

MICHAEL STEVEN GREEN

College of William and Mary
Marshall-Wythe School of Law
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EDUCATION

J.D. (1996), YALE LAW SCHOOL

- Senior Editor, *Yale Law Journal*
- Israel H. Peres Prize, awarded by faculty for best note in *Yale Law Journal*, 1994-95
- Olin Fellow with Center for Studies in Law, Economics, and Public Policy

PH.D. IN PHILOSOPHY (1990), YALE UNIVERSITY

- Dissertation: Nietzsche's Non-Cognitivist Metaethics and Epistemology (advisor: Karsten Harries)
- University Fellow, Teaching Fellow

B.A. IN HUMANITIES (1982), UNIVERSITY OF CALIFORNIA, BERKELEY

- Graduated *summa cum laude* in major
- Graduated with highest distinction in general scholarship
- Regents Scholar, Alumni Scholar

EMPLOYMENT & ACADEMIC APPOINTMENTS

- Since 2006* **COLLEGE OF WILLIAM & MARY, Professor of Law**
- Plumeri Award for Faculty Excellence (University-wide) 2011-12
 - Robert E. and Elizabeth S. Scott Research Professor 2010-12
 - Blackstone Lecturer 2009-10
 - Cabell Research Professor 2007-08
- 2003-2005* **GEORGE MASON UNIVERSITY, Associate Professor of Law**
- Tenured May 2005
- 2001-2002* **UNIVERSITY OF LONDON, KING'S COLLEGE SCHOOL OF LAW, Visiting Research Fellow**
- 1998-2003* **GEORGE MASON UNIVERSITY, Assistant Professor of Law**
- 1997-98* **PAUL, WEISS, RIFKIND, WHARTON, & GARRISON, NEW YORK, Associate**
- 1996-1997* **RICHARD A. POSNER, U. S. COURT OF APPEALS FOR THE SEVENTH CIRCUIT, Law Clerk**
- Summer 1996* **SIDLEY & AUSTIN, WASHINGTON, D.C., Summer Associate**
- Offered position as associate
- Summer 1995* **PAUL, WEISS, RIFKIND, WHARTON, & GARRISON, NEW YORK, Summer Associate**
- Summer 1994* **OFFICE OF LEGAL COUNSEL, NEW YORK UNIVERSITY, Law Clerk**
- 1991-93* **TUFTS UNIVERSITY, Assistant Professor of Philosophy (Tenure-Track)**
- Position renewed for 1993-1995
- 1990-91* **UNIVERSITY OF ALABAMA, HUNTSVILLE, Instructor in Philosophy**

EMPLOYMENT & ACADEMIC APPOINTMENTS (CONT.)

- 1990 **TECHNISCHE UNIVERSITÄT, BERLIN**, *Stiftung Luftbrückendank (Berlin Airlift Memorial Foundation) Fellow*
- Fall 1989 **WESLEYAN UNIVERSITY**, *Visiting Instructor in Philosophy*
- Fall 1989 **YALE UNIVERSITY**, *Instructor in Philosophy*
- 1987-88 **FREIE UNIVERSITÄT, BERLIN**, *DAAD (German Academic Exchange Service) Fellow*

PUBLICATIONS

BOOKS

NIETZSCHE AND THE TRANSCENDENTAL TRADITION (University of Illinois Press 2002)

- Reviews: Nadeem J.Z. Hussain, 113 *PHILOSOPHICAL REVIEW* 275-77 (2004)
 Tsarina Doyle, 12 *EUROPEAN JOURNAL OF PHILOSOPHY* 131-35 (2004)
 Roderick Stackelberg, 27 *GERMAN STUDIES REVIEW* 403-06 (2004)
 Tom Bailey, 35 *NIETZSCHE-STUDIEN* 228-62 (2006)
 R. Kevin Hill, 39 *JOURNAL OF NIETZSCHE STUDIES* 86-87 (2010)

