

**ASCHENBRENNER**  
**Historian**

**PETER J. ASCHENBRENNER**  
**CURRICULUM VITAE**  
Current to 20 September 2019

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*Bachelor of Arts (B.A.) and Doctorate (J.D.) Awarded (1968, 1971):*

University of Wisconsin at Madison, BA 1968 Bachelor of Arts  
University of California at Berkeley, JD 1971 Juris Doctor

*Law Review Appointment; Editorial Position (1969-1971):*

Member, California Law Review 1969-1971  
Note and Comment Editor, California Law Review 1970-1971

*Appointment as National Convenor, International Commission for the History of Representative and Parliamentary Institutions (2018):*

In September 2018, the International Commission (acting through its Direction / Board of Directors) named me the National Convenor for the United States in that organization. This appointment took place at the International Commission's annual conference in Vienna.

At the request of the Direction, I facilitated the affiliation of the International Commission with the American Historical Association. I organized two sessions of speakers to present their work at the forthcoming AHA annual conference. The AHA/IC conference will be held in New York City 3-6 January 2020. The sessions are titled:

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'Approaches to Parliamentary History in the ICHRPI since its foundation (1936-2019)'

and

'The Medieval to the Early Modern: Origins of Contemporary Parliamentary Institutions'.

The names of the presenters, titles of the papers and time and date of presentations will appear (this month) on the AHA website under the annual conference program tab. See <https://www.historians.org/annual-meeting/program>

A formal Call for Papers will be circulated for the January 2021 conference of the AHA/IC to be held in Seattle, Washington.

*Monograph Published (2017):*

*British and American Foundings of Parliamentary Science, 1774-1801* (Abingdon-on-Thames, Oxfordshire, UK: Routledge, 2017). Foreword by Sir David Natzler, Clerk of the House of Commons, Palace of Westminster (UK). (Sir David retired in March 2019.)

*Translation of British and American Foundings (forthcoming 2020):*

An Italian language translation of *British and American Foundings* will be published by Editoriale Scientifica, via San Biagio dei Librai, Napoli. I met Dott Alfredo De Dominicis (of Editoriale Scientifica) and discussed the translation project with him at his office in March 2019. Drssa Marida Amodio Mancino is the translator, proceeding under the direction of Dott Francesco Di Donato and Drssa Sonia Scognamiglio, Università degli Studi di Napoli Parthenope, Dipartimento di Giurisprudenza.

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*Current Project: The Papers of John Hatsell, Clerk of the House of Commons (forthcoming 2020):*

With co-editor Colin Lee, Principal Clerk of the Table Office at Westminster, we will publish a selection of John Hatsell's papers. Hatsell rendered active service as Clerk from 1768 to 1797. The project is under contract with the Royal Historical Society / Cambridge University Press. MS delivery date is December 2019.

*Website: Precedents of Proceedings (2019):*

I am building the website [www.precedentsofproceedings.com](http://www.precedentsofproceedings.com). This site is devoted to the magnum opus of John Hatsell. As of this revision, the site contains 11 of the 13 unique versions of John Hatsell's *Precedents of Proceedings in the House of Commons (1776-1818)*; I am also publishing other materials of interest to parliamentary historians, such as Letters Patent issued to Clerks of the House of Commons (from 1748 to 1820) that are relevant to Hatsell's career.

*Recent Presentation at the Andorra conference of the International Commission for the History of Representative and Parliamentary Institutions (2019):*

At the 71st Annual Conference (ICHRPI) / 71è Congrès del CIHAE, held at the Centre de Congressos, Andorra la Vella, 16-18 July I presented a paper titled 'The Political History of Micro-States: The Case of Andorra and its Constitution (1993)'. The presentation took place on Tuesday 16 July.

*L'historiador de renom Peter Aschenbrenner destaca la transició a la "velocitat de la llum" d'Andorra / Presentation on Andorra Television 16 July (2019):*

Dr. Joseba Agirreazkuenaga (President of the International Commission) selected me to give an interview on Andorra television (on behalf of the IC) regarding the recent political history of that country. The interview took place on 16 July in the Centre de Congressos (in Andorra la Vella) at the end of the first day of the IC conference.

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The interview appears online at  
<https://www.andorradifusio.ad/noticies/politica>.

<https://www.andorradifusio.ad/noticies/politica>  
Go to the 'search' box on the far right of the 'politica' page and key in 'aschenbrenner'.



At another point (in the clip of the interview), my audience is shown reading from a handout titled (in Catalan): 'L'inventari del 29 cistelles d'habilitats canòniques per a l'adquisició i el refinament d'habilitat política al servei de la cultura política europea'. In English: 'The inventory of the canonical 29 Skill\_Baskets containing the competences which practitioners of statecraft acquire and refine in the service of European political culture'.

In the video, the slide that appears in the background (an establishing shot, showing my presentation in progress), by good fortune, captures the single most important slide of my presentation. Hans Kelsen's *Reine Rechtslehre* / Pure Theory of Law asserted that (1) systems, structures and institutions in political society were not self-correcting, (2) that (for this reason) political society could not be self-legitimizing and (3) that flaws in systems, structures and institutions could destabilise political society as these flaws did in Germany and Austria in the 1920s and 1930s.

