

**JASON L. PIERCE**  
University of Dayton  
Department of Political Science  
300 College Park, Dayton, OH 45469-1425  
(937) 229-2596  
Jason.Pierce@notes.udayton.edu

---

## **EDUCATION**

Ph.D., University of Texas at Austin, Department of Government, August 2002

B.A., Southwestern University, 1994, *Magna Cum Laude* in Political Science with Departmental Honors

## **TEACHING AND OTHER ACADEMIC APPOINTMENTS**

*Associate Professor* (Tenured), University of Dayton, Department of Political Science, 2008 – Present

*Assistant Professor*, University of Dayton, Department of Political Science, 2002 – 2007

Courses Taught:           Constitutional Law, Civil Rights & Liberties, Comparative  
                                  Constitutionalism, Constitutional Theory, American Judicial Process,  
                                  American Political Systems

*Assistant Instructor*, University of Texas at Austin, Department of Government, 2001 - 2002

*Teaching Assistant*, University of Texas at Austin, Department of Government, 1997 - 1999

*Fulbright Scholar*, Australian National University School of Law, Sept. 1999 - May 2000

*Research Assistant*, Democracy in the Third Millennium Project, UT-Austin, Spring 1998 - Spring 1999

*Parliamentary Intern*, Australian Senate, Office of the Commonwealth Attorney-General, Summer 1997

## **ACADEMIC HONORS**

Outstanding Faculty Teaching Award, University of Dayton Student Government Association, 2008

Faculty of the Year Award Nomination, UD Chapter of the National Society of Collegiate Scholars, 2006

Macdonald Doctoral Dissertation Fellowship, UT-Austin, 2000-2001

Fulbright Postgraduate Fellowship to Australia, 1999-2000

APSA Advanced Graduate Student Travel Grant, September 2000

Patterson Research Grant, UT-Austin, 1999

David Bruton, Jr. Fellowship, UT-Austin, 1999

Macatee Fellowship for Research in England, UT-Austin, 1999

## GRANTS

Kettering Foundation Collaborative Research Agreement, 2008, \$15,000  
University of Dayton, Education as a Calling Research Grant, 2008, \$5,000  
University of Dayton, College of Arts & Sciences, Dean's Fund for Excellence, 2008, \$1,800  
Kettering Foundation Collaborative Research Agreement, 2006, \$30,000  
University of Dayton Research Council, Summer Research Fellowship, \$4,000, Summers 2003, 2005  
University of Dayton Academic Senate, \$2,000 for National Issues Forum on academic excellence, 2004  
University of Dayton Honors & Scholars Program, \$12,000 for student-faculty collaborative research project at the Australian National University, May – June 2003

## PUBLICATIONS (BOOK)

*Inside the Mason Court Revolution: The High Court of Australia Transformed*, Carolina Academic Press, 2006.

Reviewed in: Federal Law Review  
Law & Politics Book Review  
American Review of Politics  
Oxford University Commonwealth Law Journal  
Melbourne University Law Review  
Law Institute Journal  
Precedent (Australian Lawyers Alliance)  
The Australian (national newspaper): front page articles, editorials, and op-ed pieces

## PUBLICATIONS (ARTICLES)

"Institutional Cohesion in the High Court of Australia: Do American Theories Travel Well Down Under?" *Commonwealth & Comparative Politics*, 2008, vol. 46(3), pp. 318-40.

"A Sketch of Australian Constitutional History." *Green Bag*, Spring 2007, vol. 10, pp. 327-345.

"Bringing Australian Studies to the University of Dayton." *Crossings: Bulletin of the International Australian Studies Association*, June 2004, vol. 9:2.

"The road less traveled: Non-party intervention and the public litigation model in the High Court." *Alternative Law Journal*, April 2003, vol. 28:2, pp. 69-73.

"Interviewing Australia's Senior Judiciary: A Research Note." *Australian Journal of Political Science*, March 2002, vol. 37:1, pp. 131-142.

"Legal Realism." In *Readers Guide to the Social Sciences*. Jonathan Michie (ed.), Chicago: Fitzroy Dearborn, 2001, pages 936 – 937.

## ARTICLES UNDER SUBMISSION

“Decision-Making in Transnational Courts: A Longitudinal Study of the British Privy Council.” Under review. With Russell Smyth.

“Desperately Seeking A Dworkin: Legal Liberalism & The High Court's Implied Rights Experiment.” Under review at *UNSW Law Journal*.

