

Kellen R. Funk

Jerome Greene Hall Room 901 • 435 West 116th Street, New York, NY 10017 • krf2138@columbia.edu

APPOINT- MENTS	Columbia Law School	
	Michael E. Patterson Professor of Law	2024-
	Professor of Law	2023–2024
	Associate Professor of Law	2018–2023
	Courses: Federal Courts, Civil Procedure, American Legal History, American Bail System	
	Yale Law School	
	Florence Rogatz Visiting Professor of Law	2024
	Courses: Civil Procedure, American Bail System	
	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)
EDUCATION	PhD history, Princeton University	(2018)
	JD, Yale Law School	(2014)
	BA history & MA church history, Bob Jones University	(2007 / 2009)
BOOKS	<i>American Bail: A History of Wealth and Pretrial Detention in the United States</i> (in preparation)	
	<i>Law's Machinery: Reforming the Craft of Lawyering in America's Industrial Age</i> (Oxford University Press, 2025)	
DIGITAL PROJECTS	<i>Legal Modernism</i> , https://legalmodernism.org/	
	<i>Bail at the Founding</i> , https://bailatthefounding.net/	
	<i>Cities of Bail</i> , https://centerforspatialresearch.github.io/cities-of-bail/index.html	
ARTICLES	“Bail at the Second Founding,” (forthcoming 2026) (SSRN)	
	“Sect and Superstition: The Protestant Framework of American Codification,” 64 <i>American Journal of Legal History</i> (2024). (AJLH SSRN)	
	“Bail at the Founding,” with Sandra G. Mayson, 137 <i>Harvard Law Review</i> 1816 (2024) (HLR SSRN)	

“When Judges Were Enjoined: Text & Tradition in the Federal Review of State Judicial Action,” with Alexandra Nickerson, 111 *California Law Review* 1763 (2023) ([Cal. L. Rev.](#) | [SSRN](#))

“Equity’s Federalism,” 97 *Notre Dame Law Review* 2057 (2022) ([ND](#) | [SSRN](#))

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

“The Spine of American Law: Digital Methods and U.S. Legal Practice,” with Lincoln Mullen, 123 *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

“An Oath on the Big Book: Oaths and Examinations in American Codes of Procedure,” 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 2025).

“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 2025).

“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 ([C. Comm.](#) | [SSRN](#)) (reviewing Jack N. Rakove, *Beyond Belief, Beyond Conscience* and Winnifred Fallers Sullivan, *Church State Corporation*)

“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*)

“Die ungeschriebene Geschichte der nordamerikanischen Kodifizierung,” *Rechtsgeschichte* 24 (2016): 480–483. ([RG](#) | [SocArXiv](#)) (“Why the History of American Codification is Unwritten,” reviewing John W. Cairns, *Codification, Transplants and History: Law Reform in Louisiana and Quebec*)

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

BRIEFS

Brief of National Law Professors of Criminal, Procedural, and Constitutional Law Regarding the Imposition of Money Bail and Conditions of Pretrial Release (principal author, with Sandra G. Mayson) ([SSRN](#))

- *In re Humphrey*, No. S247278 (Cal. Supreme Court 2018)
- *Walker v. City of Calhoun*, No. 18-814, *petition for certiorari* (U.S. Supreme Court 2019)
- *Valdez-Jiminez v. Eighth Judicial District Court*, No. 76417 (Nev. Supreme Court 2019)
- *Philadelphia Community Bail Fund v. Arraignment Court Magistrates*, No. 21-EM-2019 (Penn. Supreme Court 2019)
- *Daves v. Dallas County*, No. 18-11386 (5th Cir. 2019)
- *Hester v. Gentry*, No. 18-13894 (11th Cir. 2020)
- *Rasmussen v. Garrett*, No. 20-35849 (9th Cir. 2020)

Brief of Legal Historians Regarding the Legitimacy of National Injunctions in the Equitable Tradition (supporting author, with Hendrik Hartog, Stanley Katz, Amalia D. Kessler, Gregory Ablavsky, Bernadette Meyler, and Robert W. Gordon)

- *City of Chicago v. Whitaker*, No. 18-2885 (7th Cir. 2018), *extensively relied upon in City of Chicago v. Barr*, 961 F.3d 882 (7th Cir. 2020)
- *Trump v. Casa*, No. 24A884 (U.S. Supreme Court 2025)

Brief of Legal Historians Regarding the Intentional Imposition of Unaffordable Bail (principal author, with Sandra G. Mayson)

