

**PROFESSOR LINDA S. MULLENIX**  
**BIOGRAPHICAL PROFILE**



**LINDA S. MULLENIX** holds the Morris and Rita Atlas Chair in Advocacy at the University of School of Law. She earned M.Phil. and Ph.D. degrees in political science from Columbia University and graduated Phi Beta Kappa, *magna cum laude* from the City College of New York. She received her law degree from Georgetown University Law Center and practiced appellate litigation in Washington, D.C. She has been a college and law professor since 1974.

Professor Mullenix teaches federal civil procedure, mass tort and class action litigation, complex multidistrict litigation, and transnational collective redress measures. She also has taught federal courts, conflict of laws, professional responsibility, and civil justice reform. She has been a visiting professor at Oxford University, the University of Trento (Italy), Harvard, Michigan, and Southern Methodist law schools; held the Reuschlein Distinguished Visiting Chair (Villanova); and served as the Katherine Ryan Distinguished Professor at the Institute on World Legal Problems in Innsbruck, Austria.

Professor Mullenix has served as a Supreme Court Fellow at the Federal Judicial Center; a scholar-in-residence at the Rockefeller Foundation Bellagio Study and Conference Center in Italy; and held the Fulbright Senior Distinguished Chair in Law, in Trento, Italy. She is an elected Life Member of the American Law Institute, an elected Life Fellow of the Texas Bar Foundation, an elected Life Fellow of the American Bar Foundation, and an elected member of the International Association of Procedural Law. She was a founding member and served on the Board of Directors of the Austin Fulbright Alumni Association and served as Vice-President on the Board of the Fulbright Italian Interest group. In January 2012, Professor Mullenix was honored as a “Pathfinder 2012” by the Travis County Women’s Law Association, which recognizes women in the community who “have used their law degrees in ways that inspire the rest of us.”

Professor Mullenix is the author or co-author of twenty-seven books including *OUTGUNNED: THE NEW ERA OF FIREARMS ACCOUNTABILITY* (Cambridge University Press 2024); *PUBLIC NUISANCE: THE NEW MASS TORT FRONTIER* (Cambridge University Press 2024); *Mass Tort Litigation* (4th ed. 2023); *LEADING CASES IN CIVIL PROCEDURE* (4th ed. 2023); *Understanding Federal Courts* (2d ed. 2015); *CIVIL PROCEDURE BLACKLETTER SERIES* (3d ed. 2024); *Federal Courts in the Twenty-First Century* (3d ed. 2007); *STATE CLASS ACTION PRACTICE AND PROCEDURE* (2000); *RESTATEMENT THIRD, THE LAW GOVERNING LAWYERS*(2000); and *MOORE’S FEDERAL PRACTICE* (contributing author). She has contributed numerous book chapters and authored several professional reports. For over 35 years, Professor Mullenix has been a contributing writer for *Preview of Supreme Court Cases* and published hundreds of analyzes of pending Supreme Court cases dealing with procedure and federal courts. For over 30 years she was a regular columnist for the *National Law Journal*. She served as an Associate Reporter for the ALI *RESTATEMENT OF THE LAW GOVERNING LAWYERS*, a consultative member of the ALI *TRANSNATIONAL RULES OF CIVIL PROCEDURE* and the ALI *COMPLEX LITIGATION PROJECT*. She was invited to contribute a chapter to the ALI’s 2023 Centennial commemorative book, discussing the ALI’s *PRINCIPLES OF THE LAW OF AGGREGATE LITIGATION*.

Professor Mullenix has written dozens of articles published in *The Chicago Legal Forum*, *Cornell Law*

*Review, Emory Law Journal, Georgetown University Law Journal, Georgetown Journal of Legal Ethics, Harvard Law Review, Michigan Law Review, Michigan Journal of Law Reform, Minnesota Law Review, Northwestern Law Review, Stanford Law Review, The Stanford Journal of Complex Litigation, University of Pennsylvania Law Review, Texas Law Review, The Review of Litigation, Vanderbilt Law Review, and the Washington and Lee Law Review, as well as numerous other journals. Federal and state courts throughout the United States have cited Professor Mullenix's articles on procedure and complex litigation. Since 2000 she consistently has been ranked as a top-ten most cited procedure scholar in the U.S. She also has been ranked among the top 250 legal scholars in the U.S., writing in any field.*

