

Ross E. Davies

(202) 550-0000

rdavies@greenbag.org

rossdavies.org

Education

University of Chicago Law School, J.D. with honors, 1997

Washington University in St. Louis, B.A. with honors, 1984

Employment

George Mason Univ. Antonin Scalia Law School, Arlington, VA: Ass't/Assoc. Prof., 2002-07; Prof., 2007-present

Subjects taught: Administrative Law, Civil Procedure, Comparative Criminal Law, Contracts,
Employment Discrimination, Legal History, Legal Profession, Torts

Shea & Gardner (now Goodwin Procter), Washington, DC: Associate, 2000-02

Gibson, Dunn & Crutcher, Washington, DC: Associate, 1998-2000

Hon. Diane P. Wood, U.S. Court of Appeals for the Seventh Circuit, Chicago, IL: Law Clerk, 1997-98

American Woodmark Corp., Winchester, VA: various positions, 1988-93; Director of Human Resources, 1993-94

Hesselbart & Mitten, Fairlawn, OH: Account Executive, 1990

Flournoy & Gibbs, Toledo, OH: Account Supervisor, 1987-88

William Silverman & Co., Cleveland, OH: Associate, 1984-87; Vice President, VideoFile subsidiary, 1986-87

Affiliations

Editor-in-Chief, *The Green Bag, An Entertaining Journal of Law* (1997-present)

General Editor, *The Journal of Law, A Periodical Laboratory of Legal Scholarship* (2011-present)

Member, bars of Ohio (1998-present) and the District of Columbia (2000-present)

Member, American Law Institute (2007-present)

Research Fellow, NYU Center for Labor and Employment Law (2010-present)

Member, Board of Editors, *Journal of Supreme Court History* (2019-present)

Eagle Scout, BSA (1976-present)

Publications

Books

The Green Bag Almanac & Reader (annually, 2006-present) (editor, often with Cattleya M. Concepcion)

Re-readings (annually, 2016-present) (editor)

The Baker Street Almanac (annually, 2018-present) (editor)

In Chambers Opinions by the Justices of the Supreme Court, Volume IV, Parts 1-6 (2004-2011) & *Journal of In-Chambers Practice* (editor, with Cynthia Rapp & Ira Brad Matetsky)

Resolving Labor and Employment Disputes: A Practical Guide (Proceedings of the New York University 63rd Annual Conference on Labor) (2012) (editor, with Samuel Estreicher)

George Van Santvoord's Sketch of John Jay (3d ed. 2001) (editor, with Montgomery N. Kosma)

Articles & Chapters

A Changed Court: Summer Greetings from Justice McKenna to Justice Day, 2020 Green Bag Almanac 193

Extreme Almanacs and Transient Justices, 9 *Journal of Law* 1 (2019); Green Bag Single Sheet Classic #9 (2019) (map version)

Sherlock Holmes, Expert Witness, in *Canon Law* 83 (2018) (William A. Walsh & Donald Zaldin eds.)

Thurgood Marshall and (and versus) John W. Davis, 8 *Journal of Law* 1 (2018)

Ranking the Olympians Before U.S. News: When Vanity Fair and The Bookman Told Their Readers Who Really Mattered, 21 *Green Bag* 2d 241 (2018)

Five Little Lessons in Lawyering from Thurgood Marshall, 70 *Oklahoma Law Review* 779 (2018)

Articles & Chapters (continued)

