

## WALTER J. WALSH

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I am a comparative lawyer, trained in Europe and the United States, whose interdisciplinary teaching and research interests lie in the fields of legal and constitutional history; the use of law as a tool for social transformation; and the jurisprudential construction of the modern European Union.

### TEACHING

1996-  
present

**University of Washington School of Law**, Seattle, WA  
**Associate Professor** with tenure (initially Visiting Associate Professor)  
Core law school courses, and interdisciplinary courses taught with departments of history, political science, international studies, and comparative literature:

*\* European Union Law \* European Law & Society: The Rights of the Individual \* Comparative & International Law \* Comparative Law \* Tutorial in Comparative Law \* Legal Analysis for Students not Trained in the Common Law System*

*\* Constitutional Law I \* Constitutional Law: Freedom of Expression \* God, Caesar and the Constitution: The Jurisprudence of Law and Religion \* American Constitutional History: From Colonial Times to the Present*

*\* Legal History \* Theories of Justice \* The Jurisprudence of Irish Republicanism, 1798-1998 \* General Externship Perspectives Seminar*

*\* Torts \* The Frontiers of Tort Law*

Core Faculty, Interdisciplinary & Comparative Law, Societies, and Justice Program, University of Washington Rome Center, Italy  
Executive Committee, European Union Center  
Executive Committee, Center for West European Studies  
Teaching Fellow, Walter Chapin Simpson Center for the Humanities  
Faculty Director, William Sampson Fellowships in Comparative Public Interest Law

2008  
spring

**National University of Ireland, Faculty of Law**, Galway, Ireland  
**Visiting Professor**  
**Irish Centre for Human Rights**, Galway, Ireland  
**Visiting Professor**  
(On research sabbatical from University of Washington)

- 2004  
autumn **University of Miami School of Law, Miami FL**  
**Visiting Professor**  
*\*Torts \*Religion and Identity Politics*
- 1999  
summer **Vytautas Magnus University, Department of Law, Kaunas, Lithuania**  
**Visiting Professor**  
*\* Comparative Constitutional History taught to Lithuanian law students*
- 1995-96 **New York University School of Law, New York, NY**  
**Samuel I. Golieb Fellow in Legal History**  
Faculty research fellowship
- 1994  
summer **Central European University, Department of Law, Budapest, Hungary**  
**Visiting Professor**  
*\* American Constitutional History taught to LL.M. students from throughout Central and Eastern Europe, and from South Africa*
- 1991-96 **Seton Hall University School of Law, Newark, NJ**  
**Associate Professor**  
*\* Torts \* Advanced Torts \* American Legal History \* Jurisprudence*
- 1990-91 **University of Chicago Law School, Chicago, IL**  
**Harry A. Bigelow Teaching Fellow and Lecturer in Law**  
*\* Legal Research and Writing Seminar taught to first-year law students*

## EDUCATION

- 1989-97 **Harvard Law School, Cambridge, MA**  
**Doctor of Juridical Science (S.J.D.) '97**  
Dissertation on legal history and philosophy – Postcolonial Radical – The Life and Thought of William Sampson (1764-1836) (supervised by Professor Morton J. Horwitz); a jurisprudential biography of the imprisoned, disbarred, and banished Irish radical who became America's first career civil rights lawyer and leading antebellum codifier; this study of revolutionary ideological and social struggles points to the unity of legal obligation and moral choice; Graduate Fellow; Mark DeWolfe Howe Fund Award for research into legal history and civil liberties
- 1984-85 **Yale Law School, New Haven, CT**  
**Master of Laws (LL.M.) '89**  
Graduate Fellow; Editor, Yale Journal of International Law; founder, Yale Graduate Law Students Association; clinical enrollment, New Haven Legal Services
- 1979-83 **Incorporated Law Society of Ireland, Dublin, Ireland**  
**Solicitor '83**  
Professional law school for indentured apprentices of Irish attorneys
- 1978  
summer **International Institute of Human Rights, Strasbourg, France**  
**Certificate of Human Rights '78**  
Bank of Ireland Human Rights Scholarship '78