Professor Mullenix has served the profession in various capacities, including as Reporter for an ABA Task Force on Class Actions; Reporter for the Southern District of Texas, Civil Justice Reform Act; Reporter for the National Conference of Federal-State Judicial Relationships; Advisor, Texas Class Action Rules Subcommittee; and Advisor, National Center for State Courts, Study on Civil Discovery. She has been an invited participant at numerous academic conferences, including the ABA Conference on the Future of Class Action Litigation in America; the Symposium on Cutting Edge Issues in Class Action Litigation, The Legal Forum, University of Chicago; Class Action Conference, Judicial Conference Committee on Rules of Practice and Procedure; the Gulf States Class Action Symposium; the University of Pennsylvania Symposium: Mass Torts; the ABA Class Action Institute; the Mass Tort Working Group, Judicial Conference Committee on Rules of Practice and Procedure; the Special Study Conference on Federal Rules Governing Attorney Conduct, Judicial Conference Committee on Rules of Practice and Procedure; the Research Conference on Class Actions, Institute for Judicial Administration and N.Y.U.; the Conference on Civil Procedure and the Future of the Federal Rules, Southwest Legal Foundation and S.M.U. University; and the National Mass Tort Litigation Conference. She has been a repeat participant at Emory Law School's Randolph Thrower Symposium and the DePaul University College of Law Clifford Symposium. She also has served as a faculty member for the Annual Conference on Complex Litigation and Resolution of Class Action Litigation. Professor Mullenix has mentored junior scholars through participation in federal courts junior scholarship workshops, and the Harvard Law School Culp Colloquium.

Since 2019 Professor Mullenix has been a collaborator on the multi-year comparative law project, Open Access CPLJ Project, COMPARATIVE PROCEDURAL LAW AND JUSTICE: POWER AND AUTHORITY IN DISPUTE RESOLUTION, sponsored by the Max Planck Institute for Procedural Justice (Luxembourg). She has served on several advisory boards, including most recently the Scholars' Council of the Humphreys Complex Litigation Center at George Washington University School of Law, and as a Forbes Legal Advisor.

Professor Mullenix has delivered lectures relating to class action and mass tort litigation in Austria, Australia, Brazil, Canada, Colombia, Croatia, Germany, Israel, Italy, Luxembourg, the Netherlands, South Africa, Switzerland, and the U.K. She has appeared as a radio commentator on National Public Radio, a media commentator on *Bloomberg News*; and has been quoted in *The New York Times*, the *Wall Street Journal*, the *Los Angeles Times*, the *National Law Journal*, *CNNOpinion.com*, and the *Guardian (U.K.)*, among other media publications. Professor Mullenix has worked as counsel and as a consulting expert with plaintiffs, defendants, and objectors on numerous prominent federal and state class action cases. In addition, Professor Mullenix has worked on Canadian class actions; class litigation under the Brazilian Consumer Protection Act; and several London arbitrations relating to mass tort settlements. She also has been an adviser regarding proposed Swedish and Finnish class

action legislation.

View my research on my SSRN page: <http://ssrn.com/author=98468>  
Faculty profile website: <https://law.utexas.edu/faculty/linda-s-mullenix/>

**PROFESSOR LINDA S. MULLENIX**  
<https://law.utexas.edu/faculty/linda-s-mullenix>  
<http://ssrn.com/author=98468>

**RESIDENCE:**  
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**UNIVERSITY:**  
**727 EAST DEAN KEETON ST. AUSTIN,**  
**AUSTIN, TEXAS 78705**  
**PHONE: 512-232-1375**  
[lmullenix@law.utexas.edu](mailto:lmullenix@law.utexas.edu)

**UNIVERSITY OF TEXAS SCHOOL OF LAW**  
**RITA AND MORRIS ATLAS CHAIR IN ADVOCACY (2001- PRESENT)**  
**WARD CENTENNIAL PROFESSOR 1991–2001**

**COURSES:** Civil Procedure; Complex Litigation; Mass Tort Litigation; Civil Justice Reform (seminar); Current Issues in Class Action Litigation (seminar); Transnational Class Actions (seminar); Class Action Litigation in a Global Context; (seminar); State Class Action Practice and Procedure (seminar); Aggregate Litigation in A Global Context (seminar)

