

LEWIS A. GROSSMAN

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CURRENT POSITION

AMERICAN UNIVERSITY, WASHINGTON COLLEGE OF LAW Washington, D.C.
Professor of Law: Teach Civil Procedure, U.S. Legal History, Food and Drug Law,
Administrative Law (September 1997-present)

EDUCATION

YALE UNIVERSITY New Haven, CT
Ph.D. in American History, May 2005
M.Phil. with distinction, December 1992; M.A., December 1991

Dissertation: "The Ideal and the Actual of James Coolidge Carter: Morality and Law in the
Gilded Age" (Dissertation Committee: Robert Gordon, David Brion Davis, Morton
Horwitz, Cynthia Russett)

George Washington Egleston Prize for Best Dissertation in the Field of American History,
2005
Mellon Fellowship in the Humanities, Woodrow Wilson Foundation, 1990

HARVARD LAW SCHOOL Cambridge, MA
J.D. *magna cum laude*, June 1990

YALE UNIVERSITY New Haven, CT
Major: History
B.A. *summa cum laude*, with distinction in history, May 1986

Phi Beta Kappa, Junior Year, 1985
Katherine A. Walker Essay Prize
Rhodes Scholarship competition, New England District finalist, 1986

OTHER EXPERIENCE

COVINGTON & BURLING Washington, D.C.
Of Counsel (2003-present), **Associate** (November 1993-October 1994, March 1995-
March 1997): Member of the food and drug law practice group.

WHITE HOUSE SECURITY REVIEW,
U.S. DEPARTMENT OF THE TREASURY Washington, D.C.
Assistant Director (October 1994-February 1995): Participated in review of White
House security initiated by the Secretary of the Treasury.

CHIEF JUDGE ABNER J. MIKVA,
U.S. COURT OF APPEALS FOR THE D.C. CIRCUIT Washington, D.C.
Judicial Clerk (1992-93)

DAVIS, POLK & WARDWELL New York, N.Y. & London, U.K.
Summer Associate (summer 1989)

McKENNA, CONNER & CUNEO Washington, D.C.
Summer Associate (summer 1988)

MAYOR'S OFFICE OF TRANSPORTATION New York, N.Y.
Staff Analyst (1986-87) Participated in writing a final report, including an implementation plan, for a city-wide paratransit system to serve transportation-disabled New Yorkers.

PUBLICATIONS: BOOKS AND ARTICLES

“Food, Drugs, and Droids: A Historical Consideration of Definitions and Categories in American Food and Drug Law,” 93 *Cornell Law Review* (forthcoming 2008)

“Langdell Upside-Down: James Coolidge Carter and The Anticlassical Jurisprudence of Anticodification,” 19 *Yale Journal of Law & the Humanities* (forthcoming 2008).

“‘The Benefits and Evils of Competition’: James Coolidge Carter’s Supreme Court Advocacy,” in *Festschrift in Honor of Morton J. Horwitz* (Alfred Brophy & Daniel Hamilton eds., Harvard University Press, forthcoming 2008)

Food and Drug Law: Cases and Materials, 3rd ed. (with Peter Barton Hutt & Richard A. Merrill) (Foundation Press 2007)

“The Story of *Parklane*: The ‘Litigation Crisis’ and the Efficiency Imperative,” in *Civil Procedure Stories* (Kevin Clermont ed., 2004)

“James Coolidge Carter and Mugwump Jurisprudence,” 20 *Law and History Review* 577 (2002)

“Extending the Revisionist Project,” 20 *Law and History Review* 639 (2002)

A Documentary Companion to A Civil Action (with Robert Vaughn) (Foundation Press 1999, 3rd ed. 2006)

Teacher’s Manual For A Documentary Companion to A Civil Action (with Robert Vaughn) (Foundation Press 2000, rev. ed. 2002)

“Codification and the California Mentality,” 45 *Hastings Law Journal* 617 (1994)

“John C. Frémont, Mariposa, and the Collision of Mexican and American Law,” 6 *Western Legal History* 17 (1993), reprinted in 31 *Public Land and Resources Law Digest* 111 (1994) (collection of the year’s best articles in the field of natural resources law)

“Self-Censorship by Media Industries,” 15 *Columbia-VLA Journal of Law & the Arts* 443 (1991)

PUBLICATIONS: SHORTER WORKS

“Codes and Codification: United States Law,” in *Oxford Encyclopedia of Legal History* (Stanley N. Katz, ed., forthcoming 2008)

“James Coolidge Carter,” in *Yale Biographical Dictionary of American Law* (Roger K. Newman, ed., forthcoming 2008)

“John Norton Pomeroy,” in *Yale Biographical Dictionary of American Law* (Roger K.

