

**Samuel R. Olken**  
**7olken@jmls.edu**

ACADEMIC EXPERIENCE

**The John Marshall Law School, Chicago, IL** (1989 – present )

Professor of Law (since August 2002)

Associate Professor of Law, 1998-2002

Assistant Professor, 1989-97 (tenure-track: 1994-97)

Subjects: Constitutional Law, American Legal History,

(Have also taught Contracts, Appellate Advocacy and Legal Research and Writing)

Principal Faculty Advisor, *The John Marshall Law Review*, 1992-98

SYMPOSIA CHAIR

**Braun Endowed Lecture Series Symposium, *Marbury v. Madison* and Judicial Review: Legitimacy, Tyranny and Democracy Symposium** (October 3, 2003) (Chicago, IL)

-Created and organized scholarly conference both commemorating the 200<sup>th</sup> anniversary of *Marbury v. Madison* and analyzing the historical development of judicial review in which seven distinguished scholars of constitutional law and history presented original papers.

-Symposium Faculty Editor, 37 *John Marshall Law Review* 317-627 (2004) (*Marbury v. Madison* and Judicial Review: Legitimacy, Tyranny and Democracy)

**Symposium on Chief Justice John Marshall and the United States Supreme Court: 1801-1835** (April 4-5, 2000) (Chicago, IL)

-Created and organized scholarly conference on the life and jurisprudence of Chief Justice John Marshall in which eight preeminent scholars presented original papers at a symposium hosted by The John Marshall Law School. A total of sixteen distinguished authors from the fields of constitutional law, history and political science commented on the articles presented.

-Symposium Faculty Editor, 33 *John Marshall Law Review* 743-1202 (2000) (Chief Justice John Marshall and the United States Supreme Court: 1801-1835)

PUBLICATIONS

A) Constitutional Law and History:

*Justice Sutherland Reconsidered*, \_\_\_\_\_ *Vanderbilt Law Review* \_\_\_\_\_ (2008-2009)

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*The Ironies of Marbury v. Madison and John Marshall's Judicial Statesmanship*, 37 *The John Marshall Law Review* 391-439 (2004)

*Historical Revisionism and Constitutional Change: Understanding the New Deal Court*, 88 *Virginia L. Review* 265-326 (2002) (review essay)

*The Business of Expression: Economic Liberty, Political Factions and the Forgotten First Amendment Legacy of Justice George Sutherland*, 10 *William & Mary Bill of Rights Journal* 249-357 (2002)

*Chief Justice John Marshall and the Course of Constitutional History*, 33 *The John Marshall Law Review* 743-779 (2000)

*Justice George Sutherland and Economic Liberty: Constitutional Conservatism and the Problem of Factions*, 6 *William. & Mary Bill of Rights Journal* 1 (1997)

*Chief Justice Marshall in Historical Perspective*, 30 *John Marshall Law Review* 137-170 (1997) (review essay)

*Charles Evans Hughes and the Blaisdell Decision: An Historical Analysis of Contract Clause Jurisprudence*, 72 *Oregon Law Review* 513-602 (1993)

*John Marshall and Spencer Roane: An Historical Analysis of their Conflict over United States Supreme Court Appellate Jurisdiction*, 1990 *Journal of Supreme Court History* 125-141

B) Other Works about Constitutional Law and History:

"Pierce Butler" in *Yale Biographical Dictionary of American Law* (R. Newman, ed.) (Yale 2008)

"Willis Van Devanter" in *Yale Biographical Dictionary of American Law* (R. Newman, ed.) (Yale 2008)

"Spencer Roane" in *Yale Biographical Dictionary of American Law* (R. Newman, ed.) (Yale 2008)

"Pierce Butler" in *Encyclopedia of American Civil Liberties* (Finkleman, ed.) (Routledge Press 2006)

Foreword, *Braun Endowed Lecture Series Symposium, Marbury v. Madison and Judicial Review: Legitimacy, Tyranny and Democracy*, 37 *The John Marshall Law Review* 317-324 (2004)

Foreword, *Symposium on Chief Justice John Marshall and the United States Supreme Court: 1801-1835*, 33 *The John Marshall Law Review* (2000)

"Chief Justice John Marshall and the Promise of the Supreme Court," *Law.Com* (February 2, 2001) (commentary)

*Chief Justice John Marshall's Historical Effect on American Constitutionalism*, *Soochow University Law School Journal of Jurisprudence* 244-54 (2001) (abridged, Chinese language version of *Chief Justice John Marshall and the Course of Constitutional History*, 33 *The John Marshall Law Review* 743-779 (2000) (Zhao Fu-qiang translator)

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### C) Book Chapter:

“Chief Justice John Marshall and the American Supreme Court” in *Liberte e Liberdade: Judges and Justice in Brazil and the United States of America* (eds. M. Sellers, P. Messsitte, E. G. Northfleet ) (2009)