**COMMITTEES:** Advocacy Programs; Appointments (Chair, 1992-93); Budget; Tenure; Capital Campaign Advisory Committee; Voting Procedures; International Studies; Graduate Studies; Computer Committee; Rules & Procedures; Faculty Governance; Teaching Committee

**UNIVERSITY SERVICE:** Faculty Grievance Committee (2020-2023)(university elected)  
(2023-2026)(university appointed)

**OXFORD UNIVERSITY – UNIVERSITY OF TEXAS EXCHANGE PROGRAM**  
**VISITING SCHOLAR, MAY 2013**

**FULBRIGHT DISTINGUISHED SENIOR CHAIR IN LAW**  
**UNIVERSITY OF TRENTO, ITALY**  
**SPRING 2007**

**SCHOLAR-IN-RESIDENCE, THE ROCKEFELLER FOUNDATION BELLAGIO**  
**STUDY AND CONFERENCE CENTER**  
**BELLAGIO, ITALY (2002)**

**DISTINGUISHED VISITING PROFESSORSHIP IN ADVOCACY AND DISPUTE RESOLUTION**  
The Center for Advocacy and Dispute Resolution  
University of Tennessee College of Law, Spring 2001

**HAROLD GILL REUSCHLEIN DISTINGUISHED VISITING CHAIR**  
Villanova University School of Law, Spring 2000  
Mass Tort Litigation

**UNIVERSITY OF MICHIGAN LAW SCHOOL**  
Visiting Professor, Fall 1996  
Mass Tort Litigation; Civil Justice Reform

**HARVARD UNIVERSITY LAW SCHOOL**  
Visiting Professor, 1994-95  
Civil Procedure; Complex Litigation; Mass Tort Litigation

**SOUTHERN METHODIST UNIVERSITY SCHOOL OF LAW**  
Visiting Professor, Spring 1998  
Mass Tort Litigation

**ST. MARY'S INSTITUTE ON WORLD LEGAL PROBLEMS, INNSBRUCK, AUSTRIA**  
Katherine Ryan Distinguished Professor, 1997  
International Litigation and Arbitration (2002)  
Mass Litigation in the European Union (1996, 1997, 1999, 2009, 2011, 2012, 2016)

**SUPREME COURT JUDICIAL FELLOW**, Federal Judicial Center, 1989-90

**CATHOLIC UNIVERSITY OF AMERICA SCHOOL OF LAW**  
Professor 1989-91; Associate Professor 1986-1989  
Assistant Professor 1984-86; Visiting Assistant Professor 1983-84

**COURSES:** Civil Procedure; Complex Litigation; Federal Courts; Conflict of Laws; Trial Advocacy; Estates; Professional Responsibility

**COMMITTEES:** Admissions; Budget (faculty elected); Curriculum; Dean's Search Committee, 1986 (faculty elected)

**TEACHING HONORS:** Graduation Marshal, 1986

**LOYOLA OF LOS ANGELES LAW SCHOOL**  
Visiting Professor, 1982-83  
Clinical Professor, 1982; Instructor, 1981

**COURSES:** Contracts; Wills and Trusts; Community Property;  
Civil Procedure Workshop; Legal Methods

**AMERICAN BAR ASSOCIATION**

Vice-Chair, Civil Procedure & Evidence Committee  
Tort and Insurance Practice Section (1997-98)

Reporter, Task Force on Class Actions  
Tort and Insurance Practice Section (1995-97)

Robert B. McKay Law Professor Award Committee (1997-98; 1998-99) Tort  
and Insurance Practice Section

Contributing Editor, *Preview of Supreme Court Cases*, Public  
Education Division of the American Bar Association

**AMERICAN LAW INSTITUTE** (elected member 1989; Life Member 2014)

Associate Reporter, RESTATEMENT OF THE LAW THIRD, THE LAW GOVERNING LAWYERS  
Consultative Group, COMPLEX LITIGATION PROJECT  
Consultative Group, TRANSNATIONAL RULES OF CIVIL PROCEDURE  
Contributor, ALI Centennial Book (2023)

**UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF TEXAS**

Co-Reporter and Legal Advisor, Advisory Group for the United States District  
Court for the Southern District of Texas, Civil Justice Reform Act (1991-93)

