

Thomas J. McSweeney

Professor of Law

William & Mary Law School

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ACADEMIC APPOINTMENTS

Professor of Law, William & Mary Law School, August 2019-present

Robert and Elizabeth Scott Research Professor of Law, William & Mary Law School, 2020/21

Visiting Fellow, Clare Hall, University of Cambridge, August-December 2019

Associate Professor of Law, William & Mary Law School, August 2016-August 2019

Assistant Professor of Law, William & Mary Law School, June 2013-August 2016

Visiting Assistant Professor of Law, Cornell Law School, July 2011-June 2013

EDUCATION

Ph.D., History, Cornell University, 2011

M.A., History, Cornell University, 2009

J.D./LL.M., International and Comparative Law, *cum laude*, Cornell Law School, 2005

B.A., History and Government, *magna cum laude*, College of William and Mary, 2002
James Monroe Scholar
Junior Semester Abroad, University of St Andrews

AWARDS, HONORS, AND FELLOWSHIPS (SELECT)

Faculty Fellowship Award, William & Mary Alumni Association, 2022

1L Professor of the Year, awarded by the first-year Class, W&M Law School, 2021

Honorable Mention for Selden Society's David Yale Book Prize for PRIESTS OF THE LAW, 2020

Walter L. Williams Teaching Award, awarded by graduating class, W&M Law School, 2019

Visiting Fellow, Clare Hall, University of Cambridge, August-December 2019

Plumeri Award for Faculty Excellence, William & Mary, 2018

Fellow, Hurst Institute in Legal History, University of Wisconsin Law School, Summer 2015

Buttrick-Crippen Teaching Fellowship, Cornell University, 2011 (declined)

Erika and Kenneth Riley Fellowship, Huntington Library, San Marino, CA, 2010

Mellon-ACLS Dissertation Completion Grant (declined), 2010

Dean's Prize for Distinguished Teaching, College of Arts and Sciences, Cornell University, 2010
James F. Slevin Assignment Sequence Prize, Knight Institute for Writing in the Disciplines, Cornell University, 2009
James Monroe Scholar, College of William & Mary, 1998-2002

PUBLICATIONS

Book

PRIESTS OF THE LAW: ROMAN LAW AND THE MAKING OF THE COMMON LAW'S FIRST PROFESSIONALS (Oxford University Press, 2019), available [here](#).

Awarded an honorable mention for the Selden Society's [David Yale Prize](#), awarded biennially for "an outstanding contribution to the history of the law of England and Wales from scholars who have been engaged in research in the subject for not longer than about ten years."

Articles and Book Chapters

Appealing Magna Carta, UNIVERSITY OF CHICAGO LAW REVIEW ONLINE (forthcoming 2023)

Those Things Which are Written in Romance: Language and Law-Teaching in Thirteenth-Century England, AMERICAN JOURNAL OF LEGAL HISTORY (forthcoming 2023)

Rights and the English Common Law, in THE CAMBRIDGE HISTORY OF RIGHTS, VOLUME 2: THE MIDDLE AGES (solicited contribution, forthcoming 2023)

A University in 1693: New Light on William & Mary's Claim to the Title of "Oldest University in the United States," 61 Wm & Mary L. Rev. Online 91 (2020) (with Katharine Ello & Elsbeth O'Brien), available [here](#).

Fiction in the Code: Reading Legislation as Literature, 34 GA. ST. U. L. REV. 581 (2018), available [here](#).

Salvation by Statute: Magna Carta, Legislation, and the King's Soul, 25 WM. & MARY BILL RTS. J. 455 (2016), available [here](#).

Creating a Literature for the King's Courts in the Later Thirteenth Century: Hengham Magna, Fet Asaver, and Bracton, 37 J. OF LEG. HIST. 41 (2016), available [here](#).

With Michèle K. Spike, *The Significance of the Corpus Iuris Civilis: Matilda of Canossa and the Revival of Justinian's Body of Roman Law*, in MATILDA OF CANOSSA AND THE ORIGINS OF THE RENAISSANCE 21 (Michèle K. Spike ed., 2015)(Catalogue for an art exhibit of the same name at the Muscarelle Museum of Art at the College of William & Mary), available [here](#).

Translated into Italian as *L'importanza del Corpus Iuris Civilis: Matilda di Canossae la riscoperta del diritto romano* in MATILDA DI CANOSSA, 1046-1115: LA DONNA CHE MUTÒ IL CORSO DELLA

STORIA 29 (Michèle K. Spike ed., 2016)(Catalogue for the same exhibit at the Casa Buonarroti in Florence, Italy).

