

“The constitution is the will, the deliberate will, of the people. They have declared under what circumstances, and in what manner it shall be amended, and altered; and until a change is effected in the manner prescribed, it is declared, that it, shall be the supreme law of the land, to which all persons, rulers, as well as citizens, must bow in obedience.” This is a quote from Justice Joseph Story, the youngest Supreme Court Justice appointed and whom this award is named after. It is contained in his seminal work *Commentaries on the Constitution*. As this year’s recipient of the Joseph Story award pointed out, in a post on the Volokh Conspiracy blog, the quote I just read has a very originalist tone. It shows a Justice who respected the formal process of change that the constitution prescribed and who was wary to impose unwarranted change from the bench.

The Joseph Story Award is given to an academic who is 40 years or younger and who has demonstrated excellence in legal scholarship, a commitment to teaching, a concern for students, and who has made a significant public impact in a manner that advances the rule of law in a free society. It is my honor to announce that the winner of the 2020 Joseph Story Award is Professor Stephen Sachs of Duke Law School.

Professor Sachs meets and exceeds all of the qualifications for this award. His scholarship on originalism, legal interpretation, and civil procedure is illuminating, insightful, and willing to challenge conventional academic attitudes. He has done seminal work reconceptualizing originalism as a rule of legal change and reinvigorating the notion that judges can and do find law rather than make it. His articles have appeared in top general purpose law reviews like the *Yale Law Journal*, the *Harvard Law Review*, and (very soon) in the *University of Pennsylvania Law Review*, as well as top specialty journals.

Professor Sachs is also admired and appreciated by his students in the classroom who speak of his engaging teaching style. One student even remarked that “his exams were genuinely enjoyable to read” (no small task). Another said “He is clearly a brilliant scholar, but I was impressed by how clearly he is able to articulate complicated legal concepts.” I could go on with numerous other glowing quotes from students. I was not fortunate enough to take professor Sachs’ seminar “Originalism and Its Discontents” when he visited Chicago this quarter, but I heard from students in the class that they enjoyed it immensely.

Outside of the classroom Professor Sachs is very generous in making himself available for student questions and discussion. According to his students, Professor Sachs also makes it a tradition of inviting them over to his home for Thanksgiving.

Finally there is no doubt that Professor Sachs’s work has made a public impact. To give the most obvious example: In June 2013, Professor Sachs wrote an amicus brief to the Supreme Court on forum selection agreements in civil cases. The Court ordered the parties to be prepared to address the brief, which was discussed at oral argument and in the Court’s opinion. The brief was later named Exemplary Legal Writing in 2013 by the Green Bag Almanac and Reader. Professor Sachs is also a member of the Judicial Conference Advisory Committee on Appellate Rules and the American Law Institute, where he serves as an adviser to the Restatement of the Law (Third), Conflict of Laws.

Professor Sachs is a shining example of a professor whose scholarly abilities allow him to challenge pervading academic orthodoxy in an insightful and compelling manner. One student said that Professor Sachs changed his views from being ardently anti-originalist to being more accepting of originalism. In a world where polarization has made the idea of people changing their minds seem almost naïve, stories like this one show that when arguments are taken

seriously and given their most persuasive case by people like Professor Sachs, real dialogue and influence is possible. Please join me in congratulating Professor Sachs!