

## AMALIA D. KESSLER

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### EDUCATION

- YALE LAW SCHOOL,** J.D., 1999
- Honors: Carolyn E. Agger Endowment for Women in Law, Postgraduate Grant  
Yale Center for Studies in Law, Economics & Public Policy/Olin Research  
Grant—research in 18<sup>th</sup>-century merchant-court archives (Paris, Summer  
1997 )  
Dean’s Research Funds—research on 18<sup>th</sup>-century French merchant law and  
practice (Cambridge, MA, Summer-Fall 1999)
- Activities: *Yale Law Journal*, Senior Editor  
*Yale Journal of Law and the Humanities*, Articles Editor  
Jerome N. Frank Legal Services Organization—political asylum clinic
- STANFORD UNIVERSITY,** Ph.D., European History, 2001; M.A., 1996
- Dissertation: From Virtue to Commerce: The Parisian Merchant Court and the Rise of  
Commercial Society in Eighteenth-Century France (dissertation  
committee: Keith M. Baker, James Q. Whitman, Paul A. Robinson)
- Honors: Andrew W. Mellon Fellowship for Summer Research  
German Academic Exchange Service (DAAD) Scholarship (Regensburg,  
Summer 1995)
- Teaching: Instructor, Law, Commerce, and Theory: Conceptualizing the Rise of  
Modernity  
Teaching Assistant, undergraduate courses in 19<sup>th</sup>-century European intellectual  
history, inter-war European culture, and 20<sup>th</sup>-century Indian history
- Activities: *Stanford Humanities Review*, Editor  
Graduate Resident Assistant  
Tutor, French
- HARVARD COLLEGE,** A.B., *magna cum laude*, History & Literature (Modern France & England), 1994
- Honors: *Phi Beta Kappa*  
Lucy Allen Patton Senior Prize—awarded to the Radcliffe student graduating  
with the highest grade point average in Humanities or Fine Arts  
John Harvard and Elizabeth Cary Agassiz Scholarships  
Detur Prize—awarded to top 5% of first-year students  
Minda de Gunzburg Center for European Studies Research Grant
- Activities: *The Harvard Advocate* (literary magazine), Executive Editor & Circulation  
Manager  
Tutor, French and English as a Second Language

### EXPERIENCE

- STANFORD LAW SCHOOL,** STANFORD, CA
- LEWIS TALBOT AND NADINE HEARN SHELTON PROFESSOR OF INTERNATIONAL  
LEGAL STUDIES, AND PROFESSOR (BY COURTESY) OF HISTORY Oct. 2011-present
- PROFESSOR OF LAW AND (BY COURTESY) HISTORY, Sept. 2008-Sept. 2011  
AND HELEN L. CROCKER FACULTY SCHOLAR
- ASSOCIATE PROFESSOR OF LAW AND (BY COURTESY) HISTORY, Oct. 2007-Aug. 2008  
AND HELEN L. CROCKER FACULTY SCHOLAR
- ASSOCIATE PROFESSOR OF LAW AND (BY COURTESY) HISTORY Sept. 2006-Sept. 2007

