

**National University of Ireland, Maynooth**

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**From the Selected Works of Seth Barrett Tillman**

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April 15, 2007

## Citation List: Law Clerks, Fellows, Dissertation Candidates, and other Student Publications

Seth Barrett Tillman



Available at: [https://works.bepress.com/seth\\_barrett\\_tillman/227/](https://works.bepress.com/seth_barrett_tillman/227/)

Law Clerks:	6
Fellows:	3
Dissertation Candidates:	16
Other Students:	15
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Total:	40

### **ARTICLES BY LAW CLERKS CITING MY PUBLICATIONS**

- William Baude, *The Judgment Power*, 96 GEO. L.J. 1807, 1807 n.\* (2008) (acknowledgment only) (written by a Tenth Circuit clerk).
- [1] Blake Denton, *While the Senate Sleeps: Do Contemporary Events Warrant a New Interpretation of the Recess Appointments Clause?*, 58 CATH. U. L. REV. 751, 754 n.19 (2009) (written by an Eleventh Circuit clerk) (citing *Senate Termination*).
- [2] John P. Figura, *Against the Creation Myth of Textualism: Theories of Constitutional Interpretation in the Nineteenth Century*, 80 MISS. L.J. 587, 596 n.40 (2010) (written by a clerk in the Eastern District of New York) (citing *PENNumbra*).
- [3] James E. Pfander & Daniel D. Birk, *Article III and the Scottish Enlightenment*, 124 HARV. L. REV. 1613, 1632 n.88 (2011) (Birk is a Seventh Circuit clerk) (citing *Fragment*).
- [4-5] Robert Sarvis, *Legislative Delegation and Two Conceptions of the Legislative Power*, 4 PIERCE L. REV. 317, 341 n.82 (2006); 4 U.N.H. L. REV. 317, 341 n.82 (2006) (written by a Fifth Circuit clerk) (citing *Textualist* and *Reply to Lawson*).
- [6] David C. Weiss, *The International Boundary Commission, Treaty Interpretation, and the President's Removal Power*, 41 LOY. U. CHI. L.J. 39, 75 n.246 (2009) (written by a Ninth Circuit clerk) (citing *DJCLPP*).

(cont.)

**ARTICLES BY FELLOWS CITING MY PUBLICATIONS**

- [1] Ittai Bar-Siman-Tov, *Legislative Supremacy in the United States? Rethinking the Enrolled Bill Doctrine*, 97 GEO. L.J. 323, 364 n.265 (2009) (citing *CJLPP*) (written by a Morris Fellow at Columbia Law School).
- Ian C. Bartrum, *The Constitutional Canon As Argumentative Metonymy*, 18 WM. & MARY BILL RTS. J. 327, 327 n.\* (2009) (written by a Ribicoff Fellow at Yale Law School) (acknowledgment only).
- William Baude, *Rethinking the Federal Eminent Domain Power*, 122 YALE L.J. 1738, 1738 n.\* (2013) (Fellow, Constitutional Law Center, Stanford Law School).
- Paul MacMahon, *Self-Service Search Warrants and International Terrorism: Lessons from Damache v DPP*, 1 IRISH L.J. 2, 3 n.\* (2012).
- [2] D. Theodore Rave, *Politicians as Fiduciaries*, 126 HARV. L. REV. 671, 671 n.\*, 721 n.288 (2013) (citing *Nw. U. L. Rev.*) (written by a Furman Fellow at NYU School of Law).
- [3] Renata E. B. Strause & Daniel P. Tokaji, *Building a Record for the Next Court*, 9 DUKE J. CONST. L. & PUB. POL'Y 177, 189 n.75 (2014) (citing *Election Law Journal*).

(cont.)