Newman, ed., forthcoming 2008)

Review of Mark Warren Bailey, *Guardians of the Moral Order: The Legal Philosophy of the Supreme Court, 1860-1910*, 92 *Journal of American History* 241 (2005)

“A Brief and General History of Government Policy Concerning Patent Rights to Federally-Funded Pharmaceutical Inventions” (with Peter Barton Hutt), presented by Mr. Hutt at the Institute of Medicine's Roundtable for the Development of Drugs and Vaccines Against AIDS, National Academy of Sciences (April 18, 1994)

SELECTED PRESENTATIONS

“Mugwump Lawyering: James Coolidge Carter as Attorney,” presented at the George Washington University Law School Scholarship Roundtable: Legal History (Sept. 29, 2006)

Participant, “Hayek: The Common Law and Liberty,” Liberty Fund Colloquium, Arlington, Virginia (July 13-16, 2006)

“The Moral Common Law of the Gilded Age Anticodifiers,” presented on panel titled *The Moral Judiciary in the Gilded Age*, American Society for Legal History Annual Meeting, Austin, Texas (October 30, 2004)

“Legal Issues in Long-Term Follow-Up of Gene Therapy Trials,” presented at American Society of Gene Therapy Workshop on Long Term Follow-Up of Gene Therapy Clinical Trials (June 1, 2004)

“UnLangdellian Orthodoxy: The Common Law Jurisprudence of the Late Nineteenth Century Anticodification Movement,” presented at the Southeastern Association of Law Schools Annual Meeting, Amelia Island, Florida (July 25, 2003)

“Civil Procedure: The Historical Perspective,” presented on panel titled *Putting Procedure in Perspective*, Association of American Law Schools Mid-Year Meeting, New York, New York (June 18, 2003)

“James Coolidge Carter,” presented at the Supreme Court Historical Society Research Colloquium, Washington, D.C. (May 8, 2003)

“James Coolidge Carter and Mugwump Jurisprudence,” presented on panel titled *Intellectual Biography and Intellectual History: The Example of Gilded Age Legal Thought*, American Society for Legal History Annual Meeting, Princeton, New Jersey (October 20, 2000)

“Regulation of Genetically Modified Foods,” presentation at *The U.S. Food and Drug Administration Comes to Stanford*, Stanford Law School (March 24, 2000).

“Categorical Definitions of FDA-Regulated Products,” presentation at *The U.S. Food and Drug Administration Comes to Stanford*, Stanford Law School (March 23, 2000).

“Teaching from *A Civil Action*,” Annual Conference of the American Association for Paralegal Education, Boston (Oct. 14, 1999)

“Untold Procedural Stories from *A Civil Action*,” *Lessons from Woburn: The Conference*, Harvard Law School (Jan. 30, 1999)

Testimony before Senate Labor and Human Resources Committee regarding FDA regulation of tobacco products (Feb. 24, 1998)

“FDA Regulation of Tobacco,” presentation at Mealy Tobacco Conference, Chicago (Sept. 18, 1997)

PROFESSIONAL ASSOCIATIONS AND OTHER PROFESSIONAL SERVICE

American Society for Legal History

Co-Chair, Local Arrangements Committee, 2003 Annual Meeting, Washington, D.C.

Organization of American Historians

Food and Drug Law Institute

Academic Programs Committee (appointed September 2002)

Writing Awards Committee (appointed March 2003)

Administrative Law Review, Faculty Advisory Board (2007-present)

The Supreme Court Historical Society, Co-Chair for Membership, American University

Law and History Review, Peer Reviewer

Cambridge University Press, Peer Reviewer

Institute of Medicine of the National Academies, Legal Consultant, Committee on the Framework for Evaluating the Safety of Dietary Supplements, Food and Nutrition Board (2002-2004)

Senator John McCain, Legal Consultant on S. 812 - "To amend the Federal Food, Drug, and Cosmetic Act to provide greater access to affordable pharmaceuticals" (2002)

International Council for the Life Sciences, Legal Consultant

BAR ADMISSIONS

District of Columbia, New York, Connecticut (retired), Pennsylvania (inactive)