

LAEL D. WEINBERGER

lweinbe@gmu.edu | Antonin Scalia Law School | George Mason University
3301 Fairfax Drive | Arlington, Virginia 22201

Legal and Academic Experience

George Mason University Antonin Scalia Law School, Arlington, VA
Assistant Professor, 2025 – present

Stanford Law School, Palo Alto, CA
Nonresident Fellow, Constitutional Law Center, 2023 – 2025

Gibson Dunn & Crutcher, Washington, D.C.
Associate attorney, Appellate and Administrative Law Practice Groups, 2023 – 2025

Supreme Court of the United States, Washington, D.C.
Law Clerk to Justice Neil Gorsuch, 2022 – 2023

Harvard Law School, Cambridge, MA
Olin-Searle-Smith Fellow in Law, 2020 – 2022
Berger-Howe Legal History Fellow, 2019 – 2020

U.S. Court of Appeals for the Seventh Circuit, Chicago, IL
Law Clerk to Judge Frank Easterbrook, 2018 – 2019

Independent Attorney, Chicago, IL and San Francisco, CA
Contract litigation and legal writing consulting, 2011 – 2015

Idaho Supreme Court, Boise, ID
Law Clerk to Chief Justice Daniel T. Eismann, 2010 – 2011

Education

The University of Chicago, Chicago, Illinois
Ph.D. (history), 2021. Dissertation: *American Lawyers and International Law from Arbitration to Human Rights, 1900–1954*. Committee: Mark Bradley (chair), Jane Dailey, James Sparrow, Laura Weinrib.

The University of Chicago Law School, Chicago, Illinois
J.D. with high honors, 2018.

- Order of the Coif; Kirkland & Ellis Scholar; Herbert Caplan Prize (best academic paper by a 1L or 2L student); Casper Platt Award (the outstanding paper by a graduating student)
- Journal: *University of Chicago Law Review*, Articles Editor

Northern Illinois University, DeKalb, Illinois
M.A. (history), 2013. University Fellow, 2012–13; Outstanding M.A. Student, 2013 (departmental award); Alumnus of the Year, 2018 (departmental award).

Oak Brook College of Law, Fresno, California
J.D., *summa cum laude*, 2009. Unaccredited (providing eligibility to take California bar exam).

Thomas Edison State College, Trenton, New Jersey

B.A. (history), 2009. Arnold Fletcher Award (excellence in non-traditional education).

Teaching

Constitutional Law
Civil Procedure

Publications

Articles

Is Church Autonomy Jurisdictional?, 54 LOYOLA U. CHI. L. J. 471 (2023).

The Limits of Church Autonomy, 98 NOTRE DAME L. REV. 1253 (2023).

Carson v. Makin and the Relativity of Religious Neutrality, 2022 HARV. J.L. & PUB. POL'Y PER CURIAM 1.

Keep Distance Education for Law Schools: Online Education, the Pandemic, and Access to Justice, 53 LOYOLA U. CHI. L. J. 211 (2021).

Frankfurter, Abstention Doctrine, and the Development of Modern Federalism: A History and Three Futures, 87 U. CHI. L. REV. 1737 (2020).

Comment, *Making Mistakes about the Law: Police Mistakes of Law between Qualified Immunity and the Rule of Lenity*, 84 U. CHI. L. REV. 1561 (2017).

Secularization by Law? The Establishment Clauses and Religion in the Public Square in Australia and the United States, 10 INT'L J. CONST. L. 208 (2012) (coauthored with Augusto Zimmermann).

The Business Judgment Rule and Sphere Sovereignty, 27 T.M. COOLEY L. REV. 279 (2010).

Religion Undefined: Competing Frameworks for Understanding "Religion" in the Establishment Clause, 86 U. DET. MERCY L. REV. 735 (2009).

Spheres of Sovereignty: Church Autonomy Doctrine and the Theological Heritage of the Separation of Church and State, 35 N. KY. L. REV. 67 (2008) (coauthored with Robert Renaud).

