



Nicole Stelle Garnett, Associate Dean for External Engagement and the John P. Murphy Foundation Professor of Law, University of Notre Dame. Extraordinary scholar of American property law and land-use planning, and American education policy. Member of centers.

Garnett's teaching and research focus on education policy and topics related to property law (especially land use and urban development policies). In addition to dozens of articles on these subjects, she is the author of two books, *Lost Classroom, Lost Community: Catholic Schools' Importance in Urban America* (University of Chicago Press, 2014) and *Ordering the City: Land Use, Policing and the Restoration of Urban America* (Yale University Press, 2009). Currently, she is engaged in an ambitious research effort in collaboration with scholars from around the world to gain a comprehensive understanding of the legal rules governing, and public funds

available to, faith-based schools in the Global South.

At Notre Dame, Garnett is a fellow of the Institute for Educational Initiatives, the Kellogg Institute for International Studies, the Fitzgerald Institute for Real Estate, and the deNicola Center for Ethics and Culture. She also is the senior policy advisor for the Alliance for Catholic Education, a program engaged in a wide array of efforts to strengthen and sustain K-12 Catholic schools. From 2008-2010, she served as provost fellow at Notre Dame, and, during the Spring 2007 semester, as a visiting professor of law at the University of Chicago Law School.

Garnett received her B.A. with distinction in Political Science from Stanford University and her J.D. from Yale Law School. After law school, she clerked for the Honorable Morris S. Arnold of the United States Court of Appeals for the Eighth Circuit and for Associate Justice Clarence Thomas of the Supreme Court of the United States. Before joining the law school faculty in 1999, she worked for two years as a staff attorney at the Institute for Justice, a non-profit public-interest law firm in Washington, D.C.

## **NICOLE STELLE GARNETT**

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### **PRIMARY ACADEMIC APPOINTMENT**

University of Notre Dame (1999-present)

*Associate Dean for External Engagement* (2022-present)

*John P. Murphy Foundation Professor of Law* (2014-present); Professor of Law (2008-14); John Cardinal O'Hara, C.S.C. Associate Professor (tenured) (2005-08); Associate Professor (untenured) (2002-05); Assistant Professor (1999-2002); Provost Fellow (2008-2010)

*Fellow:* Institute for Educational Initiatives, Fitzgerald Institute for Real Estate, Kellogg Institute for International Studies, Notre Dame Religious Liberty Initiative, deNicola Center for Ethics and Culture, Research Program on Law and Market Behavior, Center for Literacy Education

*Courses:* Property, Local Government Law, State Constitutional Law, Education Law, Originalism, Land Use Planning, Urban Development

### **OTHER ACADEMIC APPOINTMENTS**

Manhattan Institute, New York, New York, *Senior Fellow* (2021-present)

USC Gould School of Law, *Distinguished Visiting Professor of Law* (October 2007)

University of Chicago Law School, *Visiting Professor of Law* (January-June 2007)

Hoover Institution, *Visiting Scholar* (May 2010, June 2008, May 2005)

Northwestern University School of Law, *Visiting Scholar* (Spring 2004)

### **EDUCATION**

*Yale Law School*, New Haven, Connecticut. J.D., 1995

*Stanford University*, Stanford, California. B.A., with distinction and departmental honors, Political Science, 1992

### **LEGAL EXPERIENCE**

*Law Clerk*, Justice Clarence Thomas, Supreme Court of the United States, 1998-99

*Law Clerk*, Judge Morris S. Arnold, U.S. Court of Appeals, Eighth Circuit, 1995-96

*Staff Attorney*, Institute for Justice, Washington, D.C., 1996-98

Defended constitutionality of early private-school-choice programs, including in the litigation culminating in *Zelman v. Simmons-Harris* (U.S. 2002) and filed the first challenge to the exclusion of faith-based schools from program invalidated in *Carson v. Makin* (U.S. 2022).

