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BOOKS

The First Amendment and Related Statutes: Problems, Cases, and Policy Arguments (Foundation Press 7th ed. 2020).

The Religion Clauses and Related Statutes: Problems, Cases, and Policy Arguments (Foundation Press 2005).

Academic Legal Writing: Law Review Articles, Student Notes, Seminar Papers, and Getting on Law Review (Foundation Press 5th ed. 2016).

ARTICLES (SUBSTANTIAL)

The Duty Not to Continue Distributing Your Own Libels, 97 Notre Dame L. Rev. __ (forthcoming 2022).

Libel By Omission Of Exculpatory Legal Decisions, 97 Notre Dame L. Rev. __ (forthcoming 2022).

Overbroad Injunctions Against Speech (Especially in Libel and Harassment Cases), 44 Harv. J. L. & Pub. Pol'y __ (forthcoming 2022).

Treating Social Media Platforms Like Common Carriers?, 1 J. Free Speech L. 377 (2021).

Interpreting 47 U.S.C. § 230(c)(2), 1 J. Free Speech L. 175 (2021) (with Adam Candeb).

What Cheap Speech Has Done: (Greater) Equality and Its Discontents, 54 U.C. Davis L. Rev. 2303 (2021).

Shenanigans: Internet Takedown Edition, 2021 Utah L. Rev. 327 (2021).

The New Taboo: Quoting Epithets in the Classroom and Beyond, 49 Capital L. Rev. 1 (2021) (with Randall Kennedy).

Anti-Libel Injunctions, 168 U. Pa. L. Rev. 73 (2019).

Chief Justice Robots, 68 Duke L.J. 1135 (2019).

Compelled Subsidies and the First Amendment, 132 Harv. L. Rev. 171 (2018) (with William Baude).

Law, Virtual Reality, and Augmented Reality, 166 U. Pa. L. Rev. 1051 (2018) (with Mark Lemley).

The Law of Compelled Speech, 97 Tex. L. Rev. 355 (2018).

The “Speech Integral to Criminal Conduct” Exception, 101 Cornell L. Rev. 981 (2016).

The Freedom of Speech and Bad Purposes, 100 UCLA L. Rev. 1366 (2016).

Gruesome Speech, 100 Cornell L. Rev. 901 (2015).

Tort Law vs. Privacy, 114 Colum. L. Rev. 879 (2014).

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In Defense of the Marketplace of Ideas / Search for Truth as a Theory of Free Speech Protection, 97 Va. L. Rev. 595 (2011).

Speech Restrictions That Don’t Much Affect the Autonomy of Speakers, 27 Constitutional Commentary 347 (2011).

The Future of Books Related to the Law?, 108 Mich. L. Rev. 823 (2010).

Tort Liability and the Original Meaning of the Freedom of Speech, Press, and Petition, 96 Iowa L. Rev. 249 (2010).

Nonlethal Self-Defense, (Almost Entirely) Nonlethal Weapons, and the Rights to Keep and Bear Arms and Defend Life, 62 *Stan. L. Rev.* 199 (2009).

Symbolic Expression and the Original Meaning of the First Amendment, 97 *Georgetown L.J.* 1057 (2009).

Implementing the Right To Keep and Bear Arms for Self-Defense: An Analytical Framework and a Research Agenda, 56 *UCLA L. Rev.* 1443 (2009).

Medical Self-Defense, Prohibited Experimental Therapies, and Payment for Organs, 120 *Harvard L. Rev.* 1813 (2007).

“Necessary to the Security of a Free State,” 83 *Notre Dame L. Rev.* 1 (2007).

Freedom of Expressive Association and Government Subsidies, 58 *Stanford L. Rev.* 1919 (2006).

Parent-Child Speech and Child Custody Speech Restrictions, 81 *NYU L. Rev.* 631 (2006).

Same-Sex Marriage and Slippery Slopes, 33 *Hofstra L. Rev.* 1155 (2005), *reprinted in* 5 *Dukeminier Awards* 1 (2006).