### D) Legal Writing:

*How to be Your Own Editor*, 81 Illinois Bar Journal 375 (July, 1983)

*How to be Your Own Best Editor*, 19 no. 9 Student Lawyer 11 (May, 1991)

*Voice Lessons: Putting Passive in its Place*, 19 no. 8 Student Lawyer 41 (April, 1991)

*Plagiarism: Putting Words in Your Mouth*, 19 no. 7 Student Lawyer 48 (March, 1991)  
*Insight on Cites*, 19 no. 6 Student Lawyer 13 (February, 1991)

*Writing Well Means Reading Well*, 19 no. 4 Student Lawyer 8 (December, 1990)

*Objective Memoranda Made Easy*, 19 no. 3 Student Lawyer 44 (November, 1990)

*Analogies Build Bridges for the Conceptually Stranded*, 19 no. 2 Student Lawyer 14 (October, 1990)

### D) Works in Progress:

*The Constitution as an Article of Faith: Chief Justice John Marshall and the Preamble*

*The Four Horsemen Partially Unmasked*

## PRESENTATIONS & CONFERENCES

“Justice Sutherland Reconsidered”

Vanderbilt Conference on Forgotten United States Supreme Court Justices, Vanderbilt University Law School (April 2008) (forthcoming)

“Presidential Signing Statements and the Law of the Constitution”

John Marshall Law Review Colloquium (October 2007)

“The ‘Republican’ John Marshall”

The John Marshall Law School Faculty Works in Progress Program (November 2005)

“Pierce Butler and Willis Van Devanter”

The John Marshall Law School Faculty Works in Progress Program (November 2005)

“Why Marbury Matters”

Opening Remarks, Braun Endowed Lecture Series Symposium, *Marbury v. Madison* and Judicial Review: Legitimacy, Tyranny and Democracy (October 2003)

“The Ironies of *Marbury v. Madison* and John Marshall’s Judicial Statesmanship”

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Braun Endowed Lecture Series Symposium, *Marbury v. Madison* and Judicial Review: Legitimacy, Tyranny and Democracy (October 2003)

Opening Remarks

Symposium on Chief Justice John Marshall and the United States Supreme Court: 1801-1835 (April 2000)

“The Enigmatic Character of Thomas Jefferson”

The John Marshall Law School Faculty Colloquium (March 1998)

“The Political Context of *United States v. Amistad* (1841)”

The John Marshall Law School/Chicago Lyric Opera Colloquium (October 1997)

“The Business of Expression: Economic Liberty, Free Expression and Must-Carry Rules”

Harvard Club of Delaware (October 1997)

“Justice George Sutherland, Jacksonian Democracy and the Twilight of *Lochner*,”

The John Marshall Law School Faculty Works in Progress Program (October 1995)

“The History of the American Legal System: An Overview for Foreign Lawyers”

Presented before the Visiting Law Faculty of Masaryk University, The Czech Republic  
The John Marshall Law School (May, 1994)

### EDUCATION

**Emory University School of Law**, (Atlanta, GA)

Juris Doctor, 1985

Honors: Recipient, Top Grade in Federal Courts (1983)

Summer Intern, United States Attorney’s Office (Atlanta, GA, 1983)

**Harvard University** (Cambridge, MA)

A.B., 1982 (American History major)

Honors: *magna cum laude*

Harvard College Scholarship (1981-82)

Co-Chair, The Small Claims Court Advisory Service, Phillips Brooks House (1980-82)

### LAW PRACTICE

**Bloom, Witkin & Wolfe, Boston, MA** (1987-88)

Associate attorney. Commercial litigation, estate planning and entertainment law.

Conducted discovery, administrative hearings, drafted pleadings, wills and trusts, researched and wrote briefs for state and federal courts.

**Pitney, Hardin, Kipp & Szuch, Morristown, NJ** (1987)

Research associate in litigation department.

Drafted research memoranda, briefs, pleadings and discovery documents.

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### **Bronson, Bronson & McKinnon, Los Angeles, CA (1985-86)**

Associate attorney. Extensive research and writing of briefs and memoranda involving issues of employment law and business affairs.

### AWARDS and PRIZES

Outstanding Professor (w/ Prof. T. O'Neill) (Spring 2004), The John Marshall Law School (as voted by graduating class)

Favorite Professor (Fall 2001), The John Marshall Law School (as voted by all law students)

Hughes-Gossett Prize for Historical Excellence (1991) (Awarded by the Supreme Court Historical Society for publishing the best article in its journal)

### PROFESSIONAL MEMBERSHIPS

Bar Admission, Massachusetts (1987)

United States District Court (Massachusetts) (1988)

United States Court of Appeals, First Circuit (1988)

American Bar Association

American Society for Legal History

The Supreme Court Historical Society

Society for American Baseball Research