

## ARTICLES

*Solving the Procedural Puzzles of the Texas Heartbeat Act and Its Imitators*: New York Times v. Sullivan as Historical Analogue, 60 Hous. L. Rev. 93 (2022). (With Howard M. Wasserman)

*Solving the Procedural Puzzles of the Texas-Heartbeat Act and Its Imitators: The Potential for Defensive Litigation*, 75 SMU L. Rev. 187 (2022). (With Howard Wasserman)

Ford Motor Co.: *The Murky Doctrine of Personal Jurisdiction*, 5 Am. Const. Soc'y Sup. Ct. Rev. 191 (2021). (With Linda Sandstrom Simard & Cassandra Burke Robertson)

*The Roberts Court's Jurisdictional Revolution within Ford's Frame*, 51 Stetson L. Rev. 157 (2022).

*Jurisdictional Roadblocks*, 97 The Advoc. (Texas) 16 (2021).

*Ford's Hidden Fairness Defect*, 106 Cornell L. Rev. Online 45 (2020) (with Linda Sandstrom Simard & Cassandra Burke Robertson).

*Ford's Jurisdictional Crossroads*, 109 Geo. L.J. Online 102 (2020). (with Cassandra Burke Robertson & Linda Sandstrom Simard)

*A New State Registration Act: Legislating a Longer Arm for Personal Jurisdiction*, 57 Harv. J. on Legis. 377 (2020). (with Cassandra Burke Robertson)

*Loving Retroactivity*, 45 Fla. St. U. L. Rev. 383 (2018).

*The Business Of Personal Jurisdiction*, 67 Case W. Res. L. Rev. 775 (2017). (with Cassandra Burke Robertson)

*A Shifting Equilibrium: Personal Jurisdiction, Transnational Litigation, and the Problem of Nonparties*, 19 Lewis & Clark L. Rev. 643 (2015) (with Cassandra Burke Robertson).

*Toward a New Equilibrium in Personal Jurisdiction*, 48 U.C. Davis L. Rev. 207 (2014). (with Cassandra Burke Robertson).

*The First Amendment Structure for Speakers and Speech*, 44 Seton Hall L. Rev. 395 (2014).

*Speech, Subsidies, and Traditions: AID v. AOSI and the First Amendment*, 2012-13 Cato Sup. Ct. Rev. 363 (2013).

*Nineteenth Century Personal Jurisdiction Doctrine in a Twenty-First Century World*, 64 Fla. L. Rev. 387 (2012).

*What Conservative Constitutional Revolution? Moderating Five Degrees of Judicial Conservatism After Six Years of the Roberts Court*, 64 Rutgers L. Rev. 1 (2011).

*Navigating the Path of the Supreme Appointment*, 38 Fla. St. U. L. Rev. 537 (2011).

*Rethinking Personal Jurisdiction Over The World-Wide Web*, 52 The Advoc. 53 (2010).

*Liberty, Substantive Due Process, and Personal Jurisdiction*, 82 Tul. L. Rev. 567 (2007).

*Public Employee Speech Rights Fall Prey to an Emerging Doctrinal Formalism*, 15 Wm. & Mary Bill Rts. J. 1173 (2007).

*Attorney's Fees in Common-Fund Class Actions: A View from the Federal Circuits*, 35 The Advoc. 56 (2006).

*The Source of Conflicts in Texas Personal Jurisdiction Doctrine*, 18 App. Advoc., Wint. 2006, at 3.

*The Predictability Principle in Personal Jurisdiction Doctrine: a Case Study on the Effects of a "Generally" Too Broad, but "Specifically" Too Narrow Approach to Minimum Contacts*, 57 Baylor L. Rev. 135 (2005).

*Clarifying General Jurisdiction*, 34 Seton Hall L. Rev. 807 (2004).

*Civil Procedure Fifth Circuit Survey, June 2001-May 2002*, 34 Tex. Tech L. Rev. 571 (2003).

*Civil Procedure Fifth Circuit Survey, June 2000-May 2001*, 33 Tex. Tech L. Rev. 685 (2002).

*A Proposal for Interpreting Corresponding United States and Texas Constitutional Guarantees in the New Millennium*, 51 Baylor L. Rev. 269 (1999).

*Demystifying the Extraordinary Writ: Substantive and Procedural Requirements for the Issuance of Mandamus*, 29 St. Mary's L.J. 525 (1998).

*Broad Form Submissions and Spencer v. Eagle Star Insurance Company : the Death of the Immaterial Issue*, 46 Baylor L. Rev. 841 (1994).

## BOOKS

Constitutional Law: Foundations, Interpretations, And Commentaries, Manuscript in progress (forthcoming)

Questions & Answers: Constitutional Law, 4<sup>th</sup> Ed. (forthcoming) (with Paul E. McGreal).

