MICHAEL S. GREEN

College of William and Mary Marshall-Wythe School of Law

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EDUCATION

1993-1996	 YALE LAW SCHOOL J.D. 1996 Israel H. Peres Prize for best note in Yale Law Journal Olin Fellow at Center for Studies in Law, Economics, and Public Policy Senior Editor, Yale Law Journal Elliott Goldstein Scholar
1983-1989	YALE UNIVERSITY • Ph.D. in Philosophy 1990 • University Fellow
1979-1982	 UNIVERSITY OF CALIFORNIA, BERKELEY B.A. in Humanities, summa cum laude, 1982 Highest Distinction in General Scholarship Phi Beta Kappa Alumni Scholar (1981-82) Regents Scholar (1979-81)
1978-1979	SANTA ROSA JUNIOR COLLEGE • Doyle Scholar
EMPLOYMEN	T & ACADEMIC APPOINTMENTS
Since 2006	 COLLEGE OF WILLIAM & MARY, MARSHALL-WYTHE SCHOOL OF LAW Dudley W. Woodbridge Professor of Law (since 2012) Professor of Law (2006-2012) Cabell Research Professor (awarded 2007 & 2017) Plumeri Award for Faculty Excellence (awarded 2011 & 2014) Robert E. and Elizabeth S. Scott Research Professor (awarded 2010) Blackstone Lecturer (awarded 2009) Teaching: Civil Procedure, Conflict of Laws, Philosophy of Law, Professional Responsibility, Erie Doctrine (seminar), Philosophical Anarchism (seminar), Nietzsche (seminar in Philosophy Department)
1998-2005	GEORGE MASON UNIVERSITY SCHOOL OF LAW · Associate Professor of Law (2003-05) · Assistant Professor of Law (1998-2003) · Teaching: Civil Procedure, Jurisprudence, Professional Responsibility
2001-02	UNIVERSITY OF LONDON, KING'S COLLEGE SCHOOL OF LAW · Visiting Research Fellow
1997-1998	PAUL, WEISS, RIFKIND, WHARTON, & GARRISON, NEW YORK

Associate

EMPLOYMENT & ACADEMIC APPOINTMENTS (CONTINUED)

1996-1997 RICHARD A. POSNER, U. S. COURT OF APPEALS FOR THE SEVENTH CIRCUIT

· Law Clerk

Summer 1996 SIDLEY & AUSTIN, WASHINGTON, D.C.

· Summer Associate

Summer 1995 PAUL, WEISS, RIFKIND, WHARTON, & GARRISON, NEW YORK

· Summer Associate

Summer 1994 OFFICE OF LEGAL COUNSEL, NEW YORK UNIVERSITY

· Law Clerk

1991-1993 TUFTS UNIVERSITY

· Assistant Professor of Philosophy (Tenure-Track)

· Position renewed for 1993-1995

• Teaching: Introduction to Philosophy, Modern Philosophy, Phenomenology & Existentialism, Kant, 19th Century Philosophy, Wittgenstein and Moral Realism (seminar)

1990-1991 UNIVERSITY OF ALABAMA, HUNTSVILLE

· Instructor in Philosophy

· Teaching: Ethics, Introductory Logic, Ethical Issues in Engineering

1990 TECHNISCHE UNIVERSITÄT, BERLIN

· Stiftung Luftbrückendank (Berlin Airlift Memorial Foundation) Fellow

Fall 1989 WESLEYAN UNIVERSITY

Visiting Instructor in Philosophy Teaching: Introductory Logic

Fall 1989 YALE UNIVERSITY

Instructor in Philosophy

· Teaching: Advanced First-Order Logic (graduate-level)

1987-88 FREIE UNIVERSITÄT, BERLIN

Deutscher Akademischer Austauschdienst (German Academic Exchange Service)
 Fellow

PUBLICATIONS

BOOKS

AUTHORED

THE OXFORD INTRODUCTIONS TO U.S. LAW: CIVIL PROCEDURE (Oxford University Press, forthcoming)

NIETZSCHE AND THE TRANSCENDENTAL TRADITION (University of Illinois Press 2002)

