

JOHN HENRY SCHLEGEL
Curriculum Vita

Office:

School of Law
State University of New York at Buffalo
526 O'Brian Hall
Buffalo, NY 14260
(716) 645-2746
schlegel@buffalo.edu

Home:

32 South Drive
Buffalo, NY 14226
(716) 835-0057

Marital Status:

Married, two grown children

Born:

January 12, 1942, Terre Haute, IN

Education:

BA, Northwestern University, 1964
JD, University of Chicago, 1967

Bar Membership:

Illinois (retired)

Employment:

2015-	UB Distinguished Professor
2013-	Floyd H. and Hilda L. Hurst Faculty Scholar
2004-10	Roger and Karen Jones Faculty Scholar
1990-91	Associate Dean, School of Law, SUNY/Buffalo
1985-86	Acting Dean, School of Law, SUNY/Buffalo
Fall 1983	Acting Dean, School of Law, SUNY/Buffalo
1982-87	Associate Dean, School of Law, SUNY/Buffalo
1979	Professor, School of Law, SUNY/Buffalo

1978-79 Associate Professor, School of Law, SUNY/Buffalo
 1973-78 Assistant Professor, School of Law, SUNY/Buffalo
 1968-73 Attorney, Appellate and Test Case Division, Legal Aid
 Bureau of Chicago
 1967-68 Teaching Fellow, Stanford University Law School

SCHOLARSHIP

Books

While Waiting for Rain: Community, Economy and Law in a Time of
 Change. Ann Arbor: University of Michigan Press (2022)
 American Legal Realism and Empirical Social Science, xii + 418. Chapel
 Hill: University of North Carolina Press (1995)

Articles

Humor, A Meditation, 26 The Green Bag 2D 51 (2023)
 Meeting Willard Hurst in the Seminar Room: On the Humility in
 Historical Judgment, The Docket/Law and History Review 5.3
 (2022)
 Wesley Newcomb Hohfeld: On the Difficulty of Becoming a Law
 Professor *in* Shyamkrishna Balganesh, Ted M. Sichelmann & Henry
 E. Smith eds., Wesley Hohfeld A Century Later: Edited Major
 Works, Select Personal Papers, and Original Commentaries.
 Cambridge: Cambridge University Press 494-517 (2022)
 Saying Thanks with Some Self-Reflection, 69 Buffalo Law Review 201-
 214 (2021)
 If the Music Hadn't Stopped, or Reflections on the Great Kerfuffle:
 Historicism's Continuing Grasp for Truth, 31 Yale Journal of Law
 and Humanities 276-96 (2021)
 Sez Who?: Critical Legal History without a Privileged Position, *in* C.
 Tomlins and M. Dubber, eds., The Oxford Handbook of Legal
 History. Oxford: Oxford University Press 561- 576 (2018)
 To Dress for Dinner: Teaching Law in a Bureaucratic Age, 66 Buffalo
 Law Review 435 (2018)

- ... and Law?, in C. Tomlins and J. Desuetels-Stein, eds., *Contemporary Legal Thought*, Cambridge: Cambridge University Press 348-62 (2017)
- On Absences as Material for Historical Study, 64 *Buffalo Law Review* 141-59 (2016)
- A Response from the River Jordan, *Tikkun* (Summer 2015)
(<http://www.tikkun.org/nextgen/a-response-from-the-river-jordan>)
- Philosophical Inquiry and Social Practice, 101 *Virginia Law Review* 1197-1202 (2015)
- Legal Realism in Wright, James D., ed., 13 *International Encyclopedia of the Social and Behavioral Sciences* 772-75. Oxford: Elsevier (2d. ed. 2015)
- "The Three Globalizations:" An Essay in Inquiry, 78 *Law and Contemporary Problems* 19-35 (2015)
- Critical Legal Studies in A. Brophy and S. Haddon, eds., *Blackwell Companion to American Legal History* 524-42. Hoboken: Wiley-Blackwell (2013)
- Remembering Camelot: Recent Adventures in Economy, Law and Politics, *World Economics Association (WEA), Conferences, 2012, Rethinking Financial Markets*, n.3: From November 1 to December 31, 2012 (rfconference2012.worldeconomicsassociation.org)
- Together Again, 3 *Comparative Law Review* 1-19 (2012)
(www.comparativelawreview.unipg.it)
- On a Possible Instance of the Transmigration of Souls: From American Regal Legalism to American Legal Realism and Back Again, in S. Hicks & K. Mod  er, eds., *Globalization and the U.S. Law School: Comparative and Cultural Perspectives, 1906-2006* 77-92. Lund: Jurisforlaget i Lund (2010)
- Conflating the Good with the Public Good, An Essay in R. Granfield & L. Mather, eds., *Private Lawyers and the Public Interest: The Evolving Role of Pro Bono in the Legal Profession* 279- 93. New York: Oxford University Press (2009)
- For Peter, with Love, 36 *Pepperdine Law Review* 535-40 (2009)
- Academics in S. Katz., ed., 1 *Oxford International Encyclopedia of Legal History* 11-18. New York: Oxford University Press (2009)
- On the Many Flavors of Capitalism, or Reflections on Schumpeter's Ghost, 56 *Buffalo Law Review* 965-1025 (2009)

