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EDUCATION

Yale Law School, Ph.D. expected (Law), 2016
Co-taught *Advanced Topics in Property* (Spring 2015)
American Society for Legal History Student Research Colloquium (2014)
National Endowment for the Humanities Summer Scholar, "The Meanings of Property" (2014)
Certificate of College Teaching Preparation (in progress)

Yale Law School, J.D., 2011
Awarded five prizes for four papers:
Joseph Parker Prize (best paper in legal history) (2011, 2010)
Quintin Johnstone Prize (best paper on the topic of real property) (2011);
Jewell Prize (best second-year student contribution to a secondary journal) (2010);
Edgar M. Cullen Prize (best paper by a first-year student) (2009)
Coker Teaching Fellow, Contracts, Professor Henry Hansmann
Yale Journal of Law and Technology, Co-Editor-in-Chief; Articles Editor

Harvard College, A.B., History, *summa cum laude*, 2008
Phi Beta Kappa (senior fall election)
Detur Book Prize (top 5% of freshman class)
History Department Junior Essay Prize
Harvard-Radcliffe Foundation for Women's Athletics Prize (top female scholar-athlete)

RESEARCH AND TEACHING INTERESTS

Primary: Property, Land Use, State and Local Government Law, Intellectual Property, Legal History
Other: Real Estate Transactions, IP Transactions, Environmental Law, Water Rights, Contracts, Torts, Private Law Theory, Trusts and Estates

PUBLICATIONS AND WORKS IN PROGRESS

Property's Ceiling: State Courts and the Expansion of Takings Clause "Property" (manuscript in progress) (job talk).

State and federal constitutions provide that "property" shall not be taken for public use without just compensation. Most scholarship on the role of state courts within takings law is directed to "judicial takings": the constitutional limits on judges narrowing the scope of private property. Little attention has been paid to the opposite

issue: state courts expanding the range of interests that qualify as constitutional "property" for the purposes of takings clauses. This Article uses an original case study to explore the theoretical questions raised by constitutional property innovation. It tells the story of a series of nineteenth and twentieth century cases on street grading, in which property owners sought relief when municipal officials vertically shifted streets to improve transportation, sometimes in excess of a hundred feet. Though these regrades often loomed over structures or left them on cliffs, officials contended that because they did not physically take any property, abutting owners could not bring takings claims. State courts began to treat the "right of access" as constitutional property confiscated by the legislative actions authorizing regrades. In other words, state courts began requiring compensation for takings of novel property rights to make state and local legislatures liable when existing law left individuals without redress. This history demonstrates that state courts can play an important and desirable role within takings law by equitably defining the limits of private rights and public actions. But unfettered discretion in courts to invent new rights and find them taken may cause significant administrative costs and threaten both the separation of powers and property federalism, unless that discretion is cabined by some notion of the upper limits of property. This Article argues that a combination of doctrinal principles derived from both the street grade cases and Supreme Court precedents can constrain the theoretical risks of property expansion.

From Rocks to Rods: Standardized Property Demarcation as an Effect of Development (manuscript in progress).

In the literature on property and development, land demarcation methods that predefine boundaries, minimize the need for local knowledge, and use addresses are considered a prerequisite for growth. Standardization reduces transactions and boundary enforcement costs and thereby stimulates property markets. This Article suggests that this account is only half-right: in many circumstances, standardized property demarcation is an effect, rather than a cause, of development. Through original research in seventeenth and eighteenth century deeds, I examine how early American settlers recorded land and disputed boundaries and find surprising advantages to "informality" in early property demarcation. Additionally, this history shows that demarcation practices adapted under external social pressures to become legible to distant buyers, creditors, and judges. Given these lessons from American property history, programs that impose standardized property demarcation to foster economic development may be misguided. In smaller communities that are relatively homogenous, non-standard demarcation may both adequately serve the needs of the community and strengthen community ties—and importantly, "informal" systems are flexible if those benefits are reduced or eliminated.

The Lost "Effects" of the Fourth Amendment: Giving Personal Property Due Protection, 125 YALE L.J. ____ (forthcoming 201[5/6]).

This Article chronicles the missing constitutional history of "effects," long neglected alongside the Fourth Amendment's more famous protections for "persons, houses,"

and "papers." It uses primary sources to identify the property, privacy, and security interests specific to personal property that motivated the Founders to include "effects" in the constitutional text. It also examines how subsequent state and federal judicial decisions have come erroneously to treat constitutional protections for personal property as coextensive with the area where the property is located, rendering unattended personal property in public space—say, a jacket temporarily left on a chair in Starbucks—with very limited protection. Borrowing from personal property law and theory, the Article presents a new approach to analyzing searches of effects that better covers Fourth Amendment rights *in rem*. A number of property factors can be used to identify constitutional "effects" and to examine whether that property remains in its owner's possession. These two inquiries are the beginning of a historically and theoretically grounded approach to searches of personal property under the Fourth Amendment.

Defining "Navigability": Balancing State-Court Flexibility and Private Rights in Waterways, 36 CARDOZO L. REV. 1415 (2015).

Many state courts consider themselves able to update the meaning of the word "navigable" under state law—say, from "used by commercial boats" to "able to float logs for six weeks"—as public needs for waterways change over time. This Article argues that these state-court definitional changes trigger constitutional concerns under both the Takings Clause and Due Process Clause. By operation of the public trust doctrine, declaring a waterway navigable makes it public property and thereby affects others' rights to exclude. A history of courts changing the definition demonstrates the dubious common-law basis for this authority. Moreover, the history shows that many of the definitional changes have been accompanied by troubling surrounding circumstances—like state legislatures asking for the rule change when there is little doubt that they would have to pay compensation under state and federal takings clauses if they made the change themselves. Because recent opinions on the capacity of the judiciary to "take" property are non-binding, the rules that apply to potential judicial takings are unclear. Navigability doctrine provides an ideal test case for thinking about the consequences of applying federal takings and due process precedents to judicial rulemaking and examining how those precedents might be able to permit beneficial common-law evolution while constraining the worst abuses.

The Failure of America's First City Plan, 46 URB. LAW. 507 (2014).

This Article challenges the conventional wisdom that street grids are optimal for downtowns by presenting the history of a failed grid: New Haven's Nine Squares. Because the blocks were large and distant from the water, New Haven had to undertake a costly, eighty-year project to correct them—a process that required significant deal-making and the first non-consensual takings of property in the city's history. From this story, I derive a "theory of streets," suggesting that when residents have the best knowledge about land and settlement conditions, street plans may not best nurture urban growth.

Leaving Room for Research: The Historical Treatment of the Common Law Research Exemption in Congress and Courts, and its Relationship to Biotech Law and Policy, 12 YALE J.L. & TECH. 269 (2010) (published under maiden name, Maureen E. Boyle).

This study examines new historical evidence of congressional reliance during the drafting of major biotechnology legislation on the existence of a common-law exemption from patent infringement claims for university and nonprofit research. After discussing how the Federal Circuit Court of Appeals has narrowed the exemption for all patented technology in a series of decisions since 2000, it argues that the disconnect between legislative intent to permit experimentation in the biotech sector and these judicial rulings demands clarification from either branch about the scope of permissible biotech investigation.

PRESENTATIONS

From Rocks to Rods: Standardized Property Demarcation as an Effect of Development

Law and Society Annual Meeting (May 30, 2015)
Harvard University, Center for History and Economics, New Histories of Paperwork Conference (April 24, 2015)
Connecticut Association of Land Surveyors Annual Meeting (October 31, 2014)
Association for Law, Property and Society Annual Meeting (May 2, 2014) (working title, "Community Knowledge and its Collapse: History of an Early American Property Regime")

The Lost "Effects" of the Fourth Amendment: Giving Personal Property Due Protection

Association for Law, Property and Society Annual Meeting (May 2, 2015)

The Failure of America's First City Plan

American Society for Legal History Annual Meeting (November 12, 2011) (New Directions in the History of Property Panel)

LEGAL WORK EXPERIENCE

Ropes & Gray LLP • Boston, MA • 2012-2013
Associate, Corporate Department. Practiced in Intellectual Property Transactions and Life Sciences groups.

Hon. Bruce M. Selya, United States Court of Appeals for the First Circuit • Providence, RI & Boston, MA • 2011-2012
Law Clerk.

Hon. Bruce M. Selya, Roger Williams Law School • Bristol, RI • Fall 2011
Teaching Assistant, "Lessons of Litigation" (appellate advocacy course).

Ropes & Gray LLP • Boston, MA • Summer 2010
Summer Associate, Litigation and Corporate Departments.

New Haven State's Attorney's Office • New Haven, CT • Fall 2009
Extern to State's Attorney Michael Dearington.

Wolf, Greenfield & Sacks, P.C. • Boston, MA • Summer 2009
Summer Associate, Intellectual Property Litigation Department.

BAR ADMISSION

Massachusetts (2011)

PROFESSIONAL ASSOCIATIONS

American Planning Association (Planning and Law Division)
American Society for Legal History
Society for American City and Regional Planning History

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