

WILLIAM G. ROSS

EDUCATION

College: Stanford, A.B., 1976

Major - History

Honors - Phi Beta Kappa (elected during junior year); senior honors in history

Activities - *The Stanford Daily*: associate editor, senior year; opinions page editor, two years; chief editorial writer, one year; weekly columnist, two years; reporter, three years

Graduate: Harvard Law School, J.D., 1979

Activities - *The Harvard Journal on Legislation*, research editor, 1978-79; staff member, 1976-78; *Harvard Law Record* (school newspaper), senior editor, 1977-79

EMPLOYMENT

Current - Albert P. Brewer Professor of Law and Ethics, Samford University, Birmingham, Alabama; member of faculty since 1988; tenured since 1993; Lucille Stewart Beeson Professor of Law, 2012-2018

Summer 2002 - visiting professor, Florida State College of Law, Tallahassee, Florida

2001-02 - visiting professor, Notre Dame Law School, Notre Dame, Indiana

1986-88 - attorney at Oppenheimer Wolff & Donnelly, New York City (went to firm with five colleagues from Rogers Hoge & Hills)

1981-86 - attorney at Rogers Hoge & Hills, New York City

1979-81 - attorney at Hughes Hubbard & Reed, New York City

Summer 1978 - law clerk at Hughes Hubbard & Reed, New York

Summer 1977 - law clerk, Consumer Fraud Division of the Arizona Attorney General's Office, Phoenix

Summer 1975, Spring and Summer 1976 - reporter, news and features, *The Arizona Republic*, Phoenix (wrote 70 by-lined articles)

Summer 1974 - intern for John J. Rhodes, the Minority Leader of the U.S. House of Representatives, Washington

AREAS OF LEGAL PRACTICE EXPERIENCE: general commercial litigation, trademark, copyright, unfair competition, securities, antitrust, personal injury defense.

PART-TIME TEACHING EXPERIENCE: Member of the Faculty, New School for Social Research, 1985-1988 (taught course on U.S. constitutional history during six semesters).

COURSES TAUGHT AT LAW SCHOOLS: Civil Procedure (taught 28 times, including the present year); Constitutional Law (taught 23 times, including the present year); Professional Responsibilities (taught 19 times, including the present year); Constitutional History (taught 21 times; Equitable Remedies (taught ten times); Criminal Procedure (taught three times).

PUBLICATIONS:

Books:

World War I and the American Constitution (Cambridge University Press, 2017);

Constitutional Law in Context (textbook with Michael Kent Curtis, J. Wilson Parker, Davison M. Douglas, and Paul Finkelman) (Carolina Academic Press, 4th ed., 2018);

The Chief Justiceship of Charles Evans Hughes, 1930-1941 (University of South Carolina Press, 2007) (recipient of Lightfoot, Franklin & White Award for Faculty Scholarship, 2008);

Legal Fees: Law and Management (with John W. Toothman) (Carolina Academic Press, 2003);

The Honest Hour: The Ethics of Time-Based Billing by Attorneys (Carolina Academic Press, 1996) (revised second edition in progress);

Forging New Freedoms: Nativism, Education and the Courts, 1917-1927 (University of Nebraska Press, 1994) (recipient of the Outstanding Book Award from the Gustavus Myers Center for the Study of Human Rights in North America);

A Muted Fury: Populists, Progressives, and Labor Unions Confront the Courts, 1890-1937 (Princeton University Press, 1994).

Book Chapters:

“Elihu Root (1845-1937): Architect and Advocate of the Permanent Court of International Justice,” in P. Sean Morris, ed., *The League of Nations and the Development of International Law* 112-34 (Routledge, 2022)

- “German-Americans” in Charles Riggs, ed., *Immigrant Challenges, Immigrant Gifts* 15-35 (George Mason University Press, 2012);
- “Meyer v. Nebraska,” in Alan Gless, ed., *A Legal History of Nebraska*, pp. 271-88 (Ohio State University Press, 2008);
- “The Hughes Court (1930-1941): Evolution and Revolution,” in Christopher Tomlins, ed., *The United States Supreme Court: The Pursuit of Justice*, pp. 223-48 (Houghton Mifflin Company, 2005).