- 18 or 30, but not 22, 43 *Harvard Civil Rights-Civil Liberties Law Review* 629-32 (2008)
- More Crabs, Still No Barrel (2008)
<http://www.law.buffalo.edu/homepage/schlegel/071510.pdf>
- Drawing Back from the Abyss, or Lessons Learned from Count von Count (2008), 1 *The Crit* 16-20 (2008) <http://www.thecritui.com>
- Law and Economic Change the Short Twentieth Century *in* C. Tomlins & M. Grossberg, eds., 3 *Cambridge History of Law In America* 563-612. New York: Cambridge University Press (2008)
- A Damn Hard Thing to Do, 60 *Vanderbilt Law Review* 371-84 (2007)
- Those Weren't "The Good Old Days," Just the Old Days, 32 *Law and Social Inquiry* 841-68 (2007) (review of L. Kalman, *Yale Law School and the Sixties*)
- Understanding Buffalo's Economic Development, 54 *Buffalo Review* 1537-53 (2007) (Review of D. Dillaway, *Power Failure*) (with Thomas E. Hedrick)
- Like Crabs in a Barrel: Economy, History and Redevelopment in Buffalo (2005) <http://csac.buffalo.edu/centerworkingpapers.html>
- Unfortunately, White-Collar is the Default Setting: Boys and Higher Education, 53 *Buffalo Law Review* 1035-58 (2005)
- From High in the Paper Tower, An Essay on von Humboldt's University, 52 *Buffalo Law Review* 865-87 (2004)
- But Pierre, If We Can't Think Normatively, What are We to Do? 57 *Miami Law Review* 955-972 (2003)
- Critical Legal Studies *in* K. Hall ed., *The Oxford Companion to American Law*, 202-04. New York: Oxford University Press (2002)
- Legal Realism *in* K. Hall ed., *The Oxford Companion to American Law* 501-03 New York: Oxford University Press (2002)
- Walt Was Right, 51 *Journal of Legal Education* 599-609 (2002)
- Legal Realism *in* N. Smelzer & P. Baltes, eds, *International Encyclopedia of the Social and Behavioral Sciences* 8667-70. Amsterdam: Elsvier (2001)
- Of Duncan, Peter and Thomas Kuhn, 22 *Cardozo Law Review* 1061-72 (2001)
- Words of a Largely Forgotten Man *in* N. Mercuro, ed., *The Economics of Legal Relationships: The Fundamental Interrelationships Between Government and Property* 223-31. Stamford, CT: JAI Press (1999)
- Langdell's Auto-da-fe, 17 *Law and History Review* 149-54 (1999)