1976-79            **University College Dublin** (National University of Ireland), Dublin, Ireland  
**Bachelor of Civil Laws (B.C.L.) '79**  
Winner, Human Rights Essay Competition '78; taught Human Rights by Sean MacBride, founder of Amnesty International, winner of Nobel and Lenin peace prizes, and author of MacBride divestment principles for civil rights in Northern Ireland

## **PRACTICE**

Admitted to practice Ireland '83; California '84; New York '86; also U.S. Supreme Court and other federal courts; graduate, National Institute for Trial Advocacy (NITA) '88

1987-89            **Debevoise & Plimpton**, New York, N.Y.  
**Associate Attorney**  
Federal and state litigation; first amendment; reproductive freedom; immigration

1985-87            **Judge Julia Cooper Mack, District of Columbia Court of Appeals**,  
Washington, D.C.  
**Judicial Clerk**  
Researched and drafted opinions for Judge Mack, including complex first amendment and equal protection issues in Gay Rights Coalition v. Georgetown University, 536 A.2d 1 (D.C. 1987) (en banc); upon her appointment to the bench two decades ago, Judge Mack became the first woman of color to sit on any American court of last resort; her Georgetown opinion is the first and only final appellate decision to equate sexual orientation with race and gender for purposes of equal protection strict or heightened scrutiny; in numerous articles based on this decision in the Yale Law Journal, the Michigan Law Review, and elsewhere, legal scholars have portrayed Judge Mack's lead opinion in Georgetown in such terms as a paradigm of postmodern judicial rhetoric that "takes seriously the responsibility of the judge to be open to perspectives of others, particularly those who have been excluded from citizenship"

1983-84            **Steven E. Feldman, P.C.**, San Diego, Ca.  
**Assistant Lawyer**  
Court appointment to assist leading criminal defense advocates in successfully litigating constitutional right to counsel of indigent death penalty defendant in trial court and California Supreme Court; initially supported by stipend from ACLU and local criminal defense bar

1979-83            **James C. Fagan**, Solicitor, Dublin, Ireland  
**Solicitor's Apprentice**  
Litigation; commercial; probate

1977-83

**Free Legal Advice Centers (FLAC)**, Dublin, Ireland

**Director** and **Vice-Chair** of Ireland's first nonprofit poverty law organization; also founder and Editor of New Deal, FLAC's journal on legal and social affairs; since its inception by law students in 1969, FLAC has won major impact litigation in the European Court of Human Rights forcing the introduction of state-funded legal services, and requiring payment of hundreds of millions of dollars in equal social welfare payments to married women previously considered dependant on their husbands

## SELECTED PUBLICATIONS

William Sampson, A Republican Constitution, and the Conundrum of Orangeism on American Soil, 1824-1831, 6 RADHARC – A Journal of Irish and Irish-American Studies 1 (2004-2006)

The Elusivity of Rights, in THE DARK SIDE OF FUNDAMENTAL RIGHTS (Andras Sajo, ed., Eleven International Publishing, Utrecht, 2006)

The Priest-Penitent Privilege – An Hibernocentric Exercise in Postcolonial Jurisprudence, 80 Indiana L. J. 1037 (2005)

The First Free Exercise Case, 73 Geo. Wash. L. Rev. 1 (2004)

History and Biography, 40 Howard L.J. 291 (1997) (introducing symposium issue on Speaking Truth to Power: The Jurisprudence of Julia Cooper Mack) (with Professors Derrick Bell, J. Clay Smith, et al.)