State Constitutional Law: Individual Rights and Structural Liberties (forthcoming) (with Jeffrey Usman)

Skills & Values: The First Amendment, 3d ed. (Durham, NC: Carolina Academic Press, 2021) (with Paul E. McGreal)

*Questions & Answers: Constitutional Law*, 3d ed. (Durham, NC: Carolina Academic Press 2017) (with Paul E. McGreal and Linda S. Eads).

*The Texas Constitution in State and Nation: Comparative State Constitutional Law in the Federal System* . (Vandeplas Publishing 2014).

*Skills & Values: The First Amendment*. 2nd ed. (Newark, NJ: LexisNexis, 2013). (with Paul E. McGreal)

*Skills & Values: The First Amendment* . Rev. 1st. ed. (Newark, NJ: LexisNexis, 2012). (with Kathleen Bergin)

*Skills & Values: The First Amendment* . (Newark, NJ: LexisNexis, 2010). (with Kathleen Bergin)

*Cases and Materials on Constitutional Law* . 5th ed. (Newark, NJ: LexisNexis, 2009). (with David Crump, Eugene Gressman & David Day)

## CHAPTERS

2015 Cumulative Supplement, Jennifer Friesen, State Constitutional Law: Litigating Individual Rights, Claims, and Defenses, 4th ed. (Matthew Bender & Co., 2006) (two volumes)

2014 Cumulative Supplement, Jennifer Friesen, State Constitutional Law: Litigating Individual Rights, Claims, and Defenses, 4th ed. (Matthew Bender & Co., 2006) (two volumes)

2013 Cumulative Supplement, Cases and Materials on Constitutional Law, 5th ed. (Newark, NJ: LexisNexis, 2009) (with David Crump, Eugene Gressman, and David Day)

2013 Cumulative Supplement, Jennifer Friesen, *State Constitutional Law: Litigating Individual Rights, Claims, and Defenses*, 4th ed. (Matthew Bender & Co., 2006) (two volumes)

2012 Cumulative Supplement, *Cases and Materials on Constitutional Law*, 5th ed. (Newark, NJ: LexisNexis, 2009) (with David Crump, Eugene Gressman, and David Day)

2008 Supplement, *Cases and Materials on Constitutional Law*. 4th ed. (Newark, NJ: LexisNexis, 2008). (with David Crump, Eugene Gressman & David Day)

*The Impact of American Lockean Constitutional Theory on Economic Markets*, in *Selected Essays on Current Legal Issues 49* (David A Frenkel & Carsten Gerner-Beuerle eds.) (Athens: ATINER, 2008).

*Civil Liberties under State Constitutions, Modern History*, in 3 *Encyclopedia of American Civil Liberties 1544* (Paul Finkelman ed.) (New York: Routledge, 2006).

*State Constitution, Privacy Provisions*, in 3 *Encyclopedia of American Civil Liberties 1531* (Paul Finkelman ed.) (New York: Routledge, 2006).

## COMMENTARIES

*State Constitutional First Principles in Challenging the Texas Voter Photo Identification Law*, JURIST – Academic Commentary, Oct. 29, 2014, <https://jurist.org/forum/2014/10/charles-rhodes-texas-voterid.php>.

*Violence, Gamers, and Free Speech: Brown v. Entertainment Merchants Association*, 2012 *Emerging Issues* 6375 (LexisNexis June 2012).

*Legislative Voting and the Limits of Speech in Nevada Commission on Ethics v. Carrigan*, 2012 *Emerging Issues* 6374 (LexisNexis June 2012).

*Funeral Mourning and Protesting: Snyder v. Phelps*, 2011 *Emerging Issues* 6161 (LexisNexis Dec. 2011).

*Balancing Freedom of Speech and National Security in Holder v. Humanitarian Law Project*, 2010 *Emerging Issues* 5393 (LexisNexis Nov.)

*The Historical Approach to Unprotected Speech and the Quantitative Analysis of Overbreadth in United States v. Stevens*, 2010 *Emerging Issues* 5227 (LexisNexis July)

*McDonald v. City of Chicago : The Second Amendment Applies to State and Local Governments*, 2010 *Emerging Issues* 5195 (LexisNexis July 2010).

## PRESENTATIONS AND PROCEEDINGS

*State Statutes in Federal Court: A Sometimes Erie Proposition*, in 34<sup>th</sup> Annual Annual Advanced Evidence & Discovery (Austin: State Bar of Texas, 2021). (Tab 11)

"The Past, Present, and Future of the Roberts Court," Federal Bar Association for the Southern District of Texas, Houston, Texas, Aug. 2021.

"How Do You Solve a Problem Like Texas' SB8?" (with Howard Wasserman) Civil Procedure Workshop Works-in-Progress Series, Aug. 2021.

