

**James C. Phillips**  
jcphillips@chapman.edu

## ACADEMIC EXPERIENCE

**Chapman University**, Fowler School of Law, assistant professor of law, 2020-present

- Courses: Civil Procedure I & II; Professional Responsibility; Family Law; Constitutional Law; Religion & the Constitution
- Awards: 1L Professor of the Year (2020-2021 school year)
- Service: AALS Section on Law & Religion, Program Committee; Chapman Law Curriculum Committee (Chair)
- Presentations/Panels
  - Religious Freedom Annual Review 2022 (BYU), moderator, “Future of *Smith* and Religious Exceptions,” June 2022
  - Judicial Education Institute, presenter, “Corpus Linguistics and Constitutional Interpretation,” Feb. 2022
    - Provided training to 18 federal and 2 state judges
  - 7<sup>th</sup> Annual Law & Corpus Linguistics Conference, presenter, “The Domain of Law and Corpus Linguistics: Factors Affecting the Utility of Corpus Tools in Legal Interpretation,” Feb. 2022
  - Chapman Law Review Annual Symposium, panelist, “The Tomorrow Doctrine,” Jan. 2022
  - AALS Annual Meeting, panelist, “The Shadow Docket's Effect on the Religion Clauses,” Jan. 2022
  - Cardozo Law School, presenter, “Religious Liberty Developments at the U.S. Supreme Court,” Nov. 2021
  - Wake Forest Law School, presenter, “Corpus Linguistics and *Heller*,” Nov. 2021
  - Duke Law School, panelist, “Corpus Linguistics and the Second Amendment,” June 2021
  - University of Missouri-Kansas City Law School, Law and Religious Freedom Conference, panelist, “Religious freedom issues in light of the COVID pandemic,” June 2021
  - Utah Valley University, Constitutional Literacy Institute, presenter, “Separation of Powers,” June 2021
  - Florida Bar-Appellate Section, presenter, “Corpus Linguistics and Constitutional Interpretation,” April 2021
  - AALS Annual Meeting, moderator, “COVID-19 and Religious Liberty,” Jan. 2021

**Stanford Law School**, Constitutional Law Center, nonresident fellow, 2018-2020

**Brigham Young University**, J. Reuben Clark School of Law, visiting assistant professor, 2015

- Course: Administrative Law
- Designed and supervised initial creation of the Corpus of Founding-era American English (COFEA)

**Brigham Young University**, Political Science Department, adjunct faculty, 2014

- Course: Judicial Politics

**Brigham Young University**, Communications Department, adjunct faculty, 2008

- Course: Introductory Newswriting

#### LAW-RELATED PUBLICATIONS (Sisk-Leiter Scholarly Impact Score 2016-2020: 147)

*The Linguistic Style of Justice Ketanji Brown Jackson*, Penn. St. L. Rev. Penn. Statim (forthcoming 2022)

*Which Original Public?*, 25 Chap. L. Rev. 333 (2022)

- Invited paper, Chapman Law Review 2022 Symposium

*A Corpus Linguistics Analysis of “Foreign Tribunal,”* 108 Va. L. Rev. Online 207 (2022) (with Jesse Ebgert)

- Cited or discussed in 6 media outlets, 1 U.S. Supreme Court oral argument, & 1 brief

*Corpus Linguistics and Heller*, 56 Wake Forest L. Rev. 609 (2021) (with Josh Blackman)

- Cited in 3 journals

*You’re Fired: The Original Meaning of Presidential Impeachment*, 94 S. Cal. L. Rev. 1191 (2021) (with John Yoo)

*Data-driven Originalism*, 167 U. Penn. L. Rev. 261 (2019) (with Thomas Lee)

- Cited in 36 journals (including Chi. L. Rev., Colum. L. Rev., Va. L. Rev. Mich. L. Rev., Geo. L.J., & S. Cal. L. Rev.) & MODERN CONSTITUTIONAL LAW; US Court of Federal Claims & Utah Supreme Court; & 10 court briefs

*Corpus Linguistics and “Officers of the United States”*, 42 Harv. J. L. & Pub. Pol’y 871 (2019) (with Benjamin Lee & Jacob Crump)

- Cited in 6 journals (including Tex. L. Rev. & Notre Dame L. Rev.); Utah Supreme Court; & 2 briefs

*Political Discrimination and Law Professor Hiring*, 12 N.Y.U. J. of L. & Liberty 560 (2019)

- Cited in 2 journals

*Is U.S. Legal Scholarship “Losing [Its] Religion” or Just Playing Favorites: An Empirical Investigation, 1998-2012*, 2018 Pepperdine L. Rev. 139

- Cited in 1 brief

***The Meaning of the Three Emoluments Clauses in the U.S. Constitution: A Corpus Linguistic Analysis of American English, 1769-1799***, 59 So. Texas L. Rev. 181 (2017) (with Sara White)

- invited paper, 24<sup>th</sup> Annual Ethics Symposium, South Texas College of Law
- Cited in 28 journals (including Harv. L. Rev., Geo L.J., & Tex. L. Rev.) & 7 briefs

***Advancing Law and Corpus Linguistics: Importing Principles and Practices from Survey and Content-analysis Methodologies to Improve Corpus Design and Analysis***, B.Y.U. L. Rev. 1589 (2017) (with Jesse Egbert)

- Cited in 22 journals (including Yale L.J. & Cornell L. Rev.) & 4 briefs

***Corpus Linguistics and Original Public Meaning: A New Tool to Make Originalism More Empirical***, 126 Yale L. J. F. 21 (2016) (with Daniel Ortner and Thomas R. Lee)

- Cited in 54 journals (including Yale L.J. (2), Stan. L. Rev., U. Chic. L. Rev., N.Y.U. L. Rev., Mich. L. Rev. (3), Geo. L.J. (3), Nw. U.L. Rev. (2), Cornell L. Rev., & Wash. L. Rev.); U.S. Court of Appeals, 4<sup>th</sup> Circuit & Utah Supreme Court; & 6 briefs

***Is Stare Decisis Inconsistent with the Original Meaning of the Constitution?: Exploring the Theoretical and Empirical Possibilities***, 91 Notre Dame L. Rev. Online 115 (2016)

- Cited in 1 journal

***The Ph.D. Rises in American Law Schools, 1960-2011: What Does It Mean for Legal Education?***, 65 J. Legal Educ. 543 (2016) (with Justin McCrary & Joy Milligan)

- Cited in 27 journals (including Yale L.J. & U. Chic. L. Rev.)

***Why are there So Few Conservatives & Libertarians in Legal Academia? An Empirical Investigation***, 39 Harv. J. L. & Pub. Pol'y 153 (2016)

- Cited in 16 journals

***Separate Because Unequal: The Ninth Circuit's Mangling of the First Amendment in Reed v. Gilbert***, 119 Penn. St. L. Rev. Penn. Statim (2014)

***Law and Religion in U.S. Legal Scholarship: An Empirical Examination, 2008-2012***, 2014 BYU L. Rev. 635

- Cited in 2 journal

***"All of the Blood and Treasure": The Founders on Christian Legal Society v. Martinez***, 30 Miss. C. L. Rev. 15 (2011)

- Cited in 3 journals

***The Fairness Doctrine in Light of Hostile Media Perception: A Psychological Critique***, 19 CommLaw Conspectus 395 (2011) (with Trevor Hall)

- Cited in 4 journals

***Oral Argument in the Early Roberts Court: A Qualitative and Quantitative Analysis of Individual Judicial Behavior***, 11 J. App. Prac. & Process 325 (2010) (with Edward L. Carter)

- Cited in 9 journals

***Gender and U. S. Supreme Court Oral Argument on the Roberts Court: An Empirical Examination***, 41 Rutgers L. J. 613 (2010) (with Edward L. Carter)

- Cited in 10 journals (including Notre Dame L. Rev.)

***Source of Information or “Dog and Pony Show”? Judicial Information Seeking During U. S. Supreme Court Oral Argument, 1963-65 & 2004-09***, 50 Santa Clara L. Rev. 79 (2010) (with Edward L. Carter)

- Cited in 16 journals (including Va. L. Rev., Nw. U. L. Rev., Vand. L. Rev., & Geo. Wash. L. Rev.)