Magna Carta and the Right to Trial by Jury, in *MAGNA CARTA: MUSE AND MENTOR* (Randy J. Holland ed., 2014) (companion volume to the Library of Congress' exhibit of the same name): 139-157, available [here](#).

Magna Carta, Civil Law, and Canon Law, in *MAGNA CARTA AND THE RULE OF LAW* (Reb Brownell et al. eds., 2014) (American Bar Association's volume celebrating the 800th anniversary of Magna Carta), available [here](#).

The King's Courts and the King's Soul: Pardonning as Almsgiving in Medieval England, 50 *READING MEDIEVAL STUD.* 159 (2014 Special Issue, *LAW'S DOMINION: MEDIEVAL STUDIES FOR PAUL HYAMS*), available [here](#).

Between England and France: A Cross-Channel Legal Culture in the Late Thirteenth Century, in *LAW, JUSTICE, AND GOVERNANCE: NEW VIEWS ON MEDIEVAL ENGLISH CONSTITUTIONALISM* (Richard Kaeuper ed., 2013).

Property Before Property: Romanizing the English Law of Land, 60 *BUFF. L. REV.* 1139 (2012), available [here](#).

English Judges and Roman Jurists: The Civilian Learning Behind England's First Case Law, 84 *TEMP. L. REV.* 829 (2012), available [here](#).

Book Reviews

Review of ELIZABETH PAPP KAMALI, *FELONY AND THE GUILTY MIND IN MEDIEVAL ENGLAND* (2019), 96 *SPECULUM* 233-5 (2021).

Review of JOHN HUDSON, *THE OXFORD HISTORY OF THE LAWS OF ENGLAND, VOLUME II: 871-1216* (2013), 34 *LAW & HIST. REV.* 227 (2016).

Review of *LAW AS PROFESSION AND PRACTICE IN MEDIEVAL EUROPE: ESSAYS IN HONOR OF JAMES A. BRUNDAGE* (2011), for *THE MEDIEVAL REVIEW*, available [here](#).

PRESENTATIONS, PANELS, AND WORKSHOPS (SELECT)

“Magna Carta: A Blueprint for Democracy?,” *Smithsonian Associates*, online, March 22, 2023

(with Atria Larson) “Jurisdiction and Subsequent Legitimation,” online conference sponsored by the British-Academy funded project *Jurisdiction, Legal Community, and Political Discourse in Medieval Europe, 1050–1250*, December 2022

“A Forgotten Text: The *Summa de Bastardia*,” American Society for Legal History Conference, Chicago, November 2022

“A Brief History of the Common Law,” lunchtime talk to students organized by the William & Mary Legal History Society, October 2022 (also 2021 and 2020). This talk is designed to familiarize with terminology from English and American legal history that they will encounter in their law courses.

“Author Meets Readers: Thomas J. McSweeney, *Priests of the Law: Roman Law and the Making of the Common Law’s First Professionals*,” special book panel at the American Society for Legal History’s Annual Meeting, New Orleans, LA, November 5, 2021.

Historiography workshop sponsored by the British-Academy funded project *Jurisdiction, Legal Community, and Political Discourse in Medieval Europe, 1050–1250*, June 18, 2021.

PRIESTS OF THE LAW, Book talk

University of Cambridge, Centre for English Legal History, June 15, 2021

Harvard University, Medieval Studies Program, March 8th, 2021

University of Edinburgh, Centre for Legal History, April 2020

“Writing the Common Law in Latin in the Late Thirteenth Century”

Columbia Legal History Seminar, February 24, 2021

Harvard Legal History Workshop, November 9, 2020

Yale Legal History Forum, October 13, 2020

Oxford Legal History Forum, University of Oxford, November 2019

University of Cambridge, Centre for English Legal History Seminar, November 2019

British Legal History Conference, University of St. Andrews, St. Andrews, Scotland, July 2019

“Marriage, Sexuality, and the Law in the Middle Ages,” William & Mary Law School Family and Education Law Society and Legal History Society, April 21, 2021.

“Roger of Thirkleby on the Ecclesiastical Courts,” Workshop sponsored by the British-Academy funded project *Jurisdiction, Legal Community, and Political Discourse in Medieval Europe, 1050–1250*, January 29, 2021.