- Legal Education Then and Now, 47 *American University Law Review* 751-57 (1998)
- University at Buffalo Law School: The New Curriculum, 70 *New York State Bar Journal* 42-43 (1998)
- Does Duncan Kennedy Wear Briefs or Boxers? Does Richard Posner Ever Sleep? Writing About Jurisprudence, High Culture and the History of Intellectuals, 45 *Buffalo Law Review* 277-327 (1997) (Review of N. Duxbury, *Patterns of American Jurisprudence*)
- No Lever and No Place to Stand (A Response to Christopher Shannon), 8 *Yale Journal of Law and the Humanities* 513-515 (1996).
- Talkin' Dirty, 21 *Law and Social Inquiry* 981-1000 (1996) (Review of W. Twining, *Blackstone's Tower* & L. Kalman, *The Strange Career of Legal Liberalism*)
- Damn! Langdell!, 20 *Law and Social Inquiry* 765-69 (1995)
- Law and Endangered Species: Is Survival Alone Cause for Celebration?, 28 *Indiana Law Review* 391-411 (1995)
- A Tasty Tidbit, 41 *Buffalo Law Review* 1045-70 (1993) (Review of M. Horwitz, *The Transformation of American Law: 1870-1960*)
- A Certain Narcissism; A Slight Unseemliness, 63 *University of Colorado Law Review* 595-614 (1992)
- Charles E. Clark and the Reform of Legal Education in P. Petruck ed., *Judge Charles Edward Clark*, 81-113. New York: Oceana Publications (1991) (with David Trubek)
- Better Than No Teeth at All?, 50 *Maryland Law Review* 231-38 (1991)
- Revenge, or Moon (Over) Your Law School, 41 *Journal of Legal Education* 467-72 (1990)
- The Ten Thousand Dollar Question, 41 *Stanford Law Review* 435-67 (1989) (Review of L. Kalman, *Legal Realism at Yale*)
- American Legal Theory and American Legal Education: A Snake Swallowing its Tail? in C. Joerges & D. Trubek eds. *Critical Legal Thought: An American-German Debate* 49-84. Baden-Baden: Nomos (1989) reprinted 12 *German Law Journal* 67-95 (2011)
- The Line Between History and Casenote, 22 *Law and Society Review* 969-85 (1988)
- Critical Legal Studies for the Intelligent Lawyer, 60 *New York State Bar Journal* 10-15, 64 (1988)
- Legal Education: More Theory, More Practice, 13 *Legal Service Bulletin* 71-73 (1988)
- An Endangered Species?, 36 *Journal of Legal Education* 18-22 (1986)

- Sex, Power and Silliness: An Essay on Ackerman's *Reconstructing American Law*, 6 *Cardozo Law Review* 847-64 (1985) (with Alan Freeman)
- Between the Harvard Founders and the Legal Realists: The Professionalization of the American Law Professor, 35 *Journal Legal Education* 311-25 (1985)
- Searching for Archimedes - Legal Education, Legal Scholarship and Liberal Ideology, 34 *Journal of Legal Education* 103-10 (1984)
- An Irrelevancy, Perhaps, 6 *Law and Policy* 307-08 (1984)
- Langdell's Legacy: or The Case of the Empty Envelope, 36 *Stanford Law Review* 1517-33 (1984) (Review of R. Stevens, *Law School & Consultative Group on Research and Education in Law, Law and Learning: Report to the Social Sciences and Humanities Research Council of Canada*)
- Notes Toward an Intimate, Affectionate and Opinionated History of the Conference on Critical Legal Studies, 36 *Stanford Law Review* 391-411 (1984)
- Critical Legal Studies: An Afterword, 36 *Stanford Law Review* 673-74 (1984)
- Some Recent Books on Statutes, 1984 *American Bar Foundation Research Journal* 458-68 (with Janet Lindgren)
- In Memoriam: The Intellectual Legacy of Lon Fuller, 30 *Buffalo Law Review* 263 (1982) (with Fred Konefsky and Elizabeth Mensch)
- Mirror, Mirror On The Wall: Histories of American Law Schools, 95 *Harvard Law Review* 833-51 (1982) (with Fred Konefsky)
- American Legal Realism and Empirical Social Science: The Singular Case of Underhill Moore, 29 *Buffalo Law Review* 195-323 (1980)
- American Legal Realism and Empirical Social Science: From the Yale Experience, 28 *Buffalo Law Review* 459-586 (1979)
- Of Nuts and Ships and Sealing Wax, Suez and Frustrating Things, 23 *Rutgers Law Review* 419-48 (1969)
- Comment, The Conscientious Objector and the First Amendment, 34 *University of Chicago Law Review* 79-105 (1967)

Book Reviews

- Bartie, Susan, *Free Hands and Minds: Pioneering Australian Legal Scholars*, 39 *Law & History* 615-17 (2021)

