

GREGORY E. MAGGS -- RESUME

U.S. COURT OF APPEALS FOR THE ARMED FORCES

Judge (2018-present)

THE GEORGE WASHINGTON UNIVERSITY LAW SCHOOL

Professorial Lecturer in Law (adjunct professor) (2018-present); Arthur Selwyn Miller Research Professor of Law (2017-2018); Professor of Law (2000-2017); Co-Director, National Security & U.S. Foreign Relations Law LL.M. Program (2009-2018); Interim Dean (2010-2011; 2013-2014); Senior Associate Dean for Academic Affairs (2008-2010); Associate Professor of Law (1993-2000)

Subjects taught: Constitutional Law I & II, Constitutional Law Seminar, Counterterrorism Law, Contracts I & II, Law of Software Contracts, Secured Transactions & Commercial Paper

Awards: Distinguished Faculty Service Award (1997, 1998, 2004, 2005, 2011, 2012, 2013, 2014, and 2015) and Distinguished Adjunct Teaching Award (2018) conferred by vote of the graduating class; George Washington Award, conferred for outstanding service to the University (2012)

EDUCATION

Harvard College, A.B., summa cum laude (1985); Phi Beta Kappa, John Harvard Scholar
Harvard Law School, J.D., magna cum laude (1988); Harvard Law Review (Articles Co-Chair)
U.S. Army War College, Master of Strategic Studies (2014); Daniel M. Lewin Writing Award

JUDICIAL CLERKSHIPS

Hon. Clarence Thomas, U.S. Supreme Court (1991-1992)
Hon. Anthony M. Kennedy, U.S. Supreme Court (1989-1990)
Hon. Joseph T. Sneed, U.S. Court of Appeals for the Ninth Circuit (1988-1989)

OTHER LEGAL POSITIONS

Reporter, Advisory Committee on Appellate Rules, Judicial Conference of the United States, (2015-present) (appointed by Hon. John Roberts)
Special Master, U.S. Supreme Court in No. 128 Orig., Alaska v. United States (2000-2005)
Consultant to the Office of Independent Counsel (Hon. Kenneth W. Starr) (1998-2000)
Assistant Professor of Law, University of Texas School of Law (Fall 1991, 1992-1993)
Research and private practice with Hon. Robert H. Bork (1990-1991)

MILITARY

Colonel, U.S. Army Retired. Served in U.S. Army Reserve, Judge Advocate General's Corps (1990-2018); mobilized (2007-2008); assigned as appellate military judge (2007-2014) and military trial judge (2014-2017); received Judge Advocates Association's Major General William K. Suter Distinguished Judicial Service Award (2018) and Outstanding Career Armed Services Attorney Award (2002)

OTHER SERVICE

American Law Institute (2007-present); Heritage Foundation Center for Legal & Judicial Studies Advisory Board (2002-2013); Civilian Member, Uniform Code of Military Justice Committee (2005-2008); Boy Scout/Cub Scout leader (2001-2013)

GREGORY E. MAGGS -- PUBLICATIONS

BOOKS

- Modern Military Justice: Cases and Materials (West 2012 & 2d ed. 2015) (co-authored with Lisa M. Schenck)
- Constitutional Law: A Contemporary Approach (West 2009, 2d ed. 2011, 3d ed. 2015, 4th ed. 2018, 5th ed. 2021) (co-authored with Peter J. Smith)
- Terrorism and the Law: Cases and Materials (West 2005 & 2d ed. 2010)
- Questions & Answers: Payment Systems (LexisNexis 2003) (co-authored with Timothy R. Zinnecker)