Comment, *The Monument and the Message: Pragmatism and Principle in Establishment Clause Ten Commandments Litigation*, 15 TEX. WESLEYAN L. REV. 393 (2008).

Book Chapters

The Relationship between Sphere Sovereignty and Subsidiarity, in GLOBAL PERSPECTIVES ON SUBSIDIARITY (Michelle Evans & Augusto Zimmermann, eds., 2014).

Enforcing the Bill of Rights in the United States, in JURISPRUDENCE OF LIBERTY (Suri Ratnapala & Gabriël Moens, eds., 2011).

Civil Procedure Issues, Statutes of Limitations, RICO, and Director Duties, in *ADVISING MINNESOTA CORPORATIONS AND OTHER BUSINESS ORGANIZATIONS* (Richard A. Saliterman & Roger J. Magnuson, eds., 2011).

Reviews

Religious Liberty in Law, MARGINALIA (Jan. 14, 2022), <https://themarginaliareview.com/religious-liberty-in-law/>.

Telling the Story of Natural Law in America, JOTWELL (Dec. 14, 2021), <https://legalhist.jotwell.com/telling-the-story-of-natural-law-in-america/>.

Review of Oliver Wendell Holmes: A Willing Servant to an Unknown God, ENGLISH HISTORICAL REV. (Nov. 13, 2021), <https://doi.org/10.1093/ehr/ceab317>.

From Hell to Humanity, and American Attitudes Toward War, PROVIDENCE MAGAZINE (October 18, 2021), <https://providencemag.com/2021/10/hell-humanity-american-attitudes-war-book-review-samuel-moyn-humane/>.

How Catholics Shaped the American Tradition of Religious Liberty, NATIONAL REV. (June 24, 2021), <https://www.nationalreview.com/magazine/2021/07/12/how-catholics-shaped-the-american-tradition-of-religious-liberty/>.

The Travails of Plymouth Colony, THE NEW RAMBLER (Nov. 25, 2020), <https://newramblerreview.com/book-reviews/history/the-travails-of-plymouth-colony>.

Exercising Religion and Taming Faction, L.A. REV. OF BOOKS (October 18, 2020), <https://lareviewofbooks.org/article/exercising-religion-and-taming-faction/> (book review).

Review of The Cambridge Companion to the First Amendment and Religious Liberty, CANOPY FORUM (Sept. 24, 2020), <https://canopyforum.org/2020/09/24/review-the-cambridge-companion-to-the-first-amendment-and-religious-liberty/>.

Where Two or More Are Gathered, the First Amendment Should Protect Them, CHRISTIANITY TODAY (July 8, 2020), <https://www.christianitytoday.com/ct/2020/july-web-only/luke-sheahan-why-associations-matter-first-amendment.html>.

From Appendix to Heart: Tracing the History of the Bill of Rights, 34 CONST. COMM. 519 (2019) (book review).

Humbly Speaking, THE NEW RAMBLER (Aug. 29, 2016), <http://newramblerreview.com/book-reviews/political-science/humbly-speaking>.

Free to Join, CLAREMONT REV. BOOKS ONLINE (June 3, 2016), <http://www.claremont.org/crb/basicpage/free-to-join/>.

Religions Among Nations, THE NEW RAMBLER (Feb. 1, 2016), <http://newramblerreview.com/book-reviews/international-relations/religions-among-nations>.

The Legacy of Dignity, CLAREMONT REV. BOOKS ONLINE (Oct. 29, 2015), <http://www.claremont.org/crb/basicpage/the-legacy-of-dignity/>.

A Legal and Historical Case for a Vigorous Congress, H-LAW, H-NET REVIEWS (June 2012), <http://www.h-net.org/reviews/showrev.php?id=34933>.

Books

A TALE OF TWO GOVERNMENTS: CHURCH DISCIPLINE, THE COURTS, AND THE SEPARATION OF CHURCH AND STATE (2012) (coauthored with Robert Renaud).

