

D. A. Jeremy Telman
Valparaiso University Law School
656 S. Greenwich St. Valparaiso, IN 46383

TEACHING EXPERIENCE

Georgetown University Law Center, Washington, DC
Deans Visiting Scholar, January 2019-June, 2021

Valparaiso University School of Law, Valparaiso, Indiana
Michael and Dianne Swygert Research Fellow, 2018-20
Class Representative (elected by graduating class), 2018
Director of International Programs, 2017-
Associate Dean for Faculty Development, 2012-14
Professor, 2009-
Director, Summer Program in Cambridge, UK, 2011
Jack A. Hiller Distinguished Faculty Member, 2008-2009
Associate Professor, 2007-2009; *Assistant Professor*, 2004-2007

Courses taught:

- Bar Preparation: Contracts
- Business Associations
- Constitutional Law I
- Constitutional Law II
- Constitutional Law III
- Constitutional Law of the United Nations
- Contracts
- International Human Rights Law
- International Humanitarian Law
- International Humanitarian Law in Israel & Palestine
- Jurisprudence
- Legal Writing II: Appellate Advocacy, International Moot Court
- National Security Law Seminar
- Public International Law
- Public International Law Lab
- Public International Law Representation
- Remedies
- Sales
- Seminar: Originalism in Constitutional Interpretation

DePaul University, College of Law, Chicago, IL
Visiting Professor, Fall 2011
Course: Business Organizations

Drexel University, Earle Mack School of Law, Philadelphia, PA
Visiting Professor, Fall 2010
Courses: Business Organizations, Originalism in Constitutional Interpretation

Brown University, Providence, Rhode Island
Visiting Assistant Professor in International Law, Spring 2004
Course taught: Public International Law

College of Charleston, Charleston, SC
Visiting Assistant Professor of History, 1993-1996
Courses taught: Western Civilization, Modern German History, U.S. History Since 1865, Zionism and the Holocaust

Cornell University, Ithaca, NY
Lecturer, 1992-1993
Course taught: Freshman Writing Seminar: Reading History and Making Historical Arguments

EDUCATION

New York University School of Law, New York, NY

J.D., *magna cum laude*, Order of the Coif, May, 1999

HONORS: *Review of Law and Social Change*, Book Review Editor, 1998-1999;
Staff Editor 1997-1998

Cornell University, Ithaca, NY

Ph.D., Modern European Intellectual History, January 1993

M.A. Modern European Intellectual History, January 1989

University of Oregon, Eugene, OR

Enrolled in the M.A. program in European History, 1985-1986

Columbia University, New York, NY

B.A. in History, *cum laude*, May 1985

OTHER LEGAL WORK EXPERIENCE

Sidley Austin Brown & Wood LLP, New York, NY

Litigation Associate, 2001-2004

Aspen Institute, Justice and Society Program

Editor, International Human Rights Law Update, 1998-2001

Akerman, Senterfitt & Eidson, Miami, FL

Litigation Associate, January-May, 2001.

Chambers of Judge Rosemary Barkett, Eleventh Circuit Court of Appeals, Miami, FL

Law Clerk, December, 1999- January 2001

WORKS IN PROGRESS AND FORTHCOMING PUBLICATIONS

Originalism and Its Discontents (book manuscript in progress)

John Marshall's Constitution: Second-Order Ipse Dixit Reasoning in Constitutional Adjudication (one of seven papers chosen for presentation at the Originalism Conference in San Diego in February 2019)

All That Is Liquidated Melts into Air: Five Meta-Interpretive Issues, forthcoming in 24 BARRY L. REV. (2019))

Originalism and Second-Order Ipse Dixit Reasoning in Chisholm v. Georgia (forthcoming in 67 CLEVELAND ST. L. REV. (2019))

Problems of Translation and Interpretation: A Kelsenian Commentary on Positivist Originalism, in DIE REINE RECHTSLEHRE AUF DEM PRÜFSTAND/HANS KELSEN'S PURE THEORY OF LAW: CONCEPTIONS AND MISCONCEPTIONS (ARCHIV FÜR RECHTS- UND SOZIALPHILOSOPHIE, 2019).

