

Michael L. Smith

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ACADEMIC EMPLOYMENT

University of Oklahoma College of Law , Norman, OK	August 2025-Present
Associate Professor	
<i>Courses Taught</i> : Constitutional Law; Second Amendment; First Amendment	
<i>Service</i> : Scholarly Enrichment Committee, Member (2025-2026)	
Academic Support Committee, Member (2025-2026)	
 St. Mary's University School of Law , San Antonio, TX	August 2023-May 2025
Assistant Professor	
Englehardt Research Fellow (August 2024-May 2025)	
<i>Courses Taught</i> : Constitutional Criminal Procedure; Misdemeanor Law	
<i>Service</i> : Faculty Appointments Committee, Member (2024-2025)	
Curriculum Committee, Member (2024-2025)	
Awards Committee, Member (2022-2023)	
Professional Identity Formation Committee, Member (2022-2023)	
 University of Idaho College of Law , Boise, ID	August 2022-May 2023
Temporary Faculty	
<i>Courses Taught</i> : Constitutional Law II; First Amendment Law; Advanced Criminal Procedure	

EDUCATION

UCLA School of Law, Los Angeles, CA

Juris Doctor, May 2014

<u>Journals</u> :	UCLA Law Review, <i>Articles Editor, Volume 61</i>
	Pacific Basin Law Journal, <i>Comments and Articles Editor</i>
<u>Activities</u> :	UCLA Moot Court Board, <i>Cyber Crimes Problem Developer</i>

University of Iowa, Iowa City, IA

B.S. / B.A, Double Major in Political Science and Philosophy, *High Honors*, May 2011

ACADEMIC PUBLICATIONS

ARTICLES

Species of State Constitutional Lockstepping
[71 VILLANOVA L. REV.](#) (Forthcoming 2026)

Bail and Time-Served Plea Offers
[91 BROOKLYN L. REV.](#) (Forthcoming 2026)

Certiorari Transparency
[2026 ILL. L. REV.](#) (Forthcoming 2026) (Coauthored with Alexandra L. Klein)

Requiring Written Justifications for Bail Determinations
[56 CONN. L. REV.](#) (Forthcoming 2026)

The False Promise of Progressive Originalism
[56 N.M. L. REV.](#) (Forthcoming 2026)

The “First-Year Law Student” in Legal Rhetoric
[23 LEGAL COMM. & RHETORIC: JALWD](#) (Forthcoming 2026)

Holistic Constitutional Interpretation
[24 GEO. J. L. & PUB. POL’Y](#) (Forthcoming 2026)

Ethics and Originalism
[16 ST. MARY’S J. LEGAL MALPRACTICE & ETHICS](#) (Forthcoming 2026)

State Constitutional Due Process Protections After Dobbs
[16 FAULKNER L. REV.](#) (Forthcoming 2026)

Editing Legal Scholarship
[103 U. DET. MERCY L. REV.](#) (Forthcoming 2025)

Generative AI and the Purpose of Legal Scholarship
[21 U. MASS. L. REV.](#) (Forthcoming 2025)

Pluralism in State Constitutional Law
[59 GEORGIA L. REV.](#) 1233 (2025)

Papering Justices
[50 B.Y.U. L. REV.](#) 681 (2025)

Judicial Courage, Contrarianism, and Candor
[53 HOFSTRA L. REV.](#) 679 (2025)

Is Originalism Bullshit?
[28 LEWIS & CLARK L. REV.](#) 779 (2025)

History as Precedent: Common Law Reasoning in Historical Investigation
[27 U. PA. J. CONST. L.](#) 587 (2025)

Missouri’s Law of Constitutional Interpretation
[93 UMKC L. REV.](#) 703 (2025)

Social Media Regulation and Expressive Conduct After 303 Creative v. Elenis
[18 ST. THOMAS J.L. & PUB. POL’Y](#) 555 (2025)

Moral Panic and the First Amendment
[72 BUFFALO L. REV.](#) 455 (2024)

State Constitutional Prohibitions of Slavery and Involuntary Servitude
[99 WASH. L. REV.](#) 523 (2024)

Library Crime
[71 DRAKE L. REV.](#) 65 (2024)

Constitutional Crimes
[99 N.D. L. REV.](#) 379 (2024)

Constitutional Interpretation and Zombie Provisions
[40 GA. ST. U. L. REV.](#) 603 (2024)

Public Accommodations Laws, Free Speech Challenges, and Limiting Principles in the Wake of 303 Creative
[84 LA. L. REV. 565](#) (2024)

Disingenuous Interpretation
[93 MISS. L. J. 349](#) (2023)

Idaho's Law of Constitutional Interpretation: Lessons From Planned Parenthood Great Northwest v. State
[59 IDAHO L. REV. 411](#) (2023)

Idaho's Law of Seduction
[59 IDAHO L. REV. 291](#) (2023)

Historical Tradition: A Vague, Overconfident, and Malleable Approach to Constitutional Law
[88 BROOKLYN L. REV. 797](#) (2023)

Abandoning Original Meaning
[86 ALBANY L. REV. 43](#) (2023)

The Present Public Meaning Approach to Constitutional Interpretation
[89 TENNESSEE L. REV. 885](#) (2023)

Countermajoritarian Criminal Law
[43 PACE L. REV. 54](#) (2023)

Originalism's Implementation Problem
[30 WILLIAM & MARY BILL OF RIGHTS J. 1063](#) (2022) (coauthored with Alexander Hiland)

Distracted Walking
[126 PENN STATE L. REV. 707](#) (2022)

Originalism and the Inseparability of Decision Procedures From Interpretive Standards
[58 CAL. WEST. L. REV. 273](#) (2022)

Trial by Combat in the Modern World
[27 BARRY L. REV. 53](#) (2022)

Shooting Fish
[12 KY. J. EQUINE, AGRIC. & NAT. RESOURCES L. 187](#) (2020)

Prior Sexual Misconduct Evidence in State Courts: Constitutional and Common Law Challenges
[52 AM. CRIM. L. REV. 321](#) (2015)

Regulating Law Enforcement's Use of Drones: The Need for State Legislation
[53 HARVARD J. ON LEGIS. 423](#) (2015)

ESSAYS AND BOOK REVIEWS

It's a Taking!
[54 CAP. U. L. REV.](#) (Forthcoming 2026)

Rogue Prosecutor Panic
[28 THE SCHOLAR: ST. MARY'S REV. ON RACE & SOC. JUSTICE 23](#) (2025)

Dignity and Abortion Rights Under State Constitutional Law
[75 SYRACUSE L. REV. 863](#) (2025)

Thayerian Deference and Constitutional Interpretation
[103 TEX. L. REV. ONLINE 220](#) (2025)

“Do Not Read”
[70 SOUTH DAKOTA L. REV. 117](#) (2025)

Originalism in the Year Three Thousand
[43 QUINNIPAC L. REV. 309](#) (2025)

Law and Technological Innovations: Three Reasons to Pause
[12 BELMONT L. REV. 308](#) (2025)

Generative AI in the Attorney-Client Relationship: An Exercise in Critical Revision and Client Management
[27 S.M.U. SCI. & TECH. REV. 275](#) (2025)

Language Models, Plagiarism, and Legal Writing
[22 U.N.H. L. REV. 361](#) (2024)

Originalism, Common Good Constitutionalism, and Transparency
[45 HARV. J.L. & PUB. POL’Y 1217](#) (2023)

Originalism and the Meaning of “Twenty Dollars”
[56 CREIGHTON L. REV. 499](#) (2023)

Using Bruen to Overturn New York Times v. Sullivan
[2022 PEPPERDINE L. REV. 80](#) (2023) (coauthored with Alexander Hiland)

Policy’s Place in Pedestrian Infrastructure
[127 DICKINSON L. REV. 587](#) (2023) (Reviewing Angie Schmitt, *Right of Way: Race, Class, and the Silent Epidemic of Pedestrian Deaths in America* (Island Press 2020))

The Third Amendment in 2020
[52 STETSON L. REV. 55](#) (2022)

The Citation of Unpublished Cases in the Wake of COVID-19
[25 CHAPMAN L. REV. 97](#) (2022)