Constitutional Law Works-in-Progress Workshop, 2021 Conference, Southeastern Association of Law Schools, Amelia Island, Florida.

"The Third Post-Shoe Conceptual Era in Personal Jurisdiction," Workshop on Civil Procedure Roundtable on Jurisdiction and Court Access, 2021 Conference, Southeastern Association of Law Schools, Amelia Island, Florida.

"The Roberts Court's Jurisdictional Revolution within Ford's Frame," Stetson Law Review Virtual Symposium, The Civil Procedure Transformation After Fifteen Years of the Roberts Court, April 2021.

"State Statutes in Federal Court: A Sometimes Erie Proposition," State Bar of Texas, 34<sup>th</sup> Annual Advanced Evidence & Discovery Course, Webcast, April 2021.

Featured Panelist (with Professor Christopher Green), The Constitution in a Time of Pandemic, University of Southern Mississippi Pre-Law Week Constitution Day Keynote Event, Sept. 2020.

"The Roberts Court at Fifteen: Hail to the Chief," Federal Bar Association for the Southern District of Texas Virtual Program, Aug. 2020.

"Expressive Formalism and the First Amendment," U.S. Supreme Court Individual Rights Update, 2020 Online Conference, Southeastern Association of Law Schools.

"Corporate Registration Statutes and Personal Jurisdiction" (with Cassandra Burke Robertson), Civil Procedure Unavailability Workshop, An Online Legal Series, June 2020.

"Walden's Allure," Modern Aggregate Litigation Discussion Group, 2019 Conference, Southeastern Association of Law Schools, Boca Raton, Florida.

"Institutional Incentives in State Constitutionalism," State Constitutional Law Discussion Group, 2019 Conference, Southeastern Association of Law Schools, Boca Raton, Florida.

“The New Nine: The Supreme Court’s 2018-19 Term,” Federal Bar Association for the Southern District of Texas, Houston, Texas, July 2019.

“Free Speech, Free Press, Free Society,” Galveston County Bar Association Law Day Luncheon, Galveston, Texas, April 2019.

Commentator (with Judge Jeffrey S. Sutton), States and the Making of American Constitutional Law, American Constitution Society & Federalist Society Joint Event at South Texas College of Law Houston, Feb. 2019.

Discussant, “The Silence After *Slaughterhouse*,” New and Established Voices in Constitutional Law, 2018 Conference, Southeastern Association of Law Schools, Fort Lauderdale, Florida, Aug. 2018.

Discussant, “Consent as a Longer Arm for Personal Jurisdiction,” New and Established Voices in Civil Procedure, 2018 Conference, Southeastern Association of Law Schools, Fort Lauderdale, Florida, Aug. 2018.

Panelist, Legislative Generality and the Constitution: *Klein*, Equal Protection, and Legislative and Presidential Singling-Out, 2018 Conference, Southeastern Association of Law Schools, Fort Lauderdale, Florida, Aug. 2018.

Moderator, The Revised Discovery Rules in Practice Discussion Group, 2018 Conference, Southeastern Association of Law Schools, Fort Lauderdale, Florida., Aug. 2018.

“The Supreme Court in Transition: The Last Term of the Roberts-Kennedy Court,” Federal Bar Association for the Southern District of Texas, Houston, Texas, July 2018.

Discussant, “Loving Retroactivity,” Property, Retroactivity, and *Obergefell* Discussion Group, 2017 Conference, Southeastern Association of Law Schools, Boca Raton, Florida, Aug. 2017.

Panel Moderator, Supreme Court Update: Individual Rights, 2017 Conference, Southeastern Association of Law Schools, Boca Raton, Florida, Aug. 2017.

“Eight is Enough—Significant Rulings of the 2016 Term of the Supreme Court,” Federal Bar Association for the Southern District of Texas, Houston, Texas, Aug. 2017.

Panelist, President Trump and the Courts, Houston Bar Association, Federal Practice Section, Houston, Texas, May 2017.

“A Most Unusual Year: The Supreme Court’s 2015-2016 Term,” Federal Bar Association for the Southern District of Texas, Houston, Texas, Aug. 2016.

Discussant, Towards “Speedy, Fair, and Efficient Justice:” Assessing the New Federal Rules, 2016 Annual Conference, The Southeastern Association of Law Schools, Amelia Island, Florida, Aug. 2016.

Panel Moderator, Supreme Court Update: Individual Rights, 2016 Annual Conference, The Southeastern Association of Law Schools, Amelia Island, Florida, Aug. 2016.

“United States Supreme Court Update: The 2014-2015 Term,” Federal Bar Association for the Southern District of Texas, Houston, Texas, July 2015.

Panelist, Originalism v. Organic Approach: Exploring the Constitutional Divide, Garland R. Walker American Inn of Court, Houston, Texas, Jan. 2015.