***American Agrarianism’s Answers to the Nation’s (In)Securities***, 9 Conn. Public Interest L. J. 343 (2010)

- Cited in 2 journals

***“Executing the Powers With Which It Is Entrusted”: Justifications, Definitions and Limitations of Government Speech***, 14 Communication L. & Policy 453 (2009) (with Edward L. Carter, Kevin Kemper, and Anesha Brown)

- Cited in 2 journals

***Broadcast Profanity and the “Right to Be Left Alone”: Can the FCC Regulate Non-Indecent Fleeting Expletives Under a Privacy Model?***, 31 Hastings Communication & Ent. L. J. 101 (2008) (with Edward L. Carter and Trevor R. Hall)

- Cited in 5 journals (including N.Y.U. L. Rev.) and 2 briefs

***The Mormon Education of a Gentile Justice: George Sutherland and the Brigham Young Academy***, 33 J. of Sup. Ct. Hist. 322 (2008) (with Edward L. Carter)

- Cited in 4 journals

***Justices Treat Newspapers Differently in Oral Argument***, 29 Newspaper Research J. 90 (2008) (with Edward L. Carter)

- Cited in 1 journal

## SELECTED OTHER ACADEMIC WRITING

***The Supreme Court Majority Seemingly Invites a Nondelegation Challenge to the ACA’s Contraceptive Mandate***, Yale J. on Reg. Notice & Comment Blog, July 8, 2020, <https://www.yalejreg.com/nc/the-supreme-court-majority-seemingly-invites-a-nondelegation-challenge-to-the-acas-contraceptive-mandate-by-james-c-phillips/>

***Corpus Linguistics and the Second Amendment***, Harv. L. Rev. Blog (Aug. 7, 2018) (with Josh Blackman), <https://blog.harvardlawreview.org/corpus-linguistics-and-the-second-amendment/> [https://perma.cc/HKK3-EPZ5].

- Cited in 10 journals (including Harv. L. Rev & Geo. L.J.), U.S. Court of Appeals, 9<sup>th</sup> Circuit & Vermont Supreme Court, and 6 briefs
- Cited in 39 journals/dissertations/books

## JOURNAL SERVICE

***Harvard Law Review***, anonymous peer reviewer (twice)

***Journal of Empirical Legal Studies***, anonymous peer reviewer

## EDUCATION

**UC Berkeley School of Law**, Ph.D. in Jurisprudence & Social Policy, Aug. 2018

- Field Exams: Public Law; Law & Economics
- Dissertation Committee: Justin McCrary (co-chair); Victoria Plaut (co-chair); Michael McConnell (Stanford); Kevin Quinn (Michigan); Jack Citron

**UC Berkeley School of Law**, J.D., Dec. 2014

- Order of the Coif
- Member, *California Law Review*
- Executive Editor/Editor, *Harvard Journal of Law & Public Policy* (symposium editions)

**Brigham Young University**, M.A., Mass Communication, 2009

**Arizona State University**, B.A., History, *magna cum laude*, 2004

## LEGAL EXPERIENCE (member of D.C. & Utah Bars)

**Kirton McConkie**, First Amendment & Religious Organizations Section, litigation associate, 2018-2020

**Becket Fund for Religious Liberty**, constitutional law fellow, 2017-2018

**Hon. Thomas B. Griffith**, US Court of Appeals—DC Circuit, law clerk, 2016–2017

**Hon. Thomas Rex Lee**, Utah Supreme Court, law clerk, 2015–2016

**Winston & Strawn**, Washington, D. C. office, summer associate, 2014

**Hon. Carlos T. Bea**, US Court of Appeals for the Ninth Circuit, summer extern, 2013

## AWARDS & FELLOWSHIPS

**UC-Berkeley School of Law**, Jurisprudential Award, “Constitutional Law” (Prof. Fred Smith), Fall 2014

- Given to the student with the highest grade in the course

**Stanford Law School**, Gerald Gunther Prize for Outstanding Performance, “Religion and the First Amendment” (Prof. Michael McConnell), Winter 2013

- Given to the student(s) with the highest grade(s) in the class (1 per 18 students)

**J. Reuben Clark Law Society**, 2013 Religious Freedom Student Writing Competition

- First place

**UC-Berkeley School of Law**, Berkeley Center for Law, Business, & Economics, Law & Economics Fellowship, Summer 2012

**UC-Berkeley School of Law**, Empirical Legal Studies Fellow, 2011-2012