ARTICLES, ESSAYS, AND BOOK REVIEWS

- 2011 *Horizontal Erie and the Presumption of Forum Law*, 109 *MICHIGAN LAW REVIEW* 1237-91
- Erie's Suppressed Premise*, 95 *MINNESOTA LAW REVIEW* 1111-67
- Leiter on the Legal Realists*, *LAW & PHILOSOPHY* (forthcoming)
- Review essay on BRIAN LEITER, *NATURALIZING JURISPRUDENCE: ESSAYS ON AMERICAN LEGAL REALISM AND NATURALISM IN LEGAL PHILOSOPHY* (Oxford U. Press 2007)
- Choice of Law as General Common Law: A Reply to Professor Brilmayer*, in Donald Earl Childress III (ed.), *THE ROLE OF ETHICS IN PRIVATE INTERNATIONAL LAW* (Cambridge University Press, forthcoming)
- 2009 *Kelsen, Quietism, and the Rule of Recognition*, in Matthew D. Adler & Kenneth E. Himma (eds.), *THE RULE OF RECOGNITION AND THE UNITED STATES CONSTITUTION* 351-78 (Oxford University Press)
- Two Fallacies about Copyrighting Factual Compilations*, in Robert Brauneis (ed.), *INTELLECTUAL PROPERTY PROTECTION OF FACT-BASED WORKS: COPYRIGHT AND ITS ALTERNATIVES* 169-204 (Edward Elgar Press)
- 2008 *Why Protect Private Arms Possession? Nine Theories of the Second Amendment*, 84 *NOTRE DAME LAW REVIEW* 131-89
- Does Dworkin Commit Dworkin's Fallacy?*, 28 *OXFORD JOURNAL OF LEGAL STUDIES* 33-55
- 2007 *Dworkin v. The Philosophers*, 2007 *UNIVERSITY OF ILLINOIS LAW REVIEW* 1477-1503
- Review essay on RONALD DWORKIN, *JUSTICE IN ROBES* (Harvard U. Press 2006)
- Explaining Tort Law*, 48 *WILLIAM & MARY LAW REVIEW* 1953-54 (symposium introduction)
- 2005 *Halpin on Dworkin's Fallacy: A Surreply*, 91 *VIRGINIA LAW REVIEW* 187-201
- Legal Revolutions: Six Mistakes about Discontinuities in the Legal Order*, 83 *NORTH CAROLINA LAW REVIEW* 331-409
- Legal Realism as Theory of Law*, 46 *WILLIAM AND MARY LAW REVIEW* 1915-2000

PUBLICATIONS (CONT.)

- 2005 *White and Clark on Nietzsche and the Transcendental Tradition: A Response*, 36 INTERNATIONAL STUDIES IN PHILOSOPHY 169-99
- 2004 *Nietzsche's Place in Nineteenth Century German Philosophy*, 47 INQUIRY: AN INTERDISCIPLINARY JOURNAL OF PHILOSOPHY 168-88
· Review essay on WILL DUDLEY, HEGEL, NIETZSCHE, AND PHILOSOPHY: THINKING FREEDOM (Cambridge U. Press 2002)
- 2003 *Dworkin's Fallacy, Or What the Philosophy of Language Can't Teach Us about the Law*, 89 VIRGINIA LAW REVIEW 1897-1952
Copyrighting Facts, 78 INDIANA LAW JOURNAL 919-64
· Reprinted in INTELLECTUAL PROPERTY LAW REVIEW (Karen B. Tripp. ed. 2004)
Hans Kelsen and the Logic of Legal Systems, 53 ALABAMA LAW REVIEW 365-413
· Chinese translation by Chen Rui in LEGAL POSITIVISM (Tsinghua University Press 2007)
- 2002 *The Paradox of Auxiliary Rights: The Privilege Against Self-Incrimination and the Right to Keep and Bear Arms*, 52 DUKE LAW JOURNAL 113-178
- 1999 *The Privilege's Last Stand: The Privilege Against Self-Incrimination and the Right to Rebel Against the State*, 65 BROOKLYN LAW REVIEW 627-716
- 1995 Note, *Legal Realism, Lex Fori, and the Choice-of-Law Revolution*, 104 YALE LAW JOURNAL 967-94
- 1992 *Nietzsche on Pity and Ressentiment*, 24 INTERNATIONAL STUDIES IN PHILOSOPHY 63-70