Crime-Facilitating Speech, 57 *Stanford L. Rev.* 1095 (2005).

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Crime Severity and Constitutional Line-Drawing, 90 *Virginia L. Rev.* 1957 (2004).

The Mechanisms of the Slippery Slope, 116 *Harvard L. Rev.* 1026 (2003).

Freedom of Speech and the Right of Publicity, 40 *University of Houston L. Rev.* 903 (2003).

Freedom of Speech and Intellectual Property: Some Thoughts After Eldred, 44 Liquormart, and Bartnicki, 40 *University of Houston L. Rev.* 697 (2003), *reprinted in* 3 *The ICFAI Journal of International Business Law* 47 (2004) (Hyderabad, India).

How the Justices Voted in Free Speech Cases, 1994-2000, 48 UCLA L. Rev. 1191 (2001).

Freedom of Speech and Information Privacy: The Troubling Implications of a Right to Stop People from Speaking About You, 52 Stanford L. Rev. 1049 (2000), excerpted in Daniel J. Solove & Marc Rotenberg, *Information Privacy Law: Cases and Materials* (2003) and Richard C. Turkington & Anita L. Allen, *Privacy Law: Cases and Materials* 418-20 (2nd ed. 2002).

Sovereign Immunity and State Sovereignty, 73 Southern California L. Rev. 1161 (2000).

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Duties to Rescue and the Anticooperative Effects of Law, 88 Georgetown L.J. 105 (1999), excerpted in Kate Bloch & Kevin McMunigal, *Criminal Law: A Contemporary Approach* (2005).

A Common-Law Model for Religious Exemptions, 46 UCLA L. Rev. 1465 (1999).

Intermediate Questions of Religious Exemptions—A Research Agenda with Test Suites, 21 Cardozo L. Rev. 595 (1999).

Equal Treatment Is Not Establishment, 13 Notre Dame J. of Law, Ethics & Public Policy 341 (1999).

Freedom of Speech and Independent Judgment Review in Copyright Cases, 107 Yale L.J. 2431 (1998) (with Brett McDonnell).

The Amazing Vanishing Second Amendment, 73 NYU L. Rev. 831 (1998).

The Commonplace Second Amendment, 73 NYU L. Rev. 793 (1998).

Freedom of Speech and Injunctions in Intellectual Property Cases, 48 Duke L.J. 147 (1998) (with Mark Lemley).

Freedom of Speech, Shielding Children, and Transcending Balancing, 1997 Supreme Court Rev. 141.

What Speech Does “Hostile Work Environment” Harassment Law Restrict?, 85 Georgetown L.J. 627 (1997), excerpted in Women’s Freedom Network, *Rethinking Sexual*

Harassment pp. 18-23 (Cathy Young ed. 1988) and *Ethical Theory and Business* pp. 369-74 (Tom L. Beauchamp & Norman E. Bowie eds. 2003).

The California Civil Rights Initiative: An Interpretive Guide, 44 UCLA L. Rev. 1335 (1997).

Freedom of Speech, Permissible Tailoring and Transcending Strict Scrutiny, 144 U. Pennsylvania L. Rev. 2417 (1996).

Computer Media for the Legal Profession, 94 Michigan L. Rev. 2058 (1996).

Freedom of Speech and Appellate Review in Workplace Harassment Cases, 90 Northwestern U. L. Rev. 1009 (1996).

Diversity, Race as Proxy, and Religion as Proxy, 43 UCLA L. Rev. 2059 (1996).

Freedom of Speech in Cyberspace from the Listener's Perspective, 1996 U. Chicago Legal Forum 377.

Freedom of Speech and the Constitutional Tension Method, 3 U. Chicago Roundtable 223 (1996).

Cheap Speech and What It Will Do, 104 Yale L.J. 1805 (1995), reprinted in *First Amendment Law Handbook, 1996-97*, at 53 (Swanson ed.).

Technology and the Future of Law, 47 Stanford L. Rev. 1375 (1995).

A Penumbra Too Far, 106 Harvard L. Rev. 1639 (1993) (with Judge Alex Kozinski).

Freedom of Speech and Workplace Harassment, 39 UCLA L. Rev. 1791 (1992), excerpted in Judi Greenberg, Dorothy Roberts & Martha Minow, *Women and the Law Casebook* pp. 287-95 (2nd ed. 1998), *Women and Work* pp. 33-45 (Greenberg, Roberts & Frug eds. Supp. 1997), and Paul E. Weizer, *Sexual Harassment: Cases, Case Studies & Commentary* 189-211 (2002).

ARTICLES (SMALLER)

Bans on Political Discrimination in Places of Public Accommodation and Housing, __ NYU J. L. & Liberty __ (forthcoming 2022).

The Real Law of Virtual Reality, 51 U.C. Davis L. Rev. 51 (2017) (with Mark Lemley).

Religious Law (Especially Islamic Law) in American Courts, 66 Okla. L. Rev. 431 (2014).

Foreign Law in American Courts, 66 Okla. L. Rev. 219 (2014).

Amicus Brief of the Electronic Frontier Foundation and the ACLU of Virginia in Radiance Foundation, Inc. v. NAACP, 4 NYU J. Intell. Prop. & Ent. L. 95 (2014) (with Mairead Dolan).

Textualism and District of Columbia v. Heller, 37 Harv. J.L. & Pub. Pol'y 729 (2014).

The Priority of Law, 39 Pepp. L. Rev. 1223 (2013).

Amicus Curiae Brief: Elane Photography, LLC v. Willock, 8 N.Y.U. J. L. & Liberty 116 (2013).

Private Employees' Speech and Political Activity: Statutory Protection Against Employer Retaliation, 16 Tex. Rev. of L. & Pol. 295 (2012).

Unradical: "Freedom of the Press" as the Freedom of all to Use Mass Communications Technology, 97 Iowa L. Rev. 1275 (2012).

First Amendment Protection for Search Engine Search Results, 8 J.L. & Econ. Pol'y 883 (2012) (coauthored with Donald M. Falk) (commissioned by Google).

Older Minors, the Right To Keep and Bear (Almost Entirely) Nonlethal Arms, and the Right to Defend Life, 43 Ariz. St. L.J. 447 (2011).

The Numbers of the Constitution, 13 Green Bag 2d 361 (2010).

Freedom of Speech and the Intentional Infliction of Emotional Distress Tort, 2010 Cardozo L. Rev. De Novo 300.

Amicus Curiae Brief: Boundaries of the First Amendment's "False Statements of Fact" Exception, 6 Stan. J. Civ. Rts. & Civ. Libs. 343 (2010).

The First and Second Amendments, 109 Colum. L. Rev. Sidebar 97 (2009).

Thomas Cooper, Early American Public Intellectual, 4 NYU J. of Law & Liberty 372 (2009).

Elizabeth Ryland Priestley, Early American Author on Free Speech, 4 NYU J. of Law & Liberty 382 (2009).

Correcting Students' Usage Errors Without Making Errors of Our Own, 58 J. of Legal Education 533 (2008).

Scholarship, Blogging, and Trade-Offs: On Discovering, Disseminating, and Doing, 84 Wash. U. L. Rev. 1089 (2007).

State Constitutional Provisions Securing the Right To Defend Life, 11 Texas Rev. of Law & Politics 399 (2007).

State Constitutional Rights to Keep and Bear Arms, 11 Texas Rev. of Law & Politics 191 (2007).

Law Reviews, the Internet, and Preventing and Correcting Errors, Yale L.J. Pocket Part, Sept. 6, 2006, <http://thepocketpart.org/2006/09/06/volokh.html>.

Pragmatism vs. Ideology in Free Speech Cases, 99 Northwestern U. L. Rev. 33 (2005).

Freedom of Speech and of the Press, in *The Heritage Guide to the Constitution* 311 (2005).

Amicus Brief of Michael Crichton et al. in Twist v. McFarlane, 11 UCLA Entertainment L. Rev. 1 (2004).

The Trojan Doctrine: Trademarks and the Law of the Horse, 8 Texas Rev. of Law & Politics 259 (2004).

Test Suites: A Tool for Improving Student Articles, 52 J. of Legal Education 440 (2003).

Why Buckley v. Valeo Is Basically Right, 34 Arizona State Law Journal 1095 (2003).

Racial and Ethnic Classifications in American Law, in *Beyond the Color Line: New Perspectives on Race and Ethnicity in America* 309 (Abigail Thernstrom & Stephan Thernstrom eds. 2002).

Statement on "Should Ideology Matter?: Judicial Nominations 2001," 50 Drake L. Rev.

475 (2002), *reprinting* Testimony before the U.S. Senate Senate Committee on the Judiciary, Subcommittee on Administrative Oversight and the Courts.

The Lost Maxims of Equity, 52 J. of Legal Education 619 (2002).

Freedom of Speech, Religious Harassment Law, and Religious Accommodation Law, 33 Loyola University of Chicago L.J. 57 (2001).

How Might Cyberspace Change American Politics?, 34 Loyola (Los Angeles) L. Rev. 1213 (2001).

Freedom of Speech and Speech About Political Candidates: The Unintended Consequences of Three Proposals, 24 Harvard J. of Law & Public Policy 47 (2000).

The Second Amendment as Teaching Tool in Constitutional Law Classes, 48 J. of Legal Education 591 (1998) (with Bob Cottrol, Sandy Levinson, Scot Powe, and Glenn Harlan Reynolds).

Writing a Student Article, 48 J. of Legal Education 247 (1998), *reprinted in part in Law School and Beyond: The IHS Guide to Careers in Legal Academia* pp. 13-20, 30 (1999) and in *Eschew, Evade, and/or Eradicate Legalese*, Ass'n of Legal Adm'rs Update, Sept. 2002, pp. 30-31.

Hum a Few Bar Exam, 2 Green Bag 2d 125 (1998).

Material on free speech defense to sexual harassment claims, in Barbara Lindemann & David Kadue, *Sexual Harassment in Employment Law* ch. 27, § VII(A), pp. 280-93 (BNA Supp. 1997).

Cheap Speech and What It Will Do (revised version of the 1995 Yale L.J. article), 1 The Communications Review 261 (1996).

A Reply to Brian Winston, Rob Kling, C. Edwin Baker, and Carolyn Marvin, 1 The Communications Review 337 (1996).

Thinking Ahead About Freedom of Speech and "Hostile Work Environment" Harassment, 17 Berkeley J. Employment & Labor Law 305 (1996).

How Harassment Law Restricts Free Speech, 47 Rutgers L.J. 561 (1995) (replying to Suzanne Sangree's response in the Rutgers L.J. to my *Freedom of Speech and Workplace Harassment*).

Lawsuit, Shmawsuit, 103 Yale L.J. 463 (1993) (with Judge Alex Kozinski), *reprinted*

in *Annals of Improbable Research*, p. 6 (Sept./Oct. 1996).

ENCYCLOPEDIA ENTRIES

Hostile Environment Harassment Law, *The Encyclopedia of American Civil Liberties* (Routledge Reference / Taylor & Francis Group).

Slippery Slopes, *Encyclopedia of Science, Technology, and Ethics* (MacMillan Reference USA).

Intellectual Property Law and the First Amendment, *Encyclopedia of the U.S. Constitution 1377* (Leonard Levy & Kenneth Karst eds. 2000).

Workplace Harassment and the First Amendment, I, *Encyclopedia of the U.S. Constitution 2925* (Leonard Levy & Kenneth Karst eds. 2000) (debating Catherine A. McKinnon).

OTHER SCHOLARLY AND PUBLISHING ACTIVITIES

Founder, *The Volokh Conspiracy* blog (founded 2002, hosted by Washington Post 2014-2017, hosted by Reason Magazine 2017-present).

Member, American Law Institute (since December 2002).

Member, *American Heritage Dictionary* Usage Panel (since 2005).

Review coordinator, National Academy of Sciences National Research Council Report, *Technology, Policy, Law, and Ethics Regarding Cyberattack* (2009).