## BOOKS

- John E. Coons, *The Case for Parental Choice: God, Family, and Educational Liberty* (Nicole Garnett, Richard Garnett, and Ernest Morrell, eds.) (Notre Dame Press, 2023)
- Lost Classroom, Lost Community: Catholic Schools' Importance in Urban America* (with Margaret Brinig) (University of Chicago Press, 2014)
- Ordering the City: Land Use, Policing, and the Restoration of Urban America* (Yale University Press, 2010)

## BOOK CHAPTERS

- "Educational Pluralism and Religious Liberty in the U.S.," forthcoming in *Reflexiones nacionales sobre el derecho de educación* (María Paz Madrid and Javier Saldaña, eds. 2023)
- "Parental Choice and the Future of Faith-Based Schools" in *Oxford Handbook on the Future of K12 Education* (Kristine L. Bowman, ed., 2021)
- "The Law of Parental Choice" (with John Schoenig) in *Routledge Handbook of Research on School Choice* (2<sup>nd</sup> Ed., Mark Berends, et al., eds. 2020)
- "Old Suburbs Meet New Urbanism," in *Infinite Suburbia* (Princeton Architectural Press, Alan Berger and Joel Kotkin, eds., 2017)
- "Land Use Regulation, Innovation, and Growth," in *Rules for Growth: Promoting Innovation and Growth Through Legal Reform* (Kauffman Foundation on Entrepreneurship 2011)
- "Mercantilism, American Style," in *Hernando De Soto and Property in a Market Economy* (Ashgate, 2010)

## ARTICLES, ESSAYS, AND POLICY REPORTS

- "Decoupling Property and Education," 123 *Columbia Law Review* 1367 (2023) ([SSRN](#))
- "Implementing Education Savings Accounts," with Michael McShane, Manhattan Institute Report (June 2023)
- "Unlocking the Potential of Private-School Choice: Avoiding and Overcoming Obstacles to Successful Implementation," Manhattan Institute Report (March 2023)
- "Religious Covenants," with Patrick Reidy, c.s.c., 74 *Florida Law Review* 822 (2022) ([SSRN](#))
- "Accountability and Private School Choice," Manhattan Institute Report (October 2021)
- "Religious Charter Schools: Legally Permissible? Constitutionally Required?" Manhattan Institute Policy Brief (December 2020)
- "The Comparative Legal Landscape of Educational Pluralism," 73 *Arkansas Law Rev.* 455 (2020) (Hartman Holtz Distinguished Lecture) ([SSRN](#))

## ARTICLES AND ESSAYS

- "A Case for Educational Pluralism," 5 *Education Law and Policy Rev.* 35 (2019) ([SSRN](#))
- "Post-Accountability Accountability," 52 *Michigan J. of Law Reform* 158 (2018) ([SSRN](#))
- "Planning for Density: Promises, Perils and a Paradox," 33 *Journal of Land Use & Environmental Law* 1 (2018) ([SSRN](#))
- "Sector Agnosticism and the Coming Transformation of Education Law," 70 *Vanderbilt Law Review* 1 (2017) ([SSRN](#))
- "From and Muddle to a Mudslide: *Murr v. Wisconsin* and the Parcel-as-a-Whole Rule," 2016-17 *CATO Supreme Court Review* 131 (2017) ([SSRN](#))
- "Justice Scalia's Rule of Law and Law of Takings," 41 *Vermont Law Review* 717 (2017) ([SSRN](#))
- "To Help, Not to Hurt: Justice Thomas's *Equality* Canon," *Yale Law Journal Forum*, August 2, 2017 (with William Consovoy)
- "The Legal Landscape of Parental Choice Policy," American Enterprise Institute, Nov. 2015
- "Disparate Impact, Public-School Closures and Parental Choice," 2014 *Chicago Legal Forum* 289 (2014) ([SSRN](#))
- "A Room of One's Own? Accessory-Dwelling-Unit Reforms and Local Parochialism" (with Margaret Brinig), 45 *Urban Lawyer* 519 (2013) ([SSRN](#))
- "Redeeming Transect Zoning?" 78 *Brooklyn Law Review* 571 (2013) ([SSRN](#))
- "Managing the Urban Commons," 160 *University of Pennsylvania Law Review* 1995 (2012) ([SSRN](#))
- "Are Charters Enough Choice? School Choice and the Future of Catholic Schools," 87 *Notre Dame Law Review* 1892 (2012) ([SSRN](#))
- "Catholic Schools and Broken Windows," with Margaret Brinig, 9 *Journal of Empirical Legal Studies* 347 (2012) ([SSRN](#))
- "Catholic Schools, Charter Schools, and Crime," with Margaret Brinig, 79 *University of Chicago Law Review* 31 (2012) ([SSRN](#))
- "The People Paradox," 2012 *University of Illinois Law Review* 43 ([SSRN](#))
- "Restoring Lost Connections: Land Use, Policing, and Urban Vitality," 36 *Oklahoma City Law Review* 253 (2011) (2010 William J. Brennan Lecture) ([SSRN](#))
- "Affordable Private Education and the Middle Class City," 77 *University of Chicago Law Review* 205 (2010) ([SSRN](#))
- "Unbundling Homeownership: Regional Reforms from the Inside Out," 119 *Yale Law Journal* 1904 (2010) ([SSRN](#))
- "Catholic Schools, Urban Neighborhoods, and Education Reform" (with Margaret Brinig), 85 *Notre Dame Law Review* 887 (2010) ([SSRN](#))