ONLINE PUBLICATIONS

- 2010 "Against the Conventionalist Turn in Legal Theory: Dickson on Hart on the Rule of Recognition" in JOTWELL, THE JOURNAL OF THINGS WE LIKE (LOTS)
<http://juris.jotwell.com/against-the-conventionalist-turn-in-legal-theory-dickson-on-hart-on-the-rule-of-recognition/>

PRESENTATIONS & CONFERENCES (ALL BY INVITATION)

Washington D.C., January 2012

Panelist, Choice of Law and the General Common Law, AALS Section on Conflict of Laws

University of San Diego School of Law, April 2011

Annual Conference on Analytic Legal Philosophy

San Francisco, January 2011

Panelist, Choice of Law in Complex Litigation, AALS Section on Conflict of Laws

Oxford University, Faculty of Law, September 2010

"Is Kelsen the Frege of Legal Theory?," Legal Science and Legal Theory: A Commemoration of the 50th anniversary of the Second Edition of Hans Kelsen's *Pure Theory of Law*

New Orleans, LA, January 2010

Seminar on the Second Amendment and the Criminology of Firearms, organized by Don Kates

University of San Diego School of Law, October 2009

"Horizontal *Erie* and the Presumption of Forum Law"

Thomas Jefferson School of Law, San Diego, CA, October 2009

"Horizontal *Erie* and the Presumption of Forum Law"

PRESENTATIONS & CONFERENCES (CONT.)

King's College London, May 2009

Annual Conference on Analytic Legal Philosophy

University of Uppsala, Sweden, Faculty of Law, August 2008

"Kelsen, Quietism, and the Rule of Recognition"

"Why Protect Private Arms Possession? Nine Theories of the Second Amendment"

University of Pennsylvania Law School, May 2008

"Kelsen, Quietism, and the Rule of Recognition," Conference on the Rule of Recognition and the U.S. Constitution

George Washington University Law School, September 2007

"Copyright, Collective Facts, and the Fallacy of Division," Symposium on Copyright in Factual and Functional Works

UC Berkeley School of Law (Boalt Hall), April 2007

Annual Conference on Analytic Legal Philosophy

University of Pennsylvania Law School, March 2007

"Natural Rights Arguments for the Second Amendment," Institute for Law and Philosophy

Princeton University, October 2006

Respondent, Conference on Joseph Raz's *Morality of Freedom*: 20 Years Later, James Madison Program

UCLA School of Law, April 2006

Annual Conference on Analytic Legal Philosophy

College of William & Mary School of Law, March 2006

Moderator, Conference on Law and Morality

Washington University in St. Louis School of Law, March 2006

"Kelsen and the English," Workshop on Hans Kelsen's Legal Theory

University of San Diego School of Law, November 2005

Conference on Conceptual Issues in Constitutional Law, Institute for Law & Philosophy

Idyllwild, Ca., September 2005

Roundtable on Modern Analytic Jurisprudence sponsored by the Program in Law & Philosophy, University of Illinois, and the Institute for Law & Philosophy, University of San Diego

University of Texas School of Law, April 2005

Annual Conference on Analytic Legal Philosophy

College of William & Mary School of Law, September 2004

"The Challenge of Legal Realism"

San Francisco, Ca., March 2003

"Author Meets Critics: *Nietzsche and the Transcendental Tradition*," North American Nietzsche Society, American Philosophical Association

University of London, November 2001

"Anarchic Rights in the United States Constitution," Institute for Advanced Legal Studies

Cambridge University, September 2001

"Nietzsche, Spir and the Concept of Force," Friedrich Nietzsche Society

University of Virginia School of Law, August 1999

"Emotivism, Utility Maximization, and the Incommensurability of Values"

PRESENTATIONS & CONFERENCES (CONT.)