**DISSERTATIONS AND ARTICLES BY DISSERTATION CANDIDATES  
CITING MY PUBLICATIONS**

- [1] ITTAI BAR-SIMAN-TOV, SEPARATING LAW-MAKING FROM SAUSAGE-MAKING: THE CASE FOR JUDICIAL REVIEW OF THE LEGISLATIVE PROCESS 76 n.265, 354 (Columbia, JSD Dissertation 2011) (citing *CJLPP*), available at [http://works.bepress.com/seth\\_barrett\\_tillman/403/](http://works.bepress.com/seth_barrett_tillman/403/), also available at <http://academiccommons.columbia.edu/item/ac:161896>.
- [2] CHRISTOPHER BROOKS, CHISHOLM TO ALDEN: JAMES WILSON'S *Artificial Person* IN AMERICAN SUPREME COURT HISTORY, 1793-1999, at viii, 304 n.13 (Logos Verlag Berlin 2006) (citing *Textualist*) (republished Ph.D. dissertation).
- [3-7] KAREN CRABBS FERNANDES, DELEGATION AND THE ADMINISTRATIVE STATE: THE NEW PROCESS OF GOVERNING AND ITS EFFECT ON THE DEMOCRATIC SOUL 26 n.41, 82 n.163, 197 n.404, 226 (Oct. 24, 2006) (unpublished Ph.D. dissertation, Georgetown University Dep't of Government) (citing *Reliable Historical Source Material, Model* and *Reply to Levinson, Textualist* and *Reply to Lawson*).
- [8] ONDŘEJ PREUSS, IS CHANGE IN THE ESSENTIAL ATTRIBUTES OF A DEMOCRATIC RULE OF LAW INADMISSIBLE? 107 n.411, 242 (Charles University, Prague, Czech Republic, PhD 2014) (citing *Textualist*), available at <https://is.cuni.cz/webapps/zzp/detail/112230/>, also available at [http://works.bepress.com/seth\\_barrett\\_tillman/535/](http://works.bepress.com/seth_barrett_tillman/535/).
- [9] ONDŘEJ PREUSS, THE SUBSTANTIVE REQUIREMENTS OF A DEMOCRATIC RULE OF LAW IN CASE LAW OF THE CONSTITUTIONAL COURT 16 n.23, 109 (Charles University, Prague, Czech Republic, Juris Utrisque Doctor Dissertation 2013) (citing *Textualist*), available at <https://is.cuni.cz/webapps/zzp/download/150018653>, also available at [http://works.bepress.com/seth\\_barrett\\_tillman/512/](http://works.bepress.com/seth_barrett_tillman/512/).
- [10] Kirsten Matoy Carlson, *Is Hindsight 20-20? Reconsidering the Importance of Pre-Constitutional Documents*, 30 AM. INDIAN L. REV. 1, 5 n.20 (2006) (a Ph.D. candidate's publication) (citing *Textualist*).
- [11] Konstantinos G. Margaritis, *European Union accession to the European Convention on Human Rights: an institutional "marriage"* 25 n.121 (University of Denver Human Rights & Human Welfare Working Paper No. 65, 2011) (a Ph.D. candidate's publication) (citing *Fragment*), available at <http://www.du.edu/korbel/hrhw/workingpapers/2011/65-margaritis-2011.pdf>.

- [12-13] Luke Beck, Note, Williams v Commonwealth, *School Chaplains and the Religious Tests Clause of the Constitution*, 38 MONASH U. L. REV. 271, 290 n.130 (2012) (peer reviewed) (a Ph.D. candidate's publication) (citing **Response to Chafetz** and **Tillman-on-Teachout**), available at [http://works.bepress.com/seth\\_barrett\\_tillman/332/](http://works.bepress.com/seth_barrett_tillman/332/).
- [14] Sandra Fredman et al., *Public Access to Court Documents: Research Prepared for the Legal Resources Centre, South Africa* 28 n.78 (Oxford Pro Bono Publico Programme Paper, Jan. 2015) (peer reviewed) (dissertation candidate co-authors: Laura Hilly, Tamas Szigeti, and Alice Schneider) (citing Tillman's opinion editorial in **The Irish Independent**), available at <http://ohrh.law.ox.ac.uk/wordpress/wp-content/uploads/2015/03/LRC-Project.pdf>, also available at [http://works.bepress.com/seth\\_barrett\\_tillman/547](http://works.bepress.com/seth_barrett_tillman/547).
- [15-16] Luke Beck, Presentation, *Under the Commonwealth: The Royal Succession and the Religious Tests Clause of the Australian Constitution*, AFTER WILLIAMS [V CWLTH] COLLOQUIUM (University of Southern Queensland Oct. 4, 2013) (on file with author) (citing **Response to Chafetz** and **Tillman-on-Teachout**), available at [http://works.bepress.com/seth\\_barrett\\_tillman/396/](http://works.bepress.com/seth_barrett_tillman/396/), also available at <http://www.usq.edu.au/business-law/events/afterwilliams>.
- Luke Beck, Section 116 of the Australian Constitution (forthcoming circa ) (unpublished Ph.D. dissertation, Sydney Law School) (on file with author), available at [http://works.bepress.com/seth\\_barrett\\_tillman/279/](http://works.bepress.com/seth_barrett_tillman/279/).
- Konstantinos G. Margaritis, Accession of the EU to the ECHR 1 n.4 (forthcoming circa 2016) (unpublished Ph.D. dissertation, Law School of National and Kapodistrian University of Athens) (on file with author), available at [http://works.bepress.com/seth\\_barrett\\_tillman/289/](http://works.bepress.com/seth_barrett_tillman/289/).

