

Michael L. Smith

300 W. Timberdell Rd., Norman, OK 73019 | Michael.l.smith-1@ou.edu

ACADEMIC EMPLOYMENT

University of Oklahoma College of Law, Norman, OK

August 2025-Present

Associate Professor

Courses Taught: Constitutional Law; Second Amendment; First Amendment; State Constitutional Law

Service: Curriculum Committee, Member (2026-2027)

Visiting Assistant Professor Committee, Member (2026-2027)

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)

Courses Taught: Constitutional Criminal Procedure; Misdemeanor Law

Service: 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

Courses Taught: Constitutional Law II; First Amendment Law; Advanced Criminal Procedure

EDUCATION

UCLA School of Law, Los Angeles, CA

Juris Doctor, May 2014

Journals: UCLA Law Review, *Articles Editor, Volume 61*

Pacific Basin Law Journal, *Comments and Articles Editor*

Activities: UCLA Moot Court Board, *Cyber Crimes Problem Developer*

University of Iowa, Iowa City, IA

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

ACADEMIC PUBLICATIONS

ARTICLES

Stravinsky's National Anthem

[54 PEPPERDINE L. REV.](#) (Forthcoming 2027) (Coauthored with Yoo Jung Chang)

A Holistic Approach to State Constitutional Punishment Provisions

[55 HOFSTRA L. REV.](#) (Forthcoming 2027)

Relativity and Constitutional Time

[129 W.V. L. REV.](#) (Forthcoming 2027)

Interpretive Facades

[77 CASE WEST. RES. L. REV.](#) (Forthcoming 2027)

Oklahoma's Mandatory Constitutional Convention Referendum
[79 OKLA. L. REV.](#) (Forthcoming 2027)

Criminal Reform and Originalism's Limits
[25 OHIO ST. J. CRIM. L.](#) (Forthcoming 2027)

Resisting Generative AI With Fake Scholarship
[58 U. TOLEDO L. REV.](#) (Forthcoming 2027)

In Praise of Generative AI
[112 IOWA L. REV.](#) (Forthcoming 2026)

A Holistic Approach to Montana's Constitutional Punishment Provision
[88 MONT. L. REV.](#) (Forthcoming 2026)

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

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

Species of State Constitutional Lockstepping
[71 VILLANOVA L. REV.](#) 111 (2026)

Requiring Written Justifications for Bail Determinations
[56 CONN. L. REV.](#) 749 (2026)

Bail and Time-Served Plea Offers
[91 BROOKLYN L. REV.](#) 741 (2026)

Holistic Constitutional Interpretation
[24 GEO. J. L. & PUB. POL'Y](#) 177 (2026)

Certiorari Transparency
[2026 ILL. L. REV.](#) 599 (2026) (Coauthored with Alexandra L. Klein)

The False Promise of Progressive Originalism
[56 N.M. L. REV.](#) 1 (2026)

Ethics and Originalism
[16 ST. MARY'S J. LEGAL MALPRACTICE & ETHICS](#) 2 (2026)

Generative AI and the Purpose of Legal Scholarship
[21 U. MASS. L. REV.](#) 29 (2026)

Editing Legal Scholarship
[103 U. DET. MERCY L. REV.](#) 39 (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 and NetChoice

[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

Common Sense and Candor in Rahimi and Beyond

[48 CARDOZO L. REV.](#) (Forthcoming 2027)

The Absence of Original Meaning in Second Amendment Cases

[45 QUINNIPIAC L. REV.](#) (Forthcoming 2027)

State Constitutional Rights Talk

[3 JACKSONVILLE U. L. REV.](#) (Forthcoming 2027)

How to Reject a Law Review Article

[17 ST. MARY'S J. ON LEGAL MALPRACTICE & ETHICS](#) (Forthcoming 2027)

Indefensibly Erroneous Scholarship

[78 OKLA. L. REV.](#) (Forthcoming 2026)

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 QUINNIPIAC 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

Whose Job Is It to Set Vote on OK Constitutional Convention?
The Oklahoman (Sept. 15, 2026)

The Many Versions of State Constitutional Lockstepping
State Court Report (June 10, 2026)

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

Southeastern Association of Law Schools 2026 Annual Conference

Discussant: "*Making Sense of the Second Amendment after Wolford and Hemani*" (July 26, 2026)

Panelist: "*Supreme Court Update: Individual Rights*" (July 27, 2026)

CrimFest! 2026 (Fordham University School of Law)

Speaker: "*The Holistic Interpretation of State Constitutional Punishment Provisions*" (July 14, 2026)

Cardozo Law Review Annual Symposium

Panelist: "*Supreme Secrecy: The Shadow Docket, Selective Originalism, and the Erosion of the Court's Internal Structure Under Roberts*" (April 24, 2026)

2026 Democracy and Public Law Works-in-Progress Conference (Michigan State University College of Law)

Speaker: "*The Holistic Interpretation of State Constitutional Punishment Provisions*" (April 3, 2026)

Scribes National Conference for Law Review Editors

Moderator and Panelist: "*Anticipating Common Headaches in the Editing Process*" (March 29, 2026)

Jacksonville University Law Review Annual Symposium

Panelist: "*State Constitutional Rights Talk*" (February 27, 2026)

University of Massachusetts Law Review Journal Launch

Speaker: "*Generative AI and the Purpose of Legal Scholarship*" (February 26, 2026)

Junior Faculty Regional Workshop (University of Oklahoma College of Law)

Speaker: "*The Holistic Interpretation of State Constitutional Punishment Provisions*" (February 20, 2026)

University of Arkansas School of Law Faculty Exchange

Speaker: "*Relativity and Constitutional Time*" (February 12, 2026)

Symposium on the Law of the U.S. Territories (St. Mary's University School of Law)

Panelist: "*Constitutional Interpretation, History, and the Exclusion of Territorial Law*" (February 4, 2026)

Annual Symposium: St. Mary's Journal on Legal Malpractice & Ethics

Speaker: "*Ethics and Originalism*" (January 30, 2026)

St. Mary's University School of Law American Constitution Society

Speaker: "*The Role of Courts in the Age of Trump*" (January 29, 2026)

Association of American Law Schools 2026 Annual Conference

Panelist: "*New Perspectives in Constitutional Law*" (January 6, 2026)

2025 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: “*Paperying 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