EDITED

THE PHILOSOPHICAL FOUNDATIONS OF PRIVATE INTERNATIONAL LAW (with Ralf Michaels and Roxana Banu) (Oxford University Press, forthcoming)

PUBLICATIONS

ARTICLES AND ESSAYS

- Jurisdiction and the Moral Impact Theory of Law, 29 LEGAL THEORY (forthcoming 2023)
- Authority and Interest Analysis, in Roxana Banu, Michael S. Green, & Ralf Michaels (eds.), THE PHILOSOPHICAL FOUNDATIONS OF PRIVATE INTERNATIONAL LAW (Oxford University Press, forthcoming 2023)
- Erie Railroad Co. v. Tompkins *in a Private International Law Context*, in Sarah McKibbin and Anthony Kennedy (eds.) THE COMMON LAW JURISPRUDENCE OF THE CONFLICT OF LAWS (Hart Publishing, forthcoming 2023)
- Permissions, Deontic Voids, and the Karamazov Argument, 66 AMERICAN JOURNAL OF JURISPRUDENCE 291-307 (2021), for a symposium on Christoph Kletzer, THE IDEA OF A PURE THEORY OF LAW (Hart Publishing, 2018)
- The Semantic Thesis in Legal Positivism, in Torben Spaak & Patricia Mindus (eds.), CAMBRIDGE COMPANION TO LEGAL POSITIVISM 536-58 (Cambridge University Press 2021)
- Hans Kelsen's Non-Reductive Positivism, in Torben Spaak & Patricia Mindus (eds.), CAMBRIDGE COMPANION TO LEGAL POSITIVISM 272-300 (Cambridge University Press 2021)
- The Erie Doctrine: A Flowchart, 52 AKRON LAW REVIEW 215-57 (2019) (symposium)
- L'anglo-américanisation de Kelsen, in Thomas Hochmann, Xavier Magnon, & Régis Ponsard (eds.), UN CLASSIQUE MÉCONNU: HANS KELSEN 109-40 (Editions Mare et Martin, 2019)
- Legal Monism: An American History, in Christoph Bezemek, Michael Potacs and Alexander Somek (eds.), VIENNA LECTURES ON LEGAL PHILOSOPHY 23-48 (Hart Publishing 2018)
- The Return of the Unprovided-For Case, 51 GEORGIA LAW REVIEW 761-804 (2017)
- Logic and Legal Realism, in Dieter Krimphove & Florian Simon (eds.), RESEARCH HANDBOOK IN LAW AND LOGIC 81-94 (Duncker & Humblot 2017)
- A Puzzle about Hart's Theory of Internal Legal Statements, in Francesca Poggi & Alessandro Capone (eds.), PRAGMATICS AND LAW: PRACTICAL AND THEORETICAL PERSPECTIVES 195-221 (Springer Verlag 2017)
- Marmor's Kelsen, in D. A. Jeremy Telman (ed.), HANS KELSEN IN AMERICA 45-84 (Springer Verlag 2016)
- Was Afrikan Spir a Phenomenalist? And What Difference Does It Make for Understanding Nietzsche?, 46 JOURNAL OF NIETZSCHE STUDIES 152-76 (2015)
- Vertical Power, 48 UC DAVIS LAW REVIEW 73-140 (2014)
- Prediction Theories of Law and the Internal Point of View, 51 SAN DIEGO LAW REVIEW 921-38 (2014) (symposium)
- Eternal Recurrence in a Neo-Kantian Context, 54 KRITERION: REVISTA DE FILOSOFIA 459-73 (2014)
- On Hart's Category Mistake, 19 LEGAL THEORY 347-69 (2013)
- Felix Cohen on Legislation, 1 THE THEORY AND PRACTICE OF LEGISLATION 113-28 (2013