- Supreme Court Practice 1900: A Study of Turn-of-the-Century Appellate Procedure*, 7 *Journal of Law* (2 *Journal of In-Chambers Practice*) 33 (2017); *When Justice Began at Home in Washington, DC, Circa 1900*, *Green Bag Single Sheet Classic #6* (2017) (map version)
- A Handy "Cf." or Two for Citation Studies*, 7 *Journal of Law* 1 (2017)
- A Generous Judicial Parabolist: Curtis D. Wilbur*, 20 *Green Bag* 2d 381 (2017)
- The Fan-Judges: Clues to a Jurisculture of Sherlockian Fandom*, 23 *Transformative Works and Cultures* (Mar. 2017), journal.transformativeworks.org/index.php/twc/article/view/944/730
- Some Clerical Contributions to Ex parte Quirin*, 19 *Green Bag* 2d 283 (2016)
- Ewarts Act Day: The Birth of the U.S. Circuit Courts of Appeals*, 6 *Journal of Law* 251 (2016); *Green Bag Single Sheet Classic #4* (2016) (map version)
- Debate and Switch: William Howard Taft on Law as a Vocation*, 6 *Journal of Law* 1 (2016)
- The Regulatory Adventure of the Two Norwood Builders: Sherlock Holmes Crosses Paths with Congress, the President, the Courts, and the Administrative State, in the Press*, 2015 *Green Bag Almanac* 567
- Habeas Libris: For Books in Need of a Reprieve*, 5 *Journal of Law* 1 (2015)
- Holmes, Coase & Blackmail*, 18 *Green Bag* 2d 93 (2014)
- Breakfast with the Justices: Networking in the Nineteenth Century*, 2014 *Green Bag Almanac* 109
- Fixing Fuller's Record: The Green Bag and the U.S. Reports*, 17 *Green Bag* 2d 451 (2014)
- Supreme Court Sluggers: James Iredell*, 4 *Journal of Law* (3 *Journal of Legal Metrics*) 169 (2014)
- Thanks for the Thanks: An Appreciation of the Author Note*, 4 *Journal of Law* 119 (2014)
- A Christmas Gift for the Supreme Court: How a 1959 Holiday Party Eclipsed a History of Discrimination*, 17 *Green Bag* 2d 311 (2014)
- Recognition and Volition: Remembering the Retirement of Justice Gabriel Duvall*, 4 *Journal of Law* 1 (2014)
- Pioneer of Retirement: Justice Samuel Nelson*, 17 *Green Bag* 2d 209 (2014)
- Along Comes the Players Association: The Roots and Rise of Labor Unionism in Major League Baseball*, 16 *New York University Journal of Legislation & Public Policy* 321 (2013)
- Extrajudicial Reticence: Nine Justices Take a Brief Break from Constitutional Commentary*, 17 *Green Bag* 2d 99 (2013)
- The Increasingly Lengthy Long Run of the Law Reviews: Law Review Business 2012 – Circulation and Production*, 3 *Journal of Law* (2 *Journal of Legal Metrics*) 247 (2013)
- Feeding the Right Stuff: Would You Clerk for Learned Hand?*, 3 *Journal of Law* 187 (2013)
- Supreme Court Sluggers: Samuel A. Alito of the Philadelphia Phillies and Marvin Miller of the MLBPA*, 3 *Journal of Law* (2 *Journal of Legal Metrics*) 77 (2013)
- Available at: Introducing a Nearly Vast Amount of Work to Be Done*, 3 *Journal of Law* 1 (2013)
- How West Law Was Made: The Company, Its Products, and Its Promotions*, 6 *Charleston Law Review* 231 (2012)
- Cite Club*, 2 *Journal of Law* 483 (2012)
- The Popular Prosecutor: Mr. District Attorney and the Television Stars of American Law*, 16 *Green Bag* 2d 61 (2012)
- Marshall's Maps, the U.S. Reports, and the New Judicial Restraint*, 15 *Green Bag* 2d 445 (2012)
- In Search of Helpful Legal Scholarship, Part 2: Shall We Dance*, 2 *Journal of Law* 255 (2012)
- The Pastiche Prosecutor: A Speculative Introduction to Mr. District Attorney*, 15 *Green Bag* 2d 303 (2012)
- Law Review Circulation 2011: More Change, More Same*, 2 *Journal of Law* (1 *Journal of Legal Metrics*) 179 (2012)
- Supreme Court Sluggers: Introducing the Scalia, Fortas, and Goldberg/Miller Trading Cards*, 2 *Journal of Law* (1 *Journal of Legal Metrics*) 155 (2012), with Craig D. Rust & Adam Aft
- In Search of Helpful Legal Scholarship, Part 1*, 2 *Journal of Law* 1 (2012)
- Blackmun's Books: What a Justice Read and What It Means for a Justice to "Read,"* 15 *Green Bag* 2d 191 (2012)