ASSISTANT PROFESSOR OF LAW	Aug. 2003-Aug. 2006
<b>UNIVERSITÉ PANTHÉON-ASSAS (PARIS II), PARIS, FRANCE</b> VISITING PROFESSOR	June 2010; May 2009
<b>ÉCOLE DES HAUTES ÉTUDES EN SCIENCES SOCIALES, PARIS, FRANCE</b> VISITING PROFESSOR	April 2009
<b>STUDIENSTIFTUNG DES DEUTSCHEN VOLKES, GUIDEL, FRANCE</b> FACULTY, THE EUROPEAN-AMERICAN JUDICIAL CONFLICT (CO-TAUGHT WITH PROFESSOR THOMAS RÜFNER, UNIVERSITY OF TRIER)	Sept. 2007
<b>NATIONAL ADVOCACY CENTER, U.S. DEPARTMENT OF JUSTICE, COLUMBIA, SC</b> FACULTY, CIVIL PROCEDURE	Mar. 2005
<b>UNITED STATES DEPARTMENT OF JUSTICE, CIVIL DIVISION, WASHINGTON, DC</b> TRIAL ATTORNEY (COMMERCIAL LITIGATION), HONORS PROGRAM	2001-2003
<b>PIERRE N. LEVAL, UNITED STATES CIRCUIT JUDGE, NEW YORK, NY</b> LAW CLERK, U.S. COURT OF APPEALS FOR THE SECOND CIRCUIT	2000
<b>DAVIS POLK &amp; WARDWELL, NEW YORK, NY</b> SUMMER ASSOCIATE	Summer 1998
<b>UNESCO, PARIS</b> EDITOR, UNESCO PUBLICATIONS	Summer 1992

## BOOKS

*A Revolution in Commerce: The Parisian Merchant Court and the Rise of Commercial Society in Eighteenth-Century France* (Yale University Press, 2007)

## PAPERS

*The Making and Debunking of Legal Tradition (Comparative Law Symposium)*, 16 ROGER WILLIAMS U. L. REV. 129 (2011)

*Constructing an Ideal: Chancellor Kent, Justice Story, and the Surprising Revival of Equity in Early Nineteenth-Century America*, ANNUAIRE DE L'INSTITUT MICHEL VILLEY: L'ÉQUITÉ ET SES MÉTAMORPHOSES (vol. 2, Mar. 2011)

*Marginalization and Myth: The Corporatist Roots of France's Forgotten Elective Judiciary*, 58 AMERICAN JOURNAL OF COMPARATIVE LAW 679 (2010)

*Power, Not Progress: An Alternative Reading of L'Hôpital's Legal Reforms*, 28 LAW AND HISTORY REVIEW 837 (2010)

*Deciding Against Conciliation: The Nineteenth-Century Rejection of a European Transplant and the Rise of a Distinctively American Ideal of Adversarial Adjudication*, 10 THEORETICAL INQUIRIES IN LAW 423 (2009)

*Approches procédurales et institutionnelles de la justice: la réponse contrastée américaine et française à l'augmentation des procès civils « orientés public, »* DROIT ET ÉCONOMIE (38<sup>e</sup> Congrès du Mouvement Jeune Notariat, 2007)

*Our Inquisitorial Tradition: Equity Procedure, Due Process, and the Search for an Alternative to the Adversarial*, 90 CORNELL L. REV. 1181 (2005)

*A "Question of Name": Merchant-Court Jurisdiction and the Origins of the Noblesse Commerçante,*  
A VAST AND USEFUL ART: THE GUSTAVE GIMON COLLECTION ON FRENCH POLITICAL ECONOMY  
(Mary Jane Parrine ed., 2004), 49-65

*Enforcing Virtue: Social Norms and Self-Interest in an Eighteenth-Century Merchant Court,* 22 L &  
HIST. REV. 71 (2004)

*Limited Liability in Context: Lessons from the French Origins of the American Limited Partnership,*  
32 J. LEG. STUD. 511 (2003)

*Searching for a "New System" of Government: Linguet and the Rise of the Centralized, Administrative  
State,* 28 HIST. REFLECTIONS/ RÉFLEXIONS HIST. 93 (2002)

### BOOK REVIEWS

Book Review, Michael Sonenscher, *Before the Deluge: Public Debt, Inequality, and the Intellectual  
Origins of the French Revolution,* 83 BUS. HIST. REV. 426 (2009)

Book Review, Mitchel de S.-O.-l'E. Lasser, *Judicial Deliberations: A Comparative Analysis of Judicial  
Transparency and Legitimacy,* 18 Yale J. L. & Human. 327 (2006)

Book Review, Cindy Skach, *Borrowing Constitutional Designs: Constitutional Law in Weimar  
Germany and the French Fifth Republic,* 16 L. & POL. BOOK REV. 344 (2006)