**DISTRICT OF COLUMBIA BAR**

Member, Special Committee on Ethics, Continuing Legal Education, and the Model  
Rules of Professional Conduct (1987-89)

**NATIONAL CONFERENCE ON STATE-FEDERAL JUDICIAL RELATIONSHIPS**

Reporter to Hon. Chief Judge Politz, United States Court of Appeals for the Fifth  
Judicial Circuit (April 1992)

**NATIONAL CENTER FOR STATE COURTS**

Advisory Committee Member, STUDY ON STATE CIVIL DISCOVERY (1990-92)

**MEMBER, INTERNATIONAL ASSOCIATION OF PROCEDURAL LAW** (elected May 1997)

**BOARD OF DIRECTORS, THE FULBRIGHT ALUMNI ASSOCIATION OF AUSTIN, TEXAS**

**BOARD OF DIRECTORS AND VICE-PRESIDENT, FULBRIGHT COMMISSION ITALIAN**

**INTEREST GROUP** (elected 2022)

**SCHOLARS' COUNCIL OF THE HUMPHREYS COMPLEX LITIGATION CENTER AT GEORGE WASHINGTON UNIVERSITY SCHOOL OF LAW (2020 --)**

**COLUMNIST, THE NATIONAL LAW JOURNAL** (federal practice, complex litigation, class actions)

**EDITORIAL BOARD, *Journal of Legal Education*** (1997-2000)

**BOARD OF EDITORS, *Securities and Class Action Litigation Report (Glasser LegalWorks)***

**BOARD OF ADVISERS, GREENBAG (GREENBAG ALMANAC)**

**ADVISORY BOARD, *BNA Class Action Reporter***

**ADVISORY BOARD, *Litigation, Procedure and Dispute Resolution Abstracts***

**ADVISORY BOARD, *The Review of Litigation*** (UNIVERSITY OF TEXAS SCHOOL OF LAW)

**CONTRIBUTING EDITOR, JOTWELL (COURTS LAW SECTION)**

**INTERNATIONAL EDITORIAL BOARD, *Revista de Processo*, INSTITUTO BRASILEIRO DE DIREITO PROCESSUAL, BRASIL**

**MEMBER, SCRIBES, AMERICAN SOCIETY OF WRITERS ON LEGAL SUBJECTS**

**ASSOCIATION OF AMERICAN LAW SCHOOLS**

Speaker, Workshop on Civil Procedure (June 2010)  
Speaker, Scholarship, New Teachers' Workshop (July 1996)  
Professional Development Committee (Chair, 1991-93, member 1990-1991)  
Executive Committee, Conflict of Laws Section (1991-92)  
Planning Committee, Workshop on Jurisprudence Throughout the Curriculum (1992)  
Co-chair, Committee on Complex Litigation, Civil Procedure Section (1990-91)  
Planning Committee, New Teachers Workshop (July 1990)  
Group Discussion Leader, Faculty Recruitment Conference (Fall 1989, 1990)  
Chair, Planning Committee, New Teachers Workshop (July 1989)  
Co-chair, Committee on New Teachers, Women's Section (1989-90)  
Planning Committee, Civil Procedure Conference (June 1988)  
Teaching demonstration, New Teachers Workshop (July 1988)  
Executive Committee, Civil Procedure Section (1987-88)

**BAR AND PROFESSIONAL MEMBERSHIPS**

State Bar of Texas (Emeritus status)  
United States Supreme Court  
United States Court of Appeals for the Fifth Judicial Circuit  
United States Court of Appeals, District of Columbia United  
States District Court, District of Columbia

District of Columbia Bar (inactive status; resigned)

Fellow, American Bar Foundation (elected 2011)

Fellow, Texas Bar Foundation (elected 2005)

American Law Institute (elected 1989)(life member, 2014)

American Judicature Society

American Political Science Association

American Bar Association

Litigation Section, Class Action and Derivative Litigation Committee

Tort and Insurance Practice Section

International Association of Procedural Law (elected July 1997)

Phi Beta Kappa (elected junior year)

## WHO'S WHO

*Who's Who in America*, 50th – 70th eds. (1997-2015)

*Who's Who In American Law*, 5th-8th eds. (1987-1994)

*Who's Who In American Women*, 14th-25th eds. (1984-2009)