(cont.)

**STUDENT NOTES, COMMENTS, AND OTHER PAPERS AND REPORTS  
CITING MY PUBLICATIONS**

- [1] TASNUBHA RAHAMAN, AN ASSIGNMENT ON “SEPARATION OF POWERS” (Atish Dipankar University of Science & Technology, Dep’t of Law, LLM Submission, circa 2013) (citing *PENNumbra*), [http://works.bepress.com/seth\\_barrett\\_tillman/434](http://works.bepress.com/seth_barrett_tillman/434), <http://bdlawnews.com/an-assignment-on-separation-of-powers/> (last visited Dec. 15, 2013).
- [2-3] REPORT, ENSURING THE STABILITY OF PRESIDENTIAL SUCCESSION IN THE MODERN ERA, 81 FORDHAM L. REV. 1, 7-12, 157-60, 170 (2012) (3 faculty and 9 student authors) (citing *Model* and *Reply to Levinson*).
- [4-5] Mike McNerney, *The Limits of Presidential Recess Appointment Power*, 1 LEG. & POL’Y ROUNDTABLE 68, 83 & n.82 (2009) (a student-authored publication) (citing *PENNumbra* and *DJCLPP*), available at <http://www.wcl.american.edu/org/roundtable/documents/McNerneyfinal.pdf>.
- [6] Ezra Dodd Church, Note, *Technological Conservatism: How Information Technology Prevents the Law from Changing*, 83 TEX. L. REV. 561, 589 n.220 (2004) (citing *Textualist*).
- [7] Michael Coenen, Note, *The Significance of Signatures: Why the Framers Signed the Constitution and What They Meant by Doing So*, 119 YALE L.J. 966, 991 n.69, 992 n.71 (2010) (citing *Textualist*).
- [8] David Frisof, Note, *Plausible Absurdities and Practical Formalities: The Recess Appointments Clause in Theory and Practice*, 112 MICH. L. REV. 627, 630 n.17, 642 & nn.82-83, 643 & nn.84-85 (2014) (citing *Senate Termination*).
- Adam R.F. Gustafson, Note, *Presidential Inability and Subjective Meaning*, 27 YALE L. & POL’Y REV. 459, 459 n.\* (2009) (acknowledgment only).
- [9] James M. Hobbs, Note, *The Future of Recess Appointments After the Decision of the D.C. Circuit in Noel Canning v. NLRB*, 162 U. PA. L. REV. ONLINE 1, 8 n.46 (2013) (citing *Senate Termination*).

- Leah Holmes, Note, *The 33rd Amendment on the Establishment of a Court of Appeal*, 4(1) THE GOLDEN THREAD 10, 11 (2013), available at [http://works.bepress.com/seth\\_barrett\\_tillman/439/](http://works.bepress.com/seth_barrett_tillman/439/) (acknowledgment only).
- [10] Sopan Joshi, Note, *The Presidential Role in the Constitutional Amendment Process*, 107 NW. U. L. REV. 963, 977 n.88 & n.91, 978 n.94, 981 n.114 (2013) (citing *Textualist*).
- [11] Vale Krenik, Note and Comment, *No one can Serve Two Masters: A Separation of Powers Solution for Conflicts of Interest within the Department of Health and Human Services*, 12 TEX. WESLEYAN L. REV. 585, 626 n.406 (2006) (citing *Reply to Lawson*).
- [12] James D. Myers, Note, *Bringing the Vice President Into the Fold: Executive Immunity and the Vice Presidency*, 50 B.C. L. REV. 897, 902 n.31 (2009) (citing *DJCLPP*).
- [13] Jesse Schaefer, Comment, *Beyond a Definition: Understanding the Nature of Void and Voidable Contracts*, 33 CAMPBELL L. REV. 193, 193 n.1 (2010) (citing *Void or Voidable*).
- [14-15] David J. Shaw, Note, *An Officer and a Congressman: The Unconstitutionality of Congressmen in the Armed Forces Reserve*, 97 GEO. L.J. 1739, 1742 n.10, 1743 nn.19-20 (2009) (citing *PENNumbra* and *DJCLPP*).

Charles S. Stein, Note, *The Qualified Privilege Against Discovery of Federal Income Tax Returns*, 5 PITT. TAX REV. 173, 187 n.75 (2008).

Marni von Wilpert, *Preventing Corruption in the Legislature Through the Structure of the Constitution* (2010) (unpublished manuscript) (on file with student author).

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My publications and their abstracts are generally available on <http://ssrn.com/author=345891> and on [http://works.bepress.com/seth\\_barrett\\_tillman/](http://works.bepress.com/seth_barrett_tillman/).