Selected Articles in Academic Journals:

- “The Controversy over U.S. Membership in the League of Nations, 1918-1920,” *53 American Journal of Legal History* 1-88 (2013);
- “The Supreme Court as an Issue in Presidential Campaigns,” *37 Journal of Supreme Court History* 322-34 (2012);
- “The Presidential Aspirations of U.S. Supreme Court Justices: A History and an Ethical Warning,” *Northern Kentucky Law Review* 115-72 (2011);
- “Abuse of Hourly Billing: Results of a Recent Survey,” *Accounting and Financial Planning Law Firms* (October 2007);
- “The Role of Religion in the 1937 Court Packing Controversy,” *23 Journal of Law and Religion* 629-72 (2007-08);
- “When Did the ‘Switch in Time’ Actually Occur?: Re-Discovering the Supreme Court’s ‘Forgotten’ Decisions of 1936-37,” *37 Arizona State Law Journal* 1153-1220 (2006);
- “The Ethics of Double Billing,” *Accounting and Financial Planning for Law Firms*, April 2004, at 1;
- “The Ethics of Billing by the Hour for Re-Cycled Work,” *Accounting and Financial Planning for Law Firms*, August 2003, at 1;
- “The Resilience of Marbury v. Madison: Why Judicial Review Has Survived So Many Court-Curbing Proposals” *38 Wake Forest Law Review* 733-792 (2003);
- “Attacks on the Warren Court by State Officials: A Case Study in Why Court-Curbing Movements Fail,” *50 Buffalo Law Review* 483-612 (2002);
- “The Role of Judicial Issues in Presidential Campaigns,” *42 Santa Clara Law Review* 391-482 (2002);

- “The Role of Ideology in the Federal Judicial Selection Process,” 7 *Nexus: A Journal of Opinion* 39-45 (2002);
- “An Ironic and Unnecessary Dilemma: Restrictions on Billing Guidelines and Submission of Legal Bills to Outside Auditors,” 14 *Notre Dame Journal of Law, Ethics, and Public Policy* 527-88 (2000) (reprinted in 51:3 *Defense Law Journal* 409-70 (2002));
- “The Questioning of Lower Federal Court Nominees at Senate Confirmation Hearings,” 10 *William and Mary Bill of Rights Journal* 119-76 (2001);
- “The 75th Anniversary of *Pierce v. Society of Sisters*: Reasons to Celebrate,” 78 *Detroit Mercy Law Review* 443-462 (2001) (article solicited for conference);
- “The Contemporary Significance of *Pierce v. Society of Sisters*,” 34 *Akron Law Review* 177-207 (2000) (article solicited for conference);
- “Civility among Judges: Charting the Bounds of Proper Criticism by Judges of Other Judges,” 51 *Florida Law Review* 957-73 (1999);
- “Kicking the Unethical Billing Habit,” 50 *Rutgers Law Review*, 2199-2210 (1998);
- “Some Religiously Devout Judges: Historical Notes and Comments” (with Thomas C. Berg), 81 *Marquette Law Review* 383-415 (1998);
- “The Senate's Constitutional Role in the Confirmation of Cabinet Members and Other Executive Officials,” 48 *Syracuse Law Review*, 1123-1221 (1998);
- “The Ethics of Time-Based Billing by Attorneys,” 58 *Alabama Lawyer* 40-43 (1997);
- “Scholarly Legal Monographs: Advantages of the Road Less Taken,” (part of symposium issue on legal scholarship), 30 *Akron Law Review* 259-266 (1996);
- “Measuring the Ethics of Hourly Billing Practices,” 9 No. 2 *Accounting for Lawyers* 1 (1996);
- “The Ratings Game: Ranking Supreme Court Justices,” 79 *Marquette Law Review* 401-452 (1996);
- “Formulating Standards for Ethical Billing,” 35 *Law Office Economics and Management* 301-07 (1994);
- “Walter Clark of North Carolina: Antagonist of the Federal Judiciary,” 3 *Journal of Southern Legal History* 1-35 (1994);
- “The Supreme Court Appointment Process: A Search for a Synthesis,” 57 *Albany Law Review* 993-1042 (1994);