*Who's Who of Emerging Leaders in America*, 1st-3d eds. (1987-1990)

*Who's Who in American Education*, 4th-8th ed. (1993-2008)

*Who's Who in the South and Southwest*, 24th ed. (1994); 33<sup>rd</sup> ed. (2007)

## OTHER HONORS AND RECOGNITION

- *Pathfinder 2012*, honored by the Travis County Women Lawyers Association as an attorney in the community who “has used their law degrees in ways that inspire the rest of us.”
- 9 Most Cited Civil Procedure Faculty 2000 – 2007 (Brian Leiter’s Law School Rankings)
- HeinOnline’s Scholar Rank’s Top 250 Legal Authors (2016)
- 10 Most Cited Civil Procedure Faculty (2016 – 2020)(Brian Leiter’s School Reports)
- 10 Most cited Civil Procedure Faculty (2021)(Brian Leiter’s Most

## LEGAL EDUCATION

### GEORGETOWN UNIVERSITY LAW CENTER, WASHINGTON D.C.

DEGREE: J.D., 1980  
Dean's List; Law Fellow

LAW REVIEW: *The Tax Lawyer*  
Associate Editor, 1979-80  
Staff Member, 1978-79

CLINIC: Appellate Litigation Clinic Author,  
Brief for the Respondent,  
*United States v. Henry*, 447 U.S. 264 (1980)

## GRADUATE EDUCATION

### COLUMBIA UNIVERSITY, NEW YORK CITY

DEGREES: Ph.D., Political Science, 1977  
M. Phil., Political Science, 1974

HONORS: President's Fellow, Columbia University  
National Defense Graduate Fellow  
New York State Regents Scholar (Graduate) Danforth  
Graduate Fellow, Honorable Mention  
N.S.F. Graduate Fellowship, Honorable Mention

DISSERTATION: *De Facto Political Obligation: Historical and Theoretical Perspectives* (unpublished 1977)

## UNDERGRADUATE EDUCATION

### THE CITY COLLEGE OF NEW YORK

DEGREE: B.A., *Magna Cum Laude*, 1971  
Political Science

HONORS: Phi Beta Kappa (junior year appointment)  
Dean's List; New York State Regents Scholar



## PUBLICATIONS

### BOOKS

1. OUTGUNNED: THE NEW ERA OF FIREARMS ACCOUNTABILITY (CAMBRIDGE UNIVERSITY PRESS 2025).
2. PUBLIC NUISANCE: THE NEW MASS TORT FRONTIER (Cambridge University Press 2024).
3. CIVIL PROCEDURE (West Academic Blackletter Series 3d ed. 2024)(800+ pgs).
4. MASS TORT LITIGATION: CASES AND MATERIALS (West Academic Publishing 4th ed. 2023)(638 PGS.)
5. LEADING CASES IN CIVIL PROCEDURE (West Academic Publishing 4th ed. 2023)(959 pgs).
6. MASS TORT LITIGATION: CASES AND MATERIALS (West Academic Publishing 3d ed. 2017)(663 PGS.)
7. LEADING CASES IN CIVIL PROCEDURE (West Academic Publishing 3d ed. 2017)(984 pgs).
8. CIVIL PROCEDURE: EXAMPRO OBJECTIVE QUESTIONS AND EXPLANATIONS (West Academic Publishing 3d ed. 2016)(427 pgs).
9. UNDERSTANDING FEDERAL COURTS (LEXIS-Matthew Bender 2d ed. 2015 with Profs. Martin Redish and Georgene Vairo)(712+ pgs.)
10. CIVIL PROCEDURE (West Academic Blackletter Series 2d ed. 2014)(800+ pgs).
11. LEADING CASES IN CIVIL PROCEDURE (THOMSON WEST 2D ED. 2012)(907 PGS.)
12. LEADING CASES IN CIVIL PROCEDURE (Thomson West 2010)(891 PGS.).
13. MASS TORT LITIGATION: CASES AND MATERIALS (Thomson West 2d ed. 2008)(1440 pgs.)
  - TEACHER’S MANUAL, MASS TORT LITIGATION: CASES AND MATERIALS (Thomson West 2d ed. 2008).
  - MASS TORT LITIGATION: CASES AND MATERIALS (2010 UPDATE).
14. FEDERAL COURTS IN THE TWENTY-FIRST CENTURY: CASES AND MATERIALS (LEXIS 3d ed. 2007, with Howard K. Fink, Thomas D. Rowe, and Mark V. Tushnet).
  - TEACHER’S MANUAL, FEDERAL COURTS IN THE 21ST CENTURY: CASES AND MATERIALS (LEXIS 3d ed. 2007, with Howard K. Fink, Thomas D. Rowe, and Mark V. Tushnet).

