

# Kellen R. Funk

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**APPOINTMENT** Associate Professor of Law, Columbia Law School (2018–)

Courses: Federal Courts, Civil Procedure American Legal History, American Bail System

**BOOK PROJECTS** *The Lawyers' Code: The Transformation of American Legal Practice* (Oxford University Press, forthcoming)

*American Bail: A History of Wealth and Pretrial Detention in the United States* (in preparation)

**ARTICLES** “The Theological Framework of American Codification,” *Law & History Review* (in revision). ([SocArXiv](#))

“Equity’s Federalism,” *97 Notre Dame Law Review* (forthcoming 2022)

“The Present Crisis in American Bail,” *108 Yale Law Journal Forum* 1098 (2019) ([YJL](#) | [SSRN](#))

“The Spine of American Law: Digital Methods and U.S. Legal Practice,” with Lincoln Mullen, *American Historical Review* 132 (2018). ([Oxford](#) | [SSRN](#))

“Church Corporations and the Conflict of Laws in Antebellum America,” *33 Journal of Law & Religion* 33 (2017). ([Cambridge](#) | [SSRN](#))

“A Servile Copy: Text Reuse and Medium Data in American Civil Procedure,” with Lincoln Mullen, in *Forum: Die geisteswissenschaftliche Perspektive: Welche Forschungsergebnisse lassen Digital Humanities erwarten?*, *Rechtsgeschichte* 24 (2016): 341–343. ([RG](#))

“Equity without Chancery: The Fusion of Law and Equity in the Field Code of Civil Procedure, New York 1846–1876,” *Journal of Legal History* 36 (2015): 152–191. ([Taylor & Francis](#) | [SSRN](#))

“‘Let No Man Put Asunder’: South Carolina’s Law of Divorce, 1895–1950,” *South Carolina Historical Magazine* 110 (2009): 134–153 (2009). ([JSTOR](#) | [SSRN](#))

**BOOK CHAPTERS** “The Swearer’s Prayer: Oathtaking and Witness Testimony in American Code Practice,” in Pamela Klassen, Benjamin Berger & Monique Scheer, eds., *Making Promises: Oaths, Treaties, and Covenants in Multi-jurisdictional and Multi-religious Societies* (University of Toronto Press, forthcoming 2022).

“Repugnant to the Idea of Democratic Republican Government: Codification and Democracy in the Nineteenth-Century United States,” in Maggie Blackhawk, Laura

Edwards & Naomi Lamoreaux, eds., *Deciphering Democracy: Institutional Change and Political Practice in the Nineteenth-Century United States* (forthcoming 2022).

“The Handmaid of Justice: Power, Procedure, and the Inferior Courts,” in Clara Altman, Gautham Rao & Winston Bowman, eds., *Approaches to Federal Judicial History* (Federal Judicial Center: 2020), 27–44. ([FJC](#) | [SSRN](#))

“The Union of Law and Equity: The United States, 1800–1938,” in John C. P. Goldberg, Henry E. Smith, & P.G. Turner, Eds., *Equity and Law: Fusion and Fission* (Cambridge: 2019), 46–69. ([Cambridge](#) | [SSRN](#))

Introduction to John Austin Matzko, *Best Men of the Bar: The Early Years of the American Bar Association 1878–1928* (Talbot: 2019), ix–xxxvi. ([Talbot](#) | [SSRN](#))

#### BOOK REVIEWS

“Propertied Rites,” *Constitutional Commentary* 36 (2021): 175–211 ([Const. Comm.](#)) (reviewing Jack N. Rakove, *Beyond Belief, Beyond Conscience* and Winnifred Fallers Sullivan, *Church State Corporation*)

*Codification, Transplants and History: Law Reform in Louisiana and Quebec*, by John W. Cairns, *Rechtsgeschichte* 24 (2016): 480–483. ([RG](#) | [SocArXiv](#))

“Shall These Bones Live? Property, Pluralism, and the Constitution of Evangelical Reform,” *Law & Social Inquiry* 41 (2016): 742–774. ([Wiley](#) | [SSRN](#)) (reviewing John W. Compton, *The Evangelical Origins of the Living Constitution*)

*Making Religion Safe for Democracy*, by J. Judd Owen, *Journal of Law and Religion* 31 (2016): 103–107. ([Cambridge](#) | [SocArXiv](#))

#### HONORS

Harold Berman Award, American Association of Law Schools Law & Religion Section (2019)

Kathryn T. Preyer Scholar, American Society for Legal History (2017)

Porter Ogden Jacobus Fellow, Princeton University (2015–16)

Legal History Fellow, Yale Law School (2014–15)

J. Willard Hurst Fellow, University of Wisconsin Law School (2015)

Littleton-Griswold Research Grant, American Historical Association (2014)

Hugh Davis Graham Award, Institute for Political History (2013)