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- Leg, Culp, and the Evil Judge: The Fictional Precursors of Honored Sleuths Nero Wolfe and Archie Goodwin and Disgraced Federal Judge Martin T. Manton*, 2012 Green Bag Almanac 321
- The Law Firm and the League: Morgan, Lewis & Bockius LLP, Major League Baseball, and MLB.com*, 12 Texas Review of Entertainment & Sports Law 215 (2011); 39 Baseball Research Journal 74 (Fall 2010)
- The Ultimate Junket, Chaperoned*, 15 Green Bag 2d 67 (2011)
- An Irony of Electronics: On a Form or Two of Serious Legal Scholarship*, 1 Journal of Law 219 (2011)
- The Judiciary Funded: The Generosity of David Dudley Field*, 14 Green Bag 2d 435 (2011)
- West's Words, Ho!: Law Books by the Million, Plus a Few*, 14 Green Bag 2d 303 (2011)
- Three Invitations to Law & Commentary*, 1 Journal of Law (1 Law & Commentary) 87 (2011)
- Like Water for Law Reviews: An Introduction to the Journal of Law*, 1 Journal of Law 1, 14 Green Bag 2d 257 (2011)
- Justices at Work, or Not: New Supreme Court Statistics and Old Impediments to Making Them Accurate*, 14 Green Bag 2d 217 (2011), with Craig D. Rust & Adam Aft
- The Dipping Point: Law Review Circulation 2010*, 2011 Green Bag Almanac 547
- The Last Word*, 11 Journal of Appellate Practice & Process 229 (2010)
- Wager of Justice: The Betting Commission and the 1984 Campaign*, 14 Green Bag 2d 89 (2010)
- It's No Game: The Practice and Process of the Law in Baseball, and Vice Versa*, 20 Seton Hall University Journal of Sports & Entertainment Law 249 (2010)
- Supreme Court Sluggers: John Paul Stevens Is No Stephen J. Field*, 13 Green Bag 2d 365 (2010), with Craig D. Rust & Adam Aft
- Obi-Wan Stevens vs. Darth Rehnquist: A Clerical Fantasy*, 13 Green Bag 2d 263 (2010)
- The Judicial and Ancient Game: James Wilson, John Marshall Harlan, and the Beginnings of Golf at the Supreme Court*, 35 Journal of Supreme Court History 122 (2010); *Errata*, 36 Journal of Supreme Court History 82 (2011)
- Supreme Court Sluggers: Behind the Numbers*, 13 Green Bag 2d 215 (2010), with Craig D. Rust
- Law Review Circulation 2009: The Combover*, 2010 Green Bag Almanac 419
- A Crank on the Court: The Passion of Justice William R. Day*, 38 Baseball Research Journal 94 (Fall 2009)
- The Sport of Courts: Baseball and the Law*, 38 Baseball Research Journal 59 (Fall 2009)
- Law Review Circulation*, 2009 Green Bag Almanac 164
- The Original Law Journals*, 12 Green Bag 2d 187 (2009)
- A Tall Tale of The Brethren*, 33 Journal of Supreme Court History 186 (2008), *reprinted in* 38 Baseball Research Journal 117 (Fall 2009)
- The Judiciary Fund: A Modest Proposal that the Bar Give to Judges What Congress Will Not Let Them Earn*, 11 Green Bag 2d 357 (2008)
- Which Is the Constitution?*, 11 Green Bag 2d 209 (2008)
- B.R. Curtis & G.T. Curtis*, 10 Green Bag 2d 209 (2007), with Curtis E. Gannon
- The Other Supreme Court*, 31 Journal of Supreme Court History 221 (2006)
- A Certain Mongrel Court: Congress's Past Power and Present Potential to Reinforce the Supreme Court*, 90 Minnesota Law Review 678 (2006)
- William Cushing, Chief Justice of the United States*, 37 University of Toledo Law Review 597 (2006)
- The Reluctant Recusants: Two Parables of Supreme Judicial Disqualification*, 10 Green Bag 2d 79 (2006)
- Strike Season: Protecting Labor-Management Warfare in the Age of Terror*, 93 Georgetown Law Journal 1783 (2005), *reprinted in* Workplace Discrimination, Privacy and Security in an Age of Terrorism (Proceedings of the New York University 55th Annual Conference on Labor) ch. 11 (Wolters Kluwer 2007)
- Protecting the Post*, The Critical Infrastructure Protection Project: Workshop I Working Papers (2003)
- The Most Important Article of All Time*, 5 Green Bag 2d 351 (2002)

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- Faithless Electors of 1912*, 4 Green Bag 2d 179 (2001)
Remedial Nonacquiescence, 89 Iowa Law Review 65 (2003)

Reviews

- Margalit Fox, *Conan Doyle for the Defense*, Saturday Review of Literature (Jan. 12, 2019)
William R. Casto, *Foreign Affairs and the Constitution in the Age of Fighting Sail*, 49 American Journal of Legal History 476 (2007)
Bruce Ackerman, *The Failure of the Founding Fathers*, Wilson Quarterly 124 (Autumn 2005)
James P. Lucier, *The Political Writings of James Monroe*, writ.news.findlaw.com (July 26, 2002)
Garry Wills, *James Madison*, writ.news.findlaw.com (Apr. 26, 2002)
James W. Ely, Jr., *Railroads and American Law*, writ.news.findlaw.com (Jan. 25, 2002)
Mark V. Tushnet, *Thurgood Marshall: His Speeches, Writings, etc.*, writ.news.findlaw.com (Oct. 12, 2001)

Other

- An Ursine Foot Note*, Re-readings, Volume V at 1 (2020)
With this short preface . . ., 2020 Baker Street Almanac 1
Literary Legal Literacy, Re-readings, Volume IV at 1 (2019)
When Watson Learned the Trick: 4 June 1902, 69 Baker Street Journal 26 (Summer 2019)
Four Singular Routes, Green Bag Single Sheet Classic #10 (2019) (map version)
Almanacs of Law, 2019 Green Bag Almanac 1
Laws of Demand and Supply, 2019 Baker Street Almanac 1, *reprinted in* 22 Green Bag 2d 173 (2019)
Where Watson Learned the Trick, Green Bag Single Sheet Classic #8 (2019) (map version)
Sailors and Rum, at Sea and Ashore, in *Deadly Harpoon* 103 (2018) (Glen Miranker ed.)
Too Few Cookbooks, *The Gazette—The Journal of the Wolfe Pack*, Spring 2018, at 33
The Bimetallic Question in The Valley of Fear, 33 *Sherlock Holmes Journal* 156 (Summer 2018)
A Grand Game Introduction, or the Rise and Demise of "Sherlock Holmes", 2 *The Newspapers* 25 (2018)
The Cardboard Boxes, 68 Baker Street Journal 6 (Spring 2018)
Love, Understanding & Justice, Re-readings, Volume III at 1 (2018)
The Adventure of the Ambulant Doctor, Green Bag Single Sheet Classic #7 (2018) (map version)
What the Founders Missed About Whist, 2018 Green Bag Almanac 1
August 1914 – Mycroft Holmes and Pre-War European Diplomacy, in *Trenches: The War Service of Sherlock Holmes* 127 (2018) (Robert Katz & Andrew Solberg eds.)
The Inaugural – and Inviting – Baker Street Almanac, 2018 Baker Street Almanac 1
Preface, Arthur Conan Doyle, *The Valley of Fear* (2018 reprint edition)
Superstationary: The 1984 Baseball Winter Meetings, in *Baseball's Business: The Winter Meetings Volume 2* at 166 (2017) (Steve Weingarden & Bill Nowlin eds.)
Selecting Selectors and Flipping Books, 2017 Green Bag Almanac 1
The Coda, Re-readings, Volume II at 1 (2017)
Some Sort of Map or Chart of the Adventure of the Musgrave Ritual, Green Bag Single Sheet Classic #5 (2017), with Greg D. Ruby
Micro-Symposium: Richard Posner's "What Is Obviously Wrong With the Federal Judiciary," 20 Green Bag 2d 81 (2016), with Timothy A. Delaune et al.
Arthur Conan Doyle's The Reigate Puzzle: A Cartographical and Photographical View, Green Bag Single Sheet Classic #3 (2016), with Guy Marriott
A Year of Extravagance in Legal Publishing, Green Bagatelle #3 (Aug. 16, 2016)
The Recent Past and Near Future of Reporting In-Chambers, 6 *Journal of Law* (1 *Journal of In-Chambers Practice*) 33 (2016)

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- Introduction*, Re-readings, Volume I at 1 (2016)
- Archie's Choices*, *The Gazette—The Journal of the Wolfe Pack*, Spring 2016, at 19
- Exemplary Writing from 2015 & Rules for 2016*, *Green Bagatelle* #2 (Mar. 8, 2016)
- Arthur Conan Doyle's Pig, and Yours: A Challenge*, 2016 *Green Bag Almanac* 537
- The Quotation Mark Puzzle: An Imperfection of "The Field Bazaar,"* 2016 *Green Bag Almanac* 511
- Introduction: Picturing Holmes and Watson*, in A. Conan Doyle, *The Memoirs of Sherlock Holmes: The Field Bazaar, Illustrated*, 2016 *Green Bag Almanac* 464
- The Reigate Puzzle: A Lawyerly Annotated Edition*, 2016 *Green Bag Almanac* 108, with Cattleya M. Concepcion et al.
- Exemplary Nominees and a Colorful Puzzle: Previewing the 2016 Almanac & Reader*, *Green Bagatelle* #1 (Jan. 20, 2016)
- Philanthropical (and Apocryphal, or Canonical?) Cricket in Edinburgh: The Geography and Scenery of a Sherlock Holmes Vignette*, 2016 *Green Bag Almanac* (supp.) (*Green Bag Single Sheet Classic* #2)
- The Hon. Diane P. Wood and the Case of the Missing Commission*, 71 *NYU Annual Survey of American Law* 17 (2015)
- What Would U.S. News Do: Introduction to the Micro-Symposium on Top Ten Rankings of the U.S. Supreme Court*, 18 *Green Bag 2d* 425 (2015)
- The Adventure of the Norwood Builder: A Lawyerly Annotated Edition*, 2015 *Green Bag Almanac* 116, with Hadar Aviram et al.
- Scenes from a Young Lawyer's Salvation: The Geography and Scenery of a Sherlock Holmes Mystery*, 2015 *Green Bag Almanac* 1 (supp.) (*Green Bag Single Sheet Classic* #1), with Cattleya M. Concepcion
- Giving It Away at The Strand: A Short Story of Rights and Relationships in Intellectual Property*, 4 *Journal of Law* 255 (2014)
- Baseball and the U.S. Constitution, Circa 1887*, 2014 *Green Bag Almanac* 462
- Lego and Law: Linking the Gilded Age and Today*, 2014 *Green Bag Almanac* 259
- The Capacity to Be Taxed Is the Capacity to Self-Destruct*, 2013 *Green Bag Almanac* 1
- Learned Hand Sings, Part One: Liner Notes for "Songs of His Youth"*, 16 *Green Bag 2d* 257 (2013)
- Micro-Symposium on Orin Kerr's "A Theory of Law"*, 16 *Green Bag 2d* 213 (2013) & 2 *Journal of Law* 487 (2012), with Laura I Appleman et al.
- To ADA Mandelbaum: The Second-Best Lawyer*, *The Gazette—The Journal of the Wolfe Pack*, Spring 2012, at 25.
- Another Nero Wolfe Cookbook*, 2012 *Green Bag Almanac* 473
- Gray Lady Bowdler: The Continuing Saga of the Crimson Spot*, 2012 *Green Bag Almanac* 563
- Fore-Shadowed: Where Rex Stout Got the Idea for Fer-de-Lance*, 2012 *Green Bag Almanac* 249, with Cattleya M. Concepcion
- Historical Precedents: Cameras in the Courtroom? How About Journalists in Chambers?*, *National Law Journal*, *Supreme Court Insider*, Feb. 16, 2011
- Thomas Nast's Illustrated Almanacs, 1871-1875*, 2011 *Green Bag Almanac* 212
- Historical Precedents: The Secret Meaning of Intent*, *National Law Journal*, *Supreme Court Insider*, Nov. 23, 2010
- Historical Precedents: Should Justice Kagan Follow Justice Matthews?*, *National Law Journal*, *Supreme Court Insider*, Nov. 1, 2010
- FantasyLaw 2009: The Season, the Stars, and the Statistics*, 13 *Green Bag 2d* 229 (2010)
- How Not to Bowdlerize*, 2009 *Green Bag Almanac* 234
- Opening Day*, 12 *Green Bag 2d* 349 (2009)
- Let the Preseason Begin: Want to Play?*, 12 *Green Bag 2d* 235 (2009)
- The Non-Partisan Fact-Finding Committee for Hoover 1932*, 2008 *Green Bag Almanac* 111
- The Green Bag's Greatest Quips, 1997-2002* (2002) (editor, with Montgomery N. Kosma et al.)
- Learning from Laptops*, *Legal Times*, Sept. 9, 2002, at 29

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Fuller & Washington at Centuries' Ends (1999) (editor, with Montgomery N. Kosma)

Data 'Pirates' Beware, VRA Bulletin, Spring 1998, at 53

Fragments of the Law (1997) (editor, with Adam Bonin et al.)

A Public Trust Exception to the Rule of Lenity, 63 University of Chicago Law Review 1175 (1996) (student note)