ARTICLES: CONSTITUTIONAL LAW

- A Guide and Index for Finding Evidence of Original Meaning of the U.S. Constitution in Early State Constitutions and Declarations of Rights, 98 N.C. L. Rev. 779 (2020)
- How Justice Thomas Determines the Original Meaning of Article II of the Constitution, 126 Yale L.J. F. 210 (2017) (symposium piece)
- A Critical Guide to Using the Legislative History of the Fourteenth Amendment to Determine the Amendment's Original Meaning, 49 Conn. L. Rev. 1069 (2017)
- A Concise Guide to the Articles of Confederation as a Source for Determining the Original Meaning of the Constitution, 85 Geo. Wash. L. Rev. 397 (2017)
- A Concise Guide to Using Dictionaries from the Founding Era to Determine the Original Meaning of the Constitution, 82 Geo. Wash. L. Rev. 358 (2014)
- Justice Kennedy's Use of Sources of the Original Meaning of the Constitution, 44 McGeorge L. Rev. 77 (2013) (symposium piece)
- A Concise Guide to the Records of the Federal Constitutional Convention of 1787 as Evidence of the Original Meaning of the U.S. Constitution, 80 Geo. Wash. L. Rev. 1707 (2012)
- A Concise Guide to the Records of the State Ratifying Conventions as a Source of the Original Meaning of the United States Constitution, 2009 U. Ill. L. Rev. 457.
- Which Original Meaning of the Constitution Matters to Justice Thomas, 4 N.Y.U. J. of L. & Liberty 494 (2009) (symposium piece)
- A Concise Guide to the Federalist Papers as a Source of the Original Meaning of the United States Constitution, 87 B.U. L. Rev. 801 (2007)
- Translating Federalism: A Textualist Reaction, 66 Geo. Wash. L. Rev. 1198 (1998)
- Virtual Impeachment and Book Review Conviction: Talk about Strange Justice, 64 Geo. Wash. L. Rev. 703 (1996)
- Yet Still Partial to It, 103 Yale L.J. 1627 (1994) (review of Cass Sunstein, *The Partial Constitution*)
- Innovation in Constitutional Law: The Right to Education and the Tricks of the Trade, 86 Nw. U.L. Rev. 1038 (1992)
- Book Note, Original Federalism, 101 Harv. L. Rev. 855 (1988)

ARTICLES: NATIONAL SECURITY LAW AND MILITARY LAW

GREGORY E. MAGGS -- PUBLICATIONS

- Judge Bork's Remarkable Adherence to Unremarkable Principles of National Security Law, 13 Ave Maria L. Rev. 1 (2015).
- Book Review, 103 Am. J. of Int'l Law 198 (2009) (review of Jeremy Scahill, *Blackwater: The Rise of the Most Powerful Mercenary Army* (2008) and *From Mercenaries to Market: The Rise and Regulation of Private Military Companies* (Simon Chesterman & Chia Lehnarts. eds. 2007))
- Responses to the Ten Questions [On National Security Posed by the Journal of National Security Forum Board of Editors], 35 Wm. Mitchell L. Rev. 5079 (2009)
- Assessing the Legality of Counterterrorism Measures Without Characterizing Them as Law Enforcement or Military Action, 80 Temple L. Rev. 661 (2007)
- Foreword to the Symposium: The New Face of Armed Conflict: Enemy Combatants After *Hamdan v. Rumsfeld*, 75 Geo. Wash. L. Rev. 971 (2007) (symposium piece)
- How the United States Might Justify a Preemptive Strike On a Rogue Nation's Nuclear Weapon Development Facilities Under the U.N. Charter, 57 Syracuse L. Rev. 465 (2007) (symposium piece)
- The Rehnquist Court's Non-Interference with the Guardians of National Security, 74 Geo. Wash. L. Rev. 1122 (2006) (symposium piece)
- The Campaign to Restrict the Right to Respond to Terrorist Attacks in Self-Defense under Article 51 of the U.N. Charter and What the United States Can Do about It, 4 Regent Int'l L. Journal 149 (2006) (symposium piece), also reprinted in *Right of Private Defense: Expanding Horizons* (P. Satyanarayana Prasad ed. 2010).
- Book Review, 67 J. Mil. Hist. 642 (2003) (review of Frederic L. Borch, *Judge Advocates in Combat: Army Lawyers in Military Operations from Vietnam to Haiti*)
- Cautious Skepticism about the Benefits of Adding More Formalities to the Manual For Courts-Martial Rule-Making Process: A Response to Captain Keven J. Barry, 166 Mil. L. Rev. 1 (2000)
- Judicial Review of the Manual For Courts-Martial, 160 Mil. L. Rev. 96 (1999), also reprinted in an edited form in *Evolving Military Justice* (Eugene Fidell & Dwight Sullivan, eds. 2002)

ARTICLES: CONTRACTS AND COMMERCIAL LAW

- A Complaint about Payment Law under the U.C.C.: What You See is Often Not What You Get, 67 Ohio St. L.J. 201 (2007) (symposium piece)
- Report Concerning the United States of America on "Protecting Legitimate Expectations and Estoppel," reprinted in *La Confiance Légitime et L'Estoppel* (Bénédicte Fauvarque-Cosson, ed., 2007) (conference report)
- The Waning Importance of Revisions to U.C.C. Article 2, 78 Notre Dame L. Rev. 595 (2003)
- Report Concerning the United States of America on "Regulating Electronic Commerce," 50 Am. J. Comparative L. 665 (2002) (conference report)
- Patterns of Drafting Errors in the Uniform Commercial Code, 2002 U. Ill. L. Rev. 81
- Karl Llewellyn's Fading Imprint on the Jurisprudence of the Uniform Commercial Code, 71 Colo. L. Rev. 541 (2000), also reprinted in *Perspectives on the Uniform Commercial Code?* (Douglas E. Litowitz ed. 2007)