PUBLICATIONS

ARTICLES AND ESSAYS

- Erie's International Effect, 107 NORTHWESTERN UNIVERSITY LAW REVIEW 1485-1501 (2013)
 - previously published at http://www.law.northwestern.edu/lawreview/colloquy/2012/17/
- The Twin Aims of Erie, 88 NOTRE DAME LAW REVIEW 1865-1937 (2013)
 - · cited in Schmigel v. Uchal, 800 F.3d 113 (3d Cir. 2015) (Pryor, J., concurring) and Vital Pharmaceuticals, Inc. v. Alfieri, 23 F.4th 1282 (11th Cir. 2022)
- Law's Dark Matter, 54 WILLIAM & MARY LAW REVIEW 845-84 (2013) (symposium)
 - · cited in Depp v. Heard, 102 Va. Cir. 324 (Cir. Ct. 2019)
- Choice of Law as General Common Law: A Reply to Professor Brilmayer, in Donald Earl Childress III (ed.), THE ROLE OF ETHICS IN PRIVATE INTERNATIONAL LAW 125-35 (Cambridge U. Press 2012)
- Horizontal Erie and the Presumption of Forum Law, 109 MICHIGAN LAW REVIEW 1237-91 (2011)
- Erie's Suppressed Premise, 95 MINNESOTA LAW REVIEW 1111-67 (2011)
- Leiter on the Legal Realists, 30 LAW & PHILOSOPHY 381-418 (2011)
- Kelsen, Quietism, and the Rule of Recognition, in Matthew D. Adler & Kenneth E. Himma (eds.), THE RULE OF RECOGNITION AND THE UNITED STATES CONSTITUTION 351-78 (Oxford University Press 2009)
- Two Fallacies about Copyrighting Factual Compilations, in Robert Brauneis (ed.), INTELLECTUAL PROPERTY PROTECTION OF FACT-BASED WORKS: COPYRIGHT AND ITS ALTERNATIVES 169-204 (Edward Elgar Press 2009)
- Why Protect Private Arms Possession? Nine Theories of the Second Amendment, 84 NOTRE DAME LAW REVIEW 131-89 (2008)
- Does Dworkin Commit Dworkin's Fallacy?, 28 Oxford Journal of Legal Studies 33-55 (2008)
- Dworkin v. The Philosophers, 2007 UNIVERSITY OF ILLINOIS LAW REVIEW 1477-1503 (2007)
- Explaining Tort Law, 48 WILLIAM & MARY LAW REVIEW 1953-54 (2007) (symposium)
- Halpin on Dworkin's Fallacy: A Surreply, 91 VIRGINIA LAW REVIEW 187-201 (2005)
- Legal Realism as Theory of Law, 46 WILLIAM AND MARY LAW REVIEW 1915-2000 (2005)
- Legal Revolutions: Six Mistakes about Discontinuities in the Legal Order, 83 NORTH CAROLINA LAW REVIEW 331-409 (2005)
- White and Clark on Nietzsche and the Transcendental Tradition: A Response, 36 INTERNATIONAL STUDIES IN PHILOSOPHY 169-99 (2005)
- Nietzsche's Place in Nineteenth Century German Philosophy, 47 INQUIRY: AN INTERDISCIPLINARY JOURNAL OF PHILOSOPHY 168-88 (2004)
- Dworkin's Fallacy, Or What the Philosophy of Language Can't Teach Us about the Law, 89 VIRGINIA LAW REVIEW 1897-1952 (2003)
- Copyrighting Facts, 78 INDIANA LAW JOURNAL 919-64 (2003)
- Hans Kelsen and the Logic of Legal Systems, 53 ALABAMA LAW REVIEW 365-413 (2003)

PUBLICATIONS

ARTICLES AND ESSAYS

The Paradox of Auxiliary Rights: The Privilege Against Self-Incrimination and the Right to Keep and Bear Arms, 52 DUKE LAW JOURNAL 113-178 (2002)

The Privilege's Last Stand: The Privilege Against Self-Incrimination and the Right to Rebel Against the State, 65 Brooklyn Law Review 627-716 (1999)

Legal Realism, Lex Fori, and the Choice-of-Law Revolution, 104 YALE LAW JOURNAL 967-94 (1995) (student note)

Nietzsche on Pity and Ressentiment, 24 INTERNATIONAL STUDIES IN PHILOSOPHY 63-70 (1992)

ON-LINE PIECES

Erie's International Effect, 107 NORTHWESTERN UNIVERSITY LAW REVIEW COLLOQUY 165-79 (2012)