- “The Ethics of Hourly Billing by Attorneys,” 44 *Rutgers Law Review* 1-100 (1991);
- “The Hazards of Recent Proposals to Limit the Tenure of Federal Judges and to Permit Judicial Removal Without Impeachment,” 35 *Villanova Law Review*, 1063-1138 (1990);
- “The Legal Career of John Quincy Adams,” 23 *Akron Law Review*, 415-453 (1990);
- “Participation by the Public in the Federal Judicial Selection Process,” 43 *Vanderbilt Law Review*, 1-84 (1990);
- “Extrajudicial Speech: Charting the Boundaries of Propriety,” 2 *The Georgetown Journal of Legal Ethics* 589-632 (1989);
- “A Judicial Janus: Meyer v. Nebraska in Historical Perspective,” 57 *The University of Cincinnati Law Review* 125-204 (1988);
- “The Need for an Exclusive and Uniform Application of ‘Neutral Principles’ in the Adjudication of Church Property Disputes,” 32 *St. Louis Law Journal* 263-316 (1987);
- “The Questioning of Supreme Court Nominees at Senate Confirmation Hearings: Proposals for Accommodating the Needs of the Senate and Ameliorating the Fears of the Nominees,” 62 *Tulane Law Review* 113-174 (1987);
- “The Functions, Roles and Duties of the Senate in the Supreme Court Nomination Process,” 28 *William and Mary Law Review* 633-682 (1987).

Book Reviews:

- Jerold Waltman, “Church and State in the Roberts Court: Christian Conservatism in Ten Cases,” in 62 *Journal of Church and State* 193-95 (2020);
- Mark Douglas McGarvie, “Law and Religion in American History,” in 60 *Journal of Church and State* 153-55 (2018);
- Melvin I. Urofsky, “Louis D. Brandeis: A Life” and Marc Lender, “Gitlow v. New York: Every Idea an Incitement,” in 41 *Reviews in American History* 687-93 (Dec. 2013);
- Anne Emanuel, “Elbert Parr Tuttle: Chief Jurist of the Civil Rights Movement,” in *Judicature* 237-39 (March/April, 2012);
- Paula Abrams, “Cross-Purposes: Pierce v. Society of Sisters and the Struggle over Compulsory Public Education,” 28 *Law and History Review* 1076-78 (2010);

- D. Don Welch, "The Vanderbilt Law School: Aspirations and Realities," in 27 *Law and History Review* 480-82 (2009);
- Ruth O'Brien, "Worker's Paradox: The Republican Origins of New Deal Labor Policy, 1886-1935," in 106 *American Historical Review* 590-91 (April 2001);
- Gilbert C. Gall, Lee Pressman, "The New Deal, and the CIO," in 105 *American Historical Review* 952-953 (June 2000);
- James W. Ely, "The Chief Justiceship of Melville W. Fuller," in 101 *American Historical Review* 923 (June 1996);
- David C. Frederick, "Rugged Justice: The Ninth Circuit Court of Appeals and the American West," in 26 *Western Historical Quarterly* 251 (1995);
- Owen Fiss, "History of the Supreme Court of the United States: Troubled Beginnings of the Modern State, 1888-1910," in 34 *American Journal of Legal History* 99-100 (1995);
- Philippa Strum, "Brandeis: Beyond Progressivism," in 540 *The Annals of the American Academy of Social Science* 177-78 (1995).