Arbitration by Combat
[20 MEDIA & ARTS L. REV. 164](#) (2015) (coauthored with Raj Shah)

The Second Amendment Implications of Regulating 3D Printed Firearms
[31 SYRACUSE J. SCI. & TECH. L. 60](#) (2014-2015)

Search Engine Liability for Autocomplete Defamation: Combating the Power of Suggestion
[2013 J. L., TECH. & POL. 313](#) (2013)

Second Amendment Challenges to Student Housing Firearms Bans: The Strength of the Home Analogy
[60 UCLA L. REV. 1046](#) (2013) (comment)

Prosecuting the Undead: Federal Criminal Law in a World of Zombies
[61 UCLA L. REV. DISCOURSE 44](#) (2013)

COLUMNS AND COMMENTARY

Oklahoma's "Woke" Test Is Surprisingly Lazy
The Oklahoman (Sept. 9, 2025)

Neither Trump Nor Texas Can End Birthright Citizenship
San Antonio Express-News (Jan. 28, 2025)

Before Police Deploy AI, San Antonio Residents Need Details
San Antonio Express-News (Aug. 31, 2024)

Avoid Harmful Bail Reform in Response to Recent Shootings
San Antonio Express-News (Sept. 15, 2023)

Idaho Supreme Court's Abortion Ruling Isn't Originalist. It's Based Only On Tradition
Idaho Statesman (Jan. 11, 2023)

Common Good Constitutionalism Could Influence Judicial Practice
Bloomberg Law (Dec. 7, 2022)

How California's NDA Restrictions Cause More Harm Than Good for Survivors
The Hollywood Reporter (March 2020) (coauthored with Jill Basinger)

Are Customized Arbitration Provisions the Answer?
Daily Journal (Sept. 30, 2019) (coauthored with Julie Gerchik)

PRESENTATIONS AND SPEAKING ENGAGEMENTS

2026 Constitutional Law Colloquium (Loyola University Chicago School of Law)
Speaker: "Interpretive Facades" (November 8, 2025)

Internal Faculty Workshop (University of Oklahoma College of Law)
Speaker: "Requiring Written Bail Determinations" (November 5, 2025)

2025 Central States Law School Association Annual Conference
Speaker: "Relativity and Constitutional Time" (October 11, 2025)

2025 Junior Faculty Workshop (University of Tulsa College of Law)
Speaker: "Interpretive Facades" (September 26, 2025)

Southeastern Association of Law Schools 2025 Annual Conference
Panelist: "Constitutional Technocracy: Author Meets Critics" (August 1, 2025)

Critical Legal Collective Constitutional Law Workshop (SUNY Buffalo Law School)
Speaker: "The False Promise of Progressive Originalism" (May 31, 2025)

Richmond Junior Faculty Forum (University of Richmond School of Law)
Speaker: "Species of State Constitutional Lockstepping" (May 28, 2025)

2025 Democracy Works-In-Progress Conference (Michigan State University College of Law)
Speaker: "Atextual Lockstep Interpretation in State Constitutional Law" (March 10, 2025)

Georgia Law Review 2025 Symposium: A Nation of States: State Constitutional Rights in the Modern Era
Panelist: "History" and "Interpretive Methodologies" Panels (March 28, 2025)

Faulkner Law Review 2025 Fred Gray Symposium

Speaker: "State Constitutional Due Process Protections After Dobbs" (March 7, 2025)

2025 Northeastern University School of Law Junior Scholars Conference

Speaker: "Requiring Written Justifications for Bail Determinations" (March 1, 2025)

Constitutional Law Colloquium (Florida State University College of Law)

Speaker: "Pluralism in State Constitutional Law" (November 15, 2024)

Syracuse Law Review Fall Symposium: Setting New Standards: The Vital Role of State Constitutional Rights in Safeguarding Democracy

Speaker: "Dignity and Abortion Rights Under State Constitutional Law" (November 3, 2024)

Saint Louis University School of Law Faculty Workshop

Invited Speaker: "Judicial Courage, Contrarianism, and Candor" (October 30, 2024)

Belmont Law Review 2024 Symposium: Code and Counsel: An Exploration of Technology and the Law

Speaker: "Law and Technological Innovation: Three Reasons to Pause" (September 27, 2024)

Southeastern Association of Law Schools 2024 Annual Conference

Presenter: "Pluralism in State Constitutional Law" (July 22, 2024)

Virgin Islands Bar Association 2024 Midyear Meeting & CLE Program

Speaker: "The Use and Abuse of History in Constitutional Interpretation" (June 28, 2024)

Speaker: "Papering Justices" (June 28, 2024)

2024 Chicago State Court Roundtable (Northwestern University School of Law)

Presenter: "Pluralism in State Constitutional Law" (April 19, 2024)

St. Mary's University School of Law Junior Criminal Scholars Roundtable

Presenter: "A Holistic Approach to Interpreting State Constitutional Punishment Provisions" (March 22, 2024)

2024 Northeastern University School of Law Junior Scholars Conference

Speaker: "History as Precedent: Common Law Reasoning in Historical Investigation" (March 1, 2024)

Speaker: "Library Crime" (March 1, 2024)

Panelist: "Hiring Market Panel for VAPS" (March 2, 2024)

2024 National Conference of Constitutional Law Scholars

Panelist: "History as Precedent: Common Law Reasoning in Historical Investigation" (Feb. 24, 2024)

2024 ACS Constitutional Law Scholars Forum

Speaker: "State Constitutional Prohibitions of Slavery and Involuntary Servitude" (Feb. 16, 2024)

ClassCrits XIV (Southwestern University School of Law)

Speaker: "Is Originalism Bullshit?" (Feb. 9, 2024)

University of New Hampshire Law Review – 2024 Symposium: Risk Taking & Reform in Legal Education

Panelist: "Looking 50 Years Into the Future, What Will Legal Education Look Like?" (Jan. 26, 2024)

Texas Junior Scholars Faculty Workshop (Southern Methodist University School of Law)

Presenter: "Is Originalism Bullshit?" (Nov. 30, 2023)

National Communication Association – 2023 Annual Convention

Panelist: "The 'Marketplace of Ideas: 'An Apt Metaphor or a Mistake?'" (Nov. 18, 2023)

University of St. Thomas Journal of Law and Public Policy – Fall 2023 Symposium, “Free Speech and the United States Constitution”

Speaker: “*Social Media Regulation in the Wake of 303 Creative*” (Nov. 17, 2023)

Constitutional Law Colloquium (Loyola University Chicago School of Law)

Speaker: “*Constitutional Crimes*” (Nov. 10, 2023)

Legal Education’s Next Generation: Embracing Online, ChatGPT, and Technology in Pedagogy and Practice (St. Mary’s University School of Law)

Speaker: “*Language Models, Plagiarism, and Legal Writing*” (Sept. 21, 2023)

University of Idaho College of Law Faculty Colloquium

Speaker: “*Disingenuous Interpretation*” (April 12, 2023)

Rutgers Law School Faculty Colloquium

Invited Speaker: “*Disingenuous Interpretation*” (April 5, 2023)

Constitutional Law Colloquium (Loyola University Chicago School of Law)

Speaker: “*Disingenuous Interpretation*” (Nov. 4-5, 2022)

Harvard Journal of Law and Public Policy Symposium (Harvard Law School)

Panelist: “*Originalism and Common Good Constitutionalism*” (Oct. 29, 2022)

OTHER TEACHING EXPERIENCE

UCLA Department of Philosophy

2013-2014

Teaching Assistant

PROFESSIONAL EXPERIENCE

Glaser Weil Fink Howard Avchen & Shapiro, LLP Los Angeles, CA

2018-2022

Associate Attorney

Lewis, Brisbois, Bisgaard & Smith, LLP Los Angeles, CA

2016-2018

Associate Attorney

Daniels, Fine, Israel, Schonbuch & Lebovits, Los Angeles, CA

2015-2016

Associate Attorney

Orange County District Attorney’s Office, Santa Ana, CA

2014-2015

Fellow

BAR ADMISSIONS

State Bar of California

2014-Present