

ERIC J. SEGALL

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PROFESSIONAL EXPERIENCE

**KATHY & LAWRENCE ASHE PROFESSOR OF LAW,
GEORGIA STATE UNIVERSITY COLLEGE OF LAW**

Atlanta, Georgia

Full Professor (1997-Present)

Associate Professor (1994 -1996)

Full Professor (1991-1993)

Courses: Federal Courts, First Amendment, Constitutional Law I & II

UNITED STATES DEPARTMENT OF JUSTICE

Washington, D.C.

Trial Attorney, Federal Programs Branch, Civil Division (1987-1991)

GIBSON, DUNN & CRUTCHER

Washington, D.C.

Associate (1986-1987)

**THE HONORABLE ALBERT J. HENDERSON, JR.
SENIOR JUDGE UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT**

Atlanta, Georgia

Law Clerk (1985-1987)

**THE HONORABLE CHARLES A. MOYE, JR.
CHIEF JUDGE NORTHERN DISTRICT OF
GEORGIA**

Atlanta, Georgia

Law Clerk (1983-1985)

EDUCATION

VANDERBILT UNIVERSITY LAW SCHOOL

Nashville, Tennessee

J.D. 1983

Research Editor, Vanderbilt Law Review

Order of the Coif

EMORY UNIVERSITY

Atlanta, Georgia

Phi Beta Kappa

Summa cum Laude

Books

Originalism as Faith (Cambridge 2018)

Supreme Myths: Why the Supreme Court Is Not a Court and Its Justices Are Not Judges (Praeger 2012).

Law Review Articles

Law Review Follies (forthcoming Loyola University of Chicago Law Review) (Invited Symposium Article).

Putting the Exercise Back in Free Exercise, 106 Ky. L.J. 635 (2018) (Invited Symposium Article).

A Non-Originalist Separation of Powers, 52 University of Richmond Law Review 591 (2018) (Invited Symposium Article).

Eight is Enough: A Proposal to Improve the Supreme Court, 45 Pepperdine Law Review 547 (2018) (Invited Symposium Article).

Judicial Engagement, Originalism, and the Fortieth Anniversary of "Government by the Judiciary" 86 Fordham Law Review OnLine 16 (2017).

The Roberts Court and Democracy: A Review Essay on Judicial Review and Liberal Critique, Political Science Quarterly (Spring 2017).

Originalism as Faith, 102 Cornell L. Rev. OnLine 37 (2016).

The Constitution Means What the Supreme Court Says It Means, 129 Harv. L. Rev. F. 176 (2016).

Will the Real Justice Scalia Please Stand UP? Common Law, Wake Forest L. Rev. Online (September 2015).

King v. Burwell and the Validity of Federal Tax Subsidies Under the Affordable Care Act, 163 University of Pennsylvania Law Review Online 215 (2015).

The Constitution According to Justices Scalia and Thomas: Alive and Kickin, 91 Wash. Univ. L. Rev. 663 (2014).

Grinding the Canons, 18 Green Bag 2d 106 (2014).

Silence is Golden: Moments of Silence, Legislative Prayers, and the Establishment Clause 108 N.W. Univ. L. Rev. Coll. 229 (2014).

Constitutional Change and Judicial Review: The Article V Problem, 16 U. Penn. J. Const. Law 443 (2013).

Ideology and the Supreme Court, 258 De Novo (Cardozo Law Review On Line) (2013) (with Richard Posner).

Justice Thomas and Affirmative Action: Bad Faith, Confusion, or Both, 3 Wake Forest L. Rev. Online 11 (2013).

Health Care & Constitutional Chaos: Why the Supreme Court Should Uphold the Affordable Care Act, 64 Stan. L. Rev. Online 139 (2012) (with Aaron Carroll).

Judicial Recusal at the Court, 160 U. Pa. L. Rev. PENNumbra 331 (2012).

Is the Roberts Court Really a Court?, 40 Stetson L. Rev. 701 (2011) (invited symposium article).

The Internet as a Game Changer: Reevaluating the True Threats Doctrine, 44 Tex. Tech. L. Rev. 183 (2011) (invited symposium article).

What Elena Kagan Could Have and Should Have Said (And Still Have Been Confirmed), 88 Wash. U. L. Rev. 535 (2010).

What Elena Kagan Could Have and Should Have Said (And Still Have Been Confirmed): A Reply, 88 Wash. U. L. Rev. 553 (2010).

In the Name of the Children: Government Regulation of Indecency on the Radio, Television and the Internet-Let's Stop the Madness, 47 U. Louisville L. Rev. 697 (2009) (invited symposium article).

Reconceptualizing the Judicial Activism Debate as Judicial Responsibility: A Tale of Two Justice Kennedys, 41 Ariz. St. L. J. 709 (2009).

Lost in Space: Laurence Tribe's *Invisible Constitution*, 103 Nw. Univ. L. Rev. Colloquy 434 (2009).

Mired in the Marsh: Legislative Prayers, Moments of Silence, and the Establishment Clause, 63 Miami L. Rev. 713 (2009) (solicited article) **Book Review, *The Nine***, 58 Journal of Legal Education 463 (2008).

The Taxing Law of Taxpayer Standing, 43 Tulsa L. Rev. 673 (2008) (Symposium on Supreme Court Term).

Justice O'Connor and the Rule of Law, 17 Univ. Florida J. Law & Pub. Pol. 107 (2006).

Internet Indecency and Minors: The Case for Parental and School Responsibility Not Congressional Regulation, 110 Penn State L. Rev. 615 (2006) (solicited article).

Why I Still Teach Marbury and so Should You: A Response to Professor Levinson, 6 U. Pa. J. Const. Law 573 (2004).

Article III as a Grant of Power: Protective Jurisdiction, Federalism and the Federal Courts, 54 Fla. L. Rev. 361 (2002).

Twenty Questions (Or the Hardest Course in Law School), 18 Ga. State Univ. L. Rev. 497 (2001).

The Black Holes of Constitutional Law, 17 Const. Comm. 425 (2000) (reviewing Laurence Tribe's Constitutional Law 3rd.).

5 U.S. (1 Cranch) 137, 175, 16 Const. Comm. 569 (2000) (solicited article).

A Century Lost: The End of the Originalism Debate, 14 Const. Comm. 411 (1998).

The Skeptic's Constitution, 44 UCLA L. Rev. 1467 (1997) (Review Essay).

Doctrinal Legal Scholarship and Religious Liberty: A Review of Jesse Choper's *Securing Religious Liberty*, 5 George Mason L. Rev. 71 (1996).

Justice Scalia, Critical Legal Studies, and the Rule of Law, 62 Geo. Wash. L. Rev. 991 (1995).

The First Amendment in a Justice Rehnquist World, 44 DePaul L. Rev. 825 (1995).

Standing Between the Court and the Commentators: A Necessity Rationale for Public Actions, 54 U. Pitt. L. Rev. 351 (1993).

Parochial School Aid Revisited, The Lemon Test, The Endorsement Test, and Religious Liberty, 28 San Diego L. Rev. 263 (1992).

The Arbitrability of Claims Arising Under Section 10(b) of the Securities Exchange Act: Should Wilko be Extended?, 50 Albany L. Rev. 725 (1986) (co-authored with J. Malcolm)

Selected Editorials, Essays, and Blogs (2011-2018)

Does Originalism Matter? New York Times 2018

The Supreme Court is About to Get Less Honest About Originalism SLATE 2018

The Supreme Court Punted on Redistricting NBCnews.com 2018

The Reliable Justice, SLATE 2017

Faith, Law, and Diane Feinstein (co-author Geoff Stone), New York Times 2017

Cameras Belong in the Supreme Court, LA Times 2017

Make Neil Gorsuch actually answer questions in his Supreme Court Confirmation Hearings, LA Times 2017

Let the emoluments Case Against Trump Go Forward, LA Times 2017

Originalism as Myth, Vox 2017

Disentangling Free speech and Freedom of Religion in Masterpiece Cakeshop, SCOTUSBlog 2017

Will Scaramucci be able to Stop Trump from Name Calling, Newsweek 2017

The Way We Choose Supreme Court Justices is Broken, Newsweek 2017

Goodbye and Good Riddance to the Year of the Terrible, Newsweek 2017

Cameras Belong in the Supreme Court, Judicature, 2017

Dorf on Law (20+ blogs in 2017).

Justice Scalia's Majoritarian Theocracy, The New York Times (co-author Judge Richard Posner) 2016.

Why we Don't Need a Ninth Justice, The Daily Beast 2016

It is the Supreme Court not the Senate that Needs to do Its Job, LA Times 2016

Hands off those Guns!, The Daily Beast 2015

Faith Doesn't Justify Discrimination Against Women, The Daily Beast 2015

How an Inaccurate Soundbite Might Take Down Obamacare, The Atlantic 2015

King v. Burwell Sends Strong Signal to ACS Challengers, ACS Blog 2015

The Supreme Rivalry That Runs America, The Daily Beast 2015

For Supreme Court, It's Not the Law, It's the Power of Five, (LA Times, 2014).

Supreme Court Justices are not Really Judges (SLATE, 2014)

The Last Honest Conservative: Meet the Brilliant Judge Making Justice Scalia's Life More Difficult (Salon, 2014)

The Day the Constitution Lived (Dorf on Law)

Supreme Court justices: The case for hanging it up (LA Times 2013)

A Liberal Nightmare at the Supreme Court? (LA Times, 2013)

Supreme Court Prayer Decision in Greece v. Galloway Should be Easy (Daily Beast, 2013)

Supreme flaws: Three ways to fix the Supreme Court (CNN.Com, 2013)

The Real Reason So Many Law Professors Failed to Predict the Favorable Reception of the Commerce Clause Argument in the Health Care Case (Guest Post, Dorf on Law)

The Supreme Court and Racial Equality (Dorf on Law, 2013)

Affirmative Action and the Court: What Happened to Article Three and the Eleventh Amendment? (Dorf on Law, 2013)

Judicial Humility and Affirmative Action (JURIST, 2013)

Same-Sex Marriage, Political Backlash and the Case for Going Slow (ACS BLOG, 2013).

Judge Posner and Judicial Humility (Huffington Post, 2013)

The Week the Supreme Court Came Out of the Closet (Huffington Post, 2013)

The Supreme Court and Affirmative Action: Why Now? (Huffington Post, 2013)

Equality (Huffington Post, 2013)

An Ominous Silence on the Supreme Court (LA Times, 2012)

Of Social Media and the Demise of Traditional Law Reviews (Huffington Post, 2012)

The 10 Worst Things About Rep. Darrell Issa's Panel and the Contraception Debate
(SLATE, 2012)

The Hypocrisy of the Abortion Debate: Why Conservatives Should Vote Pro-Choice and Leave Planned Parenthood Alone (Huffington Post, 2012)

A Conversation with Judge Posner (New York Review of Books, 2011).

A Liberal's Lament on Kagan and Health Care (SLATE, 2011)

Health Care, the Commerce Clause and Broccoli: What the Obama Administration Must Do to Prevail in the Supreme Court (Huffington Post, 2011)

Gingrich and a Weaker Court: Focusing on the Idea Not the Man (Huffington Post, 2011)

Kagan and Recusal: The Story That Won't Go Away (National Review, 2011)

Selected Media

France 24 Television, Numerous Appearances

StandUp With Pete Dominick, SiriusXM, Multiple Appearances, Legal Commentator

Steele & Ungar, SiriusXM, Multiple Appearances, Legal Commentator

Jenny Hutt Show SiriusXM, Multiple Appearances, Legal Commentator

The Break Room, Ga. Public radio, Multiple Appearances

Bloomberg Radio, Legal Commentator

Constitution Daily Podcast, The Gorsuch Hearing and the Future of the Constitution
(Podcast)

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