

THOMAS HEALY
Seton Hall University School of Law
One Newark Center, Newark, NJ 07102-5210
973-642-8561; thomas.healy@shu.edu

PROFESSIONAL EXPERIENCE

Seton Hall University School of Law, Newark, NJ
Associate Professor, 2003-2008
Professor, 2008-2017
Gerard Carey Research Fellow, 2009-2017
Chaired Professor, 2017-present
Courses: Civil Procedure, Constitutional Law, Criminal Procedure, Federal Courts,
First Amendment

Sidley Austin LLP, Washington D.C.
Associate, 2002-2003

Baltimore Sun, Washington D.C.
Supreme Court Correspondent, 2001

Hon. Michael D. Hawkins, U.S. Court of Appeals for the Ninth Circuit, Phoenix, AZ
Law Clerk, 1999-2000

The News & Observer, Raleigh, N.C.
Staff Writer, 1991-1996

EDUCATION

Columbia Law School
J.D., 1999
Harlan Fiske Stone Scholar, 1997 & 1998
James Kent Scholar, 1999
Book Review & Essay Editor, *Columbia Law Review*

University of North Carolina at Chapel Hill
B.A., 1991
Staff Writer and Editor, *The Daily Tar Heel*

HONORS AND AWARDS

Documenting Social Change Library Fund Visiting Research Fellowship, Louis Round
Wilson Library, University of North Carolina at Chapel Hill, Summer 2018

Public Scholar Grant, National Endowment for the Humanities, 2017

Sheila Biddle Ford Fellowship, Hutchins Center for African and African American Research, Harvard University, Fall 2016

John Simon Guggenheim Memorial Foundation Fellowship, 2015-16

Seton Hall University Researcher of the Year Award, 2014-15

Hugh M. Hefner First Amendment Award, 2014

New Jersey Council for the Humanities Book Award, 2014

Robert F. Kennedy Book Award, 2013

Seton Hall University Law School Professor of the Year, 2008-09

PUBLICATIONS

Books

THE GREAT DISSENT: HOW OLIVER WENDELL HOLMES CHANGED HIS MIND – AND CHANGED THE HISTORY OF FREE SPEECH IN AMERICA (Metropolitan Books/Henry Holt 2013). Winner of the Robert F. Kennedy Book Award, the Hugh M. Hefner First Amendment Award, and the New Jersey Council for the Humanities 2014 Book Award. Selected as a *New York Times* Book Review Editor's Choice and named one of the best nonfiction books of 2013 by the *Christian Science Monitor*, Kirkus, and the Electronic Frontier Foundation.

Journal Articles

Return of the Campus Speech Wars, *Mich. L. Rev.* (forthcoming 2019)

Anxiety and Influence: Learned Hand and the Making of a Free Speech Dissent, 50 *Ariz. St. L. J.* 803 (2018)

The Justice Who Changed His Mind: Oliver Wendell Holmes and the Story Behind Abrams v. United States, 39 *J. Sup. Ct. Hist.* 35 (2014)

The Hard Case and The Good Judge, 43 *Ariz. St. L.J.* 39 (2011)

Brandenburg in a Time of Terror, 84 *Notre Dame L. Rev.* 655 (2009) (reprinted in *First Amendment Law Handbook*, Rodney M. Smolla, ed. 2009)

Stare Decisis and the Constitution: Four Questions and Answers, 83 *Notre Dame L. Rev.* 1173 (2008)

Stigmatic Harm and Standing, 92 Iowa L. Rev. 417 (2007)

The Rise of Unnecessary Constitutional Rulings, 83 N.C. L. Rev. 847 (2005)

Stare Decisis as a Constitutional Requirement, 104 W. Va. L. Rev. 43 (2001)

Is Missouri v. Holland Still Good Law: Federalism and the Treaty Power, 98 Colum. L. Rev. 1726 (1998)

Reviews and Essays

Who's Afraid of Free Speech: What Critics of Campus Protest Get Wrong About the Current State of Public Discourse, The Atlantic, June 18, 2017 (longer version published by the Knight First Amendment Institute at Columbia University)

Brandeis's Brain: On "Louis D. Brandeis: American Prophet," L.A. Review of Books, Aug. 8, 2016

A Supreme Legacy: The Conservative Legacy of the Burger Court Lives on in the Precedents it Set, The Nation, June 23, 2016

Going Negative: The Importance of Judicial Dissent, Boston Review, Nov. 12, 2015

A Review of "The Battle Over School Prayer: How Engel v. Vitale Changed America," 122 Pol. Sci. Q. 4, Winter 2007

Will the U.S. Court of Appeals for the Ninth Circuit Finally Be Split? If So, the Reason Will Be Politics, Not Caseload, FindLaw.com, Sept. 25, 2006