The Fearful Symmetry of Gay Rights, Religious Freedom, and Racial Equality, 40 Howard L.J. 513 (1997) (discussing conflicts between antidiscrimination principles and religious freedom guarantees)

Religion, Ethnicity and History – Clues to the Cultural Construction of Law, chapter in interdisciplinary collection of historical essays entitled THE NEW YORK IRISH (T. Meagher & R. Bayor eds., Johns Hopkins University Press 1996 & 2d ed. 1997)

Redefining Radicalism: A Historical Perspective, 59 Geo. Wash. L. Rev. 636 (1991) (exploring tradition of leftist attacks upon legal formalism)

Aspect 1000 (Aspect Publications 1983) (first investigative report to uncover hitherto undisclosed revenues and profits of Ireland's largest one thousand public and private corporations)

Report of the Criminal Legal Aid Review Committee, 2 Crim. L.J. 18 (1982) (book review)

Poor People and the Law, chapter in interdisciplinary collection of essays on ONE MILLION POOR? THE CHALLENGE OF IRISH INEQUALITY (S. Kennedy ed., Turoe Press 1981)

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Postcolonial Radical – The Life and Thought of William Sampson (1764-1836) (revising Harvard Law School doctoral dissertation for publication as book by university press)

Rights in America (first draft of book on the 1980s controversy between antidiscrimination laws and religious freedom at Georgetown University, currently circulating for comments)

## **SELECTED BRIEFS AND ARGUMENTS**

Hungary v. Slovakia (Int'l Ct. Justice) ("World Court") (pending) (retained by Hungarian foreign ministry to revise and edit final draft of its English-language memorial in environmental law dispute arising from Slovakia's diversion of the Danube through Nagymaros-Gabcikova dam)

Webster v. Reproductive Health Services, 492 U.S. 490 (1989) (modifying but not overruling Roe v. Wade; amicus curiae brief on behalf of American Public Health Association et al.)

New York v. Sullivan, 889 F.2d 401 (2d Cir. 1989), aff'd sub nom. Rust v. Sullivan, 500 U.S. 173 (1991) (whether government may condition federal funding to family planning programs on denial of information concerning abortion; amicus curiae brief on behalf of NOW LDEF et al.)

In re A.C., 573 A.2d 1235 (D.C. 1990) (en banc) (whether courts can order unwanted cesarean section to save fetus; amicus curiae brief on behalf of American Public Health Association et al.)

Bensofia v. Blackman, No. CV-90-1547 (E.D.N.Y. June 20, 1990) (Weinstein, J.), habeas corpus review of No. A28-435-897 (Immigration Judge July 14, 1988), aff'd, (B.I.A July 7, 1989) (whether political asylum applicant fearing religious persecution should be excluded to Libya; argued 4-day trial before immigration judge, appeal before immigration appeals court, habeas corpus review in federal district court, and briefed appeal to federal court of appeals)

Farmer v. D'Agostino Supermarkets, Inc., 144 Misc. 2d 631, 544 N.Y.S.2d 943 (Sup. Ct. N.Y. Co. 1989) (filed suit and successfully argued homeless can collectors' claim for injunction against major supermarket chains that flout their nickel redemption obligation under the New York State Bottle Bill; class action on behalf of Legal Action Center for the Homeless)

Corenevsky v. Superior Court (People), 36 Cal.3d 307, 204 Cal. Rptr. 165, 682 P.2d 360 (1984) (en banc) (assisted trial and appellate counsel in successfully representing indigent death penalty defendant who was being denied defense funds by financially strapped rural county)

## MISCELLANEOUS

Frequent presentations, e.g. American Society for Legal History national conference, American Irish Historical Association, Columbia University Irish Studies Seminar, New Jersey Multicultural Studies Project, New York Public Library, National Public Radio, Bilaga at Georgetown University Law Center, New York University Legal History Colloquium, European Critical Legal Conference, historical address at the Supreme Court of the United States, etc.

President, New York Irish History Roundtable, 1996-98

Frequent contributor on legal and social issues to Irish newspapers and periodicals, retained as historical consultant for television documentary series, and former member, National Union of Journalists