"Can Deliberative Democracy Overcome Inequalities of Epistemological Authority." Under review at the *Journal of Deliberative Democracy* (revise and resubmit). With Grant Neeley and Jeffrey Budziak.

## BOOK REVIEWS

*Uncovering the Constitution's Moral Design*, Paul DeHart (2007). *Law & Politics Book Review* (in progress).

*Procedural Politics: Issues, Influence, and Institutional Choice in the European Union*, Joseph Jupille (2004). *Comparative Political Studies*, vol. 38:8, pp. 1000-1002.

*Imagining the Fifties: Private Sentiment and Political Culture in Menzies' Australia*, John Murphy (2000). *Antipodes*, December 2003, vol. 17:2, pp. 177-178.

## CURRENT PROJECTS / WORKS IN PROGRESS

### Legitimizing Legal Liberalism: A Cross-National Study of Legal Academies and Courts

This book project compares the influence that legal academies in several common law countries (U.S., U.K., Canada, New Zealand, and Australia) have had on legitimizing legal liberalism within their respective supreme courts. Contrary to skeptics who downplay legal theorists' influence on judicial decision-making, this book argues that legal theorists play varied and important roles in legitimating legal liberalism.

### Decision-Making in Transnational Courts: A Longitudinal Study of the British Privy Council

This project explores how institutional power and independence shape decision-making patterns in transnational courts by focusing on an oft-neglected transnational court: the Judicial Committee of the Privy Council sitting in London.

### Epistemological Equality and Deliberative Democracy

Critics of deliberative democracy have argued at a theoretical level that hierarchical power structures found in organizations, communities, and the wider culture present significant barriers to effective deliberation. These structures foster inequalities in epistemological authority that thwart effective small group deliberations. This project explores how rules for deliberation may ameliorate the effects of hierarchy.

## PROFESSIONAL LEADERSHIP & SERVICE

Australian and New Zealand Studies Association of North America

President, 2005 – 2007

Organized conferences in Montreal, Quebec and Washington, DC

Board Member, 2003 - Present

National Issues Forums, Coordinator for campus deliberative democracy forums

Ethical Theory and Immigration Policy, April 9, 2008

What Role Should Virtual Communities Play in Catholic University Communities? April 15, 2007

Collegiate Life and Academic Excellence, Feb. 3, 2005 & April 5, 2006

Racial and Ethnic Tensions: Where Do We Go From Here? Nov. 17, 2003

America's Role in the World, March 4, 2003 & June 16, 2003

University of Dayton Committee Service

University Wide

Diversity Lecture Series Committee (President's Office), 2006 – Present

Honorary Degree Committee (President's Office), 2008 – Present

Procedural Advisor, Faculty Hearing Committee on Academic Freedom and Tenure, and

Faculty Hearing Committee on Grievances (Provost's Office), 2008 – Present

Lilly Endowment Advisory Committee, 2003 – Present

College of Arts & Sciences

Academic Affairs Committee, 2006 - Present

Chaminade Scholars Selection Committee, 2003 - Present

Fitz Center for Leadership in Community, Faculty Participant, 2003 - Present

University Learning-Living Community Faculty Advisor, 2006 – Present

Pre-Law Advisers Committee, 2002 - Present

Honors & Scholars Program Selection Committee, 2007

Academic Senate Committee on Academic Excellence, 2003 – 2004

Political Science Department

Undergraduate Committee, Chair, 2006 – Present

Executive Committee, 2002 – 2003

Hiring Committee for Public Administration Position, 2004

Reviewer, *Law & Society Review*, *Federal Law Review*, *Melbourne University Law Review*

Editorial Board, *Australian Perspectives*, La Trobe University

Wye Faculty Fellow, The Aspen Institute, July 2007

League of Women Voters of the Greater Dayton Area, Community Advisory Board, 2007 - Present

## INVITED LECTURES / PRESENTATIONS

“Reactions to the Mason Court: What Are Australia’s Judges Thinking?”  
University of New South Wales, Constitutional Law Conference, February 8, 2008

Lectures on *Inside the Mason Court Revolution*

Monash University Faculty of Law, Melbourne, February 11, 2008  
Australian National University, College of Law, Canberra, Jan. 22, 2007  
Commonwealth Parliament of Australia, Canberra, Jan. 23, 2007  
University of Technology, Sydney, Jan. 25, 2007

“Terrorism: What Do We Know?” University of Dayton, April 5, 2006.

University Provost’s Council, University of Dayton. Presented findings from Forum on Academic Excellence, June 2005.

“Is a Living Constitution a Legitimate Constitution?” Organized and participated on panel discussion marking Constitution Day. University of Dayton, September 15, 2005.

“Presidential Candidates and the Issues.” Panel participant, University of Dayton, October 14, 2004.

“The Life of Pi and the Rush of Christianity.” Chaminade Scholars Faculty Address, Aug. 22, 2004.

“Texas, the US, and Australia: Comparing Political Institutions.” Lecture delivered at the *Bringing Australia to Your Classroom: A Workshop for Social Science Educators* conference. Bush Presidential Library, Texas A&M University, January 26, 2002.

“Australia’s Judicial Moment: Evolutions in the Judicial Role.” Australian National University Faculty of Law, Canberra, March 2000.

“The Establishment and Development of Judicial Review in Australia and the U.S.: A Comparative Assessment.” Advanced Constitutional Law Seminar, University of Technology Sydney, Jan. 2000.

“The Comparative Study of Legal Systems: Lessons from Abroad?”  
Core Readings in Public Law Graduate Seminar, University of Texas at Austin, April 1998.

“Going Abroad: What Legal Assistants Should Know About the Common and Civil Law Legal Traditions.”  
Houston Legal Assistants Association, Houston, Aug. 1995.

## CONFERENCE PAPERS

“Ethical Discourse and Deliberative Democracy: Results from an Experimental Forum.” Paper presented at the 2008 American Political Science Association conference, Aug. 28, 2008.

“The Mason Court's Legacy in a Post-Mason High Court.” Paper presented at the 2008 annual conference of the Australian & New Zealand Studies Association of North America, Austin, Texas, Feb. 28 – 30, 2008.

“Can Deliberative Democracy Overcome Inequalities of Epistemological Authority? Poster presented at the 2007 APSA conference (Chicago, Aug. 30) and an earlier version at the 2007 Midwest Political Science Association conference (Chicago, April 12-14, 2007).

"Reverse Incorporation in the High Court: Could the Stream Rise above its Source?" Paper presented at the 2007 annual conference of the Australian & New Zealand Studies Association of North America, Washington, DC, March 22-24, 2007.

"Theorizing Communities and the Politics of Rights Protection: Legal Academics in Canada, the UK, Australia, and New Zealand." IPSA Research Committee on Comparative Judicial Studies. The Politics and Politicization of Rights Protection Conference, University of Melbourne, Jan. 17-18, 2007.

"Creating Effective Deliberative Space in Hierarchically Ordered Organizations." Final report to the Kettering Foundation, October 6, 2006. Preliminary report submitted June 6, 2006.

"Institutional Cohesion in the Canadian and Australian Supreme Courts: Does the Gatekeeper Power Matter?" APSA Annual Meeting, Sept. 2005. (Poster)

"Exploring Cohesion in Courts of Final Appeal: A Cross-National Analysis." Midwest Political Science Association Annual Meeting, Chicago, April, 2005.

"Australia's Unjustified Revolution: Legal Liberalism in the High Court and the Academy's Response." APSA Annual Meeting, Chicago, Sept. 2004.

"Decision-Making in Transnational Courts: A Longitudinal Study of the British Privy Council." Midwest Political Science Association Annual Meeting, Chicago, April 16-18, 2004.

"Opinion-Writing and Institutional Cohesion in the High Court." Australian and New Zealand Studies Association of North America Annual Conference, Toronto, February 20-23, 2004.

"A Bedeviling Bevy of Platonic Guardians: The Judicial Committee of the Privy Council, 1900 - 1999." APSA Annual Meeting, Boston, Sept. 2002. Earlier version presented at the IPSA's Research Committee on Comparative Judicial Studies Meeting, Fort Worth, March 2002.

"Justifying Judicial Revolutions: Australia's Legal Academy and the High Court in Transition." Australian & New Zealand Studies Association of North America Annual Conference, Vancouver, BC, February 28 - March 2, 2002.

"Llewellyn's Long Journey to the Fatal Shore: The Recent Advent of Legal Realism in Australian Jurisprudence." APSA Annual Meeting, San Francisco, Sept. 2001. (Poster)

"The Judicial Committee of the Privy Council: Australia's Bedeviling Bevy of Platonic Guardians?" Australian Studies Associations of North America Annual Meeting, Washington, D.C., Feb. 2001.

"Australia's Judicial Moment: Transformations in Judicial Role Conceptions." APSA Annual Meeting, Washington, D.C., Sept. 2000.

"The Human Rights Act 1998: Her Majesty's *Carolene Products* Footnote Four." APSA Annual Meeting, Atlanta, Sept. 1999.

“Dicey to the Dustbin? The Legacy and Prospects of Parliamentary Sovereignty in the Australian Legal System.” International Political Science Association Research Committee on Comparative Judicial Studies’ *Legacy of the Common Law Conference*, London, England, July 1999.

“The High Court’s *Mabo* Decision: Re-Imagining Australian Constitutional Law.” Midwest Political Science Association Annual Meeting, Chicago, April 1999. Earlier version presented at the Australian Studies Associations of North America Annual Meeting, Austin, Feb. 1999.

“The Evolving Role of the Australian Judiciary.” APSA Annual Meeting, Boston, Sept. 1998. Earlier version presented at the Australian Studies Associations of North America Annual Meeting, Toronto, March 1998.

“The Uruguayan Judiciary: Common Law Roles in a Civil Law Tradition.” APSA Annual Meeting, New York, Sept. 1994.

“Uruguay’s Judiciary: An Exploration of the Judicial Role.” Institute of Latin American Studies Student Association’s Annual Meeting, Austin, March 1996. Earlier version presented at the Southwestern Political Science Association Annual Meeting, San Antonio, March 1994.

## OTHER CONFERENCE PARTICIPATION

Discussant: Comparing Courts and Their Constitutions  
Midwest Political Science Association Annual Meeting, Chicago, April 7-10, 2005.

Activism and Independence in Comparative Perspective  
Midwest Political Science Association Annual Meeting, Chicago, April 16-18, 2004.

The Impact of Constitutional Courts in Democratic Transitions,  
Midwest Political Science Association Annual Meeting, Chicago, April 3-6, 2003.

Chair: Australian and New Zealand Studies Association of North America, Feb. 19-21, 2004.

Participant: Faculty Congress Workshop, Kettering Foundation, June 30 – July 1, 2008.

Deliberative Democracy in Higher Education Conference, Kettering Foundation, May 25-26, 2006.

“Is There a Public for Public Schools?” Kettering Foundation workshop, November 21-22, 2002, Dayton, Ohio.

## UNDERGRADUATE HONORS THESES SUPERVISION

### University of Dayton

- Indigenous Disadvantage: Liberal and Advanced Liberal Institutions in Australia (2008)
- Environmental Racism and the Disconnect Between Academia and Grassroots Organizations (2008)
- Abraham Kuyper & The Faith Based Initiative (2007)

- Campaign Finance and Democratic Accountability: Comparing the U.S. and Australian Systems (2005)
- The Influence of Foreign Case Law on Cruel and Unusual Jurisprudence: Comparing the U.S. and Canadian Supreme Courts (2004)
- A Study in Contrasts: Comparative Church-State Relations in Europe and Its Impact on Religious Observance (2004)
- Reassessing Institutional Cohesion in the High Court (2004)
- Pursuing Justice Through Innocence Projects (2004)
- Loosening the Corset: Suffrage Movements in South Australia and Victoria (2003)
- Playing Politics: A Bill of Rights for the Australian Capital Territory (2003)

## REFERENCES

Prof. John Higley  
 Department of Government  
 University of Texas at Austin  
 1 University Station A1800  
 Austin, TX 78712-0119  
 Phone: (512) 232-7236  
 Fax: (512) 471-1061  
[jhigley@mail.la.utexas.edu](mailto:jhigley@mail.la.utexas.edu)

Prof. Christopher Duncan  
 Chair, Political Science Dept.  
 University of Dayton  
 300 College Park  
 Dayton, OH 45469-1425  
 Phone: (937) 229-3648  
 Fax: (937) 229-1400  
[Christopher.Duncan@notes.udayton.edu](mailto:Christopher.Duncan@notes.udayton.edu)

Prof. Roy Flemming  
 Dept. of Political Science  
 Texas A&M University  
 2010 Allen Building,  
 4348 TAMU  
 College Station, TX 77843-4348  
 Phone: (979) 845-5623  
 Fax: (979) 847-8924  
[roy@polisci.tamu.edu](mailto:roy@polisci.tamu.edu)

Prof. H.W. Perry, Jr.  
 Department of Government  
 University of Texas at Austin  
 1 University Station A1800  
 Austin, TX 78712-0119  
 Phone: (512) 232-7228  
 Fax: (512) 471-1061  
[hwperry@mail.utexas.edu](mailto:hwperry@mail.utexas.edu)