Encyclopedia Articles:

- contributor to *The Oxford Encyclopedia of American Business, Labor, and Economic History* (Oxford University Press, 2013): "Godcharles v. Wigeman; United States v. E.C. Knight."
- contributor to *The Oxford International Encyclopedia of Legal History* (Oxford University Press, 2009): "United States Law – Equity."
- contributor to *Encyclopedia of American Civil Liberties* (Routledge Reference, 2006): "Sandra Day O'Connor."
- contributor to *The American Midwest: An Interpretative Encyclopedia* (Indiana University Press, 2006): "Chief Justice Melville W. Fuller."
- contributor to *Oxford Companion to the Supreme Court of the United States* (Oxford University Press, Kermit L.Hall, ed., 2d ed., 2005): "Public Opinion; First Amendment."
- contributor to *Encyclopedia of the Great Plains* (University of Nebraska Press, 2004, David J. Wishart, ed.): "Meyer v. Nebraska."
- contributor to *Major Acts of Congress* (MacMillan Reference USA, 2004): "Keatings-Owen Act of 1916."

- contributor to *Great American Judges: An Encyclopedia* (ABC-CLIO, 2003): “Walter Clark.”
- contributor to *The Oxford Companion to American Law* (Oxford University Press, 2002): “Sacco and Vanzetti; Leopold and Loeb; RICO, Law Firms; The Haymarket Affair.”
- contributor to *Great American Lawyers: An Encyclopedia* (ABC-CLIO, 2001): “John Quincy Adams.”
- contributor to *Encyclopedia of the United States in the Nineteenth Century* (Charles Scribner’s Sons, 2000): “The Supreme Court; The Legal Profession.”
- contributor to *American National Biography* (Oxford University Press, 1999): “Walter Clark; William D. Guthrie; Leon Jaworski; Lorna Lockwood; Arthur T. Mullen; Theophilus Parsons; John J. Sirica; Robert von Moschzisker; and Edward Bennett Williams.”
- contributor to *The Encyclopedia of Law and Religion*, Paul Finkelman, ed. (Garland Press, 1999): “The Religion of the United States Supreme Court Justices; Jews and American Religious Freedom; United States v. MacIntosh; Jones v. Wolf; Meyer v. Nebraska; Vatican and Diplomatic Recognition; Snake-Handling Cults; and Public Schools and Controversies over Religion during the Nineteenth Century.”

Other Publications:

- “*Meyer v. Nebraska: A Lutheran Contribution to Constitutional Law*,” *Lutheran Forum* (Summer 2014), 21-24;
- “Debating a Legacy,” *Legal Times*, March 5, 2001, 58;
- “Fighting Over the Court: It’s tough to make the Supreme Court into an election issue,” *Legal Times*, October 9, 2000, 75.

JURIST commentaries (online)

- “Has the Supreme Court Finally Become a Major Issue in a Presidential Election?” (October 20, 2020);
- “Postponing Confirmation Hearings for the Benefit of the Supreme Court and the Nation” (September 22, 2020);
- “The Enduring Constitutional Legacy of the First World War” (April 5, 2017);
- “Judge Gorsuch Deserves Non-Partisan Consideration by Senate,” (February 3, 2017);