Originalism as Fable (reviewing Eric Segall, *Originalism as Fate*) (forthcoming in 47 HOFSTRA L. REV. (2019))

LEGAL PUBLICATIONS

The African-American Tradition of Higher Law in the Supreme Court: Justices Marshall and Thomas, 31 *TEMPLE INT'L & COMP. L. J.* 289 (2017)

Kelsen in America: Selective Affinities and the Mysteries of Academic Influence (Springer, 2016) (I edited the volume and contributed an introduction and concluding chapter)

Explication du texte: "I'm an Originalist; I'm a Textualist; I'm Not a Nut," 50 *VALPARAISO UNIV. L. REV.* 629 (2016)

Originalism: A Thing Worth Doing . . ., 42 *OHIO NORTHERN L. REV.* 529 (2016)

Internet Giants as Quasi-Governmental Actors and the Limits of Contractual Consent, 80 *MISSOURI L. REV.* 723 (2015) (co-authored with Nancy Kim)

The Israeli Supreme Court and House Demolitions in the West Bank, *JURIST - Academic Commentary* (Jan. 27, 2015) (co-authored with Yaël Ronen)

International Legal Positivism and the New Legal Realism, in Jörg Kammerhofer & Jean d'Aspremont (eds.), *INTERNATIONAL LEGAL POSITIVISM IN A POST-MODERN WORLD* 241-63 (Cambridge University Press, 2014)

Non-State Actors in the Middle East: A Challenge for Rationalist Legal Theory, 46 *CORNELL INT'L L. J.* 51 (2013)

A Monist Supremacy Clause and a Dualist Supreme Court: The Status of Treaty Law as U.S. Law, in Marko Novakovic (ed.), *BASIC CONCEPTS OF PUBLIC INTERNATIONAL LAW: MONISM AND DUALISM* 571-90 (Belgrade, Serbia: 2013)

On the Conflation of the State Secrets Privilege and the Totten Doctrine 3 *AM. U. NAT'L SEC. L. BRIEF* 1 (2013)

Introduction: Targeting in an Asymmetrical World, 46 *VAL. L. REV.* 697 (2012)

Intolerable Abuses: Rendition for Torture and the State Secrets Privilege, 63 *ALA. L. REV.* 429 (2012)

Is the Quest for Corporate Responsibility a Wild Goose Chase? The Story of Lovenheim v. Iroquois Brands, Ltd., 45 *AKRON L. REV.* 291 (2012), reprinted in *CLARK & CUMMINGS, CORPORATE JUSTICE* (2016)

Law or Politics? Hans Kelsen and the Post-War International Order, in 18 *CONSTELLATIONS: AN INTERNATIONAL JOURNAL OF CRITICAL AND DEMOCRATIC THEORY* 513 (2011)

Langdellian Limericks 61 *JOURNAL OF LEGAL EDUCATION* 110 (2011)

A Path Not Taken: Hans Kelsen's Pure Theory of Law in the Land of the Legal Realists, in Robert Walter, *et al.*, (eds), *HANS Kelsen ANDERSWO/HANS Kelsen ABROAD*, 353-76 (Manzsche Verlags- und Universitätsbuchhandlung, 2010)

Plural Vision: International Law Viewed Through the Varied Lenses of Domestic Implementation, 44 *VALPARAISO LAW REVIEW* 759 (2010)

Selective Affinities: On the American Reception of Hans Kelsen's Legal Theory, in Richard Bodek and Simon Lewis (eds.), *FRUITS OF EXILE: CENTRAL EUROPEAN INTELLECTUAL EMIGRATION TO AMERICA IN THE AGE OF FASCISM*, 40-58 (University of South Carolina Press, 2010)

Medellín and Originalism, 68 *MARYLAND LAW REVIEW* 377 (2009)

The Reception of Hans Kelsen's Legal Theory in the United States: A Sociological Model, 24 *L'OBSERVATEUR DES NATIONS UNIS* 299 (2008)

Our Very Privileged Executive: Why the Judiciary Can (and Should) Fix the State Secrets Privilege, 80 *TEMPLE L. REV.* 499 (2007), reprinted in S. Satyanarayana (ed.), *LAW OF PRIVILEGES – JOURNALISTS AND EXECUTIVES*, 63-103 (Amicus Books, 2008) and in M. N. Bhavani (ed), *STATE SECRETS PRIVILEGE* 1-41 (Amicus Books, 2009).

