

GERALD F. LEONARD
Boston University School of Law
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PROFESSIONAL EXPERIENCE

Professor of Law and Law Alumni Scholar
Boston University School of Law
2003-present (Law Alumni Scholar since 2007)

Associate Dean for Academic Affairs
Boston University School of Law
2006-2009

Associate Professor of Law
Boston University School of Law
1996-2003

Clerk to the Honorable David H. Souter
United States Supreme Court
Washington, D.C., 1996-1997

Clerk to the Honorable J. Dickson Phillips, Jr.
United States Court of Appeals for the Fourth Circuit
Chapel Hill, North Carolina, 1995-1996

Law Clerk
Institute of Government
Chapel Hill, North Carolina, 1995

Law Clerk
Bodman, Longley and Dahling
Detroit, Michigan, 1994

Assistant to Labor Arbitrator Sol Elkin
Ann Arbor, Michigan, 1993

EDUCATION

J.D., Magna Cum Laude, University of Michigan Law School, 1995

Ph.D., History, University of Michigan, 1992

Dissertation title: "Partisan Political Theory and the Unwritten Constitution: The Origins of Democracy in Illinois, 1818-1840"

A.B., Oberlin College, 1984

PUBLICATIONS

Books

The Partisan Republic: Democracy, Exclusion, and the Fall of the Founders' Constitution, 1780s-1830s, with Saul Cornell (Cambridge University Press, 2019)

The Invention of Party Politics: Federalism, Popular Sovereignty, and Constitutional Development in Jacksonian Illinois (University of North Carolina Press, Studies in Legal History, 2002)

Edited Work

Series Editor, with Keith Whittington, *New Essays on American Constitutional History*, American Historical Association, 2009-2018 (ten pamphlets published)

Articles and Book Chapters

"A History of Violence: American Constitutional History and the Criminal System," in Markus D. Dubber and Christopher Tomlins, eds., *The Oxford Handbook of Legal History* (Oxford University Press, 2018)

"Jefferson's Constitutions," in D.J. Galligan, ed., *Constitutions and the Classics: Patterns of Constitutional Thought from Fortescue to Bentham* (Oxford University Press, 2014)

"*Fletcher v. Peck* and Constitutional Development in the Early United States," *47 U.C. Davis Law Review* 1843 (2014)

"Punishment Without Conviction: Controlling the Use of Unconvicted Conduct in Federal Sentencing," co-authored with Christine Dieter, *17 Berkeley Journal of Criminal Law* 260 (2012)

“Some Reasons Why Criminal Harms Matter,” in Robinson, Ferzan, and Garvey, eds., *Criminal Law Conversations* (Oxford University Press, 2009)

"Law and Politics Reconsidered: A New Constitutional History of *Dred Scott*," 34 *Law and Social Inquiry* 747 (2009)

“The Consolidation of the Early Federal System,” co-authored with Saul Cornell, in Christopher Tomlins and Michael Grossberg, eds., *The Cambridge History of Law in America* (Cambridge University Press, 2008)

“Civilizing Darwin: Holmes on Crime,” in Markus Dubber and Lindsay Farmer, eds., *Modern Histories of Criminal Law* (Stanford University Press, 2007)

“Iredell Reclaimed: Farewell to Snowiss’s History of Judicial Review,” 81 *Chicago-Kent Law Review* 867 (2006)

“Holmes on the Lochner Court,” 85 *Boston University Law Review* 1001 (2005)

“Towards a Legal History of American Criminal Theory: Culture and Doctrine from Blackstone to the Model Penal Code,” 6 *Buffalo Criminal Law Review* 691 (2003)

“Party as a ‘Political Safeguard of Federalism’: Martin Van Buren and the Constitutional Theory of Party Politics,” 54 *Rutgers Law Review* 221 (2001)

“Rape, Murder, and Formalism: What Happens When We Define Mistake of Law?,” 72 *University of Colorado Law Review* 507 (2001)

“Comment on Frederick Schauer’s Prediction and Particularity,” 78 *Boston University Law Review* 931 (1998)

“Federal Law and Athletic Eligibility for Students with Disabilities,” *School Law Bulletin*, Summer, 1996

“The Ironies of Partyism and Antipartyism: Origins of Partisan Political Culture in Jacksonian Illinois,” *Illinois Historical Journal*, Spring, 1994
—Winner of the Harry E. Pratt Award of the Illinois Historical Society for best article published in the *Illinois Historical Journal* for the 1993-94 publishing year.