*Recent Presentation at the Università degli Studi di Napoli Parthenope (2019):*

I recently gave a presentation at the Dipartimento di Giurisprudenza, Università degli Studi di Napoli Parthenope on 12 March 2019; this was my second presentation in Naples. The first took place on 16 October 2017, as noted below. The title of the 2019 presentation was 'Le fondamenta italiane della scienza parlamentare 1494-1797 / The Italian foundation of

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parliamentary science'. I presented slides and text in English and Italian for about 40 minutes, after which the graduate students and instructors (under the guidance of Dott Francesco Di Donato and Drssa Sonia Scognamiglio) commented on my thesis.

*Recent Presentation at Università della Calabria, Rende/Cosenza (2019):*

After my presentation at Naples, I travelled to Rende/Cosenza where I gave presentations (over two days) to undergraduate students in legal history at the Università della Calabria (14 and 15 March 2019). This was my first presentation at Unical, which was organized by Dott Rocco Giurato of the Dipartimento di Scienze Aziendali e Giuridiche.

Although the title of the presentation was the same as at Naples – ‘Le fondamenta italiane della scienza parlamentare 1494-1797 / The Italian foundation of parliamentary science’ – I had more time (2 hours each day) to trace the sources of Italian legal and historical science from Luca Pacioli to Gaetano Filangieri. The additional time permitted me to give a more complete exposition of the convergence of common law and continental legal systems as exhibited in a narrowing range of variables (=conditions of possible experience).

I presented slides and text in English and Italian with comments offered by Dott Rocco Giurato.

*Recent Article Published in the UK (2019):*

The Journal of Parliaments, Estates and Representation recently published my article titled 'Tracing the Sources of Parliamentary Procedure in the French Constitution of 3 September 1791'. A previous version of this essay was presented to the 69e Congrès International pour l'Histoire des Assemblées d'Etat, Orléans, France (6 September 2017). The URL for the article (supplied by Taylor & Francis) is as follows:  
<https://doi.org/10.1080/02606755.2019.1595380>

*Recent Citation in European Journal of the History of Economic Thought* (2019):

Here I refer to the recent article published by Professors Markus Lampe and Paul Sharp, titled ‘Accounting for the wealth of Denmark: a case study of Smithian growth using the emergence of modern accounting in Danish dairying’.

The URL to the journal is

<https://www.tandfonline.com/loi/rejh20>;

The URL to their article is

<https://doi.org/10.1080/09672567.2019.1634751>.

Paul Sharp is a professor of business and economics in the Historical Economics and Development Group at the University of Southern Denmark at Odense; Markus Lampe is a professor at the Vienna University of Economics and Business.

The authors point out difficulties obscuring Adam Smith’s ‘thinking about the details of the components of a “natural price”, and thus also the systematic details of production costs’. At 20. Lampe and Sharp conclude that ‘instead of using systematic comparisons like those we outline in our analysis below, he invented a different, “let’s suppose” case study approach (WN, I, vi, 6), which incidentally became influential in jurisprudence in the United States in the early nineteenth century’.

At this point the authors’ footnote 17 reads (in part):

We owe these points to Peter Aschenbrenner (personal communications, July 27, 2018, and August 14, 2018), who is preparing several papers on the reception of Adam Smith in legislation and jurisprudence we are much looking forward to. As Aschenbrenner also highlights, systematic comparisons presuppose the widespread and comparable use of (cost) accounting.

The authors’ footnote then observes that modern scholarship has constructed the modelling devices required to dissect ‘natural price’, thereby extending Smith’s thinking on this point. The authors conclude their footnote 17 by citing to Paul Krugman’s *New Economic Geography*.

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*Presentation to the Università degli Studi di Napoli Parthenope,  
Dipartimento di Giurisprudenza, Napoli (2017):*

Dott Di Donato and Drssa Scognamiglio invited me to present a revised version (of the paper referred to above, given at Orléans) at a presentation in Naples to students and faculty at the Università degli Studi di Napoli Parthenope, Dipartimento di Giurisprudenza, Napoli, Italia.

The title of my presentation was: 'Potremmo replicare se volevamo o dubiteremmo che avvenisse: Sources of Parliamentary Procedure Located in Galilei's Discorsi e Dimostrazioni Matematiche (1638)'. The paper was given on 16 Ottobre 2017; slides were presented in Italian, French, and English. Comments by Prof Dott Stefano Di Donato.

*Recent Articles Published in Catalunya (2019):*

In 2019 the Universitat de les Illes Balears published my paper 'El Futur de Catalunya & Scotland's Tomorrow: Lessons from the Eighteenth Century in Modelling Sources for Newly Organized European Governments'. This paper was given at the 2016 Conference of the International Commission for the History of Representative and Parliamentary Institutions, hosted by the University of the Balearic Islands at Palma de Mallorca, 6-9 September 2016.

Bibliographic detail follows: See Estudis presentats a la Comissió Internacional per a l'estudi de la Història de les Institucions Representatives i Parlamentàries, Palma 6 - 9 setembre 2016 appearing in *El Parlamentisme en Perspectiva Històrica, Parlaments Multinivell* (Catalunya: Palma [Illes Balears], 2019; 2 vols.; eds. Sebastià Serra Busquets and Elisabeth Ripoll Gil [Professors d'Història Contemporània de la Universitat de les Illes Balears]).

*Paper accepted for presentation in Washington, DC (2019):*

My paper 'How Do Inventories of Prescriptions Enhance Human Dignity? A Survey of World Constitutions (1993-1995)' was accepted for presentation at the Law and Society Association conference in Washington, D.C., 31 May

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– 2 June 2019. Because of a last-minute scheduling conflict, I was not able to attend.