## ARTICLES AND ESSAYS

- "Governing? Gentrifying? Seceding? Real-Time Answers to Questions about BIDS," 3 *Drexel Law Review* 35 (2010) ([SSRN](#))
- "The Order Maintenance Agenda as Land Use Policy," 24 *Notre Dame Journal of Law, Ethics, and Public Policy* 131 (2010) ([SSRN](#))
- "But for the Grace of God, There Go I': Justice Thomas and the Little Guy," 4 *NYU Journal of Law & Liberty* 626 (2010) (tribute to Justice Clarence Thomas) ([SSRN](#))
- "Private Norms and Public Spaces," 18 *William & Mary Bill of Rights Journal* 183 (2009) (invited tribute to Robert C. Ellickson) ([SSRN](#))
- "No Taking without a Touching?' Reflections of an Armchair Originalist," 45 *San Diego Law Review* 761 (2008) ([SSRN](#))
- "Suburbs as Exit, Suburbs as Entrance," 106 *Michigan Law Review* 277 (2007) ([SSRN](#))
- "Planning as Public Use," 34 *Ecology Law Quarterly* 443 (2007) ([SSRN](#))
- Selected as one of the five best land use articles published in 2007 and reprinted in the *Land Use and Environmental Law Review*
  - Selected as one of the most important land use articles published in 2007 and reprinted in West 2008 *Zoning and Planning Law Handbook*
- "The Neglected Political Economy of Eminent Domain," 105 *Michigan Law Review* 101 (2006) ([SSRN](#))
- "Save the Cities, Stop the Suburbs?," 117 *Yale Law Journal* 599 (2006) ([SSRN](#)) (reviewing Robert Bruegmann, *Sprawl: A Compact History* (Univ. of Chicago Press 2005) and Joel Kotkin, *The City: A Global History* (Modern Library Chronicles 2005)).
- "Relocating Disorder," 91 *Virginia Law Review* 1075 (2005) ([SSRN](#))
- Selected as one of the most important land use articles in 2005 and reprinted in West's 2006 *Zoning and Planning Law Handbook*
- "Unsubsidizing Suburbia," 90 *Minnesota Law Review* 459 (2005) ([SSRN](#))
- "Ordering (and Order in) the City," 57 *Stanford Law Review* 1 (2004) ([SSRN](#))
- "The Public Use Question as a Takings Problem," 71 *GW Law Review* 934 (2003) ([SSRN](#))
- "Trouble Preserving Paradise?" 87 *Cornell Law Review* 158 (2001) ([SSRN](#))
- "On Castles and Commerce: Zoning Law and the Home Business Dilemma," 42 *William & Mary Law Review* 1191 (2001) ([SSRN](#))
- Selected as one of the most important land use articles in 2001 and reprinted in West's 2002 *Zoning and Planning Law Handbook*
- "The Road from Welfare to Work: Informal Transportation and the Urban Poor," 38 *Harvard Journal on Legislation* 173 (2001) ([SSRN](#))
- "School Choice, the Constitution, and Justice," 4 *Texas Journal of Law and Public Policy* 303 (2000) (with Richard Garnett)