William Nelson Cromwell Fellowship, American Society for Legal History (2013)

#### SELECT PRESENT- ATIONS

Equity’s Federalism, Notre Dame Annual Federal Courts Symposium (2022)

Bail at the Founding (with Sandra G. Mayson), University of Pennsylvania Carey School of Law Faculty Workshop (2022)

Plenary Keynote: In Search of Modern Law, Digital Methods and Resources in Legal History, Max Planck Institute for Legal History & Legal Theory (2021)

The Allure of an American Code, Legal History Workshop, University of Minnesota (2021)

The Swearer's Prayer, Making Promises Workshop, University of Toronto (2020)

Cities of Bail, PEW Research Forum Convening on Access to Civil Justice (2020)

Panel, Histories, Philosophies, Law and Practices of Money as Punishment, Yale Law School Liman Colloquium (2020)

How Shall the Lawyers Be Paid?, Duke Law School Faculty Workshop (2020)

Panel, Source Decisions, Legal History and the Persistent Power of State and Local Governments, American Society for Legal History Annual Meeting (Boston 2019)

How Shall the Lawyers Be Paid?, NYU Golieb Legal History Workshop (2019)

Panel, Creating New Data: The Impact of Law School Research, Yale Law School Liman Colloquium (2019)

How Shall the Lawyers Be Paid?, William & Mary Law School Faculty Workshop (2018)

The Swearer's Prayer, Kathryn T. Preyer Scholars Panel, American Society for Legal History, William S. Boyd School of Law (Las Vegas 2017)

Moderator, Vanderbilt Law Review Symposium: The Future of Discovery, Panel: Do We Need More Reform? by Alexandra Lahav, Paul Stancil, and Martin Redish (2017)

Evangelical Constitutionalism, draft article presented at the Summer Research Seminar at Stanford Law School: Religion and the Constitution, Institute for Constitutional History (2015)

An Empire in Itself: The Migration of Field's Code, paper presented at the Third Annual Civil Procedure Workshop, James E. Rogers College of Law, October 2017.

Text Reuse for Digital Legal History, with Lincoln Mullen, workshop, American Society for Legal History (Toronto 2016).

The American Tradition of the Active Judge, paper presented at the Second Annual Civil Procedure Workshop, University of Washington School of Law, July 2016, Joanna Schwartz, commentator.

A Servile Copy of New York: The Migration of Field's Code, paper presented at the Brown University Graduate Student Legal History Conference, April 2016.

No Foundation in the Nature of Things: American Controversies over the Fusion of Law and Equity, paper presented at the Australia & New Zealand Legal History Conference, December 2015.

The Lawyers' Code: The Transformation of American Legal Practice, presented at the Summer Academy for European Legal History, Max-Planck Institut für europäische Rechtsgeschichte, August 2015.

Mere Machinery and Arbitrary Regulation: The Politics of Lawyering and the Creation of Civil Procedure in New York, 1846-1850, paper presented at the American Society for Legal History annual conference, November 2014, Roman Hoyos, commentator.

Disestablishment and Religious Corporations in New York, 1784-1854, paper presented at the History Project conference on Commerce, Corporations, and the Law, Princeton University, September 2013, Sunil Amrith, commentator.

Disestablishment and Religious Corporations in New York, 1784-1854, paper presented at the New Worlds of Faith conference, University of Pennsylvania, June 2013, Sarah Barringer Gordon, commentator.

Plausibility Pleading After *Iqbal-Twombly*, address to the litigation group at Cleary Gottlieb Steen & Hamilton LLP, Brussels, Belgium, August 2011.

<b>SERVICE</b>	Reviewer, <i>Law &amp; History Review</i> , <i>American Journal of Legal History</i> , <i>Journal of Policy History</i> , <i>Columbia Law Review</i> , <i>Yale Law Journal</i> , Brill Press, Israel Science Foundation, Fonds de la Recherche Scientifique (Belgium)
	Law & Religion Section Executive Committee, Association of American Law Schools
	Mary Dudziak Digital History Prize Committee, American Society for Legal History
<b>EDUCATION</b>	PhD history, Princeton University (2018)
	JD, Yale Law School (2014)
	BA history & MA church history, Bob Jones University (2007/2009)
<b>CLERKSHIPS</b>	Law Clerk to the Honorable Stephen F. Williams United States Court of Appeals for the DC Circuit (2017–2018)
	Law Clerk to the Honorable Lee H. Rosenthal United States District Court for the Southern District of Texas (2016–2017)
<b>ADMISSIONS &amp; MEMBER- SHIPS</b>	American Historical Association American Society for Legal History American Society of Church History Conference on Faith and History Selden Society
	New York Bar (2015)
	U.S. Court of Appeals for the Fifth Circuit (2019)
	U.S. Court of Appeals for the Eleventh Circuit (2019)