Review coordinator, National Academy of Sciences Computer Science and Telecommunications Board Report, *Youth, Pornography, and the Internet: Can We Provide Sound Choices in a Safe Environment* (2002).

Founder and list operator of the *religionlaw@lists.ucla.edu* discussion list, an Internet electronic conference involving many of the top scholars on the law of government and religion.

Founder of the *conlawprof@lists.ucla.edu* discussion list, an Internet electronic conference involving many of the top scholars on constitutional law.

Founder of the *firearmsregprof@lists.ucla.edu* discussion list, which focused on constitutional and criminological questions of firearms regulation.

Creator, <http://www.gunscholar.org>, the Journalist's Guide to Gun Control and Second Amendment Scholars (focusing on scholars who take a skeptical view of gun control).

MAIN SCHOLARLY SPECIALTIES

Constitutional law, especially free speech, religious freedom, and church-state relations.

Internet law, especially free speech and copyright.

Copyright law.

Firearms regulation—federal constitutional law, state constitutional law, and tort liability.

Criminal law.

Tort law.

TEACHING, PUBLIC SERVICE, AND OTHER EMPLOYMENT

7/94-present Gary T. Schwartz Professor of Law at UCLA School of Law, teaching constitutional law, free speech law, copyright law, the law of government and religion, and the law and policy of firearms regulation. (Acting Professor from 7/94 to 7/99; Professor from 7/99 to 7/05.)

8/04-12/04 Visiting Professor at Stanford Law School.

8/03-12/03 Visiting Professor at Harvard Law School.

8/01-12/01 Visiting Professor at George Mason University School of Law.

10/99-11/99 Visiting Professor at Bar-Ilan University in Israel, teaching U.S. free speech law.

- 1/06-present Academic Affiliate, Mayer, Brown, Rowe & Maw.
- 1/97-12/00 Informal legal advisor to the American Civil Rights Institute on implementing anti-race-preference initiatives in various states. Helped draft the Washington State Civil Rights Amendment, which has been enacted by Washington voters.
- 11/96-8/97 Legal Advisor to the Yes on Proposition 209 litigation team.
- 7/95-11/96 Legal Advisor to the Yes on Proposition 209 (California Civil Rights Initiative) campaign. Helped draft the Initiative.
- 7/94-present Consulted on various matters, mostly dealing with First Amendment law.
- 7/93-7/94 Law Clerk to Justice Sandra Day O'Connor, United States Supreme Court.
- 7/92-7/93 Law Clerk to Judge Alex Kozinski, United States Court of Appeals.
- 9/80-present Software developer (until 6/92) and half owner at VESOFT, Inc., Los Angeles.
- 3/80-10/86 Computer programmer for various companies.

AWARDS AND HONORS

- 2017 Alumnus of the Year Award for Professional Achievement, UCLA School of Law.
- 2015 Selected as one of the Great Immigrants for the year by the Carnegie Corporation of New York.
- 2005 Selected as one of the Top 100 Lawyers in California by the L.A./S.F. Daily Journal.
- 2005 Selected as one of the Top 20 Legal Thinkers in America in a highly unscientific poll conducted by *Legal Affairs* magazine, <http://legalaffairs.org/poll>.

- 2003 Received the Freedom of Information Award from the Society of Professional Journalists, Los Angeles Chapter.
- 2002 Listed #3 on the list of 50 Most Cited Faculty Who Entered Teaching Since 1992, http://www.utexas.edu/law/faculty/bleiter/rankings02/50_most_cited.html.
- 1999 Received the Paul Bator Award from the Federalist Society for Law and Public Policy.

EDUCATION

- 1989-92 J.D., UCLA School of Law, graduated first in the class. One of the Managing Editors on the UCLA Law Review.
- 1978-83 B.S., Math-Computer Science (part-time 1978-80, full-time 1980-83), UCLA.

PERSONAL

Born Kiev, Ukraine, 1968; came to the U.S. in 1975.
U.S. Citizen.
Languages: English, Russian.