

DARRELL A.H. MILLER

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ACADEMIC EXPERIENCE

Duke University School of Law

Melvin G. Shimm Professor of Law July 1, 2017- present

Professor 2013-July 1, 2017 • Visiting Professor Spring 2012

Courses: *Civil Procedure, Civil Rights Litigation, State and Local Government Law, Second Amendment Seminar, North Carolina Civil Justice Reform Seminar*

University of Cincinnati College of Law

Professor 2012-2013 • Associate Professor 2010-2012 • Assistant Professor 2007-2010

Awards: **Harold C. Schott Scholarship Award** 2011
Goldman Prize for Excellence in Teaching 2010 & 2009

The Ohio State University, Moritz College of Law

Adjunct Professor 2005-2006, Fall 2006

SELECTED PUBLICATIONS AND WORKS IN PROGRESS

Books, Articles, Essays and Book Chapters

SECOND AMENDMENT LAW AND THEORY (with Joseph Blocher)
(under contract Cambridge University Press)

The Expressive Second Amendment,
in **GUNS IN LAW** (Austin Sarat, ed.) (under contract Massachusetts University Press)

The Janus of Civil Rights Law,
in **THE GREATEST AND GRANDEST ACT: THE CIVIL RIGHTS ACT OF 1866 FROM RECONSTRUCTION TO TODAY** (Christian Samito, ed.) (under contract Southern Illinois Press)

Self Defense, Defense of Others, and the State,
80 **LAW AND CONTEMPORARY PROBLEMS** 85 (2017) (invited)

Institutions and the Second Amendment,
66 **DUKE LAW JOURNAL** 69 (2016)

What is Gun Control? Direct Burdens, Incidental Burdens, and the Boundaries of the Second Amendment,
86 **UNIVERSITY OF CHICAGO LAW REVIEW** 295 (2016) (with Joseph Blocher)

Continuity and the Declaration of Independence,
89 **UNIVERSITY OF SOUTHERN CALIFORNIA LAW REVIEW** 601 (2016) (invited)

Lethality, Public Carry, and Adequate Alternatives,
53 **HARVARD JOURNAL ON LEGISLATION** 279 (2016) (invited) (with Joseph Blocher)

Text, History, and Tradition: What the Seventh Amendment Can Teach Us About the Second,
122 **YALE LAW JOURNAL** 852 (2013)

The Thirteenth Amendment and the Regulation of Custom,
112 **COLUMBIA LAW REVIEW** 1811 (2012)

Racial Cartels and the Thirteenth Amendment Enforcement Power,
100 **KENTUCKY LAW JOURNAL** 23 (2012) (invited)

Guns, Inc.: Citizens United, McDonald, and the Future of Corporate Constitutional Rights,
86 **NEW YORK UNIVERSITY LAW REVIEW** 887 (2011)
• cited in Korte v. Sebelius (7th Cir. 2013)

Retail Rebellion and the Second Amendment,
86 **INDIANA LAW JOURNAL** 939 (2011)
• cited in Heller v. District of Columbia (D.C. Cir. 2011) (Kavanaugh, J., dissenting)

A Thirteenth Amendment Agenda for the Twenty-First Century: Of Promises, Power and Precaution,
in **THE PROMISES OF LIBERTY: THE HISTORY AND CONTEMPORARY RELEVANCE OF THE THIRTEENTH AMENDMENT** (Alexander Tsesis, editor) (Columbia Univ. Press 2010)

Guns as Smut: Defending the Home-Bound Second Amendment,
109 **COLUMBIA LAW REVIEW** 1278 (2009)
• cited in McDonald v. City of Chicago (U.S. 2010) (Stevens, J., dissenting)

White Cartels, the Civil Rights Act of 1866, and the History of Jones v. Alfred H. Mayer Co.,
77 **FORDHAM LAW REVIEW** 999 (2008)

Shorter Essays and Book Reviews

Fear and Firearms

52 **TULSA LAW REVIEW** 553 (2017) (invited)
reviewing Michael Waldman, *The Second Amendment: A Biography* (Simon & Schuster 2014) and
Firmin DeBraBander, *Do Guns Make Us Free? Democracy and the Armed Society* (Yale 2015)

The Thirteenth Amendment, Disparate Impact, and Empathy Deficits,
39 **SEATTLE UNIVERSITY LAW REVIEW** 847 (2016) (invited)

Second Amendment Traditionalism and Desuetude,
14 **GEORGETOWN JOURNAL OF LAW & PUBLIC POLICY** 223 (2016) (invited)

*Book Review of Ann Larabee, The Wrong Hands: Popular Weapons Manuals Popular Weapons Manuals
and Their Historic Challenges to a Democratic Society*
131 **POLITICAL SCIENCE QUARTERLY** 882 (2016) (invited)

Peruta, the Home-Bound Second Amendment, and Fractal Originalism,
127 **HARVARD LAW REVIEW FORUM** 238 (2014) (invited)

Analogies and Institutions in the First and Second Amendments: A Response to Professor Magarian,
91 **TEXAS LAW REVIEW** **SEE ALSO** 137 (2013) (invited)

Book Review of Glenda Gilmore, Defying Dixie: The Radical Roots of Civil Rights, 1919-1950,
52 **AMERICAN JOURNAL OF LEGAL HISTORY** 379 (2012) (invited)

Iqbal and Empathy,
78 **UNIVERSITY OF MISSOURI-KANSAS CITY LAW REVIEW** 999 (2010) (invited)

State DOMAs, Neutral Principles, and the Möbius of State Action,
81 **TEMPLE LAW REVIEW** 967 (2008)

EDUCATION

Harvard Law School 2001

J.D. *cum laude*

Notes Editor, Harvard Law Review

Oxford University 1997 (2002)

B.A. Modern History & English

M.A. (Oxon.)