- http://www.law.northwestern.edu/lawreview/colloquy/2012/17/
- republished at 107 NORTHWESTERN UNIVERSITY LAW REVIEW 1485-1501 (2013)

JOTWELL, THE JOURNAL OF THINGS WE LIKE (LOTS):

2020	Deontic Logic and the Philosophy of Law https://juris.jotwell.com/deontic-logic-and-the-philosophy-of-law/
2019	The Semantics and Pragmatics of Legal Statements • https://juris.jotwell.com/the-semantics-and-pragmatics-of-legal-statements/
2018	Hohfeld and Property • http://juris.jotwell.com/hohfeld-and-property/
2017	Interauthority Relationships • http://juris.jotwell.com/interauthority-relationships/
2016	The New Eliminativism http://juris.jotwell.com/the-new-eliminativism/
2014	International Law and Dworkin's Legal Monism http://juris.jotwell.com/international-law-and-dworkins-legal-monism/
2013	The Real Legal Realism http://juris.jotwell.com/the-real-legal-realism/
2012	Erie, Swift, and Legal Positivism http://juris.jotwell.com/erie-swift-and-legal-positivism/
2011	Particularism, Telishment, and Three Strikes Laws http://juris.jotwell.com/particularism-telishment-and-three-strikes-laws/
2010	Against the Conventionalist Turn in Legal Theory: Dickson on Hart on the Rule of Recognition • http://juris.jotwell.com/against-the-conventionalist-turn-in-legal-theory-dickson-on-hart-on-the-rule-of-recognition/

PRESENTATIONS & CONFERENCES (ALL BY INVITATION)

Montreal, Canada, Jan. 2023

Author Meets Critics Session on David Dyzenhaus, THE LONG ARC OF LEGALITY: HOBBES, KELSEN, HART (Cambridge U. Press 2022), Eastern Division of the American Philosophical Association (via zoom)

University of Southern Queensland, Toowoomba, Australia, Jan. 2022

"Erie Railroad Co. v. Tompkins in a Private International Law Context," Conference on the Common Law Jurisprudence of the Conflict of Laws (via zoom)

Max-Planck-Institut für ausländisches und internationales Privatrecht, Hamburg, Germany, Feb. 2021 "Authority and Dépeçage," Conference on the Philosophical Foundations of Private International Law, Part II (via zoom)

Max-Planck-Institut für ausländisches und internationales Privatrecht, Hamburg, Germany, Nov. 2020 Conference on the Philosophical Foundations of Private International Law, Part I (via zoom)

Stockholms Universitet, Stockholm, Sweden, November 2018

"The Semantic Thesis in Legal Positivism," Conference on Fundamentals of Legal Positivism: Main Tenets, Normativity and Values

Universidade Nova de Lisboa, Lisbon, Portugal, September 2018

"The Pragmatics of Internal Legal Statements," Keynote Speaker, Second Conference on Topics in Pragmatics and Philosophy

University of Akron School of Law, September 2018

"The Erie Doctrine: A Flowchart," Conference on Erie at Eighty: Choice of Law across the Disciplines

Uniwersytet Jagielloński, Krakow, Poland, June 2018

"Jurisdiction and the Moral Impact Theory of Law," Copernicus Center for Interdisciplinary Studies

Universität Paderborn, Paderborn, Germany, November 2017

"Logic and Legal Realism," Conference on Law and Logic

Duke University School of Law, April 2017

Roundtable on Theoretical Disagreement

Politeia, Università degli Studi di Milano, Milan, Italy, February 2017 Roundtable on Pragmatics and Law

University of Virginia School of Law, April 2016

Annual Conference on Analytical Legal Philosophy

Wirtschaftsuniversität Wien, Vienna, Austria, April 2016

"Monism and the Conflict of Laws," Vienna Lectures on Law and Philosophy, organized by the Institute for Austrian and European Public Law (Wirtschaftsuniversität Wien) and the Department of Legal Philosophy (Universität Wien)

Washington, DC, July 2015

"A Puzzle about Internal Legal Statements," Workshop on the Normativity of Law, 27th World Congress of Philosophy of Law and Social Philosophy