Brooklyn Law School, February 1998

“Social Contract Theory and the Privilege Against Self-Incrimination”

University of Arizona College of Law, January 1998

“Social Contract Theory and the Privilege Against Self-Incrimination”

George Mason University School of Law, January 1998

“Social Contract Theory and the Privilege Against Self-Incrimination”

College of William & Mary School of Law, January 1998

“Social Contract Theory and the Privilege Against Self-Incrimination”

Tufts University, April 1993

“Schacht on Nietzsche’s Epistemology,” Symposium on Nietzsche

Chicago, Ill., April 1991

“Nietzsche on Pity and *Ressentiment*,” North American Nietzsche Society, American Philosophical Ass’n

Tufts University, Department of Philosophy, February 1991

“Nietzsche on Hedonism and the Meaning of Life”

Technische Universität Berlin, May 1990

“Intensionalism and Natural Kind Terms”

SERVICE

COLLEGE OF WILLIAM & MARY SCHOOL OF LAW

Appointments Committee (2006-09, 2010-12)

Chair, Faculty Research and Enrichment Committee (2008-09)

Temporary Replacement Member on Provost Search Committee (University-Wide, 2009)

Liberal Arts University Steering Committee (University-Wide, 2009-10)

GEORGE MASON UNIVERSITY SCHOOL OF LAW

Admissions Committee (2004-05)

Building Committee (1999-2000)

Clerkship & Placement Committee (2004-05, Chair 1998-99)

Curriculum Committee (Chair, 2003-04)

Faculty Selection Committee (1999-2000)

Faculty Workshop Committee (2002-03, 1999-2000)

Law Review Advisory Committee (1998-99)

Library Committee (1998-99)

TUFTS UNIVERSITY

Search Committee (1991-92)

Tenure Committee (1992-93)

Committee on Fraternity and Sorority Life (University-wide, 1992-93)

Committee for the Protection of Human Subjects in Experimentation (University-wide, 1992-93)

PROFESSIONAL

Chair, American Association of Law Schools, Section on Conflict of Laws (2012)

Member, American Philosophical Association, Committee on Philosophy and Law (2009-2012)

Contributing Editor, Jurisprudence Section of JOTWELL, THE JOURNAL OF THINGS WE LIKE
(LOTS)

TEACHING

WILLIAM & MARY SCHOOL OF LAW

Conflict of Laws
Civil Procedure
Philosophy of Law
Legal Ethics
Special Topics in Civil Procedure (*Erie* Doctrine)

COLLEGE OF WILLIAM & MARY

Nietzsche (seminar)

GEORGE MASON UNIVERSITY SCHOOL OF LAW

Civil Procedure
Jurisprudence
Professional Responsibility

TUFTS UNIVERSITY

Introduction to Philosophy
Modern Philosophy
Phenomenology & Existentialism
Kant
19th Century Philosophy
Wittgenstein and Moral Realism (seminar)

UNIVERSITY OF ALABAMA, HUNTSVILLE

Ethics
Introductory Logic
Ethical Issues in Engineering

YALE UNIVERSITY

Advanced First-Order Logic (graduate-level)

WESLEYAN UNIVERSITY

Introductory Logic

REFEREEING

TENURE/PROMOTION

Brown University (Philosophy)
Kings College London (Law)
Portland State University (Philosophy)
Valparaiso University (Law)

PRESSES/JOURNALS

Cambridge University Press
LAW & PHILOSOPHY
LEGAL THEORY

MEDIA APPEARANCES

- Ukrainian Service of Polish Radio, October 2008
Interview concerning the life and philosophy of Afrikan Spir
- WHNT News, Huntsville, Ala., April 1991
Moderator for Discussion of Restrictions on Press during Gulf War

REFERENCES

GENERALLY

Matthew Adler
University of Pennsylvania School of Law
(215) 898-4571

Larry Alexander
University of San Diego School of Law
(619) 260-2317

CONFLICTS/ CIVIL PROCEDURE

Lea Brilmayer
Yale Law School
(203) 432-0194

Kim Roosevelt
University of Pennsylvania Law School
(215) 746-8775

HANS KELSEN

Stanley Paulson
Washington University (St. Louis) School of law
(314) 935-6409

Alexander Somek
University of Iowa College of Law
319-335-9057

"DWORKIN'S FALLACY"

Veronica Rodriguez-Blanco
University of Birmingham Law School
(0121) 414-3631
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