

NICOLE STELLE GARNETT
Professor of Law
Notre Dame Law School
P.O. Box 780
Notre Dame, Indiana 46556
(574) 631-3091/ngarnett@nd.edu

ACADEMIC APPOINTMENTS

- 1999-Present Notre Dame Law School, Notre Dame, Indiana
- *Professor*, 2008-present
 - *John Cardinal O'Hara, C.S.C. Associate Professor* (tenured), 2005-2008
 - *Associate Professor*, 2003-2005
 - *Assistant Professor*, 1999-2003
- Courses:* Property, Land Use Planning, Local Government Law, Urban Property Law (seminar); Higher Education and the Law (seminar)
- Notre Dame London Law Programme, Fall 2003
- 2008-2010 *Provost Fellow*, University of Notre Dame
- Part-time appointment in Provost's office
 - Chaired, at Provost's request, *ad hoc* Task Force on Collaborative Hiring (2008-2009)
 - Other duties include participation in weekly staff meetings, advising Provost on faculty and academic affairs
- 2001-present *Fellow*, Notre Dame Institute for Educational Initiatives.
- Winter/Spring 2007 University of Chicago Law School, Chicago, Illinois.
Visiting Professor of Law
Courses: Land Use Planning and Law of Education
- Spring 2004 Northwestern University School of Law, Chicago, Illinois
Visiting Scholar

JUDICIAL CLERKSHIPS

- Associate Justice Clarence Thomas, Supreme Court of the United States, 1998-99
- Judge Morris S. Arnold, U.S. Court of Appeals for the Eighth Circuit, 1995-96

EDUCATION

Yale Law School, New Haven, Connecticut. J.D. 1995

Olin Fellow for Law, Economics and Public Policy; *Yale Journal on Regulation*; Co-Director, Street Law volunteer teaching program (1993-94).

Stanford University, Stanford, California. B.A., with distinction and departmental honors in Political Science, 1992. *Phi Beta Kappa*.

LAW PRACTICE

Institute for Justice, Washington, D.C., *Staff Attorney* (1996-1998)

Participated in defense of Ohio and Wisconsin school choice programs. Represented parents challenging the exclusion of religious schools from Maine's state-wide tuition subsidy program. Assisted low-income clients in efforts to eliminate regulatory impediments to entrepreneurial ventures.

BOOKS

ORDERING THE CITY: LAND USE, POLICING, AND THE RESTORATION OF URBAN AMERICA (Yale University Press 2009)

SCHOLARLY PAPERS

Catholic Schools, Charter Schools, and Crime, in progress (with Margaret Brinig)

Catholic Schools, Urban Neighborhoods, and Education Reform (with Margaret Brinig), *forthcoming* NOTRE DAME LAW REVIEW (2010)

Affordable Private Education and the Middle Class City, forthcoming UNIVERSITY OF CHICAGO LAW REVIEW (2010) (invited symposium contribution)

"But for the Grace of God, There Go I": Justice Thomas and the Little Guy, forthcoming NYU JOURNAL OF LAW & LIBERTY (invited symposium contribution)

Mercantilism, American Style, book chapter, *forthcoming* in HERNANDO DESOTO AND PROPERTY IN A MARKET ECONOMY (Ashgate)

Private Norms and Public Spaces, 18 WILLIAM & MARY BILL OF RIGHTS JOURNAL, 183 (2009) (invited symposium contribution)

SCHOLARLY PAPERS, CONT.

"No Taking without a Touching?" Reflections of an Armchair Originalist, 45 SAN DIEGO LAW REVIEW 761 (2008) (invited symposium contribution)

Property In-Laws, 156 U. PA. L. REV. PENNUMBRA 279 (2007),
<http://www.pennumbra.com/issues/articles/155-5/Garnett.pdf> (response to Eduardo Moisés Peñalver & Sonia N. Katyal, *Property Outlaws*, 155 U. PA. L. REV. 1095 (2007))

Suburbs as Exit, Suburbs as Entrance, 106 MICHIGAN LAW REVIEW 277 (2007)

Planning as Public Use, 34 ECOLOGY LAW QUARTERLY 443 (2007) (solicited symposium contribution)

