

## MICHAEL H. HOFFHEIMER

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### POSITION

Professor of Law  
Jamie L. Whitten Chair of Law and Government

### EDUCATION

Legal: The University of Michigan Law School  
J.D. *cum laude* 1984  
Articles Editor, *University of Michigan Journal of Law Reform*; Dykema  
Scholarship 1983; awards in American Legal History 1983-84, European Legal  
Systems 1984, Copyright 1984

Graduate: The University of Chicago  
Ph.D. 1981; M.A. 1978 (History)  
University Scholarships 1977-81; Kunstader Fellowship 1978; Honors, M.A.-  
Ph.D. Qualifying Examination 1978

College: The Johns Hopkins University  
B.A. with Honors 1977 (Philosophy major)

Secondary: The Phillips Exeter Academy, 1973

### MONOGRAPHS

*Conflict of Laws: Examples and Explanations*, 3d ed. (New York: Wolters Kluwer, 2016),  
2d ed. (New York: Wolters Kluwer, 2013), [1st ed.] (New York: Aspen, 2010)  
*Eduard Gans and the Hegelian Philosophy of Law*, International Archives of the History  
of Ideas (Dordrecht: Kluwer Academic Publishers, 1995)  
*Justice Holmes and the Natural Law* (New York: Garland Publishing, Inc., 1992)  
*Fiddle Care and Setup* (Pacific, Mo.: Mel Bay Publications, Inc., 2008)  
*Fiddling for Viola: Traditional Irish and American Fiddle Tunes Arranged for Viola*  
(Pacific, Mo.: Mel Bay Publications, Inc., 2000)  
*2005 Directory of Law Reviews* (LexisNexis 2005), earlier print editions 1994, 1996,

1997, 1999, 2003) (available on line for several years, no longer published)

## BOOK CHAPTERS

- "Race and Law in Hegel's Philosophy of Religion," in *Race and Racism in Modern Philosophy*, ed. Andrew Valls (Ithaca: Cornell University Press, 2005), 194-216
- "The Transcendental Idea of God," "Four Early Poems," "Fragment on the Life-Course of God," critical translations, in Jon Stewart, *Miscellaneous Writings of G.W.F. Hegel* (Evanston: Northwestern University Press, 2002), 78-85, 138-42, 256-63
- "The Idea of Law (*Recht*) in Hegel's *Phenomenology of Spirit*," in David Lamb ed., *Hegel*, 2 vols., International Library of Critical Essays in the History of Philosophy (Aldershot: Ashgate/Dartmouth, 1998), 1: 321-43
- With Joseph A. Hoffheimer, "George on Being and Somethingness," in *The Philosophy of the Beatles*, ed. Michael Baur and Steven Baur (Open Court Publishing Co. 2006), 125-36

## ARTICLES

- "The Stealth Revolution in Personal Jurisdiction," *Florida Law Review* 70 (forthcoming 2018)
- "The New Sister-State Sovereign Immunity," *Washington Law Review* (forthcoming December 2017)
- with Deborah J. Challener, "Mixed Jurisdiction Cases in Mississippi Courts," *Mississippi College Law Review* 35 (2017): 386-435
- with Luanne Buchanan, "La traducción 'acia arriba' en *Dafnis y Cloe* de Juan Valera," *Anales Galdosianos* 51 (2016): 25-43
- with Judy M. Cornett, "Good-Bye Significant Contacts: General Personal Jurisdiction after *Daimler AG v. Bauman*," *Ohio State Law Journal* 76 (2015): 101-67
- "California's Territorial Turn in Choice of Law," *Rutgers Law Review* 67 (2015): 167-242
- "Copyright, Competition, and the First English-Language Translations of *Les Misérables*," *Marquette Intellectual Property Law Review* 17 (2013): 163-91
- "General Personal Jurisdiction after *Goodyear Dunlop Tires Operations, S.A. v. Brown*," *Kansas Law Review* 60 (2012): 549-610
- "Translations of *Les Misérables* for Law Libraries," *Legal Reference Services Quarterly* 31 (2012): 270-85
- "Jean Valjean's Nightmare: Rehabilitation and Redemption in *Les Misérables*," *McGeorge Law Review* 46 (2011): 168-98
- "Conflicting Rules of Interpretation and Construction in Multi-Jurisdictional Disputes," *Rutgers Law Review* 63 (2011): 599-656
- with Anne Quinney, "Alexandre Dumas in Naples," *Dalhousie French Studies* 94 (2011): 155-64
- with Anne Quinney, "Fatal Duality: Alexandre Dumas on Garibaldi, Cavour, and the Myth of the Risorgimento," *Clio* 39 (2010): 161-85

- "Race and Terror in Joseph Baldwin's 'Flush Times of Alabama and Mississippi' (1853)," *Seaton Hall Law Review* 39 (2009): 725-78
- "Cataloguing a Contested Classic: Joseph Baldwin's 'Flush Times of Alabama and Mississippi' (1853)," *Legal Reference Services Quarterly* 29 (2010): 179-92
- "Rule of Law in Bollywood," *University of Florida Entertainment Law Review* 3 (2009): 81-117
- "Codifying Necessity: Legislative Resistance to Enacting Choice-of-Evils Defenses to Criminal Liability," *Tulane Law Review* 82 (2007): 191-246
- "The Future of Constitutionally Required Lesser Included Offenses," *University of Pittsburgh Law Review* 67 (2006): 585-640
- "Awaras and the Post-Colonial Origins of the Hindi Law Drama," *Historical Journal of Film Radio and Television* 26 (2006): 341-59
- "Bollywood Law: Commercial Hindi Films with Legal Themes," *Law Library Journal* 98 (2006): 61-79
- "The Rise and Fall of Lesser Included Offenses," *Rutgers Law Journal* 36 (2005): 351-437
- "Lesser Included Offenses in Mississippi," *Mississippi Law Journal* 74 (2004): 135-212 with Kris Gilliland and Lynn Murray, "Pre-1900 Mississippi Legal Authority," *Mississippi Law Journal* 73 (2003): 195-261
- "Murder and Manslaughter in Mississippi: Unintentional Homicide," *Mississippi Law Journal*, 71 (2001): 35-152
- "Hegel, Race, Genocide," *The Southern Journal of Philosophy* 39 supplement (2001): 35-62
- "Translating Hegel's Idea of Servitude," *Hegel-Studien* 34 (1999): 61-83
- "Observing Capital Punishment in Arnold Bennett's *The Old Wives' Tale*," *Mississippi Law Journal* 69 (1999): 441-53
- "Baptism and Law in the Young Hegel," *Clio* 27 (1998): 533-50
- "Law and Legal Education as a Hotbed for the Novel: The Case of Goethe," *Wayne Law Review* 44 (1998): 1-27
- "Mississippi Conflict of Laws," *Mississippi Law Journal* 67 (1997): 175-321
- "Copying Constitutional Text: Natural Law, Constitutionalism, Authority," *Southern California Interdisciplinary Law Journal* 4 (1996): 653-92
- "Mississippi Courts 1790-1869," *Mississippi Law Journal* 65 (1995): 99-170
- "Hegel's First Philosophy of Law," *Tennessee Law Review* 62 (1995): 823-97 with Luanne Buchanan, translators, "Hegel and America" by José Ortega y Gasset, *Clio* 25 (1995): 63-81
- "Law, Fossils, and the Configuring of Hegel's Philosophy of Nature," *Idealistic Studies* 25 (1995): 155-73
- "Hegel's Manuscript 'The Transcendental Idea of God,'" *Clio* 24 (1995): 419-26
- "The Common Law of Edward Christian," *Cambridge Law Journal* 53 (1994): 140-63
- "Two Hegel Texts on Law," *University of Toledo Law Review* 24 (1993): 933-42
- "L.Q.C. Lamar 1825-1893," *Mississippi Law Journal* 62 (1993): 5-106
- "Hegel's Criticism of Law," *Hegel-Studien* 27 (1992): 27-52
- "The Idea of Law (*Recht*) in Hegel's *Phenomenology of Spirit*," *Clio* 21 (1992): 346-67

- "Schelling's Philosophy of Natural Law," *Temple Law Review* 64 (1991): 1-58
- "Artistic Convention and Natural Law: Didactic Treatment of Authority in Works of Fielding, Hawthorne, and Fritz Lang," *Temple Law Review* 63 (1990): 483-509
- "Justice Holmes: Law and the Search for Control," *Yearbook of the Supreme Court Historical Society* (1989): 98-118
- "Requiring Jury Instructions on Eyewitness Identification Evidence at Federal Criminal Trials," *Journal of Criminal Law & Criminology* 80 (1989): 585-672
- "The Early Critical and Philosophical Writings of Justice Holmes," *Boston College Law Review* 30 (1989): 1221-82
- "Effect of Particularized Instructions on Evaluation of Eyewitness Identification Evidence," *Law & Psychology Review* 13 (1989): 43-58; reprinted in *Criminal Practice Law Review* 2 (1990): 323-37; reprinted in Robert M. Krivoshey ed., *Instructions, Verdicts, and Judicial Behavior*, Readings in Trial Advocacy and the Social Sciences vol. 4 (New York: Garland, 1994), 77-92
- "Intoxication and Extreme-Recklessness Murder: Presenting and Preserving the Issues," *Criminal Law Bulletin* 25 (1989): 123-38
- "Holmes, L.Q.C. Lamar, and Natural Law," *Mississippi Law Journal* 58 (1988): 71-85
- "Natural Law, Nature, and History: Professor Weinreb's Philosophy of Natural Law," *Wisconsin Law Review* (1988): 561-76
- "Locke, Spinoza, and the Idea of Political Equality," *History of Political Theory* 7 (1986): 341-60
- "The Four Equals: Analyzing Spinoza's Idea of Equality," *Philosophia: Philosophical Quarterly of Israel* 15 (1985): 237-49
- "The Influence of Schiller's Theory of Nature on Hegel's Philosophical Development," *Journal of the History of Ideas* 46 (1985): 231-44
- "Four Early Poems by Hegel," *Clio* 13 (1984): 401-05
- "Habeas Corpus Review of State Trial Court Failure to Give Lesser Included Offense Instructions," *University of Michigan Journal of Law Reform* 16 (1983): 617-42
- "Hegel Fragment on the Life-Course of God," *Clio* 12 (1983): 401-09
- "Maupertuis and the Eighteenth-Century Critique of Preexistence," *Journal of the History of Biology* 15 (1982): 119-44

## SHORT ESSAYS, REVIEWS, OCCASIONAL PIECES

- "George C. Cochran: Constant Constitutionalist," *Mississippi Law Journal* 85 (2016): 965-84
- "Samuel M. Davis: Teacher, Scholar, Dean," *Mississippi Law Journal* 85 (2016): 909-25
- "Remembering Richard L. Barnes," *Mississippi Law Journal* 83 (2014): 445-55
- "John Robin Bradley: Biographia Literaria," *Mississippi Law Journal* 82 (2013): 751-76
- "Aaron Storer Condon: Socratic Memorabilia," *Mississippi Law Journal* 82 (2013): 29-33
- "Robert A. Weems: The Lawyer's Law Professor," *Mississippi Law Journal* 82 (2013): 801-08
- "Foreword: A Creative Monsoon," to Nilu Gavanakar, *The Desai Trio and the Film*

- Industry of India* (Author House, 2011): vii-xiii (privately published)
- With Anne Quinney, "The Unforgiven: Alexandre Dumas's Review of Cavour in *L'Indipendente* (1863)," *French Studies Bulletin* no. 110 (2009): 12-17
- "Brown Goes North," *Law Touched Our Hearts: A Generation Remembers Brown v. Board of Education*, ed. Mildred Wigfall Robinson and Richard J. Bonnie (Nashville: Vanderbilt University Press, 2009): 225-30
- "Guantánamo, Courts and the Rule of Law," *UM Lawyer* 33 (Fall/Winter 2006-07)
- "Clarence Darrow," "Medgar Evers," "Thurgood Marshall," "Ida B. Wells," entries in *Encyclopedia of Civil Liberties*, ed. Paul Finkelman et al., 4 vols. (New York: Routledge, 2007)
- Review of *The Philosophy and Politics of Bruno Bauer* by Douglas Moddach (Cambridge University Press, 2003) in *Owl of Minerva* 38 (2006-07): 145-50
- "Fiddle," entry in *Encyclopedia of Blues*, ed. Peter Redvers-Lee and Edward Komara, 2 vols. (New York: Routledge, 2006), 1: 315-20
- "Veer-Zaara: Love and Law in Bollywood," *Picturing Justice: The On-Line Journal of Law and Popular Culture* (2005)
- Entry on Edward Christian in *Oxford Dictionary of National Biography* (Oxford University Press, 2004), 11: 18-19
- Review of *Hegel: A Biography* by Terry Pinkard (Cambridge University Press, 2000) in *Owl of Minerva* 34 (2003): 187-97
- "Blues Fiddlers," *The Strad* 113 (November 2002): 1184-89
- Dedication to Larry S. Bush, *Mississippi Law Journal*, 71 (2001): i-iv
- "Translating *Knechtschaft*," *Owl of Minerva* 32 (2001): 169-75
- Review of *Political Writings* by G.W.F. Hegel, edited by Laurence Dickey and H.B. Nisbet, translated by H.B. Nisbet (Cambridge University Press, 1999) in *Owl of Minerva* 32 (2001): 216-23
- Review of *Hegel's Phenomenology of Self-Consciousness*, translation and commentary by Leo Rauch and David Sherman (State University of New York Press, 1999), in *Clio* 29 (1999): 82-86
- Review of Michael P. Zuckert, *The Natural Rights Republic: Studies in the Foundation of the American Political Tradition* (Notre Dame, 1996), in *Journal of American Legal History* 42 (1998): 425-27
- "The Uneasy Life and Career of L.Q.C. Lamar," *The Mississippi Lawyer* 45 (1998): 16-18
- Review of *Holmes and Frankfurter: Their Correspondence, 1912-1934*, edited by Robert M. Mennel and Christine L. Compston (Hanover, 1996), in *Trial* (Oct. 1997): 80-81
- Entries in *American National Biography*, ed. John A. Garraty and Mark C. Carnes, 24 vols. (New York: Oxford University Press, 1999), 13: 132-34 (Fritz Lang, film director); 14: 856-57 (Emlin McClain, legal scholar); 15: 560-61 (Nathan Milstein, classical violinist); 18: 718-19 (Fred Rodell, legal scholar); 23: 227-28 (Josh White, blues guitarist); 23: 542-44 (Bob Wills, fiddler)
- "Varieties of Law and Literature," review of Wai Chee Dimock, *Residues of Justice: Literature, Law, Philosophy* (Berkeley, 1996) and Martha Grace Duncan,

- Romantic Outlaws, Beloved Prisons: The Unconscious Meaning of Crime and Punishment* (New York, 1996), in *Clio* 27 (1998): 415-27
- Review of Richard Dien Winfield, *Law in Civil Society* (Kansas, 1995), in *The Owl of Minerva* 28 (1996): 122-28
- Review of Ardis B. Collins, ed., *Hegel on the Modern World* (Albany, 1994), in *Clio* 25 (1996): 321-29
- Review of William Maker, *Philosophy Without Foundations: Rethinking Hegel* (Albany, 1994), in *Clio* 25 (1996): 119-23
- Review of Margaret Jane Radin, *Reinterpreting Property* (Chicago, 1993), in *Clio* 24 (1995): 337-42
- "Does Hegel Justify Slavery?," *The Owl of Minerva* 25 (1993): 118-19
- Dedication, *Mississippi Law Journal* 63 (1993): 1-5
- Review of Robert W. Gordon, ed., *The Legacy of Oliver Wendell Holmes, Jr.* (Stanford, 1992), in *Journal of American Legal History* 37 (1993): 512-13
- Review of Norbert Waszek, *Eduard Gans (1797-1839): Hegelianer-Jude-Europäer* (Frankfurt am Main, 1991), in *Clio* 22 (1993): 400-04
- Review of David H. Burton, *Political Ideas of Justice Holmes* (Rutherford, 1992), in *The Journal of American History* (1993): 720-21
- Review of Steven B. Smith, *Hegel's Critique of Liberalism: Rights in Context* (Chicago, 1989), in *The Owl of Minerva* 23 (1991): 111-15
- "Justinian in the Hinterlands: Roman Law as Introduction to a Standard Curricular Course on English Legal History," *Legal Education Review* 1 (1989): 249-58
- Review of T.A. Green, *Verdict according to Conscience: Perspectives on the History of the English Criminal Trial Jury, 1200-1800* (Chicago, 1985), in *University of Cincinnati Law Review* 56 (1987): 557-63
- Review of H.S. Harris, *Hegel's Development: Night Thoughts* (Oxford, 1983), in *Journal of Modern History* 57 (1985): 584-85
- With James L. Robertson, "Bar Committee Undertakes Rewrite of Criminal Code," *The Mississippi Lawyer*, (May-June 1994): 12-15

## EXPERIENCE

- 2015-: Jamie L. Whitten Chair in Law and Government, University of Mississippi School of Law
- 2015-: affiliated faculty member, Department of Philosophy, University of Mississippi
- 2013-15: Leonard B. Melvin Lecturer in Law
- 1998-2013: Mississippi Defense Lawyers Association Lecturer in Law
- 1997-: Professor of Law, University of Mississippi
- 1991-1997: Mitchell, McNutt, Threadgill, Smith & Sams Lecturer of Law, University of Mississippi
- 1990-1997: Associate Professor of Law, University of Mississippi
- 1987-1990: Assistant Professor of Law, University of Mississippi
- 1984-1987: Associate, Frost & Jacobs, Cincinnati, Ohio

1985-1987: Public Defender Panel, Hamilton County, Ohio  
1985-1987: Adjunct Faculty, University of Cincinnati College of Law

### **ADMITTED TO PRACTICE**

Supreme Court of the United States; Supreme Court of Ohio (0000414); District of Columbia Court of Appeals (inactive status); United States Court of Appeals for the Fifth Circuit; United States Court of Appeals for the Sixth Circuit; United States District Court Eastern District of Kentucky; United States District Court Southern District of Ohio

### **PROFESSIONAL ASSOCIATIONS**

Life Fellow, American Bar Foundation; American Bar Association; American Constitution Society (member and faculty adviser), American Society for Legal History; Hegel Society of America; Bencher *emeritus*, William C. Keady Inn of Court, American Inns of Court; NAACP (silver life member); OUTlaw (member and faculty advisor)

### **PAPERS, CONFERENCES, SPEECHES**

- “Res Judicata,” Mississippi Supreme Court and Court of Appeals Conference, March 9, 2018
- “Transfer of Jurisdiction,” Mississippi Trial & Appellate Judges Spring Conference, Biloxi, Mississippi, April 27, 2017
- “Jurisdiction and Transfer Issues Involving Circuit and Chancery Courts in Mississippi,” Law Alumni Weekend CLE, University of Mississippi School of Law, March 24, 2017
- “Rousseau’s Last Opera,” Eighteenth-Nineteenth Century Study Group, Oxford, Mississippi, September 17, 2016
- “The Changing Game Rules of Jurisdiction,” Law Alumni Weekend CLE, University of Mississippi School of Law, March 11, 2016
- “Creating Copyright for Translators in the Nineteenth Century,” Program in Translation and Intercultural Communication, Princeton University, October 5, 2015
- Panel participant and co-organizer, “The New Civil Procedure: Paradox and Peril,” Southeastern Association of Law Schools, Boca Raton, Florida, August 1, 2015
- Moderator, “Health Disparities and Access to Health” panel, Symposium on Race and Sustainability, April 2, 2015
- “Gay and Trans Panic Offense: The Basics,” LGBT Law Symposium, University of Mississippi School of Law, March 20, 2015
- Moderator, “Gideon’s Army” screening and panel discussion, American Constitution Society, University of Mississippi School of Law, March 19, 2014
- “Gay and Trans Panic: Offense or Defense?,” LGBT Law Symposium, University of

- Mississippi School of Law, March 21, 2014
- Moderator, "Feudalism and Fiction in *Macbeth*," Gertrude Ford Symposium, Oxford (Mississippi) Shakespeare Festival, June 25, 2013
- "Power and Tradition in *King Lear*," Gertrude Ford Symposium, Oxford (Mississippi) Shakespeare Festival, June 26, 2012
- "Martin Luther King, Jr. and the Future," Martin Luther King Day Commemoration Panel, University of Mississippi School of Law, January 25, 2012
- "Criminals High and Low in *Henry IV, Part One*," Gertrude Ford Symposium, Oxford (Mississippi) Shakespeare Festival, June 21, 2011
- "Barbie Bashing and Other Malefactions: Rule 11 and its Limits," CLE presentation, University of Mississippi Law Alumni Weekend, February 26, 2010
- "The Status of the Necessity Defense in Criminal Cases," Mississippi College Law School faculty colloquium, March 30, 2007
- "Bollywood Filmfest," University of Mississippi Writing Center (selected films and introduced series of contemporary Hindi and Tamil musical melodramas), September 20-23, 2004
- "Race in Hegel's Philosophy of Religion," Mississippi State University Department of Philosophy lecture series, October 18 2002
- "Hegel, Race, Genocide," Spindel Conference: The Contemporary Relevance of Hegel's Philosophy of Right, University of Memphis, September 22, 2000
- "Mississippi Conflict of Laws," CLE program, Natchez, Mississippi, May 13, 2000
- "Life and Career of L.Q.C. Lamar," Rotary Club, Sardis, Mississippi, May 13, 1999
- "Jefferson vs. Hegel on America," faculty talk, University of Georgia School of Law, December 2, 1998
- "Observing Capital Punishment in Arnold Bennett's *The Old Wives' Tale*," Working Group on Law, Culture & the Humanities, Georgetown University Law Center, March 28, 1998
- "The Lawyer as Novelist: the Case of Goethe and *The Sorrows of Young Werther*," Dean's lecture series, University of Kansas School of Law, April 4, 1997
- "Transplanting Hegel's Ideas of Slavery," Conference in Honor of H.S. Harris, York University, Ontario, Canada April 12, 1996
- "Mississippi Conflict of Laws," C.L.E. program, Natchez, Mississippi, March 29, 1996
- Seminar on Eduard Gans, Bad Homburg, Germany, June 29-July 1, 1995
- "Copying Constitutional Text," Symposium on Natural Law, University of Southern California Law School, November 3-5, 1994
- "Hegel's Idea of Sublation: Christian Ethics and Criminal Law," American Society for Legal History annual meeting, Washington, DC, October 22, 1994
- Session chair, Hegel Society of America, Biennial Meeting, Washington, DC, October 1-2, 1994

## **COURSES TAUGHT**

Civil Procedure, Legal History, Conflict of Laws, Remedies, Civil Procedure II, Criminal



Law, Property, Agency & Partnership, Private International Law, Honors College  
Freshman Seminar