- *In re Kowalczyk*, No. S277910 (Cal. Supreme Court 2025) (appeal pending)

Brief Regarding Admission to Bail in Inherent Habeas Jurisdiction (sole author)

- *Khalil v. President of the United States*, Nos. 25-2162, 25-2357 (3d Cir. 2025) (appeal pending)

HONORS

Guggenheim Fellowship, John Simon Guggenheim Memorial Foundation (2025–2026)

McDonald Distinguished Senior Fellowship, Center for the Study of Law and Religion at Emory University (2024–2029)

Willis L.M. Reese Prize for Excellence in Teaching, Columbia Law School (2023)

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**

The Nature of Things: The Fusion of Law and Equity, Civil Procedure Workshop, Cornell Law School (2025)

Commentator on Lael Weinberger, Research Fellows Conference, Georgetown Center for the Constitution (2025)

Commentator, Law and Technology Beyond the Regulatory Paradigm, American Society for Legal History, Detroit (2025)

Commentator, Empire's Common Law Methods, Legal History of Empires Conference, University of Toronto (2025)

Bail at the Second Founding, Temple Law School Faculty Workshop (2025)

Law's Machinery Book Celebration, Annual Civil Procedure Workshop, University of Richmond School of Law (2025)

Law's Machinery Book Celebration, Columbia Law School (2025)

Bail at the Second Founding, Yale Law School Faculty Workshop (2024)

Bail at the Founding, U.C. Berkeley Legal History Workshop (2024)

Bail at the Founding, with Sandra G. Mayson, NYU Furman Scholars Colloquium (2024)

Bail at the Founding, Michigan Law School Public Law Workshop (2024)

Interview of the Hon. Lee H. Rosenthal, Institute of Judicial Administration Oral History of Distinguished American Judges (2023)

Bail at the Founding, Cornell Law School Faculty Workshop (2023)

Legal Modernism, with Lincoln Mullen, Online Workshop on the Computational

Analysis of Law (2023)

The Future of Adjudication, with the Hon. Lee H. Rosenthal, Managerial Judges at 40 Symposium, Yale Law School (2022)

When Judges Were Enjoined, Federal Courts Junior Faculty Workshop, University of Florida School of Law (2022)

Bail at the Founding, American Society for Legal History (2022)

Bail at the Founding, University of Virginia School of Law Faculty Workshop (2022)

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

Equity's Federalism, Notre Dame Annual Federal Courts Symposium (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 (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, 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, Third Annual Civil Procedure Workshop (2017)

Text Reuse for Digital Legal History (with Lincoln Mullen), Digital Legal History Workshop, American Society for Legal History (2016)

The American Tradition of the Active Judge, Second Annual Civil Procedure Workshop (2016)

A Servile Copy of New York: The Migration of Field's Code, Brown University Graduate Student Legal History Conference (2016)

No Foundation in the Nature of Things: American Controversies over the Fusion of Law and Equity, Australia & New Zealand Legal History Conference (2015)

The Lawyers' Code: The Transformation of American Legal Practice, Summer Academy for European Legal History, Max-Planck Institut für europäische Rechtsgeschichte (2015)

Mere Machinery and Arbitrary Regulation: The Politics of Lawyering and the Creation of Civil Procedure in New York, 1846-1850, American Society for Legal History (2014)

Disestablishment and Religious Corporations in New York, 1784-1854, History Project conference on Commerce, Corporations, and the Law, Princeton University (2013)

Disestablishment and Religious Corporations in New York, 1784-1854, New Worlds of Faith conference, University of Pennsylvania (2013)

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

SERVICE

Reviewer, *Law & History Review*, *American Journal of Legal History*, *Journal of Policy History*, *Chicago Law Review*, *Columbia Law Review*, *Stanford Law Review*, *Yale Law Journal*, *Fides et Historia*, Oxford University Press, University of Virginia Press, University of Illinois Press, Brill Press, Israel Science Foundation, Fonds de la Recherche Scientifique (Belgium)

Mary Dudziak Digital History Prize Committee (chair), American Society for Legal History

Law and Religion Editor, *Religious Studies Review*

Publication Committee, American Society for Legal History

New York Civil Court Judicial Applicant Reviewing Committee

Law & Religion Section Executive Committee, Association of American Law Schools

Federal Courts Junior Article Prize Committee, Association of American Law Schools

**ADMISSIONS
& MEMBER-
SHIPS**

American Historical Association
American Society for Legal History
American Society of Church History
Conference on Faith and History
Organization of American Historians
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–)
U.S. Court of Appeals for the Third Circuit (2025–)