editor, Oxford University Press Monograph Series, *Oxford Legal History* (2015-21)

Law and Society Association: Program Comm. (2015); Herbert Jacob Book Prize Comm. (2013); J. Willard Hurst Book Prize Comm. (2011; 2016)

Associate Editor (Book Reviews, Non-Americas), *Law and History Review* (2007-2012)

Editorial Boards: *Law and History Review* (2013-2017; 2018-2023); *Law and Social Inquiry* (2013-2015); *Studies in the History of Law and Justice*, Springer (starting 2013)

Elected Associate Member, International Academy of Comparative Law (2012 to present)

American Society of Comparative Law: Executive Comm. (2009-10; 2010-11); Director/Editor

American Assoc. of Law Schools Section on Comparative Law: Chair (2010); Executive Comm. (2007-09)

Co-Director, Law and History Workshop, Stanford Humanities Center (2008-09)

Manuscript Reviewer, Yale University Press; Oxford University Press; University of Chicago Press; Edward Elgar Publishing; *Law and History Review*; *American Historical Review*; *American Journal of Legal History*; *The Economic History Review*; *The Journal of Economic History*; *Law and Social Inquiry*; *The Journal of Modern History*; *Journal of Law, Economics, and Organization*; *The Journal of Legal History*; *French History*; *Financial History Review*

Grant/Fellowship Reviewer, Mellon/ACLS Dissertation Completion Fellowship Program; School of Historical Studies, Institute for Advanced Study, Princeton; Agence nationale de la recherche (France); Leverhulme Trust (UK)

Director/Editor (representing Stanford), American Society of Comparative Law

Local Organizer, Annual Meeting of *Mouvement Jeune Notariat* (organization of French notaries/transactional lawyers), San Francisco, CA (Nov. 18-24, 2007)

Member, American Society for Legal History, Law and Society Association, American Historical Association, & Society for French Historical Studies

Admitted to New York and Massachusetts Bars (2000)

LAW SCHOOL SERVICE

Next Steps Committee (2022-23)

Graduate/International Studies Committee: Co-Chair (2019-20; 2020-21; 2022-23); Member (2004-07; 2009-10; 2012-13)

Joint Degree Advisor: JD/PhD in History (from 2008); JD/MA in Global Studies (from 2023)

Member, Committee on Library and Information Resources (2020-21; 2021-22)

Co-Chair, Ad Hoc Committee on Student Financial Access (2019-20)

Promotions Committees: Chair (2020-21; 2023-24); Member (2013-16; 2018-19; 2022-23)

Appointments Committee: Chair, Entry-Level (2010-11); Member (2008-09; 2014-15; 2016-17)

Member, Private International Law Committee (2012-13)

Member, Foreign Law Programs Committee (2009-10; 2015-16; 2016-17; 2017-18; 2018-19)

Chair, Faculty Workshops Committee (2006-07; 2007-08)

Member, Building Committee (2006-07; 2008-09)

Member, Admissions Committee (2003-04)

UNIVERSITY SERVICE

Elected Member, Faculty Senate Steering Committee (2023-24)

Elected Chair, Faculty Senate Committee on Committees (2022-23)

Elected Member, Faculty Senate (2022-24)

Member, Committee on Research (2019-22)

Member, Team of Interviewers of Finalists for Knight-Hennessy Scholars Program (2021-23)

Member, External Review Committee, History Department (2022-23)

Member, Selection Committee for Joint School of Humanities & Sciences/Law School Search in Law and Legal Institutions in Muslim Societies (2017-18)

Member, Selection Committee for the Graduate School of Education Centennial Search in Education and Humanities (2017-18)

Member, Selection Committee for Dissertation Fellowships, Stanford Humanities Center (2018)

Member, Selection Committee for Research Workshops, Stanford Humanities Center (2016)

Member, Faculty Voice and Influence Program (2011-12)

Executive Committee Member, France-Stanford Center for Interdisciplinary Studies (2008-11)

Member, Committee on Libraries (2009-12; 2015-18)

Member, Committee on Libraries Subcommittee on the Future of Stanford's Libraries (2008-10)

Stanford Fellow (2008-10)

Member, Selection Committee for Gimon Visiting Scholar Fellowship in French Political Economy (2005-07; 2008-09; 2012-15; 2018-19)