- FEDERAL COURTS IN THE 21ST CENTURY: CASES AND MATERIALS (LexisNexis), 2008 UPDATE.
  - FEDERAL COURTS IN THE 21ST CENTURY: CASES AND MATERIALS (LexisNexis), 2009 UPDATE.
  - FEDERAL COURTS IN THE 21ST CENTURY: CASES AND MATERIALS (LexisNexis), 2010 UPDATE.
15. CIVIL PROCEDURE: EXAMPRO-OBJECTIVE QUESTIONS AND EXPLANATIONS (2d ed. 2007 Thomson West).
  16. CIVIL PROCEDURE (THOMSON WEST BLACK LETTER SERIES, 600 PGS. 2004).
  17. FEDERAL COURTS IN THE TWENTY-FIRST CENTURY: CASES AND MATERIALS (LEXIS 2d ed. 2002, with Howard K. Fink, Thomas D. Rowe, and Mark V. Tushnet).
    - TEACHER'S MANUAL, FEDERAL COURTS IN THE 21ST CENTURY: CASES AND MATERIALS (LEXIS 2d ed. 2002, with Howard K. Fink, Thomas D. Rowe, and Mark V. Tushnet).
    - FEDERAL COURTS IN THE 21ST CENTURY: CASES AND MATERIALS (LexisNexis), 2003 UPDATE
    - FEDERAL COURTS IN THE 21ST CENTURY: CASES AND MATERIALS (LexisNexis), 2004 UPDATE
    - FEDERAL COURTS IN THE 21ST CENTURY: CASES AND MATERIALS (LexisNexis), 2005 UPDATE
    - FEDERAL COURTS IN THE 21ST CENTURY: CASES AND MATERIALS (LexisNexis), 2006 UPDATE
  18. STATE CLASS ACTION PRACTICE AND PROCEDURE (CCH 2000)(two volume treatise)(with annual updates, 2001-06).
  19. RESTATEMENT OF THE LAW THIRD, THE LAW GOVERNING LAWYERS (American Law Institute 2000)(Associate Reporter).
  20. UNDERSTANDING FEDERAL COURTS (LEXIS-Matthew Bender 1998 )(with Profs. Martin Redish and Georgene Vairo).
  21. CIVIL PROCEDURE: EXAMPRO-OBJECTIVE QUESTIONS AND EXPLANATIONS (West Group 1998).
  22. MOORE'S FEDERAL PRACTICE, Vol. 17 (Lexis-Matthew Bender 3d ed. 1997), with continuous updates.
  23. CIVIL PROCEDURE (Aspen Law and Business Roadmap Series 1997).

24. FEDERAL COURTS (Casenotes Legal Education Series 1997)(with Prof. Howard Fink).
25. FEDERAL COURTS IN THE 21ST CENTURY: CASES AND MATERIALS (Lexis-Michie Contemporary Legal Education Series, 1996)(with Howard K. Fink, Thomas D. Rowe, and Mark V. Tushnet).
  - FEDERAL COURTS IN THE 21ST CENTURY: CASES AND MATERIALS (Michie), 1997 UPDATE.
  - FEDERAL COURTS IN THE 21ST CENTURY: CASES AND MATERIALS (Lexis-Michie), 1998 UPDATE.
  - TEACHER’S MANUAL, FEDERAL COURTS IN THE 21ST CENTURY: CASES AND MATERIALS (Lexis-Michie Contemporary Legal Education Series, 1998)(with Profs. Howard K. Fink, Thomas D. Rowe, and Mark V. Tushnet).
  - FEDERAL COURTS IN THE 21ST CENTURY: CASES AND MATERIALS (Lexis-Michie), 1999 UPDATE.
26. MASS TORT LITIGATION: CASES AND MATERIALS (West Group 1996).
  - TEACHER’S MANUAL TO ACCOMPANY MASS TORT LITIGATION: CASES AND MATERIALS (West Group 1996).
  - MASS TORT LITIGATION: CASES AND MATERIALS (West Group), 1997 UPDATE.
  - MASS TORT LITIGATION: CASES AND MATERIALS (West Group), 1998 UPDATE.
  - MASS TORT LITIGATION: CASES AND MATERIALS (West Group), 1999 UPDATE.
  - MASS TORT LITIGATION: CASES AND MATERIALS 2000 SUPPLEMENT (WEST GROUP).
27. MOORE'S FEDERAL PRACTICE, Vol. 1A, Part II (Matthew Bender 2d ed. 1991).