- Kimball, Bruce A. & Daniel Coquillette, *Intellectual Sword: Harvard Law School: the Second Century*, 84 *Modern Law Review* 946-951 (2021)
- Fleming, Anne, *City of Debtors: A Century of Fringe Finance*, 105 *Journal of American History* 694-95 (2018)
- Coquillette, Daniel & Bruce A. Kimball, *On the Battlefield of Merit: Harvard Law School, the First Century*, 89 *The New England Quarterly* 689-92 (2016)
- Hovenkamp, Herbert, *The Opening of American Law: Neoclassical Legal Thought, 1870-1970*, 121 *American Historical Review* 260-61 (2016)
- Newman, Roger, ed., *The Yale Biographical Dictionary of American Law*, 59 *Journal of Legal Education* 305-10 (2010)
- Mitchell, Dalia Tsuk, *Architect of Justice: Felix S. Cohen and the Founding of American Legal Pluralism*, 25 *Law & History Review* 463-64 (2008)
- Hackney, Jr., James R., *Under Cover of Science: American Legal-Economic Theory and the Quest for Objectivity*, 113 *American Historical Review*, 178-79 (2008)
- Lacey, Nichola, *A Life of H.L.A. Hart*, 24 *Law & History Review*, 679-80 (2006)
- Waller, Spencer Weber, *Thurman Arnold: A Biography*, 47 *American Journal of Legal History* 330-31 (2005)
- White, G. Edward, *The Constitution and the New Deal*, 22 *Law & History Review* 198-99 (2004)
- Perkinson, Henry J., *Flight From Fallibility*, 62 *Journal of Economic History* 632-33 (2002)
- Alschuler, Albert, *Law Without Values*, 104 *American Historical Review* 1809-10 (2001)
- Hoopes, James, *Community Denied*, 106 *American Historical Review* 237-38 (2000)
- Carruthers, Bruce G. & Terrence C. Halliday, *Rescuing Business*, 105 *American Journal of Sociology* 1207-09 (2000)
- Mercuro, Nicholas & Steven C. Medema, *Economics and the Law*, 66 *Southern Economic Review* 810-13 (2000)
- Fried, Barbara H., *The Progressive Assault on Laissez Faire*, 62 *Modern Law Review* 152-55 (2000)
- Kennedy, Duncan, *A Critique of Adjudication*, 17 *Law and History Review* 640-42 (1999)

- Hull, N. E. H., *Roscoe Pound and Karl Llewellyn*, 85 *Journal of American History* 1622-23 (1999)
- Rosenberg, David, *The Hidden Holmes*, 102 *American Historical Review* 544-45 (1997)
- Kronman, Anthony, *The Lost Lawyer* & LaPiana, William, *Logic and Experience*, 14 *Law and History Review* 369-74 (1996)
- Minow, Martha, Michael Ryan & Austin Sarat, eds., *Narrative, Violence and the Law*, & Sarat, Austin & Thomas Kearns, eds., *Law's Violence*, 14 *Law and History Review* 125-28 (1996)
- Wigdor, David, *Roscoe Pound Philosopher of Law*, 71 *American Political Science Review* 1656 (1977)

Editor

- Opportunities for Law's Intellectual History, 64 *Buffalo Law Review* i-iv (2016) (with Mark Fenster)
- David F. Cavers, "To Throw Light on Matters Which Will be of Aid in Securing to Humanity a Greater Degree of Justice": A History of the Walter E. Meyer Research Institute of Law, vi + 266. Amherst, NY: Walter E. Meyer Research Institute of Law, 1997

Memoirs

- One Less Note to Answer: Jacob D. Hyman, 57 *Buffalo Law Review* 1050-54 (2009)
- Alan and I: Of Critical Legal Studies, Community and All That, 44 *Buffalo Law Review* 636-651 (1996)
- A Tribute to Thomas Headrick, 34 *Buffalo Law Review* 632-34 (1986)
- The Reach of the Mind, 30 *Buffalo Law Review* 9-10 (1981)

Papers Presented for Discussion

- "CLS in Buffalo." Critical Legal Studies: Intellectual History of the Present, Princeton University, Spring 2020
- "Humor, A Meditation." A Day with Pierre Schlag, McGill University, Faculty of Law, Fall 2019
- "The Other Buffalo Bob." Conference: Celebrating Bob Gordon's *Taming the Past: Essays on Law in History and History in Law*, Stanford Law School, Winter 2018
- "The Third Turtle Down." Conference on Historiography/Ideology/Law, Boston College Law School, Fall 2018

- "Sez Who? Critical Legal History without a Privileged Position." Legal History Workshop, University of Virginia School of Law, Spring 2017
- "Wesley Newcomb Hohfeld: On the Difficulty of Becoming a Law Professor." Workshop on Wesley Newcomb Hohfeld, Yale Law School, Fall 2016
- "... and Law?" Pro-Seminar on Contemporary Legal Thought (1970-Present)," Institute for Global Law & Policy, Harvard Law School, Summer 2015
- "On Absences as Material for Historical Study," Conference on New Opportunities for the Intellectual History of Law, University at Buffalo Law School, Fall 2014
- "Philosophical Inquiry and Historical Practice," Conference on Philosophy and its History, University of Virginia Law School, Fall 2014
- "Ignoring Boundaries by Focusing on Transactions," AALS Workshop on Blurring Boundaries in Financial and Corporate Law, Washington, DC, Summer 2014
- "The Three Globalizations' and Self-Critique," Pro-Seminar on Contemporary Legal Thought (1970-Present)," Institute for Global Law & Policy, Harvard Law School, Summer 2013
- "On the Recurrent Urge to Tame American Legal Realism," Law and Society Association, Honolulu, Hawaii, Summer 2012
- "Together Again," Workshop on "The Three Globalizations," University of Colorado Law School. Fall 2011
- "Criticism, Critical Thought and Critique," Law and Society Association, Chicago, Illinois, Summer 2010
- "Comment," Panel on Law and Philanthropy. American Society for Legal History, Dallas, Texas, Fall 2009
- "An Oblique Perspective." Conference on Redefining the Sacred/Secular Divide: The Legal Story, University at Buffalo Law School, Spring 2009
- "Another Ill-Timed Spray," Conference on Private Lawyers and the Public Interest: The Evolving Role of Pro Bono in the Legal Profession, University at Buffalo Law School, Spring 2008
- "An Oblique Perspective." Conference on Redefining the Sacred/Secular Divide: The Legal Story, University at Buffalo Law School, Winter 2008

- "On a Possible Instance of the Transmigration of Souls: From American Regal Legalism to American Legal Realism and Back Again," Conference on Globalization and the US Law School: Comparative and Cultural Perspectives 1906-2006, Suffolk Law School Winter 2007
- "A Damn Hard Thing to Do," Conference on Legal Education in the Twenty-First Century, Vanderbilt University Law School, Spring 2006
- "CLS Wasn't Killed By a Question," Symposium in Honor of the Retirement of Wythe Holt, University of Alabama School of Law, Fall 2005
- "From High in the Paper Tower, An Essay on von Humboldt's University." University of Florida Law School, Spring 2004.
- "Like Crabs in a Barrel: Economy, History and Economic Development in Buffalo," Leadership Buffalo, Spring 2003
- "Grand Jury Testimony of John Henry Schlegel," Annual Meeting, Association of American Law Schools, Spring 2002 (plenary session)
- "But Pierre, If We Can't Think Normatively, What Are We to Do?" Conference on Pierre Schlag, *Beyond Right and Reason*, University of Miami Law School, Spring 2002
- "Walt Was Right," Conference: "'Dissolving Boundaries: Law, Law Jobs, and the Role of Law Schools in the Twentieth Century," Yale Law School, Spring 2001, University of New Mexico Law School, Fall 2001
- "Reconsidering Llewellyn," American Society for Legal History, Fall 2000
- "The United States Economy over the Past Fifty Years: An Essay in Economic Understanding," University of Alabama Law School, Fall 2000, University of New Mexico Law School, Spring 2002
- "Of Duncan, Peter and Thomas Kuhn," Conference on Duncan Kennedy, *Critique of Ajudication: fin-du-siecle*, University of Miami Law School, Spring 2000
- "Duncan, Steve, Gary and Me," Law and Society Association, Spring 1999
- "Legal Education and Lawyer Discipline," New York State Association of Disciplinary Attorneys, Fall 1998
- "Doing Law," Class of 1967 Reunion, University of Chicago Law School, Summer 1997
- "Blackstone's Tower," Osgood Hall Law School, Fall 1996