### SHORTER PUBLICATIONS

- "Supreme Court Opens Door to Religious Charter Schools," *Education Next*, Spring 2023.
- "Well Done, Good and Faithful Servant," 97 *Notre Dame Law Review* 63 (2022) (with Richard W. Garnett) (in memoriam, John Copeland Nagle)
- "Knick, Federal Courts, and Regulatory Takings," *Property JOTWELL*, August 6, 2021
- "Just Compensation and the Jury," *Property JOTWELL*, July 13, 2020
- "Metes and Bounds: A Revisionist History," *Property JOTWELL*, September 11, 2018
- "Can Transferable Development Rights (TDRs) Be Taken?" *Property JOTWELL*, November 8, 2017
- "Does Compensation Deter Takings? New (and Surprising) Evidence," *Property JOTWELL*, Sept. 28 2016
- "The Elusive Quest for Government 'Success,'" *The Regulatory Review*, January 6, 2016 (reviewing Peter Schuck, *Why Government Fails so Often: And How It Can Do Better* (Princeton University Press 2014))
- "Three Things: A Tribute to Judge Morris Sheppard Arnold," 18 *Green Bag 2d* 255 (2015)
- "School Closures as Education Reform: New Evidence from Chicago and Ohio," 9 *Journal of School Choice* 649 (2015)
- "Accessory Dwelling Unit Reforms: Death by Thousand Paper Cuts?" *Zoning & Planning Law Report*, April 2014
- "A Winn for Educational Pluralism," 121 *Yale Law Journal Pocket Part* 31 (2011)
- "Property In-Laws," 156 *University of Pennsylvania Law Review PENNumbra* 279 (2007)
- "Save the Cities, Stop the Suburbs?" 116 *Yale Law Journal Pocket Part* 192 (2006)

### LECTURES AND PRESENTATIONS

- "Educational Freedom in the U.S. and Latin America: A Comparative Perspective," at Pluralismo educativo en América Latina y el Caribe, Facultad de Derecho, Pontificia Universidad Católica de Chile, May 11, 2023
- "Catholic Schools and Religious Liberty in the United States," at conference on Catholic Schools and Religious Liberty Globally, University of Notre Dame, Rome Global Gateway, December 12, 2022
- Red Mass Lecture, Diocese of Wichita, September 8, 2022
- "Religious Schools and Parental Choice after *Carson v. Makin*," Manhattan Institute, December 2, 2021

## LECTURES AND PRESENTATIONS

### “Religious Covenants”

- Law & Religion Colloquium, St. John’s University School of Law, Oct. 17, 2022
- Yale Law School Advanced Religious Liberty Seminar, February 11, 2022
- Notre Dame Law School, faculty colloquium, November, 30, 2021
- Northwestern Law School, faculty colloquium, March 15, 2021
- Real Estate Research Roundtable, University of Notre Dame, April 20, 2021

“Justice Thomas and Constitutional Liberties,” at Justice Thomas’s Thirty-Year Legacy on the Supreme Court, Heritage Foundation, October 21, 2021

“Takings, Forbearance, and our (post) Urban Future,” Brigham-Kanner Property Rights Conference, William & Mary Law School, October 2, 2020

“Religious Charter Schools: Legally Possible and Politically Advisable?” Manhattan Institute, August 2, 2020

“Public Financing of Confessional Schools,” Pontifical Universidad Católica de Chile, faculty colloquium, July 10, 2020

