

# THOMAS B. BENNETT

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## ACADEMIC APPOINTMENTS

- 2024– Southern Methodist University (Dallas, Texas)  
Dedman School of Law  
Associate Professor of Law  
Courses taught: Constitutional Law II, Constitutional Law I
- 2020–24 University of Missouri (Columbia, Missouri)  
School of Law & Kinder Institute on Constitutional Democracy  
Associate Professor & Wall Family Fellow  
Courses taught: Civil Procedure I, Civil Procedure II, Constitutional Law, Federal Courts & The Federal System, The American Constitution (undergraduate political science)  
Honors: Presidential Engagement Fellow (2021–22); 1L Professor of the Year (2022); Shook, Hardy & Bacon LLP Excellence in Research Award (2022)
- 2022–23 Villanova University (Villanova, Pennsylvania)  
Charles Widger School of Law  
Visiting Associate Professor  
Courses taught: Civil Procedure, Constitutional Law I, Federal Courts
- 2018–20 New York University (New York, New York)  
School of Law  
Furman Academic Fellow

## ACADEMIC PUBLICATIONS

- 2024 [Breaking Kayfabe](#), 89 Mo. L. Rev. \_\_ (forthcoming)
- Argues that Supreme Court judicial rhetoric rarely but notably ascribes doctrinal change to changes in the Court’s composition, and offers a qualified defense of this practice.
- 2024 [The Wages of Hitching Wagons](#), 112 Ky. L.J. 661 (invited symposium essay)
- Argues that the practice of lockstepping state law to federal law can introduce instability in state law if federal law is also unstable.

- 2023 [There Is No Such Thing As Circuit Law](#), 107 Minn. L. Rev. 1681
- 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.
- 2022 [State Rejection of Federal Law](#), 97 Notre Dame L. Rev. 761
- 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.
- 2021 [The Paradox of Exclusive State-Court Jurisdiction Over Federal Claims](#), 105 Minn. L. Rev. 1211
- 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*, 141 S. Ct. 2190, 2224 n.9 (2021) (Thomas, J., dissenting).
  - Awarded the Shook, Hardy & Bacon LLP Excellence in Research Award.
- 2018 [Divide and Concur: Separate Opinions and Legal Change](#), 103 Cornell L. Rev. 817 (with B. Friedman, A. Martin & S. 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.
- 2012 [The Canon at the Water's Edge](#), 87 N.Y.U. L. Rev. 207
- 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**

- 2014–18 Kellogg, Hansen, Todd, Figel & Frederick, P.L.L.C. (Washington, D.C.)  
(formerly Kellogg, Huber, Hansen, Todd, Evans & Figel, P.L.L.C.)  
Associate
- 2013–14 Hon. Jesse M. Furman (New York, New York)  
United States District Court for the Southern District of New York  
Law Clerk

2012-13 Hon. Gerard E. Lynch (New York, New York)  
United States Court of Appeals for the Second Circuit  
Law Clerk

## **EDUCATION**

2012 New York University School of Law  
JD, magna cum laude  
Honors:

- 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)

2007 Swarthmore College  
BA, History and Philosophy of Politics, with honors

## **ONLINE WRITING**

2021 [Habeas, Hail Mary, and the Hook and Ladder](#), JOTWELL  
(reviewing Z. Payvand Adhout, *Direct Collateral Review*, 121 Colum. L. Rev. 159 (2021))

## **PAPER PRESENTATIONS**

### Breaking Kayfabe

- 2023 • Washington University of School of Law Convening on Judicial Decisionmaking
- University of Iowa College of Law Faculty Workshop

### There Is No Such Thing as Circuit Law

- 2022 • University of Wisconsin Law School Faculty Speaker Series
- Works in Progress for Intellectual Property Scholars Colloquium
- Civil Procedure Workshop, Cardozo School of Law
- Junior Faculty Federal Courts Workshop, University of Florida

### State Rejection of Federal Law

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

### The Paradox of Exclusive State-Court Jurisdiction Over Federal Claims

- 2019 • Junior Faculty Federal Courts Workshop, University of Arkansas School of Law
- Civil Procedure Workshop, University of Texas School of Law