Chicago, IL, Valparaiso University School of Law, Hyde Park Campus, June 2014

"Marmor's Kelsen," Conference on Hans Kelsen in America

PRESENTATIONS & CONFERENCES

Hamilton, Ontario, McMaster University, May-June 2014

"Dworkin's Legal Monism," Conference on the Legacy of Ronald Dworkin

College of William and Mary, Williamsburg, VA, March 2014

Graduate Research Symposium on the Ethics and Morality of Strong Artificial Intelligence

Portsmouth, VA, Second Tuesday Forum, January 2014

"Why Constitutionally Protect Private Arms Possession?"

University of San Diego School of Law, September 2013

"Prediction Theories of Law and the Internal Point of View," Conference on Laurence Claus, LAW'S EVOLUTION AND HUMAN UNDERSTANDING (Oxford Univ. Press), Institute for Law & Philosophy

Universidade Federal de Minas Gerais, Belo Horizonte, Brazil, July 2013

"Monism in the Philosophy of Law," Workshop on Kelsen and Normativity, 26th World Congress of Philosophy of Law and Social Philosophy

University of Miami School of Law, March 2013

Annual Conference on Analytical Legal Philosophy

Universidade Federal de Minas Gerais, Belo Horizonte, Brazil, October 2012

"Eternal Recurrence in a Neo-Kantian Context," Conference on Nietzsche and the Kantian Tradition

Seattle, WA, April 2012

"Phenomenalism and Antinaturalist Theories of Cognition in Nietzsche and Afrikan Spir," North American Nietzsche Society, American Philosophical Association

College of William & Mary School of Law, February 2012

"Law's Dark Matter," Symposium on Law without a Lawmaker: Erie and the General Common Law

University of San Diego School of Law, February 2012

"Law's Dark Matter"

Washington D.C., January 2012

Panelist, Choice of Law and the General Common Law, AALS Section on Conflict of Laws

University of San Diego School of Law, April 2011

Annual Conference on Analytical Legal Philosophy

San Francisco, January 2011

Panelist, Choice of Law in Complex Litigation, AALS Section on Conflict of Laws

Oxford University, Faculty of Law, Oxford, UK, September 2010

"Is Kelsen the Frege of Legal Theory?," Legal Science and Legal Theory: A Commemoration of the 50th Anniversary of the Second Edition of Hans Kelsen's *Pure Theory of Law*

New Orleans, LA, January 2010

Seminar on the Second Amendment and the Criminology of Firearms, organized by Don Kates

University of San Diego School of Law, October 2009

"Horizontal Erie and the Presumption of Forum Law"

Thomas Jefferson School of Law, San Diego, CA, October 2009

"Horizontal Erie and the Presumption of Forum Law"

PRESENTATIONS & CONFERENCES

King's College, London, UK, May 2009

Annual Conference on Analytical Legal Philosophy

Uppsala Universitet, Faculty of Law, Uppsala, Sweden, August 2008

"Kelsen, Quietism, and the Rule of Recognition"

"Why Protect Private Arms Possession? Nine Theories of the Second Amendment"

University of Pennsylvania Law School, May 2008

"Kelsen, Quietism, and the Rule of Recognition," Conference on the Rule of Recognition and the U.S. Constitution

George Washington University Law School, September 2007

Copyright, Collective Facts, and the Fallacy of Division," Symposium on Copyright in Factual and Functional Works

UC Berkeley School of Law (Boalt Hall), April 2007

Annual Conference on Analytical Legal Philosophy

University of Pennsylvania Law School, March 2007

"Natural Rights Arguments for the Second Amendment," Institute for Law and Philosophy

Princeton University, October 2006

Respondent, Conference on Joseph Raz's Morality of Freedom: 20 Years Later, James Madison Program

UCLA School of Law, April 2006

Annual Conference on Analytical Legal Philosophy

Washington University in St. Louis School of Law, March 2006

"Kelsen and the English," Workshop on Hans Kelsen's Legal Theory

University of San Diego School of Law, November 2005

Conference on Conceptual Issues in Constitutional Law, Institute for Law & Philosophy

