

THOMAS P. SCHMIDT
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[Faculty Bio](#) • [SSRN Page](#)

ACADEMIC APPOINTMENTS

Columbia Law School

Associate Professor of Law (2022–current)
Academic Fellow and Lecturer in Law (2020–2022)
Courses: Civil Procedure; Federal Courts; Special Topics in Federal Courts (seminar)

EDUCATION

Yale Law School, J.D., 2011

Projects Editor, *Yale Law Journal*
Executive Editor, *Yale Journal of Law & Humanities*
Student Co-Director, Global Constitutionalism Seminar
Co-Head Teaching Fellow, Constitutional Law
Research Assistant, Dean Robert Post

University of Cambridge, M.Phil. in Classics, 2008

Paul Mellon Fellowship (full scholarship awarded to one graduating senior at Yale College)

Yale University, B.A. in Classics (Greek), 2006

Summa cum laude; Phi Beta Kappa; Distinction in major
Winthrop Prize (twice) and Bristed Scholarship for excellence in Classics
Betts Prize and Curtis Prize for excellence in English and expository writing
Research Assistant, Professor Harold Bloom

CLERKSHIPS

Justice Stephen G. Breyer, U.S. Supreme Court

Law Clerk (2013–2014)

Judge Merrick B. Garland, U.S. Court of Appeals for the D.C. Circuit

Law Clerk (2011–2012)

PUBLICATIONS

Academic Articles and Essays

[*Standing Between Private Parties*](#), 2024 WISC. L. REV. (forthcoming).

[*Orders Without Law*](#), 122 MICH. L. REV. (forthcoming 2024) (invited book review of Stephen Vladeck's *The Shadow Docket*)

Judicial Minimalism in the Lower Courts, 108 VA. L. REV. 829 (2022).

Courts in Conversation, 2022 MICH. ST. L. REV. 411 (invited symposium essay).

The Puzzles and Possibilities of Article V, 121 COLUM. L. REV. 2317 (2021) (with David E. Pozen).

- Downloads of the year selection, *Legal Theory Blog*
- Cited in Michael Stokes Paulsen, Michael W. McConnell, Samuel L. Bray, William Baude, *The Constitution of the United States* (5th ed. 2023)

Active Avoidance: The Modern Supreme Court and Legal Change, 128 HARV. L. REV. 2109 (2015) (with Neal Kumar Katyal).

- Cited in Richard Fallon et al., *Hart and Wechsler's the Federal Courts and the Federal System* (7th ed. Supp.).
- Cited in Geoffrey R. Stone, Louis Michael Seidman, Cass R. Sunstein, Mark V. Tushnet, & Pamela S. Karlan, *Constitutional Law* (8th ed. 2018)
- Cited in *Board of Trustees of Glazing Health & Welfare Trust v. Chambers*, 903 F.3d 829, 861 (9th Cir. 2018) (Wallace, J., dissenting).

Popular Writing

Is the ERA Part of the Constitution? Depends on Whom You Ask., WASHINGTON POST (Nov. 22, 2021) (with David Pozen).

Trump Is Threatening To Subvert the Constitution, THE ATLANTIC (Apr. 17, 2020) (with Neal K. Katyal).

LEGAL EXPERIENCE

Hogan Lovells US LLP

Counsel (2020–2022)
Senior Associate (2016–2019)
Associate (2012–2013, 2015–2016)

Litigated dozens of cases in the U.S. Supreme Court, U.S. courts of appeals, U.S. district courts, and state courts in a variety of fields. Argued three federal appeals. Selected cases:

- Represented the State of Hawaii and several individuals in challenges to President Trump's travel bans, culminating in *Trump v. Hawaii*, 138 S. Ct. 2392 (2018).
- Briefed, argued, and won a precedent-setting case in the Federal Circuit holding that a computer server does not constitute a "place of business" for purposes of the patent venue statute.
- Represented respondent in *Fulton v. City of Philadelphia* (U.S. 2021), involving religious exemptions from anti-discrimination rules.
- Represented a group of anti-discrimination scholars as *amici* in *Bostock v. Clayton County*, 140 S. Ct. 1731 (2020). One client's scholarship was cited several times in the Court's opinion, and the amicus brief was discussed in Justice Kavanaugh's dissent.
- Drafted briefs and second-chaired oral arguments in *McDonough v. Smith*, 139 S. Ct. 2149 (2019), regarding when the statute of limitations begins to run on a § 1983 claim, and

- Rodriguez v. FDIC*, 140 S. Ct. 713 (2020), regarding the validity of a federal common law rule governing ownership of tax refunds in bankruptcy.
- Represented the Governor of Pennsylvania and state election officials in the U.S. Supreme Court in a case regarding the constitutionality of partisan gerrymandering. Successfully defeated stay application and petition for certiorari after state court victory. *Turzai v. League of Women Voters of Pa.*, No. 17A909 (U.S. 2018); *Turzai v. Brandt*, No. 17–1700 (U.S. 2018).
 - Represented asylum-seekers in challenges to two of President Trump’s asylum policies. Won vacatur of both policies in district court. *O.A. v. Trump*, 404 F. Supp. 3d 109 (D.D.C. 2019); *Capital Area Immigrants’ Rights Coalition v. Trump*, 471 F. Supp. 3d 25 (D.D.C. 2020).

Georgetown University Law Center
Visiting Researcher (2014)

Sullivan & Cromwell LLP
Summer Associate (2010)

Judge Stefan R. Underhill, U.S. District Court for the District of Connecticut
Judicial Intern (Summer 2009)

SELECTED PRESENTATIONS

“Shaping the Court’s Docket,” Judicial Decision-Making: A Symposium, Washington University in St. Louis, 2023 (discussion paper).

The Other Side of Standing, Article III Standing Conference, University of Chicago Law School, 2023.

Orders Without Law, Faculty Workshop, Columbia Law School, 2024.

The Other Side of Standing, Civil Procedure Workshop (breakout session), Northwestern Pritzker School of Law, 2023.

Panelist, Judge Shopping and the “Shadow Docket”: The Abuse of Procedure, American Constitution Society Event, Columbia Law School, 2023.

The Other Side of Standing, Faculty Workshop, Columbia Law School, 2023.

“A Closer Examination of Article V,” Protecting and Perfecting Democracy Through Formal Constitutional Change?, Columbia Law School, 2023 (panelist).

Court Reform, Summer Public Law Workshop, Columbia Law School, 2022 (with Kate Andrias).

Symposium on AKHIL REED AMAR, THE WORDS THAT MADE US: AMERICA’S CONSTITUTIONAL CONVERSATION, 1760–1840, University of Illinois College of Law, 2021.

Fulton v. City of Philadelphia, Summer Public Law Workshop, Columbia Law School, 2021 (with Jeremy Kessler).

The Passive Virtues in the Lower Courts, Fellows Workshop, Columbia Law School, 2020.

Panelist, 25th Annual U.S. Supreme Court Roundup; Lawyers, Community, and Impact Series; Columbia Law School, 2020.

What Is the Text of the Constitution?, Faculty Workshop, Columbia Law School, 2020 (with David Pozen).

Commentary on *Mazars* and *Vance*, Summer Public Law Workshop, Columbia Law School, 2020 (with Jessica Bulman-Pozen).

Panelist, The “Muslim Travel Ban”: Legal and Social Implications, American Constitution Society Event, Columbia Law School, 2017.

Active Avoidance, Faculty Workshop, Georgetown University Law Center, 2014 (with Neal Kumar Katyal).

BAR AND COURT ADMISSIONS

New York

U.S. Supreme Court

U.S. Court of Appeals for the Fourth, Fifth, Seventh, Eighth, Ninth, Federal, and D.C. Circuits

U.S. District Court for the District of Columbia