- “The Supreme Court’s Role in the Confirmation of Executive Officers” (February 2, 2017);
- “Abolition or Reform of the Electoral College is Unlikely,” (November 15, 2016);
- “Why the Supreme Court is Not a Key Issue in the Presidential Election – and Why It Should Be,” (October 10, 2016);
- “Ginsburg’s Remarks about Trump are Part of a Trend toward inappropriate Judicial Speech,” July 13, 2016;
- “Why Obama Should Want to Make a Recess Appointment to the Supreme Court,” February 17, 2016;
 - “Why the Supreme Court Should be a Key Election Issue;” October 31, 2012;
 - “Obama’s Comments and Challenges to Judicial Review,” April 12, 2012;
 - “Popular Vote Compact: Fraught with Constitutional Peril,” February 28, 2012;
 - “Arizona’s Immigration Law: Constitutional, but..., May 3, 2010;
 - “Roberts’s Response: Not Out of Line (Either),” March 16, 2010;
 - “Constructive Criticism: Presidential Opposition to Supreme Court Rulings,” February 2, 2010;
 - “Should Obama Nominate a Justice without Judicial Experience?,” May 15, 2009;
 - “‘Advice and Consent’: How the Senate Should Vet Obama Cabinet Picks,” February 9, 2009;
 - “Why the Supreme Court Matters in the Presidential Election,” October 20, 2008;
 - “Mukasey Nomination Requires Robust Scrutiny on Senate Floor,” November 6, 2007;
 - “Better Luck Next Time: Why Alito Is Hard to Beat,” October 31, 2005;
 - “Two Cheers for Harriet Miers,” October 17, 2005;
 - “Roberts Day 4: A Ritual of Democracy,” September 16, 2005;
 - “Roberts Day 3: The Search for Compassion,” September 15, 2005;
 - “Roberts Day 2: Questions and Answers,” September 14, 2005;
 - “Roberts Day 1: Play Ball!,” September 13, 2005;
 - “Supreme Test: the Questioning of John Roberts,” August 30, 2005;
 - “Why the Supreme Court is Not an Election Issue, and Why it Should Become One,” October 21, 2004;
 - “Scalia Explanation for Recusal Refusal is Unconvincing,” March 22, 2004;
 - “Bush Immigration Plan Would Reward Lawlessness,” Jan. 8, 2004;
 - “Supreme Court’s Judicial Speech Decision Compromises Judicial Independence,” July 25, 2002;
 - “Bush v. Gore Has Not Wounded the U.S. Supreme Court,” May 2, 2002;
 - “Bickering over Pickering is Good for Democracy’s Health,” Feb. 26, 2002;
 - “Federal Judicial Nominees Should Have Nothing to Hide,” Dec. 19, 2001;
 - “Go Slow on National Identification Cards,” Nov. 7, 2001;
 - “Judge Jackson’s Disqualification in the Microsoft Case: An Object Lesson in the Perils of Extra-judicial Speech,” July 2, 2001;
 - “Should Senators Who Switch Parties Be Compelled to Resign?,” May 30, 2001;
 - “A Regrettable Step: Reflections on the End of Judicial Screening,” March 29, 2001;
 - “Question the President’s Pardons, but Not the Pardon Power,” Feb. 6, 2001;
 - “Rambunctious Cabinet Confirmation Hearings are Healthy,” Jan. 16, 2001;
 - “Bush v. Gore and the Prestige of the Supreme Court: A ‘Self-Inflicted Wound’?,” Dec. 13, 2000;
 - “Faithless Electors”- The Wild Card,” Dec. 9, 2000;
 - “Election Roulette: The Pistol Finally Fires,” Dec. 4, 2000;
 - “Don’t Litigate- Negotiate!,” Nov. 28, 2000;
 - “Does the Supreme Court Rush in Where Wise Judges Would Fear to Tread?,” Nov. 26, 2000.

SELECTED PAPERS GIVEN AT CONFERENCES, AND OTHER PRESENTATIONS

- presentation on German-Americans at Cambridge Forum, Cambridge, Massachusetts, October 8, 2014 (available on YouTube);
- presentation on Charles Evans Hughes at Hughes, Hubbard & Reed, New York City, June 7, 2011;
- presentation on Arizona's immigration law at Jones School of Law, Faulkner University, Oct. 21, 2010;
- interview about Arizona's immigration law on CNN, July 6, 2010 (available on YouTube);
- keynote address at the first conference of the Council on Ethical Billing, Orlando, Florida, March 13, 2008;
- presentation on university press publishing at SEAALS conference, Kialeh Island, South Carolina, July 31, 2002;
- response to Barry Cushman's Mitchell Lecture at the University at Buffalo Law School, April 5, 2002;
- presentations on judicial ethics at Advanced Judicial College conference sponsored by Texas Center for the Judiciary, Austin, Texas, March 21, 2001;
- member of State Bar of Texas professional development panel on "Ethics and Malpractice Avoidance for Business/Corporate Lawyers and Litigators," Dallas, Texas, November 3, 2000;
- presentation at conference marking the 75th anniversary of Pierce v. Society of Sisters, University of Detroit Mercy School of Law, October 6, 2000;
- keynote address at U.S. Department of Education conference marking the 75th anniversary of Pierce v. Society of Sisters, Washington, D.C., July 11, 2000;
- presentation on ethical issues involving law clerks at conference of Florida staff attorneys, Tampa, Florida, April 12, 2000;
- presentation at conference on education and the Constitution, University of Akron Law Center, March 31, 2000;
- member of panel at conference on attorney fee issues, Phoenix, Arizona, February 22, 1999;
- member of panel on judicial ethics at ABA annual meeting, Toronto, Ontario, August 1, 1998;

- presentation on billing ethics at ABA National Conference on Professional Responsibility, Montreal, Quebec, May 29, 1998, published as “The Ethics of Time Based Billing by Attorneys,” at pages 81-88 of the 1998 symposium issue of *The Professional Lawyer*;
- “The Constitutional Significance of the Scottsboro Cases,” response to Dan T. Carter at Roy Rushton Distinguished Lecturer Series, Cumberland School of Law, April 24, 1998; published at 28 *Cumberland Law Review* 591-97 (1998);
- keynote address at conference on attorney billing practices, Phoenix, Arizona, April 2, 1998;
- presentation on billing ethics at continuing legal education seminar, Dallas, Texas, October 10, 1997;
- presentation on billing ethics at continuing legal education seminar, Jackson, Mississippi, April 25, 1997;
- “The Enigma of Crime,” response to Lawrence M. Friedman at Roy Rushton Distinguished Lecturer Series, Cumberland School of Law, February 28, 1997; published at 27 *Cumberland Law Review* 951-57 (1997);
- “Finding the Lost Lawyers in a Civil Society,” response to Anthony Kronman at Roy Rushton Distinguished Lecturer Series, Cumberland School of Law, March 1, 1996; published at 26 *Cumberland Law Review* 851-57 (1996);
- “The Perils of Selective Abandonment of Double Jeopardy,” response to Akhil Reed Amar at Roy Rushton Distinguished Lecturer Series, Cumberland School of Law, March 1, 1995; published at 26 *Cumberland Law Review* 57-61 (1996);
- presentation on billing ethics to attorneys at Dun and Bradstreet, Inc., Murray Hill, New Jersey, July 25, 1995;
- speech on billing ethics at law seminar on attorneys' fees, London, England, July 11, 1995;
- conducted all-day seminar on judicial ethics to convocation of the New Hampshire judiciary, North Conway, New Hampshire, June 16, 1995;
- keynote address on billing ethics at law seminar, "Controlling Your Legal Costs," San Francisco, April 21, 1995;
- 27-minute interview on the Supreme Court appointments process, aired on C-SPAN, June 4, 1993;
- talk on the reform of the Supreme Court appointments process, given at Library of Congress symposium, May 17, 1993;
- "A Muted Fury: Attempts by Populists, Progressives and Trade Unions to Curb Federal

Judicial Power, 1890-1937," a paper delivered before the American Society for Legal History, San Francisco, October 23, 1991;

- "Meyer v. Nebraska: A Missing Link in Constitutional History?," a paper delivered at a symposium on "Law, the Bill of Rights and the Great Plains," sponsored by the Center for Great Plains Studies at the University of Nebraska, March 8, 1991;
- talk on the propriety of extra-judicial speech given at a conference on judicial ethics at Georgetown Law Center, sponsored by the National Judicial College and the *Georgetown Journal of Legal Ethics*, October 8, 1988.

CONSULTING:

- expert witness in various cases involving billing ethics, civil procedure, and judicial ethics.
- consultant on various legal issues, including civil procedure, billing ethics, and judicial ethics.

PROFESSIONAL MEMBERSHIPS:

- American Law Institute (elected December 1999); American Bar Association

TEACHING AWARDS:

- recipient of the Harvey S. Jackson Award for Excellence in Teaching, Cumberland School of Law: (upper level course category), 2005, 2012 (co-recipient), and 2017; first-year course category, 2016.