

THOMAS B. BENNETT

Associate Professor and Wall Family Fellow
University of Missouri School of Law
Kinder Institute on Constitutional Democracy
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ACADEMIC APPOINTMENTS

University of Missouri School of Law & Kinder Institute on Constitutional Democracy
Associate Professor and Wall Family Fellow, 2020–
Courses taught: Constitutional Law, Civil Procedure I & II, The American Constitution
Honors and awards: Presidential Engagement Fellow, 2021–22; 1L Professor of the Year, 2022
Service: Clerkship Committee; Diversity, Climate, and Well-Being Committee

New York University School of Law
Furman Academic Fellow, 2018–2020

ACADEMIC PUBLICATIONS

There Is No Such Thing as Circuit Law, 107 MINN. L. REV. __ (forthcoming 2022)

- Argues that federal intermediate appellate courts do not make, find, or apply their own substantive bodies of federal law and explores how the belief that they do has led to mischief across many different areas of law.

State Rejection of Federal Law, 97 NOTRE DAME L. REV. __ (forthcoming 2022)

- Argues that state judges, legislators, and electorates respond to federal judicial opinions not only by borrowing them into state law but also in many cases by explicitly rejecting them, creating space for state policy experimentation but also upsetting the policy balance struck by federal case law.

The Paradox of Exclusive State-Court Jurisdiction Over Federal Claims, 105 MINN. L. REV. 1211 (2021)

- Argues that recent changes in the law of individual Article III standing interact with state law to produce a paradox: many federal claims can be brought only in state court, and only in some states, leading to substantial litigation costs and the uneven development of federal law.
- Cited in *TransUnion v. Ramirez*, No. 20-297, at 18 n.9 (U.S. June 25, 2021) (Thomas, J., dissenting).

Divide and Concur: Separate Opinions and Legal Change, 103 CORNELL L. REV. 817 (2018) (with Barry Friedman, Andrew Martin, & Susan Smelcer)

- Uses a novel empirical database of Supreme Court concurring opinions created for the article and a global comparative study of separate judicial opinions to argue that separate opinions signal, invite, and catalyze legal change.
- Awarded the American Academy of Appellate Lawyers' 2017–2018 Eisenberg Prize for the best article on appellate practice and procedure.

Note, *The Canon at the Water's Edge*, 87 N.Y.U. L. REV. 207 (2012)

- Argues that the presumption against extraterritorial application of statutes has been strengthened as its justification shifted away from promoting international comity and toward ostensibly empirical assumptions about how Congress legislates.
- Awarded the Paul D. Kaufman Memorial Award for the outstanding note in the *Law Review*.

ADDITIONAL LEGAL EXPERIENCE

Kellogg, Hansen, Todd, Figel & Frederick, P.L.L.C., Associate, 2014–2018
(formerly Kellogg, Huber, Hansen, Todd, Evans & Figel, P.L.L.C.)

Hon. Jesse M. Furman, Southern District of New York, Law Clerk, 2013–14

Hon. Gerard E. Lynch, Second Circuit Court of Appeals, Law Clerk, 2012–13

EDUCATION

New York University School of Law, J.D., *magna cum laude*, 2012

New York University Law Review, Managing Editor, 2011–12

Law Review Alumni Association Award (third-highest GPA at graduation)

Order of the Coif

Furman Scholar (exceptional candidates for careers in legal academia)

Frank H. Sommer Memorial Award (outstanding scholarship, character, & professional activities)

Paul D. Kaufman Memorial Award (outstanding note in the *Law Review*)

Harry J. Rudick Memorial Award (excellence in taxation)

Butler Scholar (top ten students after the second year)

Pomeroy Scholar (top ten students after the first year)

Orison S. Marden Moot Court, best brief and finalist (spring 2012)

Swarthmore College, B.A., with honors, History and Philosophy of Politics, 2007

PAPER PRESENTATIONS

There Is No Such Thing as Circuit Law

- University of Wisconsin Law School Faculty Speaker Series (January 2022)
- Works in Progress for Intellectual Property Scholars Colloquium (February 2022)

State Rejection of Federal Law

- Lawyering Scholarship Colloquium, New York University School of Law (February 2020)
- Furman Academic Scholars Workshop, New York University School of Law (February 2020)
- University of Kansas School of Law Faculty Colloquium (October 2020)
- University of Tennessee College of Law Faculty Workshop (April 2021)
- Shawnee Trail Regional Conference on American Politics and Constitutionalism (April 2021)

The Paradox of Exclusive State-Court Jurisdiction Over Federal Claims

- Junior Faculty Federal Courts Workshop, University of Arkansas School of Law (September 2019) (selected for plenary session)
- Civil Procedure Workshop, University of Texas School of Law (October 2019) (selected for plenary session)

Congressional Control Over State Jurisdiction

- Lawyering Scholarship Colloquium, New York University School of Law (August 2019)

Divide and Concur: Separate Opinions and Legal Change

- Soshnick Colloquium on Law and Economics, Northwestern Law School (Spring 2015) (with B. Friedman and S. Smelcer)
- Princeton Public Law Colloquium (Spring 2014) (with B. Friedman)

Concurrences as Evidence of the Factors Influencing Judicial Speech Acts

- Judicial Speech Acts Workshop, Perry World House, University of Pennsylvania (May 2019)

SYMPOSIA & OTHER PRESENTATIONS

On Theory: De-Politicizing the Work of Scholars, Michael A. Middleton Center for Race, Citizenship, and Justice (February 2022)

The Two Impeachments of Donald J. Trump, 2022 Missouri Law Review Symposium

- Moderator, panel on “The Second Trump Impeachment: What Is Impeachment For?” (February 2022)

“Baseball, Law, and Society” Lock-In, Kinder Institute on Constitutional Democracy

- *Unwritten Rules: Flood v. Kuhn at 50*

Americans for Prosperity Foundation v. Bonta and Questions of Donor Privacy, Federalist Society, Kansas City Lawyers Chapter & Kansas Lawyers Chapter (September 2021)

Enumeration and Supremacy: Federal Power, Kinder Forum, Kinder Institute on Constitutional Democracy (four-part series) (March 2021)

A New Hope? An Interdisciplinary Reflection on the Constitution, Politics, and Polarization in Jack Balkin’s “The Cycles of Constitutional Time,” 2020 Missouri Law Review Symposium

- Moderator, panel on “Constitutional Design” (November 2020)

SELECTED MEDIA APPEARANCES

Alison Frankel, [State Court Will Be Next Frontier for Consumer Class Actions Under Federal Law](#), REUTERS, June 28, 2021 (quoted)

Jess Bravin, [Supreme Court Pares Back Class-Action Suits](#), WALL ST. J., June 25, 2021 (quoted)

Alison Frankel, [Unlikely Bedfellows in TransUnion SCOTUS Case: Justice Thomas and Class Action Fans](#), REUTERS, Mar. 11, 2021

POPULAR WRITING

Baseball Prospectus, Columnist, 2009–11

Additional: ESPN.com, *Baseball Prospectus 2011*, *Baseball Prospectus 2012*, *Baseball Prospectus 2014*

ADDITIONAL INFORMATION

Bar admissions: New York (2014); District of Columbia (2015)