British Marshall Scholar 1995-1997

Anderson University 1994

B.A. *summa cum laude* English & Education

PROFESSIONAL EXPERIENCE

Vorys, Sater, Seymour and Pease LLP Litigation Associate 2002-2007

- Practiced in areas of appellate advocacy and complex commercial litigation including MDL, class action, and civil fraud litigation

Hon. R. Guy Cole, Jr., U.S. Court of Appeals for the Sixth Circuit, Law Clerk 2001-2002

SELECTED PRESENTATIONS

Moderator, “Guns in American Society,” Shasha Seminar for Human Concerns, Wesleyan University, Middletown, Conn. (Oct. 2017)

Moderator, “Religious Commitment and the Profession,” Duke Law School (Sept. 2017)

Panelist, “Section 1983 & Qualified Immunity,” Federal Judicial Center, Cleveland, Ohio (May 2017)

Panelist, “Counteracting Islamophobia: Rights, Policy, and Next Steps,” Duke Law School (Feb. 2017)

Moderator, “Class Action Settlement Conference,” Center for Judicial Studies, San Diego, Calif. (Oct. 2016)

Panelist, “Guns and the Supreme Court: The Influence of History” Aspen Institute, Washington D.C. (Sept. 2016)

Debater, “The Second Amendment Should Be Amended,” Berkeley Forum, University of California (Aug. 2016)

Organizer, with Joseph Blocher and Eric Ruben of the Brennan Center for Justice, “The Second Generation of Second Amendment Law and Policy,” NYU/Brennan Center (April 2016)

Panelist, “Gun Control: Past, Present and Future,” Duke Law School (March 2016)

Organizer, Panel Honoring Justice Antonin Scalia, Duke Law School (Feb. 2016)

Organizer and Panelist, “The Thirteenth Amendment and Civil Rights: A Celebration of 150 Years,” Duke Law School (Nov. 2015)

Panelist, “Protecting the Right to Bear Arms: History and Challenges,” Heritage Foundation/Georgetown Law Center (Nov. 2015)

Presenter, “The Declaration of Independence as a Continuity Tender,” at “The Declaration of Independence and the Nation that Followed,” National Constitution Center (April 2015)

Panelist, “Race and Firearms: A Conversation with Historian Clayton Cramer and Duke Law Professor Darrell Miller,” Duke Law School (April 2015)

Moderator, “Pluralism in the Private Sector,” Duke Law School (Feb. 2015)

Coordinator, Moderator, and Panelist, “Teach-In on Policing, Civil Rights, and Race,” Duke Law School (Feb. 2015)

“The City as a Self-Defense Institution,” The Fordham Comparative Urban Law Conference, London, England (June 2014)

Panelist, “Preventing Gun Violence: The Problem, Solutions, and What the Second Amendment Allows,” ABA/William Mitchell Law School, St. Paul, Minnesota (June 2014)

“Second Amendment Institutions,” Brooklyn Law School Workshop (April 2014)

Moderator, “Hobby Lobby, Healthcare and Religious Expression,” Duke Law School (March 2014)

“Guns and Roses: The Past, Present, and Future of Firearm Rights and Regulations in North Carolina,” North Carolina Bar Association CLE Program (March 2014)

Panelist, “Locked & Loaded: Charlotte Law Review's Symposium on Gun Rights and Gun Control,” Charlotte Law School (March 2014)

“Second Amendment Traditionalism and Desuetude,” Duke Law School Roundtable on Custom, Convention, and Tradition in Constitutional Law (Nov. 2013)

“A Meditation on the Thirteenth Amendment as Redemption,” University of Houston Law School Colloquium (Feb. 2013)

“The Second Amendment in Theory and Practice,” Harold Schott Scholarship Award Lecture, University of Cincinnati (Nov. 2012)

University of Chicago Law School Public Law and Legal Theory Workshop (Sept. 2012)

“Historical Tests, (Mostly) Unbalanced Rights, and What the Seventh Amendment Can Teach Us About the Second,” Seton Hall Law School Colloquium (March 2012)

“The Thirteenth Amendment and the Regulation of Custom” Symposia on the Thirteenth Amendment: Meaning, Enforcement, and Contemporary Implications, Columbia Law School (Jan. 2012)

EDUCATIONAL AND CIVIC ACTIVITIES

Reporter, Civil Justice Committee, North Carolina Commission on the Administration of Law & Justice (2015-2016)

Entry Level Appointments Committee, Duke Law School (2016-2017, 2017-2018)

Lateral Appointments Committee, Duke Law School (2013-2104, 2014-2015, 2015-2016)

Clerkships Committee, Duke Law School (2015-2016)

Admissions Committee, Duke Law School (2014-2015, 2017-2018)

Academic Council, Duke University (2015-present)

Advisor, Duke Journal on Duke Journal of Constitutional Law & Public Policy (2015-present)

Office of Undergraduate Scholars and Fellows, Duke University (2015-present)

Faculty consultant for Rhodes, Marshall & Mitchell scholarships

MEMBERSHIPS

Bar Admissions: State of Ohio, U.S. Court of Appeals for the Sixth Circuit; U.S. District Court, Northern District of Ohio; U.S. District Court, Southern District of Ohio

Life Member, U.S. Court of Appeals, Sixth Circuit Judicial Conference

American Bar Association