*Recent Presentations at Academic Conferences (2018):*

I gave a paper at the Bentham Project Symposium (12-13 April 2018, Endsleigh Gardens, UCL, London) titled ‘Evidence Lost in a “False Geography”: How Variable Management Enabled Bentham to Avoid Transplanting “English Mischiefs upon French Ground” in his Draught of a Code for the French Judicial System’. Dr. Philip Schofield, director of the Bentham, project commented on the paper. The prospectus for the article (looking forward to publication in *The Journal of Bentham Studies*) was approved in June, 2018. Expected publication date: 2020.

Chief Justice John Marshall and ‘The Exigencies of the Nation’. Paper presented at the Lebanon Valley College (Second Annual) Conference on Political History (8-9 June 2018, Annville, PA). Solicited by Prof. James Broussard, conference organizer; comments by Prof. Philip Benesch. This project has developed into a project that will appear in 2021 as a full-length monograph under the title *James Monroe, John Marshall and ‘The Excellence of Our Institutions’ 1817-1825: How Monroe’s Presidency Became ‘an Important Epoch in the History of the Civilized World’*. I should be able to announce the contract signing (with Routledge) in a few weeks.

I gave a paper titled ‘The Abbreviated Life of German Austria 1918-1919: Hans Kelsen’s *Reine Rechtslehre* Tested Against the Austrian Revolutionary Experience’ at the 2018 Conference of the International Commission for the History of Representative and Parliamentary Institutions, Vienna 7-10 September. This was my first paper on the work of Hans Kelsen. I heard Kelsen speak at Berkeley (in October 1958). I was 12 years old at the time. I have circulated a memoir of his lecture to current Kelsen scholars. Shortly after his lecture (in the old Student Union), he spoke to students at Berkeley Law (in November 1958). On that occasion his remarks were published in the journal ‘Case and Comment’. I was 12 years old at the time. I have recently circulated a memoir of this (1958) lecture to Kelsen scholars in Vienna. Shortly after his lecture (in the old Student Union), he spoke to students at Berkeley Law in November 1958. On that occasion his remarks



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were published in the journal 'Case and Comment'. My papers in Vienna (2018) and Andorra (2019) have launched a renewed attempt to explain Kelsen's *Reine Rechtslehre* to Americans. My current plan is to combine both of these papers and publish them as a single article. The project has benefited by the insights of several Kelsen scholars both in Vienna and in the United States.

*Academic position (2011-2017):*

I am currently an independent scholar. From 2011 to 2017 I held a research appointment in the Department of History, Purdue University, West Lafayette, Indiana.

*Translation in Progress (forthcoming 2020):*

[Samuel Romilly, George Wilson, James Trail] Règlements Observés dans la Chambre des Communes, pour débattre les matières & pour voter. Mis au jour par le Comte de Mirabeau. [Paris] 1789. [British Library copy bound with other tracts; 88 pages; Avis [Foreword by Mirabeau] 6 pp.].  
Anticipated completion date: June 2020. It is worth noting that BNF attributes authorship to Étienne Dumont, which I discovered by visiting BNF/François Mitterand. The French original is now downloadable via my website at [www.peterjaschenbrenner.com](http://www.peterjaschenbrenner.com)

*Commissioned Articles Contributed to Public Law (Sweet & Maxwell, London); Annual Reviews of the United States Supreme Court (2015-2019):*

In July 2015 I was appointed to *Public Law* (Sweet & Maxwell, London) as Reporter (to that journal) on United States Supreme Court decisions for its International Survey. My five annual commissioned articles (covering the terms 2015 – 2018, inclusive) are referenced below. Other than these articles, I was commissioned to write nine articles which were published in *Public Law* articles from 2010 to 2019; these nine articles are listed further below.

United States of America—Supreme Court Term 2018 Overview—Court demands Secretary of Commerce Department defend citizenship question proposed for the 2020 national census—Refuses to review gerrymandering

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in Congressional districting—Invalidates ‘excessive’ police confiscations—Requires Congress to rewrite ban on ‘immoral’ trademarks. [2019] P.L. 763 (October 2019).

United States of America—Supreme Court Term 2017 Overview—*Trump v Hawai’i* licenses institutional racism—*Janus v Illinois* cripples public sector unions—*Masterpiece Cakes* vindicates baker fearful of maltreatment in administrative proceedings—Justice Anthony Kennedy retires— DC Circuit Judge Brett Kavanaugh nominated to Supreme Court [2018] P.L. 776 (October 2018).

United States of America—Supreme Court Term 2016 Overview—widespread agreement among justices on issues arising in densely regulated legal environments—investiture of Justice Neil Gorsuch 10 April 2017—interim resolution of ‘travel ban’ issues arriving from appellate tribunals; the Court sides with the government’s opponents. [2017] P.L. 699 (October 2017).

United States of America—Supreme Court Term 2015 Overview— major themes: continued emphasis on technical analysis in discrete subject matter areas promote cohesion—Chief Justice Roberts’s leadership guides Supreme Court forward after death of Justice Antonin Scalia. [2016] P.L. 720 (October 2016).

United States of America—Supreme Court Term 2014 Overview— major themes: technical analysis and incremental movement in discrete subject matter areas trump ideology—Chief Justice Roberts completes tenth term on high note. [2015] P.L. 707 (October 2015).