Idyllwild, Ca., September 2005

Roundtable on Modern Analytic Jurisprudence sponsored by the Program in Law & Philosophy, University of Illinois, and the Institute for Law & Philosophy, University of San Diego

University of Texas School of Law, April 2005

Annual Conference on Analytical Legal Philosophy

College of William & Mary School of Law, September 2004

"The Challenge of Legal Realism"

San Francisco, Ca., March 2003

"Author Meets Critics: Nietzsche and the Transcendental Tradition," North American Nietzsche Society, American Philosophical Association

University of London, November 2001

"Anarchic Rights in the United States Constitution," Institute for Advanced Legal Studies

Cambridge University, Cambridge, UK, September 2001

"Nietzsche, Spir and the Concept of Force," Friedrich Nietzsche Society

University of Virginia School of Law, August 1999

"Emotivism, Utility Maximization, and the Incommensurability of Values"

PRESENTATIONS & CONFERENCES

Brooklyn Law School, February 1998

"Social Contract Theory and the Privilege Against Self-Incrimination"

University of Arizona College of Law, January 1998

"Social Contract Theory and the Privilege Against Self-Incrimination"

George Mason University School of Law, January 1998

"Social Contract Theory and the Privilege Against Self-Incrimination"

College of William & Mary School of Law, January 1998

"Social Contract Theory and the Privilege Against Self-Incrimination"

Tufts University, April 1993

"Schacht on Nietzsche's Epistemology," Symposium on Nietzsche

Chicago, Ill., April 1991

"Nietzsche on Pity and Ressentiment," North American Nietzsche Society, American Philosophical Association

Tufts University, Department of Philosophy, February 1991

"Nietzsche on Hedonism and the Meaning of Life"

Technische Universität Berlin, Berlin, Germany, May 1990

"Intensionalism and Natural Kind Terms"

SERVICE

AMERICAN ASSOCIATION OF LAW SCHOOLS

Chair, Section on Conflict of Laws (2012)

AMERICAN PHILOSOPHICAL ASSOCIATION

Member, Committee on Philosophy and Law (2009-12)

COLLEGE OF WILLIAM & MARY, MARSHALL-WYTHE SCHOOL OF LAW

Curriculum Committee (2012-14, 2020-21)

Clerkship Committee (2017-21)

Dean's Advisory Committee (2012-13, 2016-20) (Chair, 2016-17)

Appointments Committee (2006-09, 2010-12, 2013-14)

Chair, Faculty Research and Enrichment Committee (2008-09)

Liberal Arts University Steering Committee (University-Wide, 2009-10)

Provost Search Committee (University-Wide, 2009)

GEORGE MASON UNIVERSITY SCHOOL OF LAW

Admissions Committee (2004-05)

Building Committee (1999-2000)

Clerkship & Placement Committee (2004-05, Chair 1998-99)

Curriculum Committee (Chair, 2003-04)

Faculty Selection Committee (1999-2000)

Faculty Workshop Committee (2002-03, 1999-2000)

Law Review Advisory Committee (1998-99)

Library Committee (1998-99)

SERVICE

TUFTS UNIVERSITY

Search Committee (1991-92)
Tenure Committee (1992-93)
Committee on Fraternity and Sorority Life (University-wide, 1992-93)
Committee for the Protection of Human Subjects in Experimentation (University-wide, 1992-93)

REFEREEING

TENURE/PROMOTION

Brown Univ. (Philosophy)
Kings College London (Law)
Portland State Univ.
(Philosophy)
Valparaiso Univ. (Law)
Case Western Univ. (Law)
Univ. of Minnesota (Law)

PRESSES

Cambridge University Press Palgrave Macmillan MANZ'sche Verlags- und Universitätsbuchhandlung Springer Verlag

JOURNALS

CANADIAN JOURNAL OF LAW AND
JURISPRUDENCE
HARVARD LAW REVIEW
LAW & PHILOSOPHY (multiple
times)
LEGAL THEORY (multiple times)
OXFORD JOURNAL OF LEGAL
STUDIES
RES PUBLICA
REVUS
YALE LAW JOURNAL