Book reviews in *Law and History Review*, *Journal of American History*, *American Historical Review*, *Journal of the Early Republic*, *American Journal of Legal History*, *Journal of Interdisciplinary History*. Symposium response on *Balkinization* blog.

PRESENTATIONS

Flaschner Institute presentation to Massachusetts trial judges, September 17, 2020
Elon University School of Law, November 19, 2018
Crimfest, Cardozo Law School, July 16, 2018
Wesleyan University, invited lecture, March 24, 2015
University of Connecticut Law School Faculty Workshop, November 19, 2014
Boston University conference on "America's Political Dysfunction," November 15, 2013
Law and Society Association, Sentencing Panel, Boston, Mass., May 30, 2013
Princeton University, Colonial Americas Workshop on "Jeffersonian Democracy in Theory and Practice," May 18-19, 2012
Oberlin College, Doing American History Symposium, February 25, 2012
American Society for Legal History, Annual Meeting, November 12, 2011
University of Georgia School of Law, Faculty Workshop, November 9, 2011
Rutgers-Camden School of Law, Faculty Workshop, April 19, 2010
Massachusetts Historical Society, December 3, 2009
Oxford University Centre for Socio-Legal Studies *and* Rothermere American Institute, Conference on "Constitutions and the American Classics: Madison and Jefferson," July 9, 2009
Harvard Conference on American Constitutional Development, October 18, 2008
Boston College Legal History Roundtable, November 15, 2007
Boston University-University of Cambridge Conference on "The Constitution and Public Policy in American History," March 10, 2006
Chicago-Kent College of Law, Conference on Larry Kramer's *The People Themselves*, November 18, 2005
University at Buffalo Law School, Conference on Modern Histories of Crime and Punishment, June 12, 2005
Boston University, Editorial Institute, Conference on James Fitzjames Stephen, April 9, 2005
Boston University, Lochner Centennial Conference, October 16, 2004
Harvard Law School, Legal History Series, October 17, 2002
American Bar Foundation, Research Seminar, Chicago, September 13, 2002
New York University, Legal History Colloquium, January 23, 2002
University of Virginia, Conference on Constitutional History, October 6-7, 2001
Annual Meeting of the Society for Historians of the Early American Republic, 1991
Illinois History Symposium, 1990

TEACHING

Criminal Procedure: Adjudication

Criminal Law

Legislation

Criminal Sentencing

Criminal Justice (seminar)

The Limits of Criminality (seminar)

American Legal History (seminar)

Origins of American Constitutionalism (seminar)

Historical Perspectives on Law, Constitutions, and Culture (workshop seminar)

Dissertation Advising: Brian Carso (American and New England Studies, PhD 2004); Aaron Knapp (History, PhD 2015)

Recipient of the Michael W. Melton Memorial Award for Teaching Excellence (2020)

SERVICE

Co-Chair of Fall 2017 Conference Organizing Committee (2016-17)

Chair of Provost's University Committee on Academic Program Review (2012-14)

Chair of Retreat Organizing Committee (2013-14)

Chair of Career Committee (2012-13)

Chair of JD Curriculum Committee (2011-12, 2014-15)

Chair of Melton Prize Committee (2021-present)

Additional service since 1997 on Academic Standards Committee, Admissions Committee, Appointments Committee, Prizes and Awards Committee, Committee on Learning Outcomes, Lawyering Program Committee, Committee on Community and Inclusion, COVID Teaching Working Group, LFA Faculty Coach, Shepherd/Mentor committees for junior faculty. Also Dean's Designate for disciplinary cases, 2016, 2018-present.

PROFESSIONAL SERVICE AND AFFILIATIONS

Chair, John Philip Reid Prize Committee, American Society for Legal History, 2009-11

Member of Publications Committee, American Society for Legal History, 2007-2010

Member of Program Committee for 2003 meeting of the American Society for Legal History.

Organizer and Moderator, The Elizabeth Battelle Clark Legal History Series at Boston University, 1998-2008.

American Society for Legal History

Organization of American Historians

Peer review for Cambridge University Press, Duke University Press, University of Virginia Press, *Journal of American History*, *Journal of Historical Sociology*, *Law and Social Inquiry*, *Comparative Studies in Society and History*, *Journal of the Early Republic*, *Studies in American Political Development*, *Law and History Review*, *Harvard Law Review*, *Yale Law Journal*.

Media appearances on “Greater Boston” (WGBH TV, 2005) and “Hi-Phi Nation” (Slate podcast, 2020)