### “The Comparative Legal Landscape of Educational Pluralism”

- Cornell Law School, faculty colloquium, April 24, 2020
- Chicago-Kent Law School, faculty colloquium, November 5, 2019

“The Case for Educational Pluralism,” Washington University-St. Louis School of Law, September 5, 2019

“Educational Pluralism in the U.S.: The Critical Contribution of Catholic Schools,” at Catholic Schools in Global Context, Australian Catholic University, May 23, 2019

“The Natural Law Case for Educational Pluralism,” U.C. Berkeley School of Law, Natural Law Symposium, April 9, 2019

“The Levers of Educational Pluralism,” AALS Annual Meeting, Section on Education, New Orleans, Louisiana, January 4, 2019

“Educational Autonomy in the US,” Freedom, Autonomy, and Accountability in the U.S. and Chile, Pontifical Universidad Católica de Chile, December 5, 2018

“The Case for Educational Pluralism,” Giannella Lecture, Villanova Law School, October 30, 2018

Commencement address, Holy Cross College, Notre Dame, Indiana, May 19, 2018

“Upscaling the Neighborhood,” Regulation and Rule of Law Workshop, Hoover Institution, Stanford University, April 13, 2018

“Justice Thomas and the Little Guy,” Justice Thomas: 25 Years on the Supreme Court, Yale Law School, February 11, 2017

“Sector Agnosticism and the Coming Transformation of Education Law,” Florida State University College of Law, faculty colloquium, February 2, 2017

## LECTURES AND PRESENTATIONS

"Planning for Density: Promises, Perils, and Paradoxes," Spring 2017 Environmental Law Distinguished Lecture, Florida State College of Law, February 1, 2017

"Justice Scalia, the Rule of Law, and the Law of Takings," the 19<sup>th</sup> Annual Conference on Litigating Takings Challenges, Tulane Law School, November 4, 2016

"Old Suburbs Meet New Urbanism," 100 Years of Zoning, University of Florida Levin College of Law, September 23, 2016

"The Government's Powers and Willingness to Acquire Land and Manage Development: A U.S. Perspective," at Cityscapes: A Conference on Comparative Land Use Law, Yale Law School, April 1, 2016

*A Crisis of Community: Catholic School Closures and Urban Neighborhoods*

- University Club of Chicago, June 26, 2014
- Metropolitan Club of Washington D.C., September 17, 2014
- University of Pennsylvania, September 18, 2014
- Chicago History Museum, November 20, 2014
- Archdiocese of Baltimore, December 16, 2014
- Archdiocese of Washington, D.C., December 16, 2014
- Archdiocese of Houston, March 5, 2015
- Institute for Advanced Catholic Studies, USC, November 5, 2015

"Planning as a Public Use Safe Harbor," at *Kelo v. New London: A Decade Later*, University of Connecticut School of Law, March 20, 2015

"Catholic Schools as Neighborhood Institution," at *The Future of K-12 Catholic Education: National and Milwaukee Perspectives*, Marquette Law School, November 19, 2014 (conference built around *Lost Classroom, Lost Community*)

"Charter Schools, Catholic Schools, and the 'Crowding-Out' Problem," at roundtable discussion of Peter Schuck, *Why Government Fails So Often: And How it Can Do Better* (Princeton University Press, 2014), Chicago, Illinois, October 24, 2014 (conference organizer)

"Converging Urban-Suburban Land Use Regulations," AALS Annual Meeting, Joint Session of the Property and Real Estate Sections, January, 4, 2014

"Was Jane Jacobs Wrong? Confronting the Paradoxes of Mixing Land Uses," Distinguished Gifford Lecture in Real Property, William S. Richardson School of Law, University of Hawaii, November 18, 2013

"Public-School Closures as a Land-Use Problem," Yale Law, Economics and Organization Workshop, Yale Law School, March 28, 2012

Red Mass Lecture, Archdiocese of Houston, October 25, 2012

"School Closures and Urban Neighborhoods: Lessons from Chicago's Catholic Schools," 2012 Gage Lecture, UMKC School of Law, October 4, 2012

"Redeeming Transect Zoning?" Brooklyn Law School, faculty colloquium, February 10, 2012.



## LECTURES AND PRESENTATIONS

- "Managing the Urban Commons" at
- University of Pennsylvania Law School, Conference on Property Theory, November 6, 2011
  - G.W. University Law School, faculty colloquium, February 13, 2012
- "Are Charters Enough Choice?" *Notre Dame Law Review* symposium on "Law and Educational Innovation," November 18, 2011.
- "Catholic Schools, Charter Schools, and Urban Neighborhoods," *University of Chicago Law Review* symposium, June 18, 2011
- "Catholic Schools and Broken Windows" 2010 Conference on Empirical Legal Studies, Yale Law School, November 6, 2010
- "Land Use Planning, Innovation, and Growth" Kauffman Foundation Summer Legal Institute, Dana Point, California, July 7-11, 2010.
- "Restoring Lost Connections: Land Use, Policing, and Urban Vitality," William J. Brennan Distinguished Lecture, Oklahoma City University School of Law, April 8, 2010.
- "Governing? Gentrifying? Seceding? Real-Time Answers to Questions about BIDs" symposium on "Business Improvement Districts and the Evolution of Urban Governance," Drexel University School of Law, January 22, 2010
- "Catholic Schools, Urban Neighborhoods, and Education Reform," at
- Midwest Law and Economics Association, Annual Meeting, October 9, 2010
  - American Law and Economics Association, Annual Meeting, May 15, 2009
- "Affordable Education and the Middle-Class City," *University of Chicago Law Review* symposium on "Reassessing the State and Local Government Law Toolkit," University of Chicago Law School, June 19, 2009
- "'But for the Grace of God, There Go I;' Justice Thomas and the Little Guy," symposium on "The Unknown Justice Thomas," NYU Law School, March 2, 2009
- "Reordering the City," Association of American Law Schools, Annual Conference, State and Local Government Law Section, January 8, 2009
- "Mercantilism, American Style," Association of American Law Schools, Annual Conference, Property Law Section, January 7, 2009
- "Private Norms and Public Spaces," 2008 Brigham-Kanner Property Rights Conference (honoring Robert Ellickson), William & Mary Law School, October 17, 2008
- "The Order-Maintenance Agenda as Land Use Policy"
- University of Minnesota Law School, faculty colloquium, October 23, 2008
  - Seton Hall Law School, faculty colloquium, September 8, 2008
  - 2008 Property Works in Progress Conference, June 14, 2008
  - Emory Law School, faculty colloquium, February 12, 2008

## LECTURES AND PRESENTATIONS

"No Taking without a Touching? Reflections of an Armchair Originalist," University of San Diego School of Law, First Annual Conference on Originalism, November 16, 2007

"Suburbs as Exit, Suburbs as Entrance"

- USC Gould School of Law, faculty colloquium, October 5, 2007
- University of Chicago Law School, faculty colloquium, March 1, 2007
- Social Science History Association, Minneapolis, Minnesota, Nov. 3, 2006

"The Neglected Political Economy of Eminent Domain"

- University of Michigan Law School, faculty colloquium, March 20, 2007
- Northwestern University School of Law, faculty colloquium, April 18, 2006
- UCLA School of Law, faculty colloquium, February 13, 2006
- University of Florida, Levin College of Law, Nelson Symposium on Local Government, November 18, 2005
- J. Reuben Clark Law School, BYU, faculty colloquium, September 7, 2005

"Eminent Domain Reform: Is More Money the Answer?" at the AALS Annual Meeting, Property and Local Government Law Sections, January 6, 2006

"A Four Category Taxonomy of Disorder," at Colloquium on the Law, Economics, and Politics of Urban Affairs, NYU School of Law, February 7, 2007

"Planning as Public Use," UC Berkeley School of Law, October 26, 2006

"Relocating Disorder"

- University of Alabama School of Law, faculty colloquium, April 18, 2005
- Wake Forest University School of Law, faculty colloquium, October 28, 2004
- University of St. Thomas School of Law (Minneapolis), faculty colloquium, October 18, 2004

"Ordering (and Order in) the City"

- University of Illinois College of Law, faculty colloquium, October 5, 2004
- Northwestern University School of Law, faculty colloquium, March 9, 2004

"Property Regulation and the Public Order"

- University of San Diego School of Law, faculty colloquium, Sept. 19, 2003
- The College of Law at Arizona State University, faculty colloquium, Sept. 15, 2003
- Georgetown Law School, Environmental Law Workshop, Sept. 11, 2003
- University of Virginia School of Law, faculty colloquium, July 22, 2003

### GRANTS, HONORS, AND AWARDS

- 2022 Luksic Foundation Grant (\$50,000) to advance research on educational pluralism in Latin America
- 2020 Notre Dame Law School Global Lawyering Initiative grant (\$175,000) to advance research and advocacy on educational pluralism in the Global South
- 2018 Kellogg Institute, University of Notre Dame, Research Cluster Grant (\$75,000) to advance research on Catholic Schools and the Common Good.
- 2018 Doctor of Humane Letters, *Honoris Causa*, Holy Cross College)
- 2016 Reinhold Niebuhr Award (given annually to Notre Dame “faculty member or administrator whose body of academic work and life promote or exemplify the area of social justice in modern life”)
- 2013 “All Faculty Team” Distinguished Faculty Honoree, Notre Dame v. Navy, Notre Dame Stadium, November 2, 2013
- 2009 Federalist Society, Paul M. Bator Award

### SELECTED COMMENTARY

- “Religious Charter Schools are OK in Oklahoma,” *Wall Street Journal*, June 16, 2023
- “Oklahoma’s Approval of First Ever Religious Charter School is Cause for Celebration,” *Education Next*, June 7, 2023
- “Tilling the Garden of School Choice,” *Law & Liberty*, May 10, 2023
- “Biden Boils the Religious Liberty Frog,” *Wall Street Journal*, April 14, 2023 (with Meredith Holland Kessler)
- “As Private-School Choice Spreads, Implementation is Imperative,” *Education Next*, March 23, 2023
- “Losing a Lifeline,” *City Journal*, February 22, 2023
- “The Future for Religious Charter Schools,” *First Things*, February 14, 2023
- “From School Choice to Parent Choice,” *City Journal*, January 31, 2023
- “A Radical Step in the Right Direction,” *City Journal*, October 2, 2022
- “The First Amendment Wins,” *National Review*, July 14, 2022
- “Another Chink in the Armor of Legal Discrimination against Religious Schools,” *Public Discourse*, July 5, 2022
- “A Victory for Religious Liberty and Educational Pluralism,” *City Journal*, June 22, 2022
- “Endorse Religious Liberty,” *City Journal*, April 25, 2022 (with Elizabeth Totzke)
- “Correcting Maine’s Error,” *City Journal*, December 7, 2021

## SELECTED COMMENTARY

"Clarence Thomas's Constitutional Excavation," *National Review*, October 28, 2021

"What I Saw at the Daytona 500," *Harvard J. of L. & Public Pol'y*, August 30, 2021

"Why We Still Need Catholic Schools," *City Journal*, Summer 2020

## SELECTED AMICUS CURIAE BRIEFS

*Charter Day School v. Peltier*, Supreme Court of the United States, No. 22-238, Brief of the Jewish Coalition for Religious Liberty, *et al.*, in support of *certiorari* (co-author)

*Kennedy v. Bremerton School District*, Supreme Court of the United States, No. 21-418, Brief of the Notre Dame Religious Liberty Initiative in Support of Petitioners (co-author)

*Shurtleff v. Boston*, Supreme Court of the United States, No. 20-1800, Brief of the Notre Dame Religious Liberty Initiative in Support of Petitioners (co-author)