### Congressional Control Over State Jurisdiction

- 2019 • Lawyering Scholarship Colloquium, New York University School of Law

### Concurrences as Evidence of the Factors Influencing Judicial Speech Acts

- 2019 • Judicial Speech Acts Workshop, Perry World House, University of Pennsylvania

### Divide and Concur: Separate Opinions and Legal Change

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

## **SYMPOSIA & PANELS**

- 2024 [Missouri v. Biden Discussion](#)  
Missouri Lawyers Chapters Conference, Federalist Society
- 2023 [Article III Standing To Sue—Understanding Injuries](#) (invited commenter)  
University of Chicago Constitutional Law Institute, University of Chicago School of Law
- 2023 [State Supreme Courts and the Great American Experiment](#)  
Kentucky Law Journal, University of Kentucky, J. David Rosenberg College of Law
- 2022 [On Theory: Depoliticizing the Work of Scholars](#)  
Michael A. Middleton Center for Race, Citizenship, and Justice, University of Missouri
- 2022 [The Two Impeachments of Donald Trump](#)  
Missouri Law Review, University of Missouri
- 2022 [Unwritten Rules: Food v. Kuhn at 50](#)  
Kinder Institute on Constitutional Democracy, University of Missouri
- 2021 [Americans for Prosperity Foundation v. Bonta and Questions of Donor Privacy](#)  
Kansas City Lawyers and Kansas Lawyers Chapters, Federalist Society
- 2021 [Enumeration and Supremacy: Federal Power](#) (four-part series)  
Kinder Institute on Constitutional Democracy, University of Missouri
- 2020 [A New Hope? An Interdisciplinary Reflection on the Constitution, Politics, and Polarization in Jack Balkin’s “The Cycles of Constitutional Time”](#)  
Missouri Law Review, University of Missouri

## **SELECTED MEDIA APPEARANCES**

- 2024 [No Judge Shopping for TikTok](#)  
Alison Frankel, Reuters
- 2023 [US Supreme Court Clears Path for Plaintiffs To Pick Where To Sue Corporations](#)  
Alison Frankel, Reuters
- 2023 [The Judicial Deus Ex Machina Debt Ceiling Option](#)  
David Dayen, The American Prospect
- 2023 [Five Things You Need To Know To Start Your Day](#)  
Liza Tetley & Joe Weisenthal, Bloomberg
- 2023 [What’s At Stake For Biden’s Student Loan Plan at the Supreme Court](#)  
Madeline Halpert, BBC
- 2022 [Here’s How the Supreme Court Could Rule on Student Loan Forgiveness](#)  
Katie Reilly, Time

- 2022 [Kavanaugh Gun Case Opinion Could Help Uphold Future Regulations](#)  
Lydia Wheeler & Kimberly Strawbridge Robinson, *Bloomberg Law*
- 2022 [Brett Kavanaugh’s Concurrence Could Limit Court’s Extreme Gun Decision in Future Cases](#)  
Paul Blumenthal, *The Huffington Post*
- 2021 [State Court Will Be Next Frontier for Consumer Class Actions Under Federal Law](#)  
Alison Frankel, *Reuters*
- 2021 [Supreme Court Pares Back Class-Action Suits](#)  
Jess Bravin, *Wall Street Journal*
- 2021 [Unlikely Bedfellows in TransUnion SCOTUS Case: Justice Thomas and Class Action Fans](#)  
Alison Frankel, *Reuters*

## **COMMITTEE SERVICE**

- 2024- Curriculum/Academic Standards
- 2024- Library & Technology
- 2023-24 Admissions
- 2023-24 Library
- 2020-22 Diversity, Wellness, & Climate
- 2020-22 Clerkships
- 2021-22 Hiring (VAP)

## **POPULAR WRITING**

- 2009-14 *Baseball Prospectus*, Columnist
- 2010 *ESPN.com*, Contributor

## **BAR ADMISSIONS**

- 2014 New York
- 2015 District of Columbia