*Commissioned Book Reviews* (2016-2017):

For *The Journal of Military History* (Society for Military History, US):

*The Man Who Captured Washington: Major General Robert Ross and the War of 1812* by John McCavitt and Christopher T. George (Norman: OK: University of Oklahoma Press, 2016). Vol. 80, No. 4 (Oct. 2016) at 1203-1204.

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For the *Political Studies Review* (Political Studies Association, UK):

*Called to Account: How Corporate Bad Behaviour and Government Waste Combine to Cost Us Millions* by Dame Margaret Hodge (London: Little, Brown Book Group, 2016) Volume 15, Issue 3, pp 477-478; August, 2017 for the *Political Studies Review* (Political Studies Association, UK).

*Time and Politics: Parliament and the Culture of Modernity in Britain and the British World* by Ryan A. Vieira (Oxford University Press, 2015). Vol. 15, Issue 2, p. 316; January, 2017.

*Federal Judicial Appointments* (1974, 1978, 1982, 1986, 1990):

I served 16 years as a United States Magistrate Judge in the United States District Court for the District of Alaska. The Hon. James A. von der Heydt, United States District Judge, gave me my first appointment, for the four-year term 1974-1978. Subsequent appointments for four year terms followed in 1978, 1982, 1986 and 1990. I retired from the bench in 1991. My judicial career was launched in a modest fashion. In July, 1974 the clerk of the District Court in Fairbanks pointed to the signature line at the bottom of a printed form. 'Sign here', Ms. Milliron ordered. That was my 'investiture ceremony'. There is no official notice of the 1974 order (appointing me) in the recorded General Orders of the United States District Court (for the District of Alaska). Subsequent General Orders, however, do notice my service.

As a judge I presided over 12 jury trials (in misdemeanor cases) and conducted more than 1000 bench trials (mostly traffic infractions) occurring on military bases in Alaska. My courtroom service (principally) took place in Fairbanks, Alaska with additional service in Anchorage, Alaska and in one instance in Adak, Alaska; on that occasion, I conducted a naturalization ceremony in the Chapel at the Naval Base. Following statutory procedure, I administered the 'Ironclad' Oath (1862) to new citizens.

*Papers Presented at Past Academic Conferences* (2014-2017):

«Nous ne voulons rien des Anglais. Nous ne devons imiter personne»  
Sources of Parliamentary Procedure in the French Constitution of 3

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Septembre 1791. Paper delivered at the 69e Congrès International pour l'Histoire des Assemblées d'Etat, Orléans, France, 5-8 September 2017 (6 September; slides presented in French, English and German). Comments by Dott Francesco Di Donato, Università degli Studi di Napoli Parthenope.

Potremmo replicare se volevamo o dubiteremmo che avvenisse: Sources of Parliamentary Procedure Located in Galilei's *Discorsi e Dimostrazioni Matematiche* (1638). Paper given at the Università degli Studi di Napoli Parthenope, Dipartimento di Giurisprudenza, Napoli, Italia (16 Ottobre 2017; slides presented in Italian, French, and English. Comments by Prof Dott Stefano Di Donato.

Federal Publication Programs & Activist Government, 1817-1825. Paper given at the 2017 Lebanon Valley College Conference on 'Politics in the Era of Good Feelings'; hosted by the Center for Political History, Lebanon Valley College, at Annville, PA, 27 May 2017. Comments by Wm. Cutler, Temple University.

El Futur de Catalunya & Scotland's Tomorrow: Lessons from the Eighteenth Century in Modelling Sources for Newly Organized European Governments. Paper given at the 2016 Conference of the International Commission for the History of Representative and Parliamentary Institutions, hosted by the University of the Balearic Islands at Palma de Mallorca, 6-9 September 2016. This paper was accepted for publication by the Institut d'Estudis Autònoms of the Universitat de les Illes Balears, Palma de Mallorca.

Risking High Intensity and Managing Lower Intensity Conflicts via the Approach to Readiness for Mobilization Crafted by the Madison, Monroe and Adams Administrations, 1814-1829; paper given at the biennial conference of the Center of Military History, Department of the Army, at the U.S. Army Historians Training Symposium, 27-31 July 2015, Crowne Plaza National Airport Hotel, Crystal City, Virginia.

Bungled Battlefields in the War of 1812: The Leadership of Generals Hull, van Rensselaer and Winder, paper given at the annual conference of the Society for Military History (April 9-12, 2015, Montgomery, Alabama); panel organized under the title "American Amateurs: Political Generalship

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in the Armies of the United States from 1812 to 1865” with Col. Michael Bonura.

How the Federal Constitution and Declaration of Independence Were Saved by an Ox Cart, paper delivered at the Historical Society of Washington, D.C. at its 2014 Annual Conference on DC Historical Studies, November 21, 2014.

Managing the Endowment of Child Entities in Complex Systems: The Case of National Banking Legislation, 1781-1846, paper delivered at the Sixth Annual Complexity in Business Conference on October 31, 2014, at the Ronald Reagan Building and International Trade Center.

Military Talent and Tactics in Defense of a National Capital: Madison's Lessons Learned from Napoleon's Capture of Moscow, paper delivered at the annual conference of the Society for Historians of the Early American Republic (July 20, 2014, Philadelphia); comments by Dr. Ralph Ketcham.

*Presentation at Clerk's Residence, Westminster (2015):*

Presented work-in-progress at 3 Parliament Street, SW1A 2NE at the invitation of Sir David Natzler, Clerk of the House of Commons re: *British and American Foundings of Parliamentary Science* (9 July 2015).

