

LUKE M. MILLIGAN

The Ordered Liberty Program
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CURRENT

THE ORDERED LIBERTY PROGRAM
University of Louisville
Louisville, Kentucky

Director, 2020-Present
Co-Director, 2018-20

THE ORDERED LIBERTY SCHOOL IN CENTRAL EUROPE
University of Louisville
Budapest, Hungary

Co-Director, 2020-President

SCHOOL OF LAW
University of Louisville
Louisville, Kentucky

Professor of Law, 2015-Present
Associate Professor of Law (with Tenure), 2014-15
Associate Professor of Law, 2012-14
Assistant Professor of Law, 2008-12,
Visiting Assistant Professor of Law, 2007-08

Courses: Criminal Law, Criminal Procedure, Natural Law & Natural Rights,
Jurisprudence, Constitutional Law

ACADEMIC EXPERIENCE

UNIVERSITY OF MILAN
Milan, Italy

Visiting Professor, Spring 2023

UNIVERSITY OF LISBON
Lisbon, Portugal

Visiting Professor, November 2022

UNIVERSITY OF MAINZ
Mainz, Germany

Visiting Professor, June 2014

UNIVERSITY OF KWAZULU-NATAL
Pietermaritzburg, South Africa

Visiting Professor, May 2010

UNIVERSITY OF TURKU
Turku, Finland

Visiting Professor, May 2009

EMORY UNIVERSITY
Atlanta, Georgia

Visiting Assistant Professor of Law, 2006-07

LEGAL EXPERIENCE

WILLIAMS & CONNOLLY LLP
Washington, D.C.

Associate, 2004-06

HON. EDITH BROWN CLEMENT, U.S. COURT OF APPEALS FOR THE FIFTH CIRCUIT
New Orleans, Louisiana

Law Clerk, 2003-04

HON. MARTIN L.C. FELDMAN, U.S. DISTRICT COURT FOR THE EASTERN DISTRICT OF LOUISIANA
New Orleans, Louisiana

Law Clerk, 2002-03

KING & SPALDING LLP
Washington, D.C.

Summer Associate, 2002

UNITED STATES DEPARTMENT OF JUSTICE
Antitrust Division
Washington, D.C.

Summer Law Intern, 2001

KING & SPALDING LLP
Atlanta, Georgia

Summer Associate, 2001

MEMBERSHIPS

CATO INSTITUTE SUPREME COURT REVIEW
Washington, D.C.

Board of Advisors, 2021-Present

BLUEGRASS INSTITUTE FOR PUBLIC POLICY SOLUTIONS
Bowling Green, Kentucky

Board of Scholars, 2021-Present

PUBLIC GOVERNANCE, ADMINISTRATION AND FINANCES LAW REVIEW
Budapest, Hungary

Board of Editors, 2021-Present

FEDERALIST SOCIETY
Lawyers Chapter
Louisville, Kentucky

Executive Committee, 2019-Present

HILLSDALE COLLEGE
Hillsdale, Michigan

Associate, 2021-Present

KENTUCKY BAR ASSOCIATION

Member, 2015-Present

OHIO STATE BAR ASSOCIATION

Member, 2004-Present

EDUCATION

EMORY UNIVERSITY SCHOOL OF LAW
Atlanta, Georgia

J.D., with honors, 2002
Articles Editor, *Emory Law Journal*

MIAMI UNIVERSITY
Oxford, Ohio

B.S.B., *cum laude*, Economics, minor in Finance, 1998
John E. Dolibois European Center (Luxembourg); *Phi Kappa Phi*; *Beta Gamma Sigma*

PUBLICATIONS

Common Good Constitutionalism and the Right to Be Secure (forthcoming 2022)

History of Search Warrants, ATTORNEY GENERAL'S TASK FORCE REPORT ON SEARCH WARRANTS
(Dec. 2021)

Police Transparency and the Exclusionary Rule, 58 UNIVERSITY OF LOUISVILLE LAW REVIEW 467
(2020) (symposium)

Natural Law, Commonwealths, and Higher Education, 57 UNIVERSITY OF LOUISVILLE LAW REVIEW
501 (2019) (symposium)

Freedom from Fear: The Original Meaning of the Fourth Amendment, in PRIVACY IN 21ST CENTURY
(Carolina Press) (2017)

The Right to Be Secure: Los Angeles v. Patel, 2015 CATO SUPREME COURT REVIEW 251 (2015)

Kentucky Penal Code: Degradation and Reform, 79 KENTUCKY BENCH & BAR 26 (January 2015)

The Right to Be Secure, 41 SEARCH & SEIZURE REPORT 1 (Dec. 2014)

The Forgotten Right to Be Secure, 65 HASTINGS LAW JOURNAL 713 (2014)

Hugo's Trumpet, 77 KENTUCKY BENCH & BAR 7 (March 2013)

The Fourth Amendment and Concreteness Drift, 82 MISSISSIPPI LAW JOURNAL 891 (2013)
(symposium)

The Real Rules of "Search" Interpretations, 21 WILLIAM & MARY BILL OF RIGHTS JOURNAL 1 (2012)

Analogy Breakers: A Reality Check on Emerging Technologies, 81 MISSISSIPPI LAW JOURNAL 1319
(2011) (symposium)

Modeling the Congressional End-Run Constraint, 45 UNIVERSITY OF RICHMOND LAW REVIEW 863
(2011)

Beyond Form and Hyperbole, JURIST (April 7, 2011)

Congressional End-Run: The Ignored Constraint on Judicial Review, 44 GEORGIA LAW REVIEW 211 (2010)

Stacking in Criminal Procedure Adjudication, 85 CHICAGO-KENT LAW REVIEW 331 (2010) (symposium)

Rethinking Press Rights of Equal Access, 65 WASHINGTON AND LEE LAW REVIEW 1103 (2008) (symposium)

The “Ongoing Criminal Investigation” Constraint: Getting Away With Silence, 16 WILLIAM & MARY BILL OF RIGHTS JOURNAL 747 (2008)

A Theory of Stability: John Rawls, Fetal Homicide, and Substantive Due Process, 87 BOSTON UNIVERSITY LAW REVIEW 1177 (2007)

The Source-Centric Framework to the Exclusionary Rule, 28 CARDOZO LAW REVIEW 2739 (2007)

Comment, *The Fourth Amendment Rights of Trespassers: Searching for the Legitimacy of the Government-Notification Doctrine*, 50 EMORY LAW JOURNAL 1357 (2001)

PRESENTATIONS

Campus Speech: Law & Practice, Federalist Society, State Conference, Louisville, Kentucky (September 29, 2022)

The Right to Be Secure and Special Needs Exception, Annual Conference, Southeastern Association of Law Schools, Destin, Florida (July 30, 2022)

The Right to Be Secure and Common Good Constitutionalism, Free Speech Forum, University of Public Service, Budapest, Hungary (June 6, 2022)

Cold War and Communism, Ordered Liberty Fellows Dinner, Louisville, Kentucky (March 8, 2022)

Burke and Conservative Constitutionalism, Ordered Liberty Fellows Dinner, Louisville, Kentucky (September 23, 2021)

“To Be Secure” and the U.S. Supreme Court, Annual Conference, Southeastern Association of Law Schools, Boca Raton, Florida (August 1, 2021)

The History of Warrants: James Otis and the Right to Be Secure, Attorney General’s Search Warrants Taskforce, Inaugural Meeting, Frankfort, Kentucky (May 24, 2021)

Theological Roots of American Compacts, Ordered Liberty Fellows Dinner, Louisville, Kentucky (February 4, 2021)

Roger Scruton’s Conservative Environmentalism, Ordered Liberty Fall Retreat, Elk Creek Lake, Indiana (October 3, 2020)

Common Good Constitutionalism, Ordered Liberty Fellows Dinner, Louisville, Kentucky (September 10, 2020)

The Common Good, Ordered Liberty Fellows Dinner, Anchorage, Kentucky (August 27, 2020)

Whittaker Chambers and the Crisis of the West, Ordered Liberty Fellows Dinner, Louisville, Kentucky (January 8, 2020)

Introduction of Senator Rand Paul, Federalist Society, State Conference, Frankfort, Kentucky (October 7, 2019)

Russell Kirk and the Moral Imagination, Ordered Liberty Fellows Dinner, Anchorage, Kentucky (September 23, 2019)

Ordered Persons and Ordered Societies, ASEZ Conference, University of Louisville, Louisville, Kentucky (September 19, 2019)

Police Transparency and the Exclusionary Rule, Symposium on Criminal Justice Reform, *University of Louisville Law Review*, Louisville, Kentucky (September 13, 2019)

Supreme Court Preview: October Term 2019, Federalist Society, Louisville Lawyer's Chapter, Louisville, Kentucky (September 4, 2019)

Edmund Burke and Ordered Liberty, Ordered Liberty Fellows Dinner, Louisville, Kentucky (August 26, 2019)

Federalist Society SCOTUScast: Stokeling v. United States, Opinion Analysis (July 24, 2019)

Federalist Society SCOTUScast: The Armed Career Criminal Act (ACCA) Cases (Stokeling v. United States; United States v. Simms; United States v. Stitt), Post-Argument Analysis (December 5, 2018)

Higher Education, Natural Law, and the Commonwealth, Symposium on the Idea of a Commonwealth, *University of Louisville Law Review*, Louisville, Kentucky (September 28, 2018)

Freedom of Speech and the American Campus, Federalist Society, Evansville Lawyer Chapter, Evansville, Indiana (August 4, 2018)

Police Transparency and the Exclusionary Rule, Privacy Discussion Forum, Paris Dauphine University, Paris, France (June 24, 2018)

The Common Law, the Colonies, and Constitutional Conventions, Annual Conference, Kentucky Association of Criminal Defense Lawyers, Louisville, Kentucky (October 29, 2017)

Diversity of Ideas, 1L Orientation, Louis D. Brandeis School of Law, University of Louisville, Louisville, Kentucky (August 10, 2017)

Ideological Diversity in Legal Academia, Annual Conference, Southeastern Association of Law Schools, Boca Raton, Florida (August 2, 2017)

Historical and Textual Perspectives on Immigration Law, American Inns of Court, Louis D. Brandeis Chapter, Louisville, Kentucky (April 24, 2017)

Diversity of Ideas, 1L Orientation, Louis D. Brandeis School of Law, University of Louisville, Louisville, Kentucky (August 13, 2016)

Navigating the Hiring Process, Annual Conference, Southeastern Association of Law Schools, Boca Raton, Florida (July 29, 2015)

Judicial Decisionmaking and Judicial Databases, Annual Conference, Kentucky Department of Public Advocacy, Frankfort, Kentucky (June 16, 2015)

The Right to Be Secure, Symposium on NSA Surveillance, *Michigan Journal of Telecommunications & Technology*, University of Michigan Law School, University of Michigan, Ann Arbor, Michigan (February 21, 2015)

The Constitutional Right to Examine Witnesses, Louisville Metro Public Defender's Office, Louisville, Kentucky (December 11, 2014)

Closing Remarks: Kentucky Criminal Law Reform, Fourth Annual Forum on Criminal Law Reform in the Commonwealth, Louis D. Brandeis School of Law, University of Louisville, Louisville, Kentucky (November 7, 2014)

The Right to Be Secure, Louisville Metro Public Defender's Office, Louisville, Kentucky, (October 14, 2014)

Navigating the Hiring Process, Annual Conference, Southeastern Association of Law Schools, Amelia Island, Florida (August 2, 2014)

The Fourth Amendment and Mass Surveillance, University of Mainz, Mainz, Germany (June 18, 2014)

Mass Surveillance and the Original Meaning of the Fourth Amendment, Federalist Society, Louisville Lawyer's Chapter, Louisville, Kentucky (May 21, 2014)

Stand Your Ground, American Inns of Court, Louis D. Brandeis Chapter, Louisville, Kentucky (April 23, 2014)

"Stand Your Ground" Laws: A Benefit or Detriment?, African-American Initiative, Community Mini-Summit, Louisville, Kentucky (December 5, 2013)

Navigating the Hiring Process, Annual Conference, Southeastern Association of Law Schools, Palm Beach, Florida (August 5, 2013)

The Right to Be Secure: The Forgotten Value of the Fourth Amendment, College of Law, University of Kentucky, Lexington, Kentucky (January 25, 2013)

The Merits of Judicial Elections, Lively M. Wilson Memorial Panel Discussion, Louisville Bar Association, Louisville, Kentucky (June 26, 2012)

Concreteness Drift and the Fourth Amendment, Criminal Procedure Discussion Forum, Yeditepe University, Istanbul, Turkey (May 22, 2012)

Magisterial Response, Symposium: The Language of Natural Rights, Saint Louis University, St. Louis, Missouri (April 27, 2012)

The Atomic Code of Fourth Amendment Interpretations, Louis D. Brandeis School of Law, University of Louisville, Louisville, Kentucky (April 11, 2012)

The Atomic Code of Fourth Amendment Interpretations, Salmon P. Chase College of Law, Northern Kentucky University, Highland Heights, Kentucky (April 6, 2012)

Originalism, Louis D. Brandeis School of Law, University of Louisville, Louisville, Kentucky (February 2, 2012)

GPS and the Fourth Amendment, Central High School, Louisville, Kentucky (November 30, 2011)

Surveilling the Police, Cincinnati Bar Association, Cincinnati, Ohio (October 5, 2011)

The Atomic Code of Search-and-Seizure, Annual Conference, Southeastern Association of Law Schools, Hilton Head, South Carolina (July 28, 2011)

Surveilling the Police, Annual Conference, Southeastern Association of Law Schools, Hilton Head, South Carolina (July 27, 2011)

The Perils of Fourth Amendment Pragmatism, Louis D. Brandeis School of Law, University of Louisville, Brandeis School of Law, Louisville, Kentucky (April 1, 2011)

Juvenile Justice, Manual High School, Louisville, Kentucky (January 6, 2011)

Constitution Day: City of Ontario v. Quon, Louis D. Brandeis School of Law, University of Louisville, Louisville, Kentucky (September 17, 2010)

Judicial Politics and Constitutional Theory, New Scholars Workshop, Annual Conference, Southeastern Association of Law Schools, Palm Beach, Florida (July 31, 2010)

A Reality Check on Emerging Technologies, Criminal Procedure Discussion Forum, University of Aix-Marseilles III, Aix-en-Provence, France (June 11, 2010)

Congressional End-Run, Faculty Workshop, University of KwaZulu-Natal School of Law, Pietermaritzburg, South Africa (May 15, 2010)

The Confirmation Hearings of Sonia Sotomayor, Constitution Day, Louis D. Brandeis School of Law, University of Louisville, Louisville, Kentucky (September 16, 2009)

Congress and Strategic Adjudication, Florida State University College of Law, Florida State University, Tallahassee, Florida (August 27, 2009)

Federalist Society SCOTUScast: Herring v. United States, Opinion Analysis (May 28, 2009)

Good Faith and Exclusion, Louis D. Brandeis School of Law, University of Louisville, Louisville, Kentucky (March 17, 2009)

Adjudicative Stacking, Criminal Procedure Discussion Forum, Emory University School of Law, Atlanta, Georgia (December 10, 2008)

Federalist Society SCOTUScast: Herring v. United States, Post-Argument Analysis (October 31, 2008)

The Supreme Court: Past and Prologue, Cato Institute, Washington, D.C. (September 17, 2008)

Constitution Day, Louis D. Brandeis School of Law, University of Louisville, Louisville, Kentucky (September 8, 2008)

Supreme Court Review: October Term 2007, Annual Conference, Southeastern Association of Law Schools, Palm Beach, Florida (July 27, 2008)

The Roberts Court and the Future of the Fourth Amendment, Symposium on Criminal Procedure, *Texas Journal on Civil Liberties & Civil Rights*, University of Texas School of Law, University of Texas, Austin, Texas (March 3, 2008)

COLLOQUIA

Law & Economics Center, George Mason University Antonin Scalia School of Law, *Capitalism & the Rule of Law*, Charleston, South Carolina (November 2021)

Law & Economics Center, George Mason University Antonin Scalia School of Law, *Economic & Legal Foundations of Capitalism*, Laguna Beach, California (September 2021)

Liberty Fund, *The Jurisprudence of Adam Smith*, Phoenix, Arizona (November 2018)

James Wilson Institute, *Natural Rights and Natural Law*, University of Chicago Law School, Chicago, Illinois (May 2018)

OP-EDS

State-Funded Law School Goes Partisan, MINDING THE CAMPUS (January 27, 2016)

UofL Law School Is No Longer Neutral, LOUISVILLE COURIER-JOURNAL (January 14, 2016)

Dangerous Incompetence, LOUISVILLE COURIER-JOURNAL (June 26, 2009)

BRIEFS

Caniglia v. Strom, No. 20-157 (U.S. 2021) (co-signed Brief of Fourth Amendment Scholars in Support of Petitioners)

Torres v. Madrid, No. 19-292 (U.S. 2020) (co-signed Brief of Fourth Amendment Scholars in Support of Petitioners)

Ashland Specialty Co., Inc. v. Dale W. Steager, West Virginia State Tax Commissioner, No. 18-1053 (U.S. 2019) (co-authored Brief of Bluegrass Institute in Support of Petition for Certiorari)

United States v. Microsoft, No. 17-2 (U.S. 2018) (co-signed Brief of Fourth Amendment Scholars in Support of Respondents)

Carpenter v. United States, No. 16-402 (U.S. 2018) (co-signed Brief of Scholars of the History and Original Meaning of the Fourth Amendment in Support of Petitioners)

SERVICE

U.S. Commission on Civil Rights, State Advisory Board for Kentucky (2019-2023)

Kentucky Department of Public Advocacy Commission (2010-Present)

Louisville Metro Public Defender's Office, Brandeis Fellow (2014-15)

American Inns of Court, Barrister, Louis D. Brandeis Chapter, Louisville, Kentucky (2015-18)

Southeastern Association of Law Schools (SEALS), Chair, Prospective Law Teachers Workshop (2012-15)

Federalist Society, Executive Committee, Lawyer's Chapter, Louisville (2019 – Present)

Federalist Society, Faculty Advisor, Student Chapter, University of Louisville, Brandeis School of Law (2012-Present)

Republican Party of Kentucky, Representative, Recanvass of Jefferson County (November 2019)

Hon. Allison Ball, Treasurer of Kentucky, Representative, Election Day (November 2019)

McConnell Re-Election, Representative, Election Day (November 2020)

Southeastern Association of Law Schools (SEALS), Chair, Prospective Law Teachers Workshop (2012-15)

Louisville Bar Association, Leadership Academy (2009-10)

Faculty Senate (2013-16, 2019-Present)

Academic Programs Committee (2021-Present)

Law Dean Search Committee (2013-14)

Scholars at Risk Committee (2017- Present)

Grievance Committee (2018-Present)

University Research Awards Committee (2017 & 2019)

Dean's Advisory Committee (2012-14; 2019-20)

Chair, Clerkship Committee, (2017-Present)

Brandeis Medal Committee (2019-20)

Faculty Appointments Committee (2009-12 & 2014-15)

Economic Welfare Committee (2013-15; 2019-20)

Strategic Planning Committee (2011-13)

Faculty Excellence Committee (2012-2013)

Faculty Advisor, *Law Review* (2009-2011)