Other

Op-eds in World, Newsweek, National Review, and First Things.

Selected Academic Presentations

“Creating a Right to Homeschool.”

- Stanford Law School Constitutional Law Center Workshop, January 25, 2025.

“Church Autonomy After Disestablishment.”

- Stanford Law School Law & History Workshop, May 21, 2024.

“The Limits of Church Autonomy.”

- Yale Law School, April 12, 2024.
- St. John’s University School of Law Faculty Workshop, February 23, 2022.
- Nootbaar Institute Fellows Conference, Pepperdine University, May 12, 2022.

“Is Church Autonomy Jurisdictional?”

- Loyola University Chicago Law Journal Symposium, April 8, 2022.

“Thinking Biblically about Church, State, and Jurisdiction.”

- Harvard Law School, April 4, 2022.

“The Politics of International Human Rights Law among Lawyers in World War II America.”

- Society for Historians of American Foreign Relations Annual Meeting, June 18, 2021.

“Judicializing International Relations: Internationalism, Courts, and American Lawyers in the Progressive Era.”

- Boston College Law School Legal History Roundtable, January 30, 2020.
- New York University School of Law Legal History Colloquium, April 13, 2020.

“Precedent at the World Court: Interpreting the Permanent Court of International Justice in Interwar America.”

- American Society for Legal History Annual Meeting, November 23, 2019.

“Human Rights and World Courts in the Progressive Era: The Election of 1912.”

- American Bar Foundation Legal History Workshop, Chicago, February 27, 2019.

“The Unprecedented World Court: The Permanent Court of International Justice and Legal Internationalism in Interwar America.”

- Society for U.S. Intellectual History Conference, Chicago, November 9, 2018.

“Frankfurter, Abstention Doctrine, and the Development of Modern Federalism.”

- Constitutional Law Colloquium, Loyola University Chicago School of Law, November 2, 2018.

“Internationalism in the American Legal Profession: The Changing Views of Bar Associations, 1917–1953.”

- American Society for Legal History Student Research Colloquium, Toronto, October 27, 2016.

“Natural Law and American Legal Thought in the Years before Nuremberg.”

- Religion and the Human Sciences Workshop, University of Chicago Divinity School, Chicago, October 27, 2015.

“Wright on Rights.”

- Globalization and the Law in Historical Perspective Conference, Indiana University Maurer School of Law, Bloomington, June 4, 2015.

“Manley Hudson and the Quest for International Order.”

- Organization of American Historians Conference, Atlanta, April 12, 2014.

“Enforceable Rights? American Lawyers, National Sovereignty, and International Human Rights.”

- Law and Society Association Annual Meeting, Boston, May 31, 2013.

“Raising the Bar in Illinois.”

- Northern Illinois University Graduate History Conference, October 21, 2011.
- Graduate Student Research Association, Northern Illinois University, March 31, 2012.
- Conference on Illinois History, Abraham Lincoln Presidential Library, October 11, 2012.

Selected Grants and Fellowships

- Nootbaar Institute Fellow, Pepperdine Caruso School of Law, 2021–22, 2023–present (non-resident fellowship).
- William Nelson Cromwell Foundation Early Career Scholar Fellowship, 2019.
- Bemis Dissertation Research Grant, Society for Historians of American Foreign Relations, 2019–20.
- Freehling Research Grant, History Department, University of Chicago, 2019.
- Harold and Milton Durchslag Endowment Fund Scholarship, University of Chicago Law School, 2015–18.
- Research Grant, Pozen Family Center for Human Rights, University of Chicago, 2015.
- Social Sciences Fellowship, University of Chicago, 2013 (5-year full tuition fellowship with stipend to support doctoral studies).
- University Fellow, Northern Illinois University, 2012–13.

Bar Admissions

California (active), District of Columbia (active), Illinois (inactive).