*Carson v. Makin*, Supreme Court of the United States, No. 20-1088, Brief of Partnership for Inner-City Education, Council for Islamic Schools in North America, and Young Israel Foundation in support of Petitioners (co-author)

*Carson v. Makin*, Supreme Court of the United States, No. 20-1088, Brief of Partnership for Inner-City Education, Council for Islamic Schools in North America, and the Union of Orthodox Jewish Congregations in support of *certiorari* (co-author)

*Gordon College v. DeWeese-Boyd*, Supreme Court of the United States, No. 21-145, Brief of Benedictine College and Franciscan University in support of *certiorari* (co-author)

*Protect Our Parks v. City of Chicago*, U.S. Court of Appeals for the Seventh Circuit, No. 19-2308 & 19-3333, on behalf of property professors (signatory)

## UNIVERSITY SERVICE

- Alliance for Catholic Education, Executive Committee, since 2010
- Institute for Educational Initiatives, Faculty Committee, 2010-22
- Fitzgerald Institute for Real Estate, Faculty Committee, since 2018
- Search Committee for Director of Institute for Educational Initiatives, 2019-21
- Provost Advisory Committee (tenure and promotions), 2017-2020
- Notre Dame Institute for Advanced Studies, Selection Committee, 2013-18
- Provost Review Committee (reviewing Provost's performance), 2014-15
- Laetare Medal Selection Committee, 2008-2014 (Notre Dame's highest honor)
- External Review of Graduate School (internal member of review committee), 2011
- Academic Council, 2006-2009 (Executive Committee, 2007-2009)
  - Chair, Faculty Affairs Subcommittee, 2007-2009
- Chair, Notre Dame Task Force on Collaborative Hiring, 2008-2009
- Chair, Academic Articles Decennial Review, 2007-2009
- Notre Dame Task Force on the Future of K-12 Catholic Schools, 2005-2006

### **LAW SCHOOL SERVICE**

- Associate Dean for External Engagement, 2022-present
- Promotions Committee, 2022-2024, 2013-15 (chair, 2013-14), 2011
- Clerkship Committee, 2020-present (chair), 2000-2009
- Interim Faculty Director, Religious Liberty Initiative (2021-22)
- Appointments Committee, 2016-20 (chair, 2018-19)
- Faculty Development Committee, 2014-16
- Curriculum Committee, 2015-16; 2009-2012; 2004-06 (chair, 2015-16, 2010-11)
- Faculty Colloquium Committee, 2014-15; 2001-2005
- Dean Search Committee, 2008-2009
- Law Librarian Search Committee, 2005-2006
- ABA Self-Study Committee, 2002-2003
- Admissions Committee, 2000-2003, 2012-13
- Faculty Sponsor, *Notre Dame Law Review* (2018-present); Married Law Students Association (2000-present); Education Law Forum (2015-present); Legal Voices for Children and Youth (2019-present); Federalist Society (1999-2009)

### **OTHER PROFESSIONAL SERVICE**

- Consultant, United States Conference of Catholic Bishops, Committee on Catholic Education (2021-present, 2017-2019)
- Federalist Society for Law and Public Policy
  - Board of Directors (since 2022)
  - Board of Visitors (2021-22)
  - Olin-Searle Fellowship Selection Committee (since 2019)
  - Joseph Story Award Selection Committee (since 2017)
  - Senior Scholars Advisory Board (since 2019)
- Advisory Council Member, Project on Constitutional Originalism and the Catholic Tradition, Catholic University of America, since 2021
- Peer Reviewer, Yale University Press, University of Chicago Press, Oxford University Press, various law journals
- Contributor, *City Journal* and Property JOTwell
- Editorial Board, *International Journal of Education Law and Policy*
- National Prison Rape Elimination Commission, 2004-2006

### **PERSONAL**

Married to Richard W. Garnett (1994) | Mother of four: Margaret Clare (1999), Thomas William (2001), Elizabeth Ann (2004), and John Joseph (2012) | Parishioner, St. Joseph Catholic Church, South Bend, Indiana | Proud Kansan | Decent Cook