- "Charting the Next Hundred," Centennial Celebration, Washington College of Law of American University, Spring 1996
- "Law and Endangered Species: Is Survival Alone Cause for Celebration?" Conference in Celebration of the Centenary of the University of Indiana, Indianapolis, School of Law, Fall 1994, University of New Mexico Law School, Spring 1995
- "A Certain Narcissism; A Slight Unseemliness," Conference on Legal Scholarship, University of Colorado Law School, Spring 1992
- "Walter Wheeler Cook: Legal Education, Social Science and Professional Identity," American Society for Legal History, Fall 1990
- "Revenge, or Moon (Over) Your Law School," National Conference of Law Reviews, Spring 1990
- "Problems With and Possibilities for Making Integration of Other Disciplines a Central Mission of a Law School," Osgoode Hall Law School, Spring 1989
- "The Ten Thousand Dollar Question," Yale Law School, Fall 1987; Boston University Law School, Fall 1987
- "American Legal Theory and American Legal Education," Conference on American and German Traditions of Sociological Jurisprudence and Critical Legal Thought, Bremen, West Germany, Summer 1986
- "Critical Traditions in Law and Society: A Tendentious Bit of History," Law and Society Association, Spring 1986 (plenary session).
- "Robert Steven's '*Law School*'," Law and Society Association, Spring 1985
- "Searching for Archimedes," University of Wisconsin Law School, Fall 1984
- "Comment," Conference on Law School Admissions, 1984-2001, Law School Admissions Council, Spring 1983
- "So You Wish to Teach Critically, My Little Chickadee," Conference on Critical Legal Studies, Spring 1982
- "American Legal Realism and Empirical Social Science," University of Miami Law School, Spring 1981
- "Realism, the Restatements and Professional Roles: An Aspect of the Decline of an Intellectual Movement," University of Miami Law School, Spring 1981; Boston University Law School, Spring 1982
- "The Relevance of Critical Legal Theory for the Teaching of Civil Procedure," Conference on Critical Legal Studies, Spring 1981
- "Institutionalizing the Study of Law and Society: The Law Schools," Law and Society Association, Spring 1980

"Between the Harvard Founders and the American Legal Realists:
Another Brick for the Wall on Academic Professionalization,"
American Society for Legal History, Fall 1979

TEACHING

Current and Recent

Acquisition Transactions, Business Basics for Law Students, Contracts,
Telling Stories

Past

Acquisition Transactions, Administrative Law, American Legal Theory
and American Legal Education, Bureaucracy, Business Associations,
Business Basics for Law Students, Civil Procedure, Commercial Law I &
II, Counseling, Corporate Finance, Corporations, Finance Transactions
Colloquium, Finance Transactions: Related Practices, Lawyering in Civil
Cases, Negotiable Instruments, Public Utility Rate Regulation, Portfolio
Review, Regional Economic Development, Sales, Secured Transactions,
Torts

PROFESSIONAL ACTIVITIES

Professional Associations

American Society for Legal History
Conference on Critical Legal Studies
Law and Society Association

Editorial Boards

Journal of Legal Education 1985-87
Law and Society Review 1987-89
Law and History 1996-2000

University Committees

President's Review Board, 1997-2000, 2004 -2007

Law Faculty Committees (selected)

Member, Academic Program and Policy, 1979-87, 2011-

Chair, Academic Standards and Standing, 1982-87

Chair, Admissions, 1988-2000

Chair, Faculty Appointments, 1982-84, 2003-04, Member 2004-05

Member, Planning, 1994-99

Public Service

Member, Chief Judge's Task Force on Gender Discrimination in the Courts, 1984-1986

Member, Committee on Test Development and Research, 1989-1995, Chair 1993-95; Chair, Test Audit Group, 1991-93; Member, Finance and Legal Affairs Committee, 2003-09; Member, Board of Directors 1993-95; Member, Computerized Testing Work Group 1997-2001, Law School Admissions Council.

December 2023