

## Ross E. Davies

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### Education

University of Chicago Law School, J.D. with honors, 1997

Washington University in St. Louis, B.A. with honors, 1984

### Employment

George Mason Univ. Antonin Scalia Law School, Arlington, VA: Ass't/Assoc. Prof., 2002-07; Prof., 2007-present

Subjects taught: Administrative Law, Civil Procedure, Comparative Criminal Law, Contracts,  
Employment Discrimination, Legal History, Legal Profession, Torts

Shea & Gardner (now Goodwin Procter), Washington, DC: Associate, 2000-02

Gibson, Dunn & Crutcher, Washington, DC: Associate, 1998-2000

Hon. Diane P. Wood, U.S. Court of Appeals for the Seventh Circuit, Chicago, IL: Law Clerk, 1997-98

American Woodmark Corp., Winchester, VA: Director of Human Resources, 1993-94; other positions, 1988-93

Hesselbart & Mitten, Fairlawn, OH: Account Executive, 1990

Flournoy & Gibbs, Toledo, OH: Account Supervisor, 1987-88

William Silverman & Co., Cleveland, OH: Associate, 1984-87; Vice President, VideoFile subsidiary, 1986-87

### Affiliations

Editor-in-Chief, *The Green Bag, An Entertaining Journal of Law* (1997-present)

General Editor, *The Journal of Law, A Periodical Laboratory of Legal Scholarship* (2011-present)

Member, bars of Ohio (1998-present) and the District of Columbia (2000-present)

Member, American Law Institute (2007-present)

Research Fellow, NYU Center for Labor and Employment Law (2010-present)

Eagle Scout, BSA (1976-present)

### Publications

#### Books

*Re-readings* (annually, 2016-2018) (editor)

*Resolving Labor and Employment Disputes: A Practical Guide (Proceedings of the New York University 63rd Annual Conference on Labor)* (2012) (editor, with Samuel Estreicher)

*The Green Bag Almanac & Reader* (annually, 2006-2018) (editor, often with Cattleya M. Concepcion)

*In Chambers Opinions by the Justices of the Supreme Court, Volume IV, Parts 1-6* (2004-2011) & *Journal of In-Chambers Practice* (editor, with Cynthia Rapp & Ira Brad Matetsky)

*George Van Santvoord's Sketch of John Jay* (3d ed. 2001) (editor, with Montgomery N. Kosma)

#### Articles & Chapters

*Thurgood Marshall and (and versus) John W. Davis*, 8 *Journal of Law* 1 (2018)

*Ranking the Olympians Before U.S. News: When Vanity Fair and The Bookman Told Their Readers Who Really Mattered*, 21 *Green Bag* 2d 241 (2018)

*Five Little Lessons in Lawyering from Thurgood Marshall*, 70 *Oklahoma Law Review* 779 (2018)

*Supreme Court Practice 1900: A Study of Turn-of-the-Century Appellate Procedure*, 7 *Journal of Law* (2 *Journal of In-Chambers Practice*) 33 (2017); *When Justice Began at Home in Washington, DC, Circa 1900*, *Green Bag Single Sheet Classic* #6 (2017) (map version)

*A Handy "Cf." or Two for Citation Studies*, 7 *Journal of Law* 1 (2017)

*A Generous Judicial Parabolist: Curtis D. Wilbur*, 20 *Green Bag* 2d 381 (2017)

*The Fan-Judges: Clues to a Jurisiculture of Sherlockian Fandom*, 23 *Transformative Works and Cultures* (Mar. 2017), [journal.transformativeworks.org/index.php/twc/article/view/944/730](http://journal.transformativeworks.org/index.php/twc/article/view/944/730)

*Some Clerical Contributions to Ex parte Quirin*, 19 *Green Bag* 2d 283 (2016)