#### REPORTS AND BOOK CHAPTERS

1. Compendium Chapter, *The Structure of Procedure*, in COMPARATIVE PROCEDURAL LAW AND JUSTICE: POWER AND AUTHORITY IN DISPUTE RESOLUTION (University of Luxembourg online open access compendium 2024).
2. Book Chapter 17, *Aggregationists at the Barricades: Assessing the Impact of the ALI Principles of the Law of Aggregate Litigation*, in THE ALI AT 100: ESSAYS ON ITS CENTENNIAL,” (American Law Institute, Andrew Gold and Robert W. Gordon, eds. f 2023).
3. Book Chapter, *The Politics of Class Action Reform: Reflections on the American Experience*, in THE AUSTRALIAN CLASS ACTION, A THIRTY YEAR PERSPECTIVE 245-276 (Michael Legg and James Metzger, eds., The Federation Press 2023).

4. Book Chapter, *Settlements* in A PRACTITIONER’S GUIDE TO CLASS ACTIONS, CHAPTER VIII (Marcy Greer, ed., American Bar Association 3d ed. 2021).
5. Book Chapter, *Settlements*, in A PRACTITIONER’S GUIDE TO CLASS ACTIONS, Chapter VIII (Marcy Greer, ed., American Bar Association 2d ed. 2017).
6. REPORT ON COMMON LAW COUNTRIES, IN OS PROCESSES COLECTIVOS NOS PAÍSES DE CIVIL LAW E COMMON LAW, UMA ANÁLISE DE DIREITO COMPARADO (with Ada Pellegrini Grinover, Kazuo Watanabe and Linda Mullenix, Editora Revista Dos Tribunais)(Mullenix Reporter, General Report for Common Law Countries)(2011).
7. Book Chapter, *American Exceptionalism and The Theory of Convergence: Are We There Yet?*, In COMMON LAW, CIVIL LAW AND THE FUTURE OF CATEGORIES at 41 (Janet Walker and Oscar Chase eds. LexisNexis 2010)(Proceedings of the International Association of Procedural Law, Toronto Conference on “The Future of Categories”), (reprinted in 49 *The Supreme Court Review* 2d Series 41 (2010).
8. Book Chapter, *Settlements*, in A PRACTITIONER’S GUIDE TO CLASS ACTIONS, CHAPTER VIII (Marcy Greer, ed., American Bar Association 2010).
9. Book Chapter, *I Class Action Settlements Negli Stati Uniti* (Capitolo VII), in LA CONCILIAZIONE COLLETTIVA, Università Degli Studi di Milano, Facoltà di Giurisprudenza (2009).
10. Book Chapter, *Developments in the Procedural Means for Resolution of Mass Tort Litigation in the United States*, in TERRORISM, TORT LAW AND INSURANCE: A COMPARATIVE SURVEY 204 (Bernhard A. Koch ed., 2004).
11. REPORT OF THE ABA TORT AND INSURANCE PRACTICE SECTION, TASK FORCE ON CLASS ACTIONS CONCERNING PROPOSED CHANGES TO RULE 23 OF THE FEDERAL RULES OF CIVIL PROCEDURE (1996)(Mullenix Reporter).
12. REPORT AND PLAN OF THE CIVIL JUSTICE REFORM ACT ADVISORY GROUP OF THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF TEXAS (October 1991)(Mullenix Co-Reporter).

#### FORTHCOMING PUBLICATIONS

13. Book Chapter, *Class Action and Aggregate Litigation*, in COMPARATIVE CIVIL PROCEDURE: POWER, AUTHORITY AND CULTURE IN DISPUTE RESOLUTION (Elgar Comparative Law Series, Margaret Woo, ed. 2025).