- Selected as one of the five best land use articles published in 2007 and reprinted in the LAND USE AND ENVIRONMENTAL LAW REVIEW
- Selected as one of the most important land use articles published in 2007 and reprinted in 2008 ZONING AND PLANNING LAW HANDBOOK

Save the Cities, Stop the Suburbs?, 117 YALE LAW JOURNAL 599 (2006) (reviewing Robert Bruegmann, *Sprawl: A Compact History* (Univ. of Chicago Press 2005) and Joel Kotkin, *The City: A Global History* (Modern Library Chronicles 2005))

Save the Cities, Stop the Suburbs?, 116 YALE L.J. POCKET PART 192 (2006),
<http://thepocketpart.org/2006/12/11/garnett.html>

The Neglected Political Economy of Eminent Domain, 105 MICHIGAN LAW REVIEW 101 (2006)

Unsubsidizing Suburbia, 90 MINNESOTA LAW REVIEW 459 (2005) (solicited essay reviewing Richardson Dilworth, *The Urban Origins of Suburban Autonomy*, Harvard University Press 2005)

Relocating Disorder, 91 VIRGINIA LAW REVIEW 1075 (2005)

- Selected as one of the most important land use articles in 2005 and reprinted in WEST'S 2006 ZONING AND PLANNING LAW HANDBOOK

Ordering (and Order in) the City, 57 STANFORD LAW REVIEW 1 (2004)

The Public Use Question as a Takings Problem, 71 GEORGE WASHINGTON LAW REVIEW 934 (2003)

Trouble Preserving Paradise? 87 CORNELL LAW REVIEW 158 (2001)

On Castles and Commerce: Zoning Law and the Home Business Dilemma, 42 WILLIAM & MARY LAW REVIEW 1191 (2001)

- Selected as one of the most important land use articles in 2001 and reprinted in WEST'S 2002 ZONING AND PLANNING LAW HANDBOOK

SCHOLARLY PAPERS, CONT.

The Road from Welfare to Work: Informal Transportation and the Urban Poor, 38 HARVARD JOURNAL ON LEGISLATION 173 (2001)

School Choice, the Constitution, and Justice, 4 TEXAS J. OF LAW AND PUBLIC POLICY 303 (2000)
(with Richard Garnett)

INVITED LECTURES, PRESENTATIONS, AND CONFERENCES

Presented *Affordable Education and the Middle Class City*, at symposium on “Reassessing the State and Local Government Law Toolkit,” University of Chicago Law School, June 19, 2009

Presented *Catholic Schools, Urban Neighborhoods, and Education Reform*, at the 2009 American Law and Economics Association meeting, May 15, 2009

Presented, *Justice Thomas and the Little Guy*, at symposium on “The Unknown Justice Thomas,” NYU Law School, March 2, 2009

Presented, *Reordering the City*, at the Association of American Law Schools, Annual Conference, State and Local Government Law Section, January 8, 2009

Presented, *Mercantilism, American Style*, at the Association of American Law Schools, Annual Conference, Property Law Section, January 7, 2009

Presented, *The Legal and Cultural Landscape of Religious Property Disputes*, at the 11th Annual Conference on Litigating Takings and Other Challenges to Land Use and Environmental Regulation, Stanford Law School, November 7, 2008

Presented *Private Norms and Public Spaces*, at the 2008 Brigham-Kanner Property Rights Conference (honoring Robert Ellickson), William & Mary Law School, October 17, 2008

Presented *The Order-Maintenance Agenda as Land Use Policy* (draft book chapter) at

- University of Minnesota Law School, Faculty Workshop Series, October 23, 2008
- Seton Hall Law School, Faculty Workshop Series, September 8, 2008
- 2008 Property Works in Progress Conference, University of Colorado Law School, June 14, 2008
- Emory Law School, Faculty Workshop Series, February 12, 2008

Visiting Scholar, Hoover Institution, Stanford University, June 2-6, 2008

Presented, *No Taking without a Touching? Reflections of an Armchair Originalist*, at the Bernard Siegan Memorial Conference on Economic Liberties, University of San Diego School of Law, November 16, 2007

INVITED LECTURES, PRESENTATIONS, AND CONFERENCES, CONT.

Distinguished Visiting Professor of Law, USC Gould School of Law, October 1-5, 2007

Presented “Religion in the Public Square: The Case of Religious Land Uses” at *The American Experiment: Religious Freedom*, University of Portland, Garaventa Center for Catholic Intellectual Life and American Culture, April 13, 2007

Presented *The Neglected Political Economy of Eminent Domain* at University of Michigan Law School, March 20, 2007. (Invited by the Michigan Law Review to deliver annual featured-author lecture.)

Presented *Suburbs as Exit, Suburbs as Entrance*, at

- USC Gould School of Law, October 5, 2007
- The University of Chicago Law School, Works-in-Progress Workshop series, March 1, 2007
- Social Science History Association, Minneapolis, Minnesota, Nov. 3, 2006

Presented *A Four Category Taxonomy of Disorder* (draft book chapter) at the Colloquium on the Law, Economics, and Politics of Urban Affairs, NYU School of Law, February 7, 2007

Presented *Planning as Public Use* at the 9th Annual Conference on Litigating Regulatory Takings Claims (sponsored by the Georgetown Environmental Law & Policy Institute and the California Center for Environmental Law & Policy), Boalt Hall School of Law, October 26, 2006

Presented *The Neglected Political Economy of Eminent Domain*, at:

- Northwestern University School of Law, April 18, 2006
- UCLA School of Law, February 13, 2006
- University of Florida, Levin College of Law, Nelson Symposium on Local Government, November 18, 2005
- J. Reuben Clark Law School, Brigham Young University, September 7, 2005

Debated eminent domain reform with Michael Heller (Columbia) at UCLA School of Law (Federalist Society and American Constitution Society), February 13, 2006.

Presented *Eminent Domain Reform: Is More Money The Answer?* at the AALS Annual Meeting, Joint Session of the Property and Local Government Law Sections, January 6, 2006

Participated in a panel discussion of *Originalism, Regulatory Takings and Kelo v. New London* (with Jim Ely, Tom Merrill, and Bill Treanor) at the Federalist Society National Lawyers Convention, Washington, DC, November 10, 2005

Debated eminent domain reform with Tom Merrill (Columbia Law School), Yale Law School Federalist Society, September 21, 2005

INVITED LECTURES, PRESENTATIONS, AND CONFERENCES, CONT.

Participated in panel discussion of “Women, Families, and the Christian University” at the Joy in the Truth Conference, Notre Dame Center for Ethics and Culture, October 1, 2005

Invited to contribute to “law professors’ discussion” of the Supreme Court’s “public use” decision (*Kelo v. New London* (U.S. 2005)) on www.SCOTUSBLOG.com, June 23-27, 2005

Visiting Scholar, Hoover Institution, Stanford University, May 9-13, 2005

Participated in a Liberty Fund Colloquium on *The Supreme Court—Agent of Free and Responsible Government? Fifty Years of Criticism from the Right and Left*, April 28-May 2, 2005, Houston Texas

Presented a faculty workshop on *Relocating Disorder* at

- University of Alabama School of Law, April 18, 2005
- Wake Forest University School of Law, October 28, 2004
- University of St. Thomas School of Law (Minneapolis), October 18, 2004

Responded to Michael Lykoudis, *Sustainability Trumps Style*, at the “Law & . . . Colloquium,” Notre Dame Law School, April 13, 2005

Moderated panel on “Prisoner Rape and Prison Reform,” Notre Dame Journal of Legislation Symposium, March 31, 2005

Presented a faculty workshop on *Ordering, and Order In, Our Cities* at

- University of Illinois College of Law, October 5, 2004
- Northwestern University School of Law, March 9, 2004

Presented *Property Regulation and the Public Order* at

- University of San Diego School of Law, September 19, 2003
- The College of Law at Arizona State University, September 15, 2003
- Georgetown University Law Center, Environmental Law Workshop, September 11, 2003
- University of Virginia School of Law, July 22, 2003

Invited discussant at conference on *Property, Race, and Poverty*, NYU Law School, Villa la Pietra, Florence, Italy, July 13-16, 2003

Invited discussant at conference on *Teaching Catholic Social Thought in Business and Law Courses*, University of St. Thomas, July 2002

Invited discussant at a book conference on Bernard Siegan, *Property Rights from the Magna Carta to the Fourteenth Amendment*, Univ. of San Diego School of Law, March 2002

INVITED LECTURES, PRESENTATIONS, AND CONFERENCES, CONT.