## Articles & Chapters (continued)

- Evarts Act Day: The Birth of the U.S. Circuit Courts of Appeals*, 6 *Journal of Law* 251 (2016); *Green Bag Single Sheet Classic #4* (2016) (map version)
- Debate and Switch: William Howard Taft on Law as a Vocation*, 6 *Journal of Law* 1 (2016)
- The Regulatory Adventure of the Two Norwood Builders: Sherlock Holmes Crosses Paths with Congress, the President, the Courts, and the Administrative State, in the Press*, 2015 *Green Bag Almanac* 567
- Habeas Libris: For Books in Need of a Reprieve*, 5 *Journal of Law* 1 (2015)
- Holmes, Coase & Blackmail*, 18 *Green Bag* 2d 93 (2014)
- Breakfast with the Justices: Networking in the Nineteenth Century*, 2014 *Green Bag Almanac* 109
- Fixing Fuller's Record: The Green Bag and the U.S. Reports*, 17 *Green Bag* 2d 451 (2014)
- Supreme Court Sluggers: James Iredell*, 4 *Journal of Law* (3 *Journal of Legal Metrics*) 169 (2014)
- Thanks for the Thanks: An Appreciation of the Author Note*, 4 *Journal of Law* 119 (2014)
- A Christmas Gift for the Supreme Court: How a 1959 Holiday Party Eclipsed a History of Discrimination*, 17 *Green Bag* 2d 311 (2014)
- Recognition and Volition: Remembering the Retirement of Justice Gabriel Duvall*, 4 *Journal of Law* 1 (2014)
- Pioneer of Retirement: Justice Samuel Nelson*, 17 *Green Bag* 2d 209 (2014)
- Along Comes the Players Association: The Roots and Rise of Labor Unionism in Major League Baseball*, 16 *New York University Journal of Legislation & Public Policy* 321 (2013)
- Extrajudicial Reticence: Nine Justices Take a Brief Break from Constitutional Commentary*, 17 *Green Bag* 2d 99 (2013)
- The Increasingly Lengthy Long Run of the Law Reviews: Law Review Business 2012 – Circulation and Production*, 3 *Journal of Law* (2 *Journal of Legal Metrics*) 247 (2013)
- Feeding the Right Stuff: Would You Clerk for Learned Hand?*, 3 *Journal of Law* 187 (2013)
- Supreme Court Sluggers: Samuel A. Alito of the Philadelphia Phillies and Marvin Miller of the MLBPA*, 3 *Journal of Law* (2 *Journal of Legal Metrics*) 77 (2013)
- Available at: Introducing a Nearly Vast Amount of Work to Be Done*, 3 *Journal of Law* 1 (2013)
- How West Law Was Made: The Company, Its Products, and Its Promotions*, 6 *Charleston Law Review* 231 (2012)
- Cite Club*, 2 *Journal of Law* 483 (2012)
- The Popular Prosecutor: Mr. District Attorney and the Television Stars of American Law*, 16 *Green Bag* 2d 61 (2012)
- Marshall's Maps, the U.S. Reports, and the New Judicial Restraint*, 15 *Green Bag* 2d 445 (2012)
- In Search of Helpful Legal Scholarship, Part 2: Shall We Dance*, 2 *Journal of Law* 255 (2012)
- The Pastiche Prosecutor: A Speculative Introduction to Mr. District Attorney*, 15 *Green Bag* 2d 303 (2012)
- Law Review Circulation 2011: More Change, More Same*, 2 *Journal of Law* (1 *Journal of Legal Metrics*) 179 (2012)
- Supreme Court Sluggers: Introducing the Scalia, Fortas, and Goldberg/Miller Trading Cards*, 2 *Journal of Law* (1 *Journal of Legal Metrics*) 155 (2012), with Craig D. Rust & Adam Aft
- In Search of Helpful Legal Scholarship, Part 1*, 2 *Journal of Law* 1 (2012)
- Blackmun's Books: What a Justice Read and What It Means for a Justice to "Read"*, 15 *Green Bag* 2d 191 (2012)
- Leg, Culp, and the Evil Judge: The Fictional Precursors of Honored Sleuths Nero Wolfe and Archie Goodwin and Disgraced Federal Judge Martin T. Manton*, 2012 *Green Bag Almanac* 321
- The Law Firm and the League: Morgan, Lewis & Bockius LLP, Major League Baseball, and MLB.com*, 12 *Texas Review of Entertainment & Sports Law* 215 (2011); 39 *Baseball Research Journal* 74 (Fall 2010)
- The Ultimate Junket, Chaperoned*, 15 *Green Bag* 2d 67 (2011)
- An Irony of Electronics: On a Form or Two of Serious Legal Scholarship*, 1 *Journal of Law* 219 (2011)
- The Judiciary Funded: The Generosity of David Dudley Field*, 14 *Green Bag* 2d 435 (2011)
- West's Words, Ho!: Law Books by the Million, Plus a Few*, 14 *Green Bag* 2d 303 (2011)
- Three Invitations to Law & Commentary*, 1 *Journal of Law* (1 *Law & Commentary*) 87 (2011)
- Like Water for Law Reviews: An Introduction to the Journal of Law*, 1 *Journal of Law* 1, 14 *Green Bag* 2d 257 (2011)
- Justices at Work, or Not: New Supreme Court Statistics and Old Impediments to Making Them Accurate*, 14 *Green Bag* 2d 217 (2011), with Craig D. Rust & Adam Aft
- The Dipping Point: Law Review Circulation 2010*, 2011 *Green Bag Almanac* 547