“A Backward Glance: The Supreme Court’s 2013-14 Term,” Federal Bar Association for the Southern District of Texas, Houston, Texas, Aug. 2014.

Discussant, Civil Procedure Roundtable: Procedural Hurdles and the Day in Court, 2014 Annual Conference, The Southeastern Association of Law Schools, Amelia Island, Florida, Aug. 2014.

Panel Moderator, Supreme Court Update: Business and Regulatory Issues, 2014 Annual Conference, The Southeastern Association of Law Schools, Amelia Island, Florida, Aug. 2014.

Discussant, Affirmative Action in the Wake of Fisher, 2013 Annual Conference, Constitutional Law Workshop, The Southeastern Association of Law Schools, Palm Beach, Florida, Aug. 2013.

Trends and Highlights from the Supreme Court’s 2012-13 Term, Federal Bar Association for the Southern District of Texas, Houston, Texas, July 2013.

The Speaker and the Speech: Dimensions of the First Amendment, Freedom of Expression Scholars Conference, Information Society Project at Yale Law School, New Haven, Connecticut, May 2013.

Panelist, Equal Protection under the Law and the Redefinition of Marriage, Gulf Coast Family Law Specialists, Houston, Texas, April 2013.

The 2011-12 Term of the Supreme Court: Notable Decisions and Discernible Trends, Federal Bar Association for the Southern District of Texas, Houston, Texas, Sept. 2012.

Discussant, *Pedagogical Choices and Challenges in Civil Procedure*, 2012 Annual Conference, The Southeastern Association of Law Schools, Amelia Island, Florida, Aug. 2012.

“October 2010 United States Supreme Court Term in Review,” Federal Bar Association for the Southern District of Texas, Houston, Texas, Aug. 2011.

Presenter, *Evolution or Revolution? American Civil Procedure in the 21st Century*, 2011 Annual Conference, The Southeastern Association of Law Schools, Hilton Head, South Carolina, July 2011.

Presenter, *The Supreme Court Nomination Process—Is There a Litmus Test for Supreme Court Nominees*, 2011 Annual Conference, The Southeastern Association of Law Schools, Hilton Head, South Carolina, July 2011.

Panelist, *Greg Coleman Memorial Supreme Court Term in Review*, The Federalist Society, Houston Lawyers Chapter, Houston, Texas, July 2011.

Panel Member, *Will Social Media Re-Write Traditional Venue Law? Reynolds National Center for Courts and Media*, Wint. Regional Conference, Houston, Texas, 2011.

*October 2009 United States Supreme Court Term in Review*, Federal Bar Association for the Southern District of Texas, Houston, August 2010.

Paper Presentation, *The Roberts Court and the Future of American Constitutional Law*, Constitutional Law Workshop, Annual Meeting, The Southeastern Association of Law Schools, Palm Beach, Florida, August 2, 2010.

Panelist, *Obama, Empathy, and the Constitution*, Constitutional Law Workshop, Annual Meeting, The Southeastern Association of Law Schools, Palm Beach, Florida, July 30, 2010.

Panel Moderator, *The Free Exercise Clause, First Amendment Workshop*, 62nd Annual Meeting, Southeastern Association of Law Schools, West Palm Beach, Florida, Aug. 2009.

*October 2008 United States Supreme Court Term in Review*, Federal Bar Association for the Southern District of Texas, Houston, June 2009.

Featured Panelist, *The U.S. Constitution: The Presidency*, Wiley Lecture Series, Texas A&M University, Sept. 17, 2007. (with Professor Lino A. Graglia)



*Public Displays of Religious Imagery and Symbols* , 22nd Public Conference: Separation of Church and State B Why?, Texas Lyceum Journal, July 2007, at 29.

*The Impact of American Lockean Constitutional Theory on Economic Markets* , 4th International Conference on Law, Athens, Greece, July 2007. (Proceedings to be published by (Athens Institute of Education & Research (ATINER))

*In Search of Specificity for General Jurisdiction* , Young Scholars Workshop, Southeastern Conference of the American Association of Law Schools, Kiawah, South Carolina, 2002.

*Strategies for Persuasive Briefwriting* , Civil Appellate Practice Seminar (Austin: Travis County Bar Association, 2000).

*Mandamus Practice in the Supreme Court of Texas* , Appellate Practice: a Practical Skills Course for New and Transitional Attorneys (Austin: State Bar of Texas, 1998). (Tab I)

*Mandamus Practice in the Texas Supreme Court: Tips and Internal Procedures* , 11th Advanced Civil Appellate Practice Course (Austin: State Bar of Texas, 1997).

*Challenging the Damage Award on Appeal* , Damage Control Institute (Houston, TX: Houston Bar Association, 1997).