Book Review, Suzanne Desan, *The Family on Trial in Revolutionary France,* 24 L. & HIST. REV. 219  
(2006)

Book Review, Geoffrey C. Hazard, Jr. & Angelo Dondi, *Legal Ethics: A Comparative Study,* 15 L. &  
POL. BOOK REV. 22 (2005)

Book Review, Antoine Garapon & Ioannis Papadopoulos, *Juger en Amérique et en France,* 52 AM. J.  
COMP. L. 777 (2004)

Book Review, Kristin Ruggiero, *Modernity in the Flesh: Medicine, Law, and Society in Turn-of-the  
Century Argentina,* 14 L. & POL. BOOK REV. 320 (2004)

Book Review, Charlotte Wells, *Law & Citizenship in Early Modern France,* 5 STAN. HUMAN. REV. 302  
(1997)

### WORKS IN PROGRESS

Book: *American Exceptionalism and the Forgotten Tradition of Equity, 1814-1912*

### INVITED PRESENTATIONS

Paper to be presented, Public Law Workshop, University of Minnesota Law School (scheduled, Apr. 12,  
2012)

*Delineating Between Conciliation and Adjudication: A Comment on Resnik and Curtis's Representing Justice  
and the Difficulty of Preserving Public Adjudication as a Sphere of Democratic Self-Governance,*  
Childress Lecture program on Justice Systems Circa 2011: Public Courts, Military Commissions  
and Aggregate Processing, Saint Louis University School of Law (scheduled, Nov. 11, 2012)

Invited Speaker, Conference on Franco-American Legal Influences, Then and Now, Harvard Law School  
(June 13, 2011)

Panel Commentator, "Hidden and Emergent Financial Systems," Annual Meeting of the Law and Society  
Association, San Francisco, CA (June 2, 2011)

*Market Freedom and Adversarial Adjudication: The Nineteenth-Century American Debates Over (European) Conciliation Courts and the Problem of Procedural Ordering*, Chicago-Kent College of Law Faculty Workshop (Apr. 26, 2011)

*Market Freedom and Adversarial Adjudication: The Nineteenth-Century American Debates Over (European) Conciliation Courts and the Problem of Procedural Ordering*, Iowa Legal History Workshop (Apr. 25, 2011)

*Civic Republicanism and the Cultural Foundations of American Adversarialism: Henry Vanderlyn and the Decline of Equity's Quasi-Inquisitorial Tradition*, Harvard Legal History Workshop (Apr. 7, 2011)

*Civic Republicanism and the Cultural Foundations of American Adversarialism: Henry Vanderlyn and the Decline of Equity's Quasi-Inquisitorial Tradition*, George Washington University Law School Works-in-Progress Series (Nov. 19, 2010)

*Recalling Past Convergence: Equity Procedure and the United States' Forgotten Inquisitorial Tradition*, Il Seminario Derecho de los Contratos Internacionales, Universidad Sergio Arboleda, Bogotá (Aug. 26, 2010)

*Civic Republicanism and the Rise of a Unified (Oral and Adversarial) Model of Procedure*, Law, History, and Culture Workshop, University of Southern California (Apr. 21, 2010)

*Civic Republicanism and the Rise of a Unified (Oral and Adversarial) Model of Procedure*, Legal History and Culture Speaker Series, University of Connecticut Law School (Mar. 24, 2010)

*Civic Republicanism and the Rise of a Unified (Oral and Adversarial) Model of Procedure*, Legal History Forum, Yale Law School (Mar. 23, 2010)

*Civic Republicanism and the Rise of a Unified (Oral and Adversarial) Model of Procedure*, Legal History Workshop, University of Virginia Law School (Mar. 22, 2010)

*Civic Republicanism and the Rise of a Unified (Oral and Adversarial) Model of Procedure*, Center for the Study of Law and Society Speaker Series, University of California at Berkeley Law School (scheduled, Mar. 1, 2010)