Panelist, “Johnson v. M’Intosh,” sponsored by the William & Mary Native American Law Society, April 3, 2019.

“Roman Law and Royal Justices,” Conference “Land, Law, and Governance,” Graduate Association of Medieval Studies, University of Wisconsin, Madison, April 6, 2018 (invited by the graduate

students to be the keynote speaker for their annual medieval studies conference and to give a workshop on a work-in-progress).

“Bracton’s Colleagues: The Literary Culture of the Royal Courts in the Later Thirteenth Century,” Medieval Academy of America Annual Conference, Emory University, March 2, 2018.

“Roman Law in the Wolf Law Library’s Collections,” Wolf Law Library, William & Mary Law School, January 24, 2018 (gallery talk for an exhibit of the library’s Roman law collection).

“After *Bracton*: Redefining the Audience for Legal Literature in the Later Thirteenth Century,” British Legal History Conference, University College London, July 7, 2017

“Writing Like a Jurist: Justices of the Thirteenth Century and the Learned Approach to Law,” American Society for Legal History Conference, Toronto, Canada, October 2016.

“Collecting Cases in the Thirteenth Century,” Saint Louis University Law School Faculty Speaker Series, September 21, 2016.

“Salvation by Statute: Magna Carta, Legislation, and the King’s Soul,” William & Mary Bill of Rights Journal 2016 symposium, “After Runnymede: Reissuing, Revising, and Reinterpreting Magna Carta in the Middle Ages,” March 18, 2016.

“Magna Carta After 1215,” Center for Public History, Christopher Newport University, November 18, 2015.

“A New Plea Roll for a New Audience: Henry of Bratton and his Assize Rolls,” Law and Governance in Pre-Modern Britain, University of Western Ontario, October 2015 (by invitation).

“Magna Carta, 1225-2015,” Delaware Office and Trial Practice 2015, October 2015 (keynote speaker, at invitation of Justice Randy Holland of the Delaware Supreme Court).

“Salvation by Statute: Magna Carta, Legislation, and the King’s Soul,” Faculty Speaker Series, University of Wisconsin-Madison School of Law, October 2015.

“A New Plea Roll for a New Audience,” Hurst Summer Institute in Legal History, Madison, Wisconsin, June 2015.

“Happy 790th, Magna Carta,” Hillsborough County Bar Association Law Day Meeting, Tampa, Florida, May 2015 (keynote speaker for an audience of approximately 500).

“Imagining an Ideal World through a Legal Text: *Konungsbók* and the Medieval Icelandic Commonwealth,” American University Washington College of Law, April 2015.

“Magna Carta: 800 Years After Runnymede,” Panel with A.E. Dick Howard, University of Virginia Law School, March 25, 2015, video available [here](#).

“Writing Fiction as Law: The Story in *Grágás*,” American Society for Legal History Pre-Conference Workshop, Denver, Colorado, November 2014 (One of three papers selected through a paper competition).

“Property before Property: Romanizing the English Law of Land,” Emory Law School faculty workshop series, October 15, 2014.

“Writing Fiction as Law: The Story in the *Grágás* Manuscripts,” Law and Humanities Interdisciplinary Junior Scholars Workshop, University of Southern California, June 2014 (One of seven papers selected through a juried paper competition).

“Priests of the Law: Royal Justices and Legal-Literary Culture in 13th-Century England,” London Legal History Seminar, Institute of Advanced Legal Studies, University of London, May 2014.

“The King’s Courts and the King’s Soul: Pardoning as Almsgiving in Medieval England,” American Society for Legal History Conference, Miami, Florida, November 2013.

“A Decretal Collection for English Law: Bracton’s Note Book Reconsidered,” British Legal History Conference, Glasgow, Scotland, July 2013.

MEDIA

Featured in Kristine Hojnicky, Clues in W&M’s charter may reveal its founding as a university 330 years ago, *W&M News*, February 8, 2023, available [here](#).

Thomas McSweeney, Opinion: William & Mary Stakes Claim as Oldest University in America, *The Virginian Pilot* and *The Daily Press*, February 10, 2021, available [here](#).

Thomas McSweeney, Katharine Ello and Elsbeth O’Brien, *Who Can Claim to be the United States’ First University?*, HISTORY NEWS NETWORK, February 7, 2021, available [here](#).