GREGORY E. MAGGS -- PUBLICATIONS

- A New Proposal for Implementing Means Testing in Bankruptcy, 1 Corp. & Bus. L.J. 1 (1999)
- Ipsse Dixit: The Restatement (Second) of Contracts and the Modern Development of Contract Law, 66 Geo.Wash. L. Rev. 508 (1998)
- The Holder in Due Course Doctrine as a Default Rule, 32 Ga. L. Rev. 783 (1998)
- Internet Solutions to Consumer Protection Problems, 49 S.C. L. Rev. 888 (1998)
- New Payment Devices and General Principles of Payment Law, 72 Notre Dame L. Rev. 755 (1997)
- Determining the Rights and Liabilities of the Remitter of a Negotiable Instrument: A Theory Applied to Some Unsettled Questions, 36 B.C. L. Rev. 619 (1995)
- Consumer Bankruptcy Fraud and the "Reliance on Advice of Counsel" Argument, 69 Am. Bankr. L.J. 1 (1995)
- Bankruptcy As a Business Tool, 71 Tex. L. Rev. 681 (1993) (review of Kevin J. DeLaney, Strategic Bankruptcy)
- The Pace Picks Up: Bankruptcy Cases are No Longer the Court's Stepchildren, Legal Times, Sept. 30, 1991 Special Supplement, at 26
- Note, "Adequate Protection" and the Availability of Postpetition Interest to Undersecured Creditors in Bankruptcy, 100 Harv. L. Rev. 1106 (1987)

ARTICLES: LEGISLATION AND ADMINISTRATIVE LAW

- Estoppel and Textualism, 54 Am. J. Comparative Law 167 (2006), also reprinted in Estoppel: Theories and Applications (S. Ravi ed. 2008)
- More Than One Cent for Tribute, 1 Green Bag 2d 98 (1997) (review of Fred S. McChesney, Money for Nothing)
- Reconciling Textualism and the Chevron Doctrine: In Defense of Justice Scalia, 28 Conn. L. Rev. 393 (1996)
- The Secret Decline of Legislative History: Has Someone Heard a Voice Crying in the Wilderness?, 1994 Public Interest L. Rev. 57.
- Reducing the Costs of Statutory Ambiguity: Alternative Approaches and the Federal Courts Study Committee, 29 Harv. J. Legis. 123 (1992)

REPORTS SUBMITTED AS SPECIAL MASTER FOR THE U.S. SUPREME COURT

- Report of the Special Master on Six Motions for Partial Summary Judgment and One Motion for Confirmation of a Disclaimer of Title, Alaska v. United States (U.S. Mar. 2004) (No. 128, Orig.) .
- Report of the Special Master on the Motion to Intervene by Franklin H. James, the Shakan Kwaan Thling-Git Nation, Joseph K. Samuel, and the Taanta Kwaan Thling-Git Nation, (U.S. Nov. 2001) (No. 128, Orig.)

OTHER

- Creating Law School Review Videos and Slides and Putting Them on the Internet (Sept. 1, 2001) (published in Jurist's "Lessons from the Web Series")

GREGORY E. MAGGS -- PUBLICATIONS

- The Permanence of Paperless Law Review Articles: Who is Worried and What Can Be Done?,
24 Rutgers L. Rec. 2000 (symposium piece)
- Self-Publication on the Internet and the Future of Law Reviews, 30 Akron L. Rev. 237 (1996)
- Just Say No?, 70 Chi.-Kent L. Rev. 101 (1995)
- Progress on Attorney's Fees: Expanding the "Loser Pays" Rule in Texas, 20 Houston L. Rev.
1915 (1994) (co-authored with Michael D. Weiss)
- Postscript: In Budget Disputes Between Elected Officials Will the Rule of Law Prevail?, 23 St.
Mary's L. J. 511 (1991) (comment)
- The 1989 Supreme Court Term: Review and Outlook, 1991 Public Interest L. Rev. 75.
- Case Comment, Asahi Metal Industry Co. v. Superior Court, 101 Harv. L. Rev. 260 (1987)