Invited Speaker, Keynote Address, Comparative Law Workshop, Center for International and Comparative Law, Emory Law School (scheduled, Feb. 19, 2010)

Panel Commentator, "An Archeology of Agency in the Civil Law Tradition: Early Modern Spain, France, and Colonial Spanish America," Annual Meeting of the American Historical Association, San Diego, CA (scheduled, Jan. 7-10, 2010)

*Lessons from the Archives: Critical Reflections on the Standard Narrative of the Law Merchant*, Annual Conference of the American Society for Legal History, Dallas, TX (scheduled, Nov. 13, 2009)

Paper, Annual Meeting of the American Society of Comparative Law: Methodological Approaches to Comparative Law, Roger Williams University School of Law (scheduled, Oct. 1-3, 2009)

*Le droit et le commerce: La juridiction consulaire de Paris au XVIII<sup>e</sup> siècle*, Seminar on "Capitalisme et marchés, XVIII<sup>e</sup>-XIX<sup>e</sup> siècles: Produits, travail et société," École des hautes études en sciences sociales, Paris (Apr. 3, 2009)

*Une révolution du commerce: La juridiction consulaire de Paris et l'essor de la société de marché*, Seminar on "La propriété et ses droits: Confiance et institutions judiciaires dans les sociétés de l'époque moderne," École des hautes études en sciences sociales, Paris (Apr. 2, 2009)

Panel Commentator, "Language and Republican Virtue in Early Modern France," Annual Meeting of the Society for French Historical Studies, St. Louis, MO (Mar. 28, 2009)

*Marginalization and Myth: France's Forgotten Politicized Courts*, Comparative Law Workshop, Villanova Law School (Mar. 25, 2009)

*Deciding Against Conciliation: The Nineteenth-Century Rejection of a European Transplant and the Rise of a Distinctively American Ideal of Adversarial Adjudication*, Willamette Law School Faculty Workshop (Mar. 9, 2009)

Invited Participant, Manuscript Conference on Benito Arruñada's *Building Market Institutions*, Mercatus Center at George Mason University (Feb. 2-4, 2009)

*Deciding Against Conciliation: The Nineteenth-Century Rejection of a European Transplant and the Rise of a Distinctively American Ideal of Adversarial Adjudication*, Conference in Honor of Mirjan Damaska, Yale Law School (Nov. 1, 2008)

*Deciding Against Conciliation: The Nineteenth-Century Rejection of a European Transplant and the Rise of a Distinctively American Ideal of Adversarial Adjudication*, Illinois Legal History Program, University of Illinois (Oct. 3, 2008)

*Deciding Against Conciliation: The Nineteenth-Century Rejection of a European Transplant and the Rise of a Distinctively American Ideal of Adversarial Adjudication*, Legal History Workshop, University of Minnesota Law School (Sept. 25, 2008)

*Deciding Against Conciliation: The Nineteenth-Century Rejection of a European Transplant and the Rise of a Distinctively American Ideal of Adversarial Adjudication*, Faculty Workshop, Haifa University Law School (July 23, 2008)

*Deciding Against Conciliation: The Nineteenth-Century Rejection of a European Transplant and the Rise of a Distinctively American Ideal of Adversarial Adjudication*, Semi-Plenary Session, Annual Meeting of the Research Committee on the Sociology of Law, Como, Italy (July 12, 2008)

*Deciding Against Conciliation: The Nineteenth-Century Rejection of a European Transplant and the Rise of a Distinctively American Ideal of Adversarial Adjudication*, Law & History Workshop, Tel Aviv University Law School (June 30, 2008)

*Deciding Against Conciliation: The Nineteenth-Century Rejection of a European Transplant and the Rise of a Distinctively American Ideal of Adversarial Adjudication*, Conference on the History of Legal Transplants, Hebrew University and Tel Aviv University (June 12, 2008)

*Bankruptcy and the Reconceptualization of Merchant-Court Jurisdiction in Eighteenth-Century France*, European Social Science History Conference, Lisbon, Portugal (Feb. 29, 2008)

*Deciding Against Conciliation: The Nineteenth-Century Rejection of a European Transplant and the Rise of a Distinctively American Ideal of Adversarial Adjudication*, Global Law Workshop, Duke Law School (Feb. 22, 2008)

*Between Functionalism and Essentialism: Culture as Historically Contextualized Social Practice*, Annual Meeting of the American Society of Comparative Law: Comparative Law and Culture, Cornell Law School (Nov. 9, 2007)

*Law and Virtue: The Eighteenth-Century Parisian Merchant Court*, Studienstiftung des Deutschen Volkes, Guidel, France (Sept. 19, 2007)

Invited Participant, Law, War, and History, Boalt Law School (Jan. 15-17, 2007)

Invited Participant, Pamphleteers on Commerce, Culture and Liberty: De La Court, Locke, Barbon, North, Child, Fletcher, Liberty Fund, Safety Harbor, FL (Jan. 4-7, 2007)

*Launching a National Campaign: The Administrative Monarchy and the Rise of le Commerce*, Social Science History Workshop, Stanford University (Nov. 15, 2006)

*A Crisis in Virtue: The Challenges Posed by the Rise of Negotiability in Eighteenth-Century France*, Annual Meeting of the Law and Society Association, Baltimore, MD (July 7, 2006)

*A Revolution in Commerce: The Administrative Monarchy and the Rise of le Commerce*, Legal History Colloquium, NYU Law School (Mar. 29, 2006)

*A Revolution in Commerce: The Administrative Monarchy and the Rise of le Commerce*, Law and Humanities Colloquium, Cornell Law School (Mar. 27, 2006)

*Our Inquisitorial Tradition: Equity Procedure, Due Process, and the Search for an Alternative to the Adversarial*, Civil Justice Workshop, Boalt Law School (Feb. 2, 2006)

*From Public Hazard to Social Good: The Parisian Merchant Court and the Rise of a New Conception of Commerce*, Legal History Workshop, UCLA Law School (Jan. 18, 2006)

*From Public Hazard to Social Good: The Parisian Merchant Court and the Rise of a New Conception of Commerce*, Legal History Series, Columbia Law School (Nov. 17, 2005)

Panel Commentator, Symposium on Comparative Early Modern Legal History, Newberry Library, Chicago, IL (Oct. 14, 2005)

Panel Moderator, Conference and Festschrift in Honor of Lawrence Friedman, Stanford Law School (Oct. 1, 2005)

Panel Moderator, Gun Control: Old Problems, New Paradigms, Stanford Law School (Sept. 16, 2005)

*The Adversarial Self-Conception of American Legal Culture and the Forgotten Equity Tradition*, Cornell Law School and Sciences Po, Workshop on Rethinking “Legal Transplants” and “Mixed Jurisdictions”: When Civilian Legal Reasoning Meets Constitutional Thought, Paris, France (July 14, 2005)

*A Revolution in Commerce: French Absolutism and the Rise of “le Commerce” as Social Function*, Annual Meeting of the Research Committee on the Sociology of Law, Paris, France (July 12, 2005)

*Our Inquisitorial Tradition: Equity Procedure, Due Process, and the Search for an Alternative to the Adversarial*, Law & History Workshop, Tel Aviv University Law School (May 23, 2005)

*Reconceiving Trade as Free, Private Exchange: Jurisdictional Conflict and the Eighteenth-Century Parisian Merchant Court*, Annual Conference of the Society for French Historical Studies, Stanford University (Mar. 19, 2005)

Invited Participant, West Coast Law and Society Retreat, Berkeley, CA (Mar. 11-12, 2005)

*A Revolution in Commerce: French Absolutism and the Rise of “le Commerce” as Social Function*, Annual Conference of the American Society for Legal History, Austin, TX (Oct. 30, 2004)

Invited Participant, Empire, Human Rights, and Transnational Contexts in American Legal History, Miniconference, University of Texas, Austin (Oct. 28, 2004)

*A “Question of Name”: Merchant-Court Jurisdiction and the Origins of the Noblesse Commerçante*, Gimon Conference on French Political Economy (1650-1850), Stanford University (Apr. 18, 2004)

## GRANTS AND AWARDS

Winner, Hessel Yntema Prize, awarded by the American Society of Comparative Law for the “most outstanding” article by a scholar under 40 appearing in volume 58 of the *American Journal of Comparative Law* (2011)

Winner, J. Russell Major Prize, awarded by the American Historical Association for the best book in English on any aspect of French history (2008)

Research Fellow, Workshop on Common Law Legal Transplants, Institute for Advanced Studies, Hebrew University (May-August 2008)

Recipient, Charles A. Ryskamp Research Fellowship, American Council of Learned Societies (2007-2008), supporting one year of research

Winner, Surrency Prize, awarded by the American Society for Legal History for the best article appearing in volume 22 of the *Law and History Review* (2005)

Recipient, Special Commendation Award, U.S. Department of Justice (December 2002)

Recipient, Performance Award, U.S. Department of Justice (December 2002)

Recipient, Star Award for legal representation, U.S. Department of the Interior (September 2002)

### **PROFESSIONAL MEMBERSHIPS AND SERVICE**

Reviewer, Mellon/ ACLS Dissertation Completion Fellowship Program (2011-12)

Co-Chair, Program Committee of the American Society for Legal History (2011)

Invited Member, Hurst Prize Committee, Law and Society Association (2011)

Elected Member, Executive Committee of the American Society of Comparative Law (2009-10; 2010-11)

Elected Member, Nominating Committee of the American Society for Legal History (2008-2010)

Co-Director, Law and History Workshop, Stanford Humanities Center (2008-09)

Associate Editor (Book Reviews, Non-Americas), *Law and History Review* (starting in May 2007)

Chair, American Association of Law Schools Section on Comparative Law (2010)

Elected Member, Executive Committee of the American Association of Law Schools Section on Comparative Law (2007-09)

Invited Member, Program Committee of the American Society for Legal History (2006; 2010)

Manuscript Reviewer, Yale University Press; Oxford University Press; *Law and History Review*; *The Journal of Economic History*; *Law and Social Inquiry*; *The Journal of Modern History*

Director/ Editor (representing Stanford), American Society of Comparative Law

Local Organizer, Annual Meeting of *Mouvement Jeune Notariat* (organization of French notaries/ transactional lawyers), San Francisco, CA (Nov. 18-24, 2007)

Member, American Society for Legal History, Law and Society Association, American Historical Association, & Society for French Historical Studies

Admitted to New York and Massachusetts Bars (2000)

### **LAW SCHOOL SERVICE**

Chair, Appointments Committee (Entry-Level) (2010-11)

Member, Foreign Law Programs Committee (2009-10)

Member, Appointments Committee (2008-09)

Chair, Faculty Workshops Committee (2006-07; 2007-08)

Member, Graduate/ International Studies Committee (2004-05; 2005-06; 2006-07; 2009-10)

Member, Building Committee (2006-07; 2008-09)

Member, Admissions Committee (2003-04)

## UNIVERSITY SERVICE

Member, Faculty Voice and Influence Program (2011-12)

Executive Committee Member, France-Stanford Center for Interdisciplinary Studies (2008-09; 2009-10; 2010-11)

Member, Committee on Libraries (2009-10; 2010-11; 2011-2012)

Member, Committee on Libraries Subcommittee on the Future of Stanford's Libraries (2008-09; 2009-10)

Stanford Fellow (2008-09; 2009-10)

Member, Selection Committee for Gimon Visiting Scholar Fellowship in French Political Economy (2005-06; 2006-07; 2008-09)