*Launch Party at Westminster (2017):*

Drawing Room No. 3 at 3 Parliament Street was the venue for the launch party celebrating the publication of *British and American Foundings of Parliamentary Science, 1774-1801* on 6 November 2017. Host: Sir David Natzler, Clerk of the House of Commons.

*Commissioned Articles in Public Law (Sweet & Maxwell, London) – International Survey (2010-2019)* [other than the articles exclusively covering the term of the United States Supreme Court, noted above].

- California voter-enacted ban on same-sex marriage unconstitutional. [2010] P. L. 195.

- Iowa Chief Justice and two colleagues removed from office in November, 2010 elections. [2011] P.L. 439.
- Patient Protection and Affordable Care Act; federal trial courts deliver mixed verdicts on constitutionality. [2011] P.L. 441.
- Missouri courts will not set minimum sale price at foreclosure sale—creditor may obtain deficiency after tendering its own non-cash bid for title to real property. [2012] P.L. 556
- Pennsylvania Supreme Court bars implementation of voter ID law for current election cycle; voter ID law approved over Voting Rights Act challenge; immediate implementation enjoined. [2013] P.L. 184
- United States of America—federal Courts of Appeal strike down ‘voter suppression’ laws restricting minority ballot access. [2017] P.L. 162. (January, 2017)
- ‘Specially Detestable Monarchs’ and the Firing of Sally Q. Yates: A Short Tour of A.V. Dicey’s ‘Rule of Law’. [2017] P.L. 320. (April, 2017)
- United States of America—Federal District Court grants Temporary Restraining Order against Trump Administration Executive Order Directing ‘Muslim Ban’ at Airports—Case C17-0141 JLR. [2017] P.L. 325. (April, 2017)
- United States of America—Nomination of DC Circuit Judge Brett Kavanaugh to the United States Supreme Court ignites public firestorm over allegations of sexual misconduct, alcohol-fuelled misbehaviour and lack of judicial temperament—Nominee brutally describes Senate Judiciary proceedings: ‘This is a circus’. [2019] P.L. 220. (January, 2019)

*Work in Progress Presented (2014):*

*The Science of Public History in the United States: Congress Finds the Ordered Spines of 1815-1861*, work in progress presented at the invitation of the History Graduate Students Association workshop (February 2014 in Lafayette, Indiana).

*Comments Presented At International Plato Society (2013):*

Comments on *Professor Zina Giannopoulou’s “Appropriately Named: Painting, Language, and Structure in Plato’s Cratylus,”* at the International Plato Society Workshop, May 2013, Palo Alto, California.

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*Regular Contributions to The Journal of the Alaska Bar Association (2001-2018):*

From 2001 to 2018 I published 56 articles in The Bar Rag, the Journal of the Alaska Bar Association. I note the most recent.

*‘The New Olde “Retro-Only” Decision: Parties À La Mode At The Supreme Court, Slip Op. 7236. H.A.M.S. II reverses H.A.M.S. I’* 1 OCL 155, to be published in the Journal of the Alaska Bar Association, July-September 2018 issue.

*AS 09.10.052 Explained via Reeves v. Godspeed, Slip Op. 7219: Scalia’s Lucas v. South Carolina applied to private takings of private easements,* 1 OCL 154, published in the Journal of the Alaska Bar Association, April-June, 2018 issue.

*Ancient Precedents of Ketchikanian Land Tenures: Slip Op. 7207 (Dixon v. Dixon) Explained,* 1 OCL 153, published in the Journal of the Alaska Bar Association, January-March 2018 issue.

*Deborah Ivy v. Calais Company, Slip Op. 7176,* 1 OCL 152, published in the Journal of the Alaska Bar Association, July-September 2017 issue.

*Hwang v. Alaska Fur Gallery, Slip Op. 7164 Recapitulates Bardell v. Pickwick with Dean Wigmore Missing in Action,* 1 OCL 151, published in the Journal of the Alaska Bar Association, April-June 2017 issue; appearing online (retitled) at <https://www.academia.edu/33705413>.

*The First Consul’s Sale of the Louisiana Territory: Did Ambiguous Boundaries Sweep in Alaska?* 1 OCL 150, published in the Journal of the Alaska Bar Association, January-March 2017 issue; appearing online (retitled) at <https://www.academia.edu/33705796>.

*The ‘Play of the Parties’ and ‘Myriad and Complex’ Facts: What’s ‘Difficult to Know’ about AS 9.10.240,* 1 OCL 149, published in the Journal of the Alaska Bar Association, July-September 2016 issue; appearing online (retitled) at <https://www.academia.edu/33720751>.

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*Arguing Your Case to the Supremes: A Religious Service Coming to a Courtroom Near You*, 1 OCL 148, published in the Journal of the Alaska Bar Association, April-June 2016 issue; appearing online (retitled) at <https://www.academia.edu/33689833>.

*The Surprising Afterlife of the Alaska Territorial Code: Am. Trading v. Steele*, 272 F. 774 (9<sup>th</sup> Cir. 1921) Analyzed (2016), 1 OCL 147, published in the Journal of the Alaska Bar Association, January-March 2016 issue; appearing online (retitled) at <https://www.academia.edu/22192234>.

*Goodness and Fairness at Work at the Alaska Constitutional Convention (1955-56)* (2015), 1 OCL 146, published in the Journal of the Alaska Bar Association, October-December 2015 issue; appearing online (retitled) at <https://www.academia.edu/22254123>.