Featured in Claire Cunningham, “The ‘Lex Adversus Scotos Catholicos’: A Jacobite Manuscript in Williamsburg, VA,” *In Medias Res*, November 6, 2020, available [here](#).

Featured in Jaime Welch-Donahue, “Enjoying the Fellowship of Clare Hall: Professor Thomas McSweeney and Professor Brent Allred,” *William & Mary’s World-Minded Magazine*, Fall 2020, available [here](#).

Interviewed about PRIESTS OF THE LAW by Al Zambone for *Historically Thinking* podcast, episode 158, available [here](#).

Guest Blogger, *Legal History Blog*, March 2020. Five posts available [here](#).

Interviewed about PRIESTS OF THE LAW by Brian Frye for *Ipsa Dixit* podcast, March 10, 2020, available [here](#).

Quoted in *Magna Carta: Revered by founders, 'Great Charter' is still relevant today* by Jim Breig, 38 COLONIAL WILLIAMSBURG JOURNAL (Summer 2015), available [here](#).

Interviewed about the significance of Magna Carta by John Hockenberry on WNYC radio's *The Takeaway*, a syndicated show with two million listeners jointly sponsored by Public Radio International and the New York Times, June 15, 2015, audio available [here](#).

Interviewed about the significance of Magna Carta by Sarah McConnell on *With Good Reason*, a radio show sponsored by the Virginia Foundation for the Humanities that is carried on over 60 NPR stations, March 25, 2015, audio available [here](#).

Guest Blogger, *Concurring Opinions*, "Happy 790th, Magna Carta!", April 15, 2015, available [here](#).

Quoted in article *Two Magna Cartas in D.C.*, by Geoff Edgers, WASHINGTON POST, October 31, 2014, available [here](#).

SERVICE (SELECT)

Law School

Faculty Adviser to William & Mary Legal History Society, Spring 2016-present

Faculty Adviser to Ghost Law Society, Spring 2019-present

Secretary, William & Mary Chapter of the Order of the Coif, Spring 2020-present

Faculty Appointments Committee, 2021-present

Equity & Inclusion Committee, 2020-present

University

Honor Systems Advisory Committee, Voting Member, November 2021-present

Leadership Council, Institute for Pilgrimage Studies, Spring 2017-present

Faculty Marshal and Member of the Commencement Policies Committee, Fall 2020-present

Faculty Adviser to Alpha Delta Gamma, Medieval and Renaissance Studies Honor Society, Spring 2016-present

Profession

Board of Directors, Ames Foundation, Harvard Law School, June 2020-present

Editorial Board, Cambridge Studies in Legal History, Cambridge University Press, November 2021-present

This is the book series of the American Society for Legal History. I have been appointed by the board of directors of the ASLH to a 5-year term as editor for books on European legal history.

Advisory Committee on the Rule of Law, Jamestown Rediscovery, 2022-present

The committee will advise Jamestown Rediscovery on how to interpret the rule of law in 17th-century Virginia at the Historic Jamestowne museum and historic site.

American Society for Legal History, Cromwell Fellowships Committee, 2019-2022

Fellows Selection Committee, Hurst Institute in Legal History, 2021

Chair, 2023 selection committee

Scientific Advisory Committee, Centre for the Anglo-American Legal Tradition, University of Lodz, Poland, 2022-present

The Centre seeks to bring together people who are doing scholarship on English and American law in continental Europe. It is pending final approval from the university Senate, but should be approved before the end of 2022.

Program Committee for the Annual Meetings of the American Society for Legal History, Toronto, 2016 and Denver, 2014.

Selection Committee for Snell Prize in European History, given by the European History Section of the Southern Historical Association to the best paper by a graduate student on a European History subject, 2017-2019. Chair, 2018/2019.

Peer Reviewer for the JOURNAL OF LEGAL HISTORY, the STANFORD LAW REVIEW, the JOURNAL OF LAW, CULTURE, AND THE HUMANITIES, SPECULUM, THE JOURNAL OF LAW AND RELIGION, and Yale University Press.

Community

Clergy Discipline Committee, Episcopal Diocese of Southern Virginia, 2022-present

The members of the committee sit as an ecclesiastical court in clergy discipline cases

PROFESSIONAL AFFILIATIONS

American Society for Legal History

Selden Society (English Legal History)
Medieval Academy of America
American Bar Association (Real Property, Trusts, & Estates Section)
Admitted to the Practice of Law in New York
Admitted to the Bar of the United States Supreme Court
Pipe Roll Society