## Articles & Chapters (continued)

- The Last Word*, 11 *Journal of Appellate Practice & Process* 229 (2010)
- Wager of Justice: The Betting Commission and the 1984 Campaign*, 14 *Green Bag 2d* 89 (2010)
- It's No Game: The Practice and Process of the Law in Baseball, and Vice Versa*, 20 *Seton Hall University Journal of Sports & Entertainment Law* 249 (2010)
- Supreme Court Sluggers: John Paul Stevens Is No Stephen J. Field*, 13 *Green Bag 2d* 365 (2010), with Craig D. Rust & Adam Aft
- Obi-Wan Stevens vs. Darth Rehnquist: A Clerical Fantasy*, 13 *Green Bag 2d* 263 (2010)
- The Judicial and Ancient Game: James Wilson, John Marshall Harlan, and the Beginnings of Golf at the Supreme Court*, 35 *Journal of Supreme Court History* 122 (2010); *Errata*, 36 *Journal of Supreme Court History* 82 (2011)
- Supreme Court Sluggers: Behind the Numbers*, 13 *Green Bag 2d* 215 (2010), with Craig D. Rust
- Law Review Circulation 2009: The Combover*, 2010 *Green Bag Almanac* 419
- A Crank on the Court: The Passion of Justice William R. Day*, 38 *Baseball Research Journal* 94 (Fall 2009)
- The Sport of Courts: Baseball and the Law*, 38 *Baseball Research Journal* 59 (Fall 2009)
- Law Review Circulation*, 2009 *Green Bag Almanac* 164
- The Original Law Journals*, 12 *Green Bag 2d* 187 (2009)
- A Tall Tale of The Brethren*, 33 *Journal of Supreme Court History* 186 (2008), *reprinted in* 38 *Baseball Research Journal* 117 (Fall 2009)
- The Judiciary Fund: A Modest Proposal that the Bar Give to Judges What Congress Will Not Let Them Earn*, 11 *Green Bag 2d* 357 (2008)
- Which Is the Constitution?*, 11 *Green Bag 2d* 209 (2008)
- B.R. Curtis & G.T. Curtis*, 10 *Green Bag 2d* 209 (2007), with Curtis E. Gannon
- The Other Supreme Court*, 31 *Journal of Supreme Court History* 221 (2006)
- A Certain Mongrel Court: Congress's Past Power and Present Potential to Reinforce the Supreme Court*, 90 *Minnesota Law Review* 678 (2006)
- William Cushing, Chief Justice of the United States*, 37 *University of Toledo Law Review* 597 (2006)
- The Reluctant Recusants: Two Parables of Supreme Judicial Disqualification*, 10 *Green Bag 2d* 79 (2006)
- Strike Season: Protecting Labor-Management Warfare in the Age of Terror*, 93 *Georgetown Law Journal* 1783 (2005), *reprinted in* *Workplace Discrimination, Privacy and Security in an Age of Terrorism* (Proceedings of the New York University 55th Annual Conference on Labor) ch. 11 (Wolters Kluwer 2007)
- Protecting the Post*, *The Critical Infrastructure Protection Project: Workshop I Working Papers* (2003)
- Remedial Nonacquiescence*, 89 *Iowa Law Review* 65 (2003)
- The Most Important Article of All Time*, 5 *Green Bag 2d* 351 (2002)
- Faithless Electors of 1912*, 4 *Green Bag 2d* 179 (2001)

## Reviews

- William R. Casto, *Foreign Affairs and the Constitution in the Age of Fighting Sail*, 49 *American Journal of Legal History* 476 (2007)
- Bruce Ackerman, *The Failure of the Founding Fathers*, *Wilson Quarterly* 124 (Autumn 2005)
- James P. Lucier, *The Political Writings of James Monroe*, [writ.news.findlaw.com](http://writ.news.findlaw.com) (July 26, 2002)
- Garry Wills, *James Madison*, [writ.news.findlaw.com](http://writ.news.findlaw.com) (Apr. 26, 2002)
- James W. Ely, Jr., *Railroads and American Law*, [writ.news.findlaw.com](http://writ.news.findlaw.com) (Jan. 25, 2002)
- Mark V. Tushnet, *Thurgood Marshall: His Speeches, Writings, etc.*, [writ.news.findlaw.com](http://writ.news.findlaw.com) (Oct. 12, 2001)

## Other

- Too Few Cookbooks*, *The Gazette—The Journal of the Wolfe Pack*, Spring 2018, at 33
- The Bimetallic Question in The Valley of Fear*, 33 *Sherlock Holmes Journal* 156 (Summer 2018)
- A Grand Game Introduction, or the Rise and Demise of "Sherlock Holmes"*, 2 *The Newspapers* 25 (2018)
- The Cardboard Boxes*, 68 *Baker Street Journal* 6 (Spring 2018)
- Love, Understanding & Justice*, *Re-readings*, Volume III at 1 (2018)

## Other (continued)

- The Adventure of the Ambulant Doctor*, Green Bag Single Sheet Classic #7 (2018) (map version)
- What the Founders Missed About Whist*, 2018 Green Bag Almanac 1
- August 1914 – Mycroft Holmes and Pre-War European Diplomacy*, in *Trenches: The War Service of Sherlock Holmes* 127 (2018) (Robert Katz & Andrew Solberg eds.)
- Baker Street Almanac* (2018)
- Preface*, Arthur Conan Doyle, *The Valley of Fear* (2018 reprint edition)
- Superstationary: The 1984 Baseball Winter Meetings*, in *Baseball's Business: The Winter Meetings Volume 2* at 166 (2017) (Steve Weingarden & Bill Nowlin eds.)
- Selecting Selectors and Flipping Books*, 2017 Green Bag Almanac 1
- The Coda*, Re-readings, Volume II at 1 (2017)
- Some Sort of Map or Chart of the Adventure of the Musgrave Ritual*, Green Bag Single Sheet Classic #5 (2017), with Greg D. Ruby
- Micro-Symposium: Richard Posner's "What Is Obviously Wrong With the Federal Judiciary,"* 20 Green Bag 2d 81 (2016), with Timothy A. Delaune et al.
- Arthur Conan Doyle's The Reigate Puzzle: A Cartographical and Photographical View*, Green Bag Single Sheet Classic #3 (2016), with Guy Marriott
- A Year of Extravagance in Legal Publishing*, Green Bagatelle #3 (Aug. 16, 2016)
- The Recent Past and Near Future of Reporting In-Chambers*, 6 *Journal of Law* (1 *Journal of In-Chambers Practice*) 33 (2016)
- Introduction*, Re-readings, Volume I at 1 (2016)
- Archie's Choices*, *The Gazette—The Journal of the Wolfe Pack*, Spring 2016, at 19
- Exemplary Writing from 2015 & Rules for 2016*, Green Bagatelle #2 (Mar. 8, 2016)
- Arthur Conan Doyle's Pig, and Yours: A Challenge*, 2016 Green Bag Almanac 537
- The Quotation Mark Puzzle: An Imperfection of "The Field Bazaar,"* 2016 Green Bag Almanac 511
- Introduction: Picturing Holmes and Watson*, in A. Conan Doyle, *The Memoirs of Sherlock Holmes: The Field Bazaar, Illustrated*, 2016 Green Bag Almanac 464
- The Reigate Puzzle: A Lawyerly Annotated Edition*, 2016 Green Bag Almanac 108, with Cattleya M. Concepcion et al.
- Exemplary Nominees and a Colorful Puzzle: Previewing the 2016 Almanac & Reader*, Green Bagatelle #1 (Jan. 20, 2016)
- Philanthropical (and Apocryphal, or Canonical?) Cricket in Edinburgh: The Geography and Scenery of a Sherlock Holmes Vignette*, 2016 Green Bag Almanac (supp.) (Green Bag Single Sheet Classic #2)
- The Hon. Diane P. Wood and the Case of the Missing Commission*, 71 *NYU Annual Survey of American Law* 17 (2015)
- What Would U.S. News Do: Introduction to the Micro-Symposium on Top Ten Rankings of the U.S. Supreme Court*, 18 *Green Bag 2d* 425 (2015)
- The Adventure of the Norwood Builder: A Lawyerly Annotated Edition*, 2015 Green Bag Almanac 116, with Hadar Aviram et al.
- Scenes from a Young Lawyer's Salvation: The Geography and Scenery of a Sherlock Holmes Mystery*, 2015 Green Bag Almanac 1 (supp.) (Green Bag Single Sheet Classic #1), with Cattleya M. Concepcion
- Giving It Away at The Strand: A Short Story of Rights and Relationships in Intellectual Property*, 4 *Journal of Law* 255 (2014)
- Baseball and the U.S. Constitution, Circa 1887*, 2014 Green Bag Almanac 462
- Lego and Law: Linking the Gilded Age and Today*, 2014 Green Bag Almanac 259
- The Capacity to Be Taxed Is the Capacity to Self-Destruct*, 2013 Green Bag Almanac 1
- Learned Hand Sings, Part One: Liner Notes for "Songs of His Youth"*, 16 *Green Bag 2d* 257 (2013)
- Micro-Symposium on Orin Kerr's "A Theory of Law"*, 16 *Green Bag 2d* 213 (2013) & 2 *Journal of Law* 487 (2012), with Laura I Appleman et al.
- To ADA Mandelbaum: The Second-Best Lawyer*, *The Gazette—The Journal of the Wolfe Pack*, Spring 2012, at 25.
- Another Nero Wolfe Cookbook*, 2012 Green Bag Almanac 473

## Other (continued)

- Gray Lady Bowdler: The Continuing Saga of the Crimson Spot*, 2012 Green Bag Almanac 563
- Fore-Shadowed: Where Rex Stout Got the Idea for Fer-de-Lance*, 2012 Green Bag Almanac 249, with Cattleya M. Concepcion
- Historical Precedents: Cameras in the Courtroom? How About Journalists in Chambers?*, National Law Journal, Supreme Court Insider, Feb. 16, 2011
- Thomas Nast's Illustrated Almanacs, 1871-1875*, 2011 Green Bag Almanac 212
- Historical Precedents: The Secret Meaning of Intent*, National Law Journal, Supreme Court Insider, Nov. 23, 2010
- Historical Precedents: Should Justice Kagan Follow Justice Matthews?*, National Law Journal, Supreme Court Insider, Nov. 1, 2010
- FantasyLaw 2009: The Season, the Stars, and the Statistics*, 13 Green Bag 2d 229 (2010)
- How Not to Bowdlerize*, 2009 Green Bag Almanac 234
- Opening Day*, 12 Green Bag 2d 349 (2009)
- Let the Preseason Begin: Want to Play?*, 12 Green Bag 2d 235 (2009)
- The Non-Partisan Fact-Finding Committee for Hoover 1932*, 2008 Green Bag Almanac 111
- The Green Bag's Greatest Quips, 1997-2002* (2002) (editor, with Montgomery N. Kosma et al.)
- Learning from Laptops*, Legal Times, Sept. 9, 2002, at 29
- Fuller & Washington at Centuries' Ends* (1999) (editor, with Montgomery N. Kosma)
- Data 'Pirates' Beware*, VRA Bulletin, Spring 1998, at 53
- Fragments of the Law* (1997) (editor, with Adam Bonin et al.)
- A Public Trust Exception to the Rule of Lenity*, 63 University of Chicago Law Review 1175 (1996) (student note)