*Comments on Williams-Yulee v. Florida Bar Association*, 135 S. Ct. 1656 (2015), 1 OCL 145, published in the Journal of the Alaska Bar Association, July-September 2015 issue; appearing online (retitled).

*Jefferson's Manual of Parliamentary Practice, Considered in Aid of Alaska's First Territorial Legislature*, 1 OCL 144, published in the Journal of the Alaska Bar Association, April-June 2015 issue; appearing online (retitled) at [academia.edu/14855913](https://www.academia.edu/14855913).

*Maryland's Delayed Ratification of the Articles of Confederation: An Explanation for Seward's Purchase of Alaska?* 1 OCL 138, published in the Journal of the Alaska Bar Association, October-December 2013 issue; appearing online (retitled) at [academia.edu/9176443](https://www.academia.edu/9176443).

*James Madison's Federalist No. 10 Considered in a Very Large State*, 1 OCL 136, published in the Journal of the Alaska Bar Association, April-June 2013 issue; appearing online (retitled) at [academia.edu/9176365](https://www.academia.edu/9176365).

*Court Rules Attorney with the Alaska Supreme Court (1973-1974):*

I served as the first court rules attorney for the Alaska Supreme Court, 1973-1974, with the title of 'Reporter to the Civil Rules Committee.' ; I was tasked to establish a regular program of form- and rule-revision for the



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Alaska Court System. In 1974 I composed and the Supreme Court adopted the first 'do it yourself/check the box' forms in civil cases.

*Student Essay Cited in Ninth Circuit Opinions and other Literature (1971):*

Comment, *State Power and the Indian Treaty Right to Fish*, 59 Cal. L. Rev. 485 (1971). Judge Anthony Kennedy (then on the Ninth Circuit) cited my *Comment* on two occasions: first in *United States v. Washington*, 645 F. 2d 749, 754 n. 7 (9<sup>th</sup> Cir. 1981) and, on the second occasion, *State Power* was only student essay to which he cited. See *United States v. Oregon*, 657 F. 2d 1009, 1016 (9<sup>th</sup> Cir. 1982)(Anthony Kennedy, J.) Three other authors have cited this essay in monographs and law review articles.

*Class in Federal Indian Law Organized at Berkeley; Casebook*

In the fall of 1970 I successfully proposed that Berkeley Law teach a class in federal Indian law in the following spring semester. With classmate and senior editor on the Law Review D. Rebecca Snow, I prepared a 203-page casebook, *Law and the Native Americans*, which Lee Sklar (of California Indian Legal Services) used in the class. I also served as the teaching assistant for the course.

*Student Essay Commissioned for California Supreme Court Review (1969-1970 Term):*

Note, *Removal of Non-Conforming Uses: Amortization*, 59 Cal. Law Rev. 242-252 (1971)[appearing in CLR's review of the 1969-1970 term of the California Supreme Court].

*Student Honors (1970-1971):*

Served as Note and Comment Editor, California Law Review (1970-1971);  
Organized Federal Indian Law Class (Spring 1971);  
Wrote *Law and the Native Americans* (1971); this was a casebook for the  
Indian Law Seminar that I organized for the spring semester, 1971 at  
Berkeley Law.

*Appellate cases argued or briefed with opinions  
published in West's Alaska Reporter (1975-2010)*

<b>CITATION</b>	<b>COURT/YEAR</b>	<b>TITLE</b>
225 P.3d 1097	(Alaska 2010)	Mat-Su Regional v. Voss
141 P.3d 726	(Alaska 2006)	Valley Hospital v. Brauneis
137 P.3d 289	(Alaska 2006)	FNSB v. ICHRRA
135 P.3d 1000	(Alaska 2006)	ICHRRA v. FNSB
115 P.3d 527	(Alaska 2005)	Interior Trails Coalition v. Swope
113 P.3d 613	(Alaska 2005)	State v. Trust the People
84 P.3d 418	(Alaska 2004)	ANTHC v. Settlement Funds
66 P.3d 736	(Alaska 2003)	Jerue v. Millett
995 P.2d 657	(Alaska 2000)	Parks Hiway v. CEM Leasing, Inc.
835 P.2d 1225	(Alaska 1992)	UAF v. Patten
768 P.2d 124	(Alaska 1989)	Smith v. Krebs
761 P.2d 1013	(Alaska 1988)	Rybachek v. Sutton
756 P.2d 270	(Alaska 1987)	Lundgren v. NBA
742 P.2d 227	(Alaska 1987)	Lundgren v. NBA
742 P.2d 781	(Alaska 1987)	ITA. v. FNSB
736 P.2d 1147	(Alaska 1987)	Donnybrook v. FNBA
723 P.2d 1267	(Alaska 1986)	Gaudiane v. Lundgren
713 P.2d 1203	(Alaska 1986)	Drake v. Hosley
670 P.2d 707	(Alaska 1983)	Vest v. FNBF
664 P.2d 575	(Alaska 1983)	State Dept. of Labor v. UAF
663 P.2d 547	(Alaska 1983)	Hayer v. NBA
659 P.2d 1233	(Alaska 1983)	Vest v. FNBF
658 P.2d 761	(Alaska 1983)	Bentley Family Trust v. Noyes
630 P.2d 13	(Alaska 1981)	Morris v. State
628 P.2d 565	(Alaska 1981)	City of Fairbanks v. Rice
628 P.2d 918	(Alaska 1981)	Ballard v. Stich
623 P.2d 1216	(Alaska 1981)	Alaska Ins. Co. v. RCA Alaska
621 P.2d 887	(Alaska 1980)	State v. 18,018 Square Feet
618 P.2d 561	(Alaska 1980)	Walker v. White
615 P.2d 1	(Alaska 1980)	Penn v. Ivey
615 P.2d 631	(Alaska 1980)	Dalton v. ICB

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599 P.2d 746	(Alaska 1979)	Veach v. Meyeres Real Estate, Inc.
593 P.2d 621	(Alaska 1979)	Robinson v. State
581 P.2d 218	(Alaska 1978)	Ashbrook v. O'Harra
577 P.2d 1077	(Alaska 1978)	Miller v. State
575 P.2d 782	(Alaska 1978)	Gipson v. State
569 P.2d 1338	(Alaska 1977)	Maher v. Maher
567 P.2d 311	(Alaska 1977)	Duncan v. City of Fairbanks
564 P.2d 1219	(Alaska 1977)	Taylor v. State
559 P.2d 104	(Alaska 1977)	ICB v. Bussing
549 P.2d 1341	(Alaska 1976)	Loomis v. Schaefer
548 P.2d 279	(Alaska 1976)	Morrow v. New Moon Homes, Inc.
545 P.2d 163	(Alaska 1976)	Nickels v. State
540 P.2d 1056	(Alaska 1975)	City of Fairbanks v. Metro Co.

*Articles, Charts and Tables posted online (2012-2017):*

For access to the 279+ articles, charts and tables I have published online please refer to [academia.edu](http://academia.edu) and [bepress.com](http://bepress.com). The current download count of my [academia.edu](http://academia.edu) articles is 1231.

*Gubernatorial Appointments (2000, 2004):*

- Attorney-Commissioner, Judicial Conduct Commission, appointed by the Hon. Frank Murkowski, April 2004.
- Attorney-Commissioner, Judicial Conduct Commission, re-appointed by the Hon. Sarah Palin, April 2008.

*Books Self-Published in Alaska (1991-2010):*

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From 1991 to 2010 I published 17 books on various topics of Alaska law. At various times (almost all of) these books were available through third-party vendors in Alaska. Public and state libraries in Alaska also acquired some titles. A few of these books have (vestigial) links that pop up, from time to time, on [amazon.com](http://amazon.com). These books were not kept up-to-date after 2010. My cousin, Connie Aschenbrenner, is now the sole author of the Alaska Wills & Trusts Guidebook.

Alaska Wills & Trusts Guidebook

Alaska 'At Will' Employment Manual

Alaska 'Just Cause' Employment Manual

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Alaska Nonprofit Corporation Manual  
Alaska Business Corporation Manual  
Alaska Limited Liability Manual  
Better Recoveries From Bad Debt  
Alaska Wage & Hour /Fair Labor Standards Act Manual  
Managing the City and Borough Worker  
The Thoroughly Modern Landlord  
The Alaska Commercial Landlord  
Alaska Health Care Provider Lien Manual  
Alaska Small Claims Court Manual  
Managing Shareholder Transfers for Alaska Village Corporations  
The Alaska Village Corporation Manual  
Annotated By-Laws: A Guidebook for Nonprofit Corporations

*Sequential Education in Detail.*

From 1950 to 1956 I attended Hillside School, a primary school in the Berkeley School District system (grades K-5) at 1581 Le Roy Avenue Street in Berkeley.

In the fall of 1956 I attended the Vienna International Community School (now the American International School) on Bauernfeldgasse 40, in the 19<sup>th</sup> Bezirk, Wien, AT.

In the spring of 1957 I attended St. George's Primary School (Hanover Square), a London County Council school, on 47 South Street (Mayfair) London, UK.

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From 1960 to 1963 I attended Berkeley High School on Milvia Street in Berkeley, CA (grades 10-12).

From 1963-1964 I attended the Maximiliansgymnasium on Siegfriedstr. (official address Karl-Theodor-Str. 9) in München, Germany.

From 1964-1966 I attended the University California, Berkeley as an undergraduate.

From 1966-1968 I attended the University of Wisconsin, Madison as an undergraduate.

From 1968-1971 I attended Berkeley Law (then Boalt Hall) at the University of California, Berkeley.

*A Professional Writer: A Life in Brief*

In 1991 I was invited to contribute a few remarks on the subject of landlording in Alaska. The host was a process-server whose business had expanded into checking tenants' references for landlords. I served as 'window-dressing'. This was the Ambassador Room, in the basement of a hotel near the Federal Building in Fairbanks. Think dank odours and odd choices of hors-d'oeuvres.

Landlords appeared by the dozen. To prepare for the event – in the week afforded me – I proceeded (as any competent lawyer in his mature years would do) by copying a few pages from the Alaska Code of Civil Procedure, adding a few pages of do's and don't's, and sprinkling some bullet points over the resulting mélange. I appended my name, address and telephone number and distributed this humble hand-out to those in attendance.

I also titled the hand-out with a sonorous name, that of *The Thoroughly Modern Landlord*. This name was an homage to a terrible film, a regrettable waste of celluloid starring Julie Andrews as Millie. Soon enough I was giving my own workshops. I added more and more pages of the (Alaska) Code of Civil Procedure. I appended comments. I threw in a few forms (samples with blanks and forms completed with fictitious names) and soon enough, participants paid for the cost of printing the material. It was a break-even or go-home proposition, as we say in Alaska.

Clients brought their questions, problems, concerns. They posed their questions to the author of *The Thoroughly Modern Landlord*. TML matured into a full-length book, over 150 pages, filled with forms, materials, commentary. And a 3.5" disk for downloading these forms.

That was quite a thrill: writing, rewriting, editing, organizing, arranging, publishing, workshopping, revising the materials. I then composed 'how to' books on the subject of business organizations, employment relations, and personal planning. My specialty volumes were directed, for example, to commercial leasing and issues of interest to Alaska Native corporations

such as recording ownership of shares in Alaska Regional and Village Corporations.

By 2010 I had completed, published and held over 200 workshops on 17 books. A few of them made their way into the public and state library system at the request of those institutions. Over 50 workshops had been commissioned, that is, paid for by public and private institutions that wanted a specific product delivered to them. These included the Alaska Court System, many non-profit corporations in Alaska, and several Native Alaska corporations.

The following is composite of these workshops, conducted as the reader may compute, at the rate of 5 or 7 every year, from 1991 to 2011. Typically 15 to 30 landlords or employers (for example, those interested in the subject advertised) would gather in Fairbanks or Anchorage at a hotel or public venue such as the Girl Scouts in Fairbanks or the Loussac Library in Anchorage.

At the opening of proceedings, I would ask each person for her name and, in addition, ask her to tell me, in her own words, what she wanted to gain from the workshop. I jotted down her name, creating a seating chart, and, in so doing, I memorized the names of these participants. Speaking without notes – during the following 75 minutes – I then wove my presentation – more precisely, a series of dialogues with participants, one by one. If Bob related a difficulty he had experience in District Court in the course of an eviction proceeding – to take an example – I would bring in other participants to relate their corresponding experiences. Knowing most of the state court judges (the Administrative Office commissioned me to give ‘how to’ workshops to judges handling eviction proceedings), I was able to gather from participants their experience and cumulate from these narrations, a ‘best practices’ response to difficulties they encountered in court. The trust confided in me – during these ‘how to’ workshops – was the highest honor paid during my 39 years in Alaska. True, I solicited that confidence; my ‘confidence’ on offer, so to speak, was that each landlord or employer, for example, had something to take away (for herself) and (for her fellow participants) to build on. This was the inspiration for weaving each participants’ concerns and confusion into a coherent narrative. For their benefit.

It's one thing for a participant to have a one-off problem that can only be resolved by private consultation with counsel. On the other hand, there are problems that are generic. Sometimes they had answers; sometimes they had no answers. Some of the answers were highly practical, some of the answers were work-arounds, and some of the answers were in the Alaska statutes or, rarely, Alaska caselaw. But people were overjoyed to discover how much of the structure (of their daily business lives) had already been anticipated; information had been piled up and was held in reserve for the moment when they decided to search it out. Nobody had explained to them how these intersections were going to work out in their daily business life.

*Workshops Conducted in Alaska (1991-2010):*

The following organizations commissioned/sponsored workshops using manuals I published in the time frame 1991-2010:

National Business Institute  
Alaska Society of Independent Accountants  
Lorman Education Services  
Sterling Education Services  
Ft. Wainwright Family Housing Association  
Alaska Real Estate Commission  
Lawyers For Justice

*A Professional Life, Narrated and Concluded:*

Even before graduation from Berkeley Law (1971), I fell in love with Alaska, despite having no real fixed idea of what life was like in The Great Land. I bought a 4x4 International Harvester D1110 Travelall, drove to Anchorage (a Marine Hiway ferry took me (and 'The Green Monster') from Seattle to Haines) and arrived on 27 March at 5.30 pm. This was the 8th anniversary of the earthquake. In my 39 years in Alaska I brought up four children, built up a law firm with offices in the two largest cities, discovered the pleasure of professional writing, wrote seventeen books on Alaska law and self-published them (1991-2010). Also of interest: a low-level federal magistrate judgeship (1974-1991), judging judicial ethics on a state ethics commission

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(2004-2012) and 44 appearances before the state supreme court (1972-2010).

I was invited to join the British Supreme Court research group (as the only American) in 1999. After an interview with Chief Justice Wm. Rehnquist (2000) at 100 Maryland Avenue (and a telephone interview with Attorney John Roberts – I wonder what became of him?), I decided to join the profession of historians. At the SHEAR conference in Philadelphia, I met Prof. John L. Larson (2011) who secured an adjunct appointment for me, which enabled me to complete my book and get it published. I moved to Columbia, Maryland (2017) to exploit resources at the Library of Congress and Georgetown University Law Center.

Explaining my UK and European connections goes off in other directions: I refer to student days at St. George's Hanover Square in London (1957) and the Oskar von Miller Gymnasium on Siegfried Strasse in Munich (1963-1964). Please consult [https://en.wikipedia.org/wiki/Karl\\_Aschenbrenner](https://en.wikipedia.org/wiki/Karl_Aschenbrenner) for other background.

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From 1950 to 1956 I attended Hillside School, a primary school in the Berkeley School District system (grades K-5) at 1581 Le Roy Avenue Street in Berkeley.

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From 1966-1968 I attended the University of Wisconsin, Madison as an undergraduate.

From 1968-1971 I attended Berkeley Law (then Boalt Hall) at the University of California, Berkeley.

I omit a variety of other educational programs/levels completed, such as obtaining a training as a Certified Mediator, passing the Alaska Real Estate Licensing examination, ditto the Alaska Insurance Licensing examination, and so forth.