A Review of Jeffrey Rosen's "The Most Democratic Branch: How the Courts Serve America, FindLaw.com, Aug. 4, 2006

SELECTED PRESENTATIONS

Moderator, *Free Speech and Higher Education: A Crisis?* Seton Hall University School of Law, March 14, 2019

Presenter, *The Great Dissent*, New Jersey Judicial College, Newark, N.J., Nov. 19, 2018

Presenter, *Oliver Wendell Holmes and the First Amendment*, James Otis Lecture, Fanueil Hall, Boston MA, Sept. 24, 2018

Presenter, *The Great Dissent*, New Jersey Appellate Division Education Conference, Sept. 5, 2018, Princeton, NJ

Presenter, *Soul City: Race, Equality, and The Lost Dream of an American Utopia*, Seton Hall University School of Law (February 2018)

Presenter, *Soul City: Race, Equality, and The Lost Dream of an American Utopia*, Columbia Law School (Nov. 2, 2017)

Panelist, *Protecting Free Speech on College Campuses*, Arizona State Law School, Nov. 2, 2017

Presenter, *Origins of the Modern First Amendment*, World War I: A Centennial Symposium, Oct. 27, 2017, University of Wisconsin-Madison

Presenter, *A Decision for the Ages: A Symposium Marking the Centenary of Masses Publishing Co. v. Patten* (Oct. 20, 2017)

Lecture, *Who's Afraid of Free Speech?* University of California San Diego (Nov. 8, 2017); Sacred Heart University (Sept. 20, 2017)

Lecture, *The Birth of Free Speech in America*, National University of Ireland at Galway (Sept. 13, 2017)

Presenter, *Soul City: Race, Equality, and The Lost Dream of an American Utopia*, Harvard University Hutchins Center for African and African-American Research (Sept. 21, 2016)

Discussant, Freedom of Expression Scholars Conference, Yale Law School (May 2016)

Panelist, *Free Speech in Higher Education*, UNC-Chapel Hill Law School (Oct. 2015)

Luncheon Speaker, *The Justice Who Changed His Mind*, Third Circuit Judicial Conference (Oct. 2015)

Presenter, THE GREAT DISSENT, at various locations, including The National Constitution Center, The National Archives, The Massachusetts Historical Society, Yale Law School, Columbia Law School, Georgetown Law School, New York University, Boston University Law School, UC-Davis Law School, Cardozo Law School, the Boston Social Law Library, the Athenaeum, the New York City Bar, and the New York County Lawyer's Association (2013-14)

Discussant, Freedom of Expression Scholars Conference, Yale Law School (May 2015)

Panelist, *Courage Under Fire: A Forum on Free Speech at Home and Abroad*, New Jersey Society for Professional Journalists (Feb. 2015)

Discussant, Freedom of Expression Scholars Conference, Yale Law School (May 2014)

Presenter, *The First Amendment and the Reporter's Privilege*, New Jersey Society for Professional Journalists Annual Meeting (November 2013)

Presenter, *The Justice Who Changed His Mind: Oliver Wendell Holmes and the Birth of Free Speech in America*, Freedom of Expression Scholars Conference, Yale Law School (May 2013)

Presenter, *The House of Truth: How Oliver Wendell Holmes Changed His Mind and Changed the History of Free Speech in America*, Cardozo Law School (March 2011)

Presenter, *Brandenburg in a Time of Terror*, St. Johns University Law School (January 2008)

Presenter, *Brandenburg in a Time of Terror*, New York Junior Faculty Colloquium, Fordham University Law School (October 2007)

Panelist, *Left Out in the Cold? The Chilling of Speech, Association, and the Press in Post-9/11 America*, American University Washington College of Law (September 2007)

Panelist, *Constitutional Ambiguity*, Rutgers Model Congress, Rutgers University (April 2007)

Presenter, *Stare Decisis and the Constitution: Four Questions and Answers*, Notre Dame Law School Symposium (March 2007)

Presenter, *Stare Decisis and the Constitution: Four Questions and Answers*, Seton Hall Law Scholarship Retreat (January 2007)

Panelist, *Whose Right Is It To Tell the Story?* Columbia University Journalism School (October 2006)

Moderator, *Freedom of the Press and the Reporter's Privilege*, New York University Law School (March 2006)

Presenter, *Stigmatic Harm and Standing*, Seton Hall Law Scholarship Retreat (January 2006)

Poster Presentation, *Stigmatic Harm and Standing*, American Association of Law Schools Annual Conference (January 2006)

Presenter, *The Rise of Unnecessary Constitutional Rulings*, St. Louis Law School (October 2004)