

JOSEPH BLOCHER

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EDUCATION

YALE LAW SCHOOL, New Haven, CT

J.D., June 2006

Yale Law Journal, Comments Editor

Yale Law and Policy Review, Symposium Editor

Yale Human Rights and Development Law Journal, Notes Editor

Jerome N. Frank Legal Services Organization, Co-Chair

TRINITY HALL, CAMBRIDGE UNIVERSITY, Cambridge, England

MPhil, Land Economy, October 2003, *Gates Scholar*

RICE UNIVERSITY, Houston, TX

B.A., History, May 2001, *magna cum laude*

Phi Beta Kappa

Honors in sociology, philosophy, legal studies and political philosophy

EXPERIENCE

Duke Law School, Durham, NC, July 2009-Present

Assistant Professor.

Hon. Guido Calabresi, 2d Circuit Court of Appeals, New Haven, CT, June 2008-June 2009

Law Clerk.

O'Melveny & Myers LLP, Washington, DC, September 2007-June 2008

Associate. Assisted merits briefing for *District of Columbia v. Heller*, 554 U.S. 570 (2008), and drafted defense motions in the military tribunal trial of Omar Khadr.

Hon. Rosemary Barkett, 11th Circuit Court of Appeals, Miami, FL, August 2006-July 2007

Law Clerk.

School of Government, University of North Carolina, Chapel Hill, NC, July-August 2006

Law Clerk.

Jenner & Block LLP, Washington, DC, May-July 2006

Summer Associate.

O'Melveny & Myers LLP, San Francisco, CA, May-August 2005
Summer Associate.

Center for Death Penalty Litigation, Durham, NC, May-August 2004
Summer Intern.

Institute for Economic Affairs, Accra, Ghana, August 2001-July 2002
Fulbright Scholar.

PUBLICATIONS

Rights To and Not To, 99 CAL. L. REV. __ (forthcoming 2012)

Public Discourse, Expert Knowledge, and the Press, 87 WASH. L. REV. __ (forthcoming 2012)
(invited contribution)

What We Fret About When We Fret About Bootstrapping, 75 L. & CONTEMP. PROBS. __
(forthcoming 2012) (invited contribution)

The Right Not to Keep or Bear Arms, 64 STAN. L. REV. __ (forthcoming 2011)

Reverse Incorporation of State Constitutional Law, 84 S. CAL. L. REV. 323 (2011)

Viewpoint Neutrality and Government Speech, 52 B.C. L. REV. 695 (2011)

Government Property and Government Speech, 52 WM. & MARY L. REV. 1413 (2011)

Popular Constitutionalism and State Attorneys General, 122 HARV. L. REV. F. 108 (2011)

What State Constitutional Law Can Tell Us About the Federal Constitution, 115 PENN. ST. L.
REV. 1035 (invited contribution)

Roberts' Rules: Assertiveness and Rules-Based Jurisprudence, 46 TULSA L. REV. __
(forthcoming 2011) (invited contribution)

District of Columbia v. Heller, in THE OXFORD UNIVERSITY ENCYCLOPEDIA OF AMERICAN
POLITICAL, POLICY, AND LEGAL HISTORY (Donald T. Critchlow & Phil Vandermeer, eds.)
(forthcoming 2011) (invited contribution)

Constitutionalizing Local Politics, 46 HARV. C.R.-C.L. L. REV. AMICUS (2011) (with Ilan Graff)
(invited contribution), available at <http://harvardcrcl.org/discussion/the-case-for-local-constitutional-enforcement/>

Transforming Property Into Speech, LEGAL WORKSHOP (2011), available at
<http://legalworkshop.org/2011/04/15/transforming-property-into-speech>

Schrödinger's Cross: The Quantum Mechanics of the Establishment Clause, 96 VA. L. REV. IN BRIEF 51 (2010)

Influence of Land Tenure Practices on Artisanal Mining Activity in Ghana, 35 RESOURCES POLICY 47 (2010) (with Frank K. Nyame)

Categoricalism and Balancing in First and Second Amendment Analysis, 83 N.Y.U. L. REV. 375 (2009)

Property and Speech in Summum, 104. NW. U. L. REV. COLLOQUY 83 (2009)

Heller's Problematic Second Amendment Categoricalism, LEGAL WORKSHOP (2009), available at <http://legalworkshop.org/2009/10/02/heller's-problematic-second-amendment-categoricalism>

Reputation as Property in Virtual Economies, 119 YALE L.J. POCKET PART 120 (2009)

Institutions in the Marketplace of Ideas, 57 DUKE L.J. 821 (2008)

Amending the Exceptions Clause, 92 MINN. L. REV. 971 (2008)

Questions About Tax Increment Financing in North Carolina, 5 CMTY. ECON. DEV. BULL. 1 (Aug. 2008) (with Jonathan Q. Morgan)

School Naming Rights and the First Amendment's Perfect Storm, 96 GEO. L.J. 1 (2007)

The Guantanamo Three Step, 117 YALE L.J. POCKET PART 1 (2007)

Combatant Status Review Tribunals: Flawed Answers to the Wrong Question, 116 YALE L.J. 667 (2006) [noted in GREEN BAG ALMANAC & READER OF GOOD LEGAL WRITING (2008)]

Selling the Name on the Schoolhouse Gate: The First Amendment and the Sale of Public School Naming Rights, 37(4) SCH. L. BULL. (Fall 2006)

Private Business as Public Good: Hotel Development and Kelo, 24 YALE L. & POL'Y REV. 363 (2006)

Building on Custom: Land Tenure Policy and Economic Development in Ghana, 9 YALE HUM. RTS. & DEV. L.J. 166 (2006) [winner of the Edward D. Robbins Memorial Prize]

Book Note, 7 YALE HUM. RTS. & DEV. L.J. 202 (2004) (reviewing HENRI A.L. DEKKER, *THE INVISIBLE LINE* (2003))

WORKS IN PROGRESS

“Order Without Judges: Customary Adjudication” (contribution to Duke Law School symposium on custom and the law)

“The Constitution’s Theory of Action”

TEACHING AND RESEARCH INTERESTS

Constitutional Law, the First Amendment, Capital Punishment, Property, Law and Development

SELECTED PRESENTATIONS AND WORKSHOPS

Participant, Roundtable Discussion on First Amendment Institutions, Notre Dame Law School, September 29-30, 2011

Participant, 27th Young Leaders Conference, The Council for the United States and Italy, Philadelphia, PA, September 22-24, 2011

Supreme Court Preview, Duke Law School, August 23, 2012

“*Brown v. Entertainment Merchants Association*,” Supreme Court Workshop, University of North Carolina Law School, Chapel Hill, NC, July 28, 2011

“Rights To and Not To,” Duke Law School Faculty Workshop, July 8, 2011

Advisor, Entry Level Professor Workshop, Duke Law School, May 19-20, 2011

“*JDB v. North Carolina*,” Panel Discussion, Duke Law School, April 6, 2011

“Capitalism, Institutions, and Economic Growth: ‘Thin’ Rule of Law,” Seminar, Sanford School of Public Policy, Durham, NC, February 10, 2011

“The Very Idea of Judicial Takings,” Organizer and Moderator, Duke Journal of Constitutional Law and Public Policy Annual Symposium, Durham, NC, February 4, 2011

“Reverse Incorporation,” Federalism Seminar, Duke Law School, Durham, NC, January 21, 2011

“State Constitutional Law: Why Practice It, Why Study it,” Panel Discussion with the Hon. Jeff Sutton, U.S. Court of Appeals for the Sixth Circuit, Duke Law School, Durham, NC, January 11, 2011

“Reverse Incorporation,” Constitutional Law Colloquium, Cornell Law School, Ithaca, NY, November 8, 2010

“When and How Is It Appropriate for Federal Courts to Borrow State Constitutional Law?”
delivered as part of the symposium “State Constitutionalism in the 21st Century,” Penn
State Law School, State College, PA, September 22, 2010

“*McDonald v. City of Chicago*,” Duke Law School, Durham, NC, September 21, 2010

“Introduction to American Law,” Asia-America Institute in Transnational Law, Hong Kong,
July 12-23, 2010

“Reverse Incorporation,” Duke Law School Faculty Workshop, June 12, 2009

“Government Property and Government Speech,” Duke Law School Faculty Workshop,
March 20, 2011

“Federalism and the Second Amendment” (presentation and debate with Alan Gura), inaugural
event of the Triad Federalist Society, Winston Salem, NC, November 16, 2009

“Government Property and Government Speech,” Brooklyn Law School, Brooklyn, NY,
September 24, 2009

The Janus Forum Lecture, “The Right to Bear Arms: *DC v. Heller* Revisited,” Sponsored by the
Political Theory Project at Brown University, September 17, 2009

Junior Faculty Federal Courts Workshop, American University Washington College of Law,
April 3-4, 2008

“School Naming Rights,” Fortieth Annual School Attorneys’ Conference,
School of Government, University of North Carolina at Chapel Hill, February 2, 2007

OTHER ACTIVITIES

Student Conduct Committee, 2011-Present

Co-Organizer, Duke-UNC Junior Faculty Workshop Series, 2011-Present

Organizer, Duke Junior Faculty Workshop Series, 2011-Present

Entry-level Hiring Committee, 2010-2011

Student Awards Committee, 2010

Duke University Academic Council, Law School Representative, 2009-Present

Fair Trial Initiative, Durham, NC

Executive Committee, 2010-Present

Board of Directors 2009-Present

Class Gift Committee Co-Chair, Yale Law School Class of 2006

Occasional guest blogger, *Prawfsblawg* and *Concurring Opinions*

Member, North Carolina Bar 2010-Present