

WILLIAM DAVENPORT MERCER

University of Tennessee College of Law

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Knoxville, Tennessee 37996-1810

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ACADEMIC APPOINTMENTS

University of Tennessee College of Law

Distinguished Lecturer, 2024-present

University of Tennessee, Knoxville

Department of History and College of Law (Joint Appointment)

Distinguished Lecturer, 2020-2024

Senior Lecturer, 2017-2020

Lecturer, 2012-2017

PUBLICATIONS

Books

DIMINISHING THE BILL OF RIGHTS: BARRON V. BALTIMORE AND THE FOUNDATIONS OF AMERICAN LIBERTY (University of Oklahoma Press, 2017)

Articles

Inspired Filth: Working Blue in Vaudeville America, (with Joel E. Black), 53 UNIVERSITY OF MEMPHIS LAW REVIEW 37 (Fall 2022).

The Ballad of Hicks Carmichael: Law, Music, and Popular Justice in Urban Appalachia, LAW, CULTURE AND THE HUMANITIES, Vol. 18, Issue 1 (February 2022): 187–208.

The Last Days of the Marshall Court, JOURNAL OF SUPREME COURT HISTORY, Vol. 44, No. 2 (2019): 135-153.

At the Intersection of Sovereignty and Contract: Traffic Cameras and the Privatization of Law Enforcement Power, 43 UNIVERSITY OF MEMPHIS LAW REVIEW 379 (Winter 2012).

In-Progress Works

URBAN APPALACHIA AND THE ROOTS OF AMERICAN CRIMINAL LAW (book manuscript)

'Let My Executor Ask the Prospective Heirs Assembled this Night if They are Willing to Take What Fortune Offers Them': The Reading of the Will Ceremony and Popular Expectations of Law (article)

Antebellum Law Schools, in DEFUNCT LAW SCHOOLS: A BRIEF HISTORY (Robert M. Jarvis ed.) (publication expected 2026) (book chapter)

EDUCATION

University of Florida

Ph.D. (Legal History), August 2011

M.A., (Legal History), May 2007

Stetson University College of Law

J.D., May 1997

Mercer University

B.A. (History), June 1994

LEGAL EXPERIENCE

University of Florida, Student Legal Services

Assistant General Counsel

Gainesville, Florida, 2001-2011

Represented hundreds of clients in high volume legal aid office specializing in landlord/tenant, criminal, and consumer matters.

Fuller, Holsonback, Bivins & Malloy, P.A.

Associate Attorney

Tampa, Florida, 1998-2001

Provided full-service representation to companies in all aspects of a complex commercial litigation practice.

BAR LICENSES

Florida (Active/good standing – Admitted October 1997)

COURSES TAUGHT

Law School Courses

American Legal History (Spring 2024, Spring 2022, Spring 2020, Spring 2019, Spring 2018, Spring 2017, Spring 2013)

Reexamining the U.S. Constitution (Fall 2023, Spring 2021, Spring 2016, Spring 2014)

Prosecution/Public Defender Externships (Spring 2024, Fall 2023, Spring 2023, Fall 2022, Fall 2021, Fall 2020, Fall 2019, Fall 2018, Fall 2017, Fall 2016, Fall 2015, Spring 2015, Fall 2014, Fall 2013, Fall 2012, Spring 2012)

Undergraduate Courses

Introduction to Law (Part of the 3+3 accelerated BA/JD program, Spring 2024, Fall 2023, Spring 2023, Fall 2022, Spring 2022, Fall 2021, Spring 2021, Fall 2020, Spring 2020, Fall 2019, Spring 2019, Fall 2018, Spring 2018, Fall 2017, Spring 2017, Fall 2016, Spring 2016)

U.S. Constitutional History to 1877 (Fall 2022, Fall 2020, Fall 2018, Fall 2016, Fall 2015, Fall 2012, Fall 2013)

U.S. Constitutional History, 1877 – Present (Spring 2023, Spring 2021, Fall 2019, Spring 2017, Spring 2016, Spring 2013, Spring 2014)
History of American Citizenship (Spring 2018, Spring 2017, Spring 2012, and Summer 2011)
The Trial in American History (Senior Writing Seminar) (Spring 2015)
Comparative Constitutional History (Spring 2021, Fall 2017, Spring 2014)
Privacy, Birth Control, and the Constitution: A Public History Seminar on Griswold v. Connecticut (Spring 2015)
Creating the Constitution (Fall 2021, Spring 2019)
Free Speech Fights: The First Amendment in American History (Spring 2023, Spring 2022, Fall 2019)
American Legal History (Fall 2022, Spring 2020)
Early American Republic (Fall 2021, Spring 2020, Fall 2018, Spring 2018, Fall 2016, Spring 2016, Fall 2015, Spring 2015, Spring 2013, Spring 2012)
United States History to 1877 (Spring 2016, Summer 2010, Summer 2009)
Colonial America to 1765 (Fall 2014, Fall 2012)
This Machine Kills Fascists: A Music in History Seminar (Spring 2022, Fall 2020, Fall 2017, Spring 2019)

Graduate History Courses

Readings in American Legal History: Methods and Interpretations (Fall 2013)

CONFERENCE PARTICIPATION

- “Let My Executor Ask the Prospective Heirs Assembled this Night if They are Willing to Take What Fortune Offers Them’: The Reading of the Will Ceremony and Popular Expectations of Law,” *Law & Society Annual Conference*, San Juan, Puerto Rico, June 1, 2023 and *Popular Culture Association*, 2021 Annual Meeting (online), June 2, 2021.
- “Working Blue: Stand-Up Comedy, Free Speech, and Self-Censorship in American Law,” *Association for the Study of Law, Culture and the Humanities*, 2018 Annual Meeting, Georgetown University College of Law, March 16-17, 2018.
- “The Ballad of Hicks Carmichael,” *Association for the Study of Law, Culture and the Humanities*, 2016 Annual Meeting, University of Connecticut School of Law, Hartford, Connecticut, April 2, 2016, and *Society of Appalachian Historians*, 2016 Meeting, East Tennessee History Center, Knoxville, Tennessee, May 23, 2016.
- “Privatization of Law Enforcement, Traffic Cameras, and Challenges to Sovereignty,” *Law & Society Association*, 2013 Annual Meeting, Boston, Massachusetts, May 31, 2013.
- “Popular Sovereignty and Positivist Rights,” *Association for the Study of Law, Culture and the Humanities*, 2011 Annual Meeting, University of Nevada – Las Vegas, March 11, 2011.

- “Relocating Rights: *Barron v. Baltimore* and the Evolution of the Foundation of Rights,” *San Francisco State University Rights Conference*, San Francisco, California, September 18, 2009.
- “Locating Liberties: The Transformation of Rights in *Barron v. Baltimore*,” *Law & Society Association*, 2009 Annual Meeting, Denver, Colorado, May 29, 2009.
- “Florida Criminal Law Update,” *National Legal Aid and Defender Association, SLS Section Regional Conference*, St. Augustine, Florida, November 2002.

WORKSHOP PARTICIPATION

- “Westward Expansion and the Constitution in the Early American Republic,” National Endowment for the Humanities Summer Institute for College and University Teachers, *University of Oklahoma*, June 15-27, 2014.
- “Assessing the U.S. Constitution: Twenty-First-Century Responses to Eighteenth Century Assumptions,” Interdisciplinary Summer Workshop for Junior Faculty, Sponsored by the Institute for Constitutional History and the Stanford Constitutional Law Center, *Stanford Law School*, July 8-14, 2012.

MEDIA COMMENTARIES

- Quoted, “Knoxville protest case serves as test of whether laws are meant to muzzle Black activists,” *Knoxville News Sentinel*, November 5, 2021.
- Guest, *New Books in History* podcast, released July 6, 2017.
- Panelist, *To the Point*, KCRW-FM, (PRI Affiliate), Santa Monica, California, broadcast June 28, 2017.
- Guest, *Your Weekly Constitutional*, WETS-FM (NPR Affiliate), Johnson City, Tennessee broadcast April 21 and 28, 2017 and simulcast nationally.
- WUFT Television Interview for nightly news program regarding the impact of proposed changes to the Florida Landlord/Tenant Code, Taped November 15, 2006.
- Guest, WUFT Television Talk Show *Inside UF*, discussion of student rights and responsibilities, Taped February 3, 2004.

PUBLIC AND GUEST LECTURES

- Discussion Panelist for *On Juneteenth*, by Annette Gordon-Reed, organized by the Diversity in the Profession Committee for the *Knoxville Bar Association*, June 20, 2023.
- Free Speech and Protest Panel, American Constitution Society, UTK Chapter, *University of Tennessee College of Law*, April 14, 2021.
- “Presidential Impeachment: Legal and Historical Perspectives,” *University of Tennessee College of Law*, January 26, 2021.
- “Free Speech, Anarchists, and...Fountain City?” for the Daughters of the American Revolution, Oak Ridge Chapter, Oak Ridge Tennessee, September 12, 2020.
- “Presidential Impeachment 101” panelist, *University of Tennessee College of Law*, November 7, 2019.

“The Last Days of the Marshall Court,” for the Daughters of the American Revolution, Oak Ridge Chapter, Oak Ridge Tennessee, September 14, 2019.

“The Ballad of Hicks Carmichael,” for the Blount County Bar Association, Maryville, Tennessee, May 8, 2019.

“Western Expansion and the American Revolution,” for Teaching with Primary Sources program for educators, hosted by Middle Tennessee State University and sponsored by the Library of Congress, *East Tennessee Historical Society*, Knoxville, Tennessee, December 7, 2018

“The Nullification Crisis,” for AP U.S. History Class, *Fulton High School*, Knoxville, Tennessee, November 2, 2018 and October 25, 2019.

“Edward Terry Sanford and Extra-Legal Justice in Tennessee,” for continuing legal education program entitled “Edward Terry Sanford: History, Ethics, Legacy,” *University of Tennessee College of Law*, October 19, 2018.

“The Fourteenth Amendment,” for the Anti-Nazi Teach-In: Fascism’s Past and Present, *University of Tennessee*, February 16, 2018.

Constitution Day Panelist, Howard Baker Center, *University of Tennessee*, September 18, 2017.

Dr. Paul H. Bergeron Constitution Day Lecture, *Blount Mansion Association*, Knoxville, Tennessee, September 13, 2017.

“The U.S. Constitution: The Republic in ideal and practice,” for the U.S. State Department, Study of the United States Institutes (SUSI) Program, *University of Tennessee*, January 17, 2013.

“Individual Rights and Police Encounters,” for the class, “Anthropology of Law,” *University of Florida, Department of Anthropology*, February 17, 2010.

“Individual Rights and Police Encounters,” for the class “Academic Activism,” *University of Florida, Department of Anthropology*, February 27, 2009.

Moderator, “Handling a Police Encounter,” *University of Florida*, February 15, 2008.

“Civil/Criminal Liability Issues for Greek Organizations,” *University of Florida*, Delta Upsilon Fraternity, February 3, 2010; Theta Chi Fraternity, November 16, 2009; Zeta Tau Alpha Sorority, February 12, 2008; Delta Upsilon, September 18, 2003.

“Higher Education Law Update,” *University of Florida, Office of Sorority and Fraternity Affairs*, House Directors Training, August 16, 2007.

“Police Encounters,” *U.F. La Casita*, September 8, 2006.

“U.S. and South African Constitutionalism,” for class “The African Experience,” *University of Florida, Center for African Studies*, June 16, 2006.

“Police Encounters,” *University of Florida Progressive Black Men*, March 14, 2005.

Panelist, Amadou Diallo Tribute, *Institute of Black Culture, University of Florida*, November 2005.

“Florida Landlord/Tenant Law,” for the class: “Housing Transactions for Homebuilders,” *University of Florida, M.E. Rinker, Sr. School of Building Construction*, October 22, 2003.

GRANTS AND AWARDS

Lord Baltimore Fellowship, *Maryland Historical Society*, Baltimore, Maryland, 2007-08.
High Pass, Ph.D. Qualifying Exams, *University of Florida*, 2007.

DEPARTMENTAL SERVICE

Faculty Mentor, *University of Tennessee*, American Studies Program, 2020-2021.
Undergraduate Advisor, *University of Tennessee*, Department of History, 2012-2015.
Faculty Member, Legal Services Advocacy Training Program, American Bar Association
Section of Litigation, *University of Tennessee College of Law*, May 14, 2012 – May 16,
2012.

UNIVERSITY SERVICE

Judge, Three Minute Thesis, Regional Semi-Final, *University of Tennessee Graduate School*,
February 25, 2018.
Judge, Appellate Advocacy program, *University of Florida Levin College of Law*: April 2011;
April 2009; August 2006; April 2004; November 2003; April 2003; and November
2002.
Mentor, J. Wayne Reitz Scholar program, *University of Florida*, 2005-2006; 2006-2007.
Advisor, Phi Alpha Delta Pre-Law Fraternity, *University of Florida*, 2003-2005.
Judge, Multi-Cultural Greek Awards, *University of Florida*, November 2005.
Judge, Phi Alpha Delta mock trial, *University of Florida*, March 2004.

COMMUNITY SERVICE

Judge, East Tennessee History Day, March 1, 2019, February 28, 2023, February 29, 2024.
Member, City of Gainesville Student/Community Relations Advisory Board, 2010-2011.
Florida Bar Justice Teaching Volunteer, 2007.
Hillsborough County Bar Association Law Week Courthouse Volunteer, 1999-2001
Tampa Connection Leadership and Service Program, 1999.

PROFESSIONAL SERVICE

Editorial Board Member, *University of Tennessee Press*, 2013-2019, 2023-present.
Article Reviewer, *Law and History Review*, 2013-2015.