Presented *Zoning Law and the Home Business Dilemma* at the Law Professors Christian Fellowship Annual Conference, January 2001

Presented *The Post-Feminist Generation*, at a conference on “The New Feminism,” Pontifical Athenaeum Regina Apostolorum, Rome, May 2000

Participated in debate on the Establishment Clause and Public Education at University of Kansas, February 2000

Presented “School Choice: Just and Legal,” at conference on School Choice and the Constitution, Cornell Law School, March 1998

GRANTS & AWARDS

2009 Paul M. Bator Award (honoring outstanding scholar-teacher under 40)

Article *Planning as Public Use* selected by Land Use and Environmental Law Review as one of five best scholarly articles on land use planning published in 2007

Article *Planning as Public Use* selected for publication in 2008 ZONING AND PLANNING LAW HANDBOOK (annual compilation of most influential legal scholarship on zoning and planning)

Article *Relocating Disorder* elected for publication in 2006 ZONING AND PLANNING LAW HANDBOOK (annual compilation of most influential legal scholarship on zoning and planning)

Article *On Castles and Commerce: Zoning Law and the Home Business Dilemma* selected for publication in 2002 ZONING AND PLANNING LAW HANDBOOK (annual compilation of most influential legal scholarship on zoning and planning)

Recipient of research grant from the Yale Law School Project on Capitalism for research on the role of informal transportation services in welfare reform efforts.

SELECTED UNIVERSITY AND LAW SCHOOL SERVICE

University

- Provost Fellow, 2008-10
- Academic Council, 2006-2009
 - o Executive Committee, 2007-2009
 - o Chair, Faculty Affairs Subcommittee, 2007-2009
- Chair, Task Force on Collaborative Hiring, 2008-2009
- Selection Committee for Laetare Medal (Notre Dame's highest honor), 2008-2011
- Academic Articles Working Group, 2007-2009 (spearheaded decennial review of the University's Academic Articles, including major revisions to the tenure and promotion process)
- Alliance for Catholic Education Spirituality Committee, 2008-2009
- Notre Dame Task Force on the Future of K-12 Catholic Education, Co-Chair, Public Funding Subcommittee, 2005-2007
- Contributing Faculty Member, Notre Dame GLOBES program, 2006-present

Law School

- Dean Search Committee, 2008-2009
- Judicial Clerkships Committee, 2000-Present
- Strategic Plan Committee, 2007-2008
- Law Librarian Search Committee, 2005-2006
- Curriculum Committee, 2004-2006
- Faculty Colloquium Committee, 2001-2003 and 2004-2005 ABA Self-Study Committee, 2002-2003
- Admissions Committee, 2000-2003
- Faculty Advisor, Married Law Students Association and Federalist Society.

Other Professional Service

- Circle of Scholars, Lumen Christi Institute, Chicago, Illinois, since 2006
- National Prison Rape Elimination Commission, 2004-2006
- Peer Reviewer, LAND USE AND ENVIRONMENTAL LAW REVIEW, since 2004
- Officer, American Association of Law Schools, Constitutional Law Section, 2002-2003 and 2007-2008

Community Service

- St. Joseph Elementary School, Parent Volunteer (since 2005)
- St. Joseph Catholic Church, Children's Liturgy of the Word (2004-2007)
- Early Childhood Development Center at St. Mary's College, Parent Volunteer (since 2001)
- St. Matthew Cathedral, Capital Campaign Volunteer (2002)

PERSONAL

- Born Mary Nicole Stelle, Wichita, Kansas (January 7, 1970)
- Married Richard W. Garnett (October 22, 1994)
- Three children: Margaret Clare Garnett (September 27, 1999), Thomas William Garnett (June 23, 2001), and Elizabeth Ann Garnett (April 22, 2004)
- Parishioner, Saint Joseph Catholic Church, South Bend, Indiana