#### PUBLISHED ARTICLES

14. Article, *Class Action Waivers in Arbitration Agreements: The Twenty-First Century Arbitration Battleground and Implications for the EU Countries*, 38 Emory J. Int’l L. 785 (2024).
15. Article, *Railroading Personal Jurisdiction*, 43 Rev. of Litig. 141 (Spring 2024).

16. *Reflections on the flying Buttresses of Class Action Settlement*, 84 U. Pitts. L. Rev. 395 (2022).
17. *The Short Unhappy Life of the Negotiation Class*, 56 U. Mich. J. L. Reform 613 (2023).
18. *Outgunned No More? Reviving the Prospect of A Firearms Mass Tort Litigation*, 49 Sw. L. Rev. 390 (2020)(symposium issue).
19. *For the Defense: 28 Shades of EU Class Actions*, in CLASS ACTIONS - THE HOLY GRAIL FOR (EUROPEAN) CIVIL PROCEDURE? (Springer, 2020).
20. *The (Surprisingly) Prevalent Role of States in an Era of Federalized Class Actions*, 2019 Vol. 6 BYU L. Rev. 1551 (symposium issue 2019).
21. *Regulatory and Judicial Consumer Protection in the United States of America: An Assessment*, 30 Stellenbosch Law Review 33 - 60 (symposium issue 2019).
22. *New Frontiers for Resolving Aggregate Litigation in the United States: The MDL Experience*, (Coletivização e Unidade do Direito, I Congresso Internacional de Coletivaco e Unidade do Direito, Pontifical Catholic University of Rio Grande do Sul 2019).
23. *Is the Arc of Procedure Bending Towards Injustice?*, 50 U. Pac. L. Rev. 611 (2019)(symposium issue, McGeorge School of Law).
24. *O Fim do Processor Coletivo Tal Como o Conhecemos: Repensando a Class Action Norte- Americana*, 283 Revista de Processo (Sept. 2018)(translated by Bruno Dantas).
25. *Policing MDL Non-Class Settlements: Empowering Judges Through the All Writs Act*, 37 Rev. of Litig. 129 (2017)(symposium issue).
26. *Reflections of a Recovering Aggregationist*, 15 U. Nev. L. Rev. 1455 (Winter 2015)(symposium issue).
27. *Designing a Compensatory Fund: The Search for First Principles*, 3 Stan. J. Complex Litig. 1 (2015)(symposium issue).
28. *Gaming the System: Protecting Consumers from Unconscionable Contractual Forum Selection and Arbitration Clauses*, 66 Hastings L. Rev. 719 (2015)(symposium issue).
29. *Competing Values: Preserving Litigant Autonomy in an Age of Collective Redress*, 64 DePaul L. Rev. 601 (Winter 2015)(symposium issue).
30. *Discovering Truth and the Rule of Proportionality*, I Seminario Internacional de Derecho Procesal: Dilemas Sobre La Verdad en el Proceso Judicial (2014).
31. *Personal Jurisdiction Stops Here: Cabining the Extraterritorial Reach of American Courts*, 45 U. Toledo L. Rev. 705 (2014)(symposium issue).
32. *Ending Class Actions As We Know Them: Rethinking the American Class Action*, 64

- Emory L.J. 399 (2014)(the 2014 Randolph W. Thrower Symposium, American Dispute Resolution in 2020: The Death of Group Vindication of the Law?).
34. *Putting Proponents to Their Proof: Evidentiary Rules at Class Certification*, 82 G.W.U.L. Rev. 606 (2014)(symposium issue, “The Future of Class Actions”).
  35. *Class Actions Shrugged: Mass Actions and the Future of Aggregate Litigation*, 32 Rev. Litig. 591 (2013)(symposium issue, “The Class Action Fairness Act of 2005: Perspectives and Predictions”).
  36. *Aggregate Litigation and the Death of Democratic Dispute Resolution*, 107 Nw. U.L. Rev. 511 (2013)(symposium issue).
  37. *Professor Ed Cooper: Zen Minimalist*, 46 Mich. J. of L. Ref. 661 (Winter 2013)(solicited essay in honor of Prof. Ed. Cooