

JACOB W. TOMORY

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ACADEMIC POSITIONS

Cleveland State University College of Law

Assistant Professor of Law

Cleveland, OH

Aug. 2026 – Present

EDUCATION

Yale Law School

J.D.

New Haven, CT

May 2023

Activities: *Yale Journal on Regulation*, Executive Symposium Editor
Research Assistant, Professor Carlos M. Vázquez
Yale Undergraduate Moot Court, Graduate Advisor
First Generation Professionals

Youngstown State University

B.A., Philosophy & Political Science | *summa cum laude*

Youngstown, OH

May 2020

PUBLICATIONS & WORKS IN PROGRESS

- *Outsiders on the Inside* (work in progress) (draft available upon request)

Abstract: Not all laws come from legislatures. Nearly half the states allow the people to directly enact laws via ballot initiatives. These initiatives touch on diverse and consequential issues including, just to name a few, abortion, the minimum wage, and criminal justice. Like all laws, issues frequently arise regarding their interpretation. This article provides the first comprehensive study of how courts interpret initiatives since 1995. In Part I, my study finds that courts continue to frame their inquiry as a search for the intent of the people, but there are hints of textualism in the tools utilized by courts. In Part II, I argue that it makes sense for intentionalist courts to use textualist tools. As Justice Barrett has explained, intentionalists focus on what words mean to “congressional insiders” and textualists focus what words mean to “outsiders.” In the initiative context, the people take on the role of legislators. Therefore, even intentionalists should be guided by what words mean to “outsiders.” In making this argument, I draw on latent observations in the literature to create a distinction between interpretive *ideologies* and *methodologies*. This helps explain how ideological intentionalists can embrace textualist methods. Finally, in Part III, I assess the tools that courts use to interpret initiatives considering recent studies regarding how ordinary people actually use language. If courts truly care about what the people intend when they vote for initiatives, they should take such findings seriously. Where more empirical work is needed, I set out a research agenda for empirical work unique to how people read ballot initiatives. In this part, I also make the counterintuitive argument that textualists should be willing to look to ballot materials despite the fact that such materials are frequently analogized to legislative history.

- [*The Case for Appellate Review of the Judicial Panel on Multidistrict Litigation*](#), 66 BOSTON COLLEGE LAW REVIEW 2245 (2025)

TEACHING & RESEARCH INTERESTS

Primary: Legislation and Regulation, Administrative Law, Federal Courts

Secondary: Criminal Law, State and Local Government Law

JUDICIAL CLERKSHIPS

The Honorable Robert Kirsch

United States District Court for the District of New Jersey

Trenton, NJ

Aug. 2025 – Aug. 2026

The Honorable Cindy Chung

United States Court of Appeals for the Third Circuit

Pittsburgh, PA

Aug. 2024 – Aug. 2025

OTHER LEGAL EXPERIENCE

Covington & Burling LLP

Associate

Washington, DC

Sept. 2023 – May 2024

- Member of the Appellate and Supreme Court, Patent Litigation, and Regulatory and Public Policy practice groups.
- Focused on litigation involving complex statutory and regulatory regimes.

Connecticut Office of the Attorney General

Intern, Appellate Section

Hartford, CT

July – Aug. 2022

Covington & Burling LLP

Summer Associate

Washington, DC

May – July 2022

San Francisco Affirmative Litigation Project

Member & Student Director

New Haven, CT

Aug. 2021 – May 2023

- As Student Director, planned and hosted clinic events, helped new students transition to the clinic by hosting office hours and reviewing student work, and worked with faculty directors to review and revise the syllabus.
- As a member of the clinic, worked on issues of state and local government, federalism, administrative law, and constitutional law.

Connecticut Office of the Attorney General

Intern, Consumer Protection Section

Hartford, CT

May – July 2021

BAR ADMISSIONS

District of Columbia (2023), United States Court of Appeals for the Third Circuit (2025)