The Foreign Affairs Power: Does the Constitution Matter? (reviewing PETER IRONS, *WAR POWERS: HOW THE IMPERIAL PRESIDENCY HIJACKED THE CONSTITUTION* (2005) and JOHN YOO, *THE POWERS OF WAR AND PEACE: THE CONSTITUTION AND FOREIGN AFFAIRS AFTER 9/11*(2005)), forthcoming 80 *TEMPLE L. REV.* 245 (2007)

The Business Judgment Rule, Disclosure and Executive Compensation, forthcoming 81 *TULANE L. REV.* 829 (2007)

A Truism that Isn't True? The 10th Amendment and Executive War Powers, 51 *CATHOLIC UNIVERSITY LAW REVIEW* 135 (2001)

Should We Read Carl Schmitt Today? (reviewing WILLIAM E. SCHEUERMAN, *CARL SCHMITT: THE END OF LAW* (1999), *THE CHALLENGE OF CARL SCHMITT* (Chantal Mouffe, ed. 1999), and *LAW AS POLITICS: CARL SCHMITT'S CRITIQUE OF LIBERALISM* (David Dyzenhaus, ed. 1998) 19 *BERKELEY JOURNAL OF INTERNATIONAL LAW* 127 (2001)

The Instance of Collective Security Regimes, in *DELEGATING STATE POWERS: THE EFFECT OF TREATY REGIMES ON DEMOCRACY AND SOVEREIGNTY* (Thomas M. Franck ed. 2000)

Abortion and Legal Personhood in Germany: A Contribution to the Feminist Theory of the State, 24 *NEW YORK UNIVERSITY REVIEW OF LAW & SOCIAL CHANGE* 91 (1998)

HISTORICAL SCHOLARSHIP

Georg Iggers and the Challenge of a Post-Structuralist Historiography, in Q. Edward Wang and Franz Leander Fillafer (eds.), *THE MANY FACES OF CLIO: CROSS-CULTURAL APPROACHES TO HISTORIOGRAPHY* (Berghahn Books, 2007)

Historismuskritik: Aufarbeitung der Vergangenheit oder Selbstkritik, in Otto Gerhard Oexle & Jörn Rüsen, (eds.), *HISTORISMUS IN DEN KULTURWISSENSCHAFTEN: GESCHICHTSKONZEPTE, HISTORISCHE EINSCHÄTZUNGEN, GRUNDLAGENPROBLEME* (Böhlau Verlag, 1996)

Adolf Stoecker: Anti-Semite with a Christian Mission, 9 *JEWISH HISTORY* 93 (1995)

The Aufklärung Strikes Back, 33 *History and Theory* 249 (1994) (reviewing *THEORETIKER DER DEUTSCHEN AUFKLÄRUNGSHISTORIE* (Horst Walter Blanke & Dirk Fleischer, eds. 1990), *HANS-JÜRGEN PANDEL, HISTORIK UND DIDAKTIK: DAS PROBLEM DER DISTRIBUTION HISTORIOGRAPHISCH*

ERZEUGTEN WISSENS IN DER DEUTSCHEN GESCHICHTSWISSENSCHAFT VON DER SPÄTAUFKLÄRUNG BIS ZUM FRÜHHISTORISMUS (1765-1830) (1990), and HORST WALTER BLANKE, HISTORIOGRAPHIEGESCHICHTE ALS HISTORIK (1991))

REVIEWS

Review of MELISSA BALMAIN, WALKING IN ON PEOPLE, VALPARAISO POETRY REVIEW #2 (2015)

Review of JOSHUA MEHIGAN, ACCEPTING THE DISASTER, 16 VALPARAISO POETRY REVIEW, #1 (2014-15)

Review of A. E. STALLINGS, OLIVES (2012), 14 VALPARAISO POETRY REVIEW (forthcoming 2012)

Review of WENDY VIDELock, NEVERTHELESS (2011), 13 VALPARAISO POETRY REVIEW (2012), URL: <http://www.valpo.edu/vpr/v13n2/v13n2prose/telmanreviewvidelock.php>

Review of HENRY, J. RICHARDSON, III, THE ORIGINS OF AFRICAN-AMERICAN INTERESTS IN INTERNATIONAL LAW (Durham, North Carolina: Carolina Academic Press, 2008), 26 SOUTH AFRICAN JOURNAL OF HUMAN RIGHTS 397 (2010)

Review of ROBERT CRAWFORD, TOO MUCH EXPLANATION CAN KILL A MAN (2005), 8 VALPARAISO POETRY REVIEW (2006), URL: <http://www.valpo.edu/english/vpr/telmanreviewcrawford.html>

Review of GEORG VANBERG, THE POLITICS OF CONSTITUTIONAL REVIEW IN GERMANY, 28 GERMAN STUDIES REVIEW (2005) at 135-36

Review of JOSHUA MEHIGAN, THE OPTIMIST, 6 VALPARAISO POETRY REVIEW (2005), URL: <http://www.valpo.edu/english/vpr/telmanreviewmehigan.html>

CONFERENCE PRESENTATIONS

All That Is Liquidated Melts into Air: Five Meta-Interpretive Issues, presented at the Central States Law School Association in October 2018 and the Loyola Constitutional Law Colloquium, November 2018, to be presented at the Barry Law School Law Review Symposium, March 2019

Problems of Translation and Interpretation: A Kelsenian Commentary on Positivist Originalism, invited contribution to “Hans Kelsen’s Pure Theory of Law: Conceptions and Misconceptions,” at the biannual meeting of the German Section of the *Internationale Vereinigung für Rechts- und Sozialphilosophie*, Freiburg, September 27-29, 2018

Biblical and Constitutional Hermeneutics (co-authored with Matthew Becker), presented at the Loyola Constitutional Law Colloquium, Chicago, IL, November 3-4, 2017

Public International Theory Mapped Along Three Axes, presented at the American Society of International Law Midwest Workshop, Cleveland, OH, September 15-16, 2017

Originalism and Constitutional Adjudication in the Nineteenth Century, presented at the Loyola Constitutional Law Colloquium, November 2016

The African-American Tradition of Higher Law in the Supreme Court: Justices Marshall and Thomas, invited presentation at Temple University's Beasley School of Law, October 7, 2016

Originalism: A Thing Worth Doing . . ., invited presentation, University of Toledo, College of Law, April 18, 2016

Originalism: A Thing Worth Doing . . ., Dean's Lecture, Ohio Northern University Pettit College of Law, Oct. 7, 2015

Torture and International Law, invited presentation as part of panel "The Torture Report: Domestic and International Law Implications, IU Robert H. McKinney School of Law, Jan. 22, 2015

Response to Keynote Address by Clemens Jabloner, Hans Kelsen in America Conference, Chicago, June 27, 2014

The Battle of the Forms and Consumer Contracts, presented at the 9th International Conference on Contracts, Miami FL, February 21-22, 2014

Foreign Affairs Originalism and the Kiobel Decision (co-authored with Robert Knowles), presented at the Loyola University School of Law Fourth Annual Constitutional Law Colloquium, November 1, 2013

Panel Organizer and Chair, Author Meets Readers Session on OREN BAR-GILL, SEDUCTION BY CONTRACT: LAW, ECONOMICS AND PSYCHOLOGY IN CONSUMER MARKETS, 8th International Conference on Contracts, Fort Worth, TX, February 22-23, 2013

Substantial Compliance with the Tax Code's Charitable Contribution Rules: Statutory Construction and Contractual Remedies for Tax Court Formalism, presented with Paul M. Kohlhoff, 8th International Conference on Contracts, Fort Worth, TX, February 22-23, 2013

Originalism: A Thing Worth Doing . . ., presented at The Loyola University School of Law Third Annual Constitutional Law Colloquium, November 3, 2012

The Trouble with Totten, presented at the Spring Contracts Conference held at the Thomas Jefferson Law School, San Diego, CA., March 2-3, 2012

Non-State Actors in the Middle East: A Challenge for Rationalist Legal Theory, presented at "Forces Without Borders," a symposium sponsored by the *Cornell International Law Journal*, Ithaca, NY, February 17-18, 2012

We Have All Been Here Before: Echoes of the 30s in the Fight over Obamacare, presented Central States Law School Association Conference, held at the University of Toledo College of Law, October 29, 2011

We Have All Been Here Before: Echoes of the 30s in the Fight over Obamacare, presented at The Loyola University School of Law Second Annual Constitutional Law Colloquium, October 22, 2011

When Does International Humanitarian Law Apply and *The Intersection of International Humanitarian Law and Human Rights Law*, two lectures at The Third Annual Law School Workshop on International Humanitarian Law: Restraints and Protections in Armed Conflict, DePaul University College of Law, October 21, 2011

Repetition and Change in Commerce Clause Jurisprudence, invited lecture at the Oklahoma City University School of Law, September 9, 2011

Hans Kelsen and the Drafting of the U.N. Charter, presentation for the annual meeting of the Academic Council on the United Nations System, Vienna, Austria, June 3-5, 2010

Panelist: *Originalism v. Living Constitutionalism: What Does the Constitution Really Say*, The Federalist Society, Valparaiso Student Chapter, April 13, 2010

Langdellian Limericks, presented at the Spring Contracts Conference held at the UNLV Law School, February 27-28, 2010

The Story of Lovenheim v. Iroquois Brands, Ltd., presented at the Central States Law School Association Conference, held at Capital University, October 23, 2009

Originalism and Its Discontents, contribution to *Repetition with Change: "The Intellectual Legacies of Dominick LaCapra,"* held at Cornell University, September 25-26, 2009

Author Meets Reader Panel, commentator on HENRY J. RICHARDSON III, *THE ORIGINS OF AFRICAN-AMERICAN INTERESTS IN INTERNATIONAL LAW*, presented at the Law & Society Association Conference, Denver, Colorado, May 29, 2009

International Law in the Domestic Context: Introductory Remarks, contribution to the International Law in the Domestic Context conference held at the Valparaiso University School of Law, April 3, 2009

Law or Politics? Hans Kelsen and the Post-War International Order, contribution to "War, Peace and International Law in Postwar German Thought" held at Indiana University March 27-29, 2009

Medellín and the State as Unitary Actor in International Legal Theory, presented at Junior Faculty Workshop at Washington University in St. Louis Law School, December 5, 2008

Author Meets Reader Panel, commentator on NATSU TAYLOR SAITO, *FROM CHINESE EXCLUSION TO GUANTANAMO BAY*, presented at the Law & Society Association Conference, Montreal, Canada, May 29, 2008

Our Very Privileged Executive, presented at the Temple Law Review Symposium on Executive Power, Philadelphia, Pennsylvania, March 23, 2007

Babies on Board: Decision-Making at Disney in the Eisner Era, presented at the Central States Law School Association Meeting, Louisville, Kentucky, October 21, 2006

Selective Affinities: On the American Reception of Hans Kelsen's Legal Theory, presented at *The Fruits of Exile: Central European Intellectual Emigration to America in the Age of Fascism*, November 11-13, 2004

FELLOWSHIPS, HONORS, GRANTS RECEIVED

Faculty Advisor, Valparaiso University Law School (elected by graduating 3L class) 2017-18
Dietrich W. Botstiber Foundation Grant for Kelsen in America Conference, June 27-28, 2014
Florence S. and Jacob L. Newman Prize for the Most Outstanding Note Published in the *Review of Law and Social Change*, 1998-1999
NYU Law School Dean's Scholar (full-tuition academic merit fellowship), 1996-1999
NYU Center for International Studies Junior Fellowship, 1998-1999
German Academic Exchange Service Summer Fellowship, 1994
John S. Knight Assignment Sequence Prize (Honorable Mention), Fall 1992
Mellon Fellowship, Spring 1992
Fulbright Fellowship, 1990-1991
Cornell University Einaudi Fellowship, 1989-1990
German Academic Exchange Service Summer Fellowship, 1986

LAW SCHOOL AND UNIVERSITY SERVICE

Faculty Advisor, Moot Court Competition Teams, 2018-
Chair, Speakers Committee, 2017-
Faculty Advisor, VULS Chapter, The Federalist Society, 2016-17
Faculty Advisor, VULS Jewish Law Student Association 2016-17
Member, Strategic Planning Committee, VULS, 2016-17
Member, Bylaws Drafting Task Force, 2016
Member, Admissions Committee, VULS, 2016-
Member, 3L Writing Task Force, VULS, 2015-2016
Member, Faculty/Dean Liaison Committee, VULS, 2015-2016
Member, VU Creative Research and Writing Committee, 2014-17
Member, Appointments Committee, VULS, 2014-2016
Faculty Advisor, Valparaiso Student Law Blog, VULS, 2014-2016
Member, Budget Committee, VULS 2014
Member, Summer Task Force, VULS, 2013-14
Member, Speakers Committee, VULS, 2005-2009, 2012-2014, 2016-
Member, VU Faculty Senate, 2012
Member, VU University Council, 2012
Member, Strategic Planning Committee, VULS, 2012
Member, Valparaiso University Honorary Degrees Committee, 2011-17
Editor, VU Law School, Legal Studies Research Paper Series, SSRN e-journal, 2011-2015
Member, Curriculum Committee 2009-2010, 2011-2012
Faculty Advisor, Phi Alpha Delta Fraternity, VUSL Branch, 2005-2010, 2011-
Faculty Advisor/Coordinator: Summer High School Law Institute, 2009-2010
Conference Co-Host/Organizer, International Law in the Domestic Context, VUSL, April 3, 2009
Chair, Petitions and Readmissions Committee, VUSL, 2008-2009
Member, Task Force on a Scholarly Institute at VUSL, 2007-2009
Chair, Order of the Coif Task Force, VUSL, 2007-2009
Member, Petitions and Readmissions Committee, VUSL, 2007-2008
Faculty Advisor, International Law Students Association, VUSL, 2005-2010, 2011-
Faculty Advisor, International Moot Court Competition Teams, VU Law School, 2005-2010, 2016-

Founder, Steering Committee Member, The Conversations Project, Valparaiso, IN 2005-2009

PROFESSIONAL AFFILIATIONS AND ACTIVITIES

International Correspondent, Hans-Kelsen Institut, Vienna, Austria, 2012-
Editor, ContractsProf Blog, 2011-2015
Ph.D. Dissertation Defense Outside Reader and Juror, Doctoral Thesis of Elisabeth Lefort, University of Luxembourg & Catholic University of Louvain-la-Neuve, 2015
Ph.D. Dissertation Defense Outside Reader, Doctoral Thesis of Muhammed Nasrullah Nakib, Macquarie University, Australia, 2014
Ph.D. Dissertation Defense Outside Reader, Doctoral Thesis of Iman Prihandono, Macquarie University, Australia, 2012-13
Contributing Editor, ContractsProf Blog, 2006-2010
Founder and Participant, Valparaiso University Interdisciplinary Reading Group, 2009-
Member, American Historical Association
Member, American Bar Association
Member, American Society of International Law
Member, Association of American Legal Scholars

BOOK AND ARTICLE OUTSIDE REVIEWER

Cambridge University Press (2018)
International Journal of Law in Context (2017)
European Journal of Law and Economics (2015)
Constellations (2015, 2016)
LexisNexis Law School Publications (2013)
Israel Law Review (2012)
Law and Policy (2011)
Wiley Publishing (2011)
Routledge (2010)

COMMUNITY SERVICE

Volunteer (Room Parent), Independent Cat Society, 2017-
Presenter, The Link to Learn, 2011
Chair, Annual Campaign, Hilltop Neighborhood House, 2010
Board Member, LEAF, 2009-2010
Acting Chair of the Board, Legal Environmental Aid Foundation of Indiana (LEAF), 2008-2009
Member, City of Valparaiso, Human Relations Council, 2008
Board Member, Hilltop Neighborhood House, 2007-2010

REFERENCES

Associate Dean Rebecca Huss	Valparaiso University Law School Wesemann Hall 656 S. Greenwich St. Valparaiso, IN 46383	(219) 465-7856 Rebecca.Huss@valpo.edu
Professor Rosalie Levinson	Valparaiso University Law School Wesemann Hall 656 S. Greenwich St. Valparaiso, IN 46383	(219) 465-7854 Rosalie.Levinson@valpo.edu
Professor William E. Nelson	New York University School of Law 40 Washington Square South New York, New York, 10012	(212) 998-6241 William.Nelson@nyu.edu
Professor Alan White	City University of New York School of Law 2 Court Square Long Island City, NY 11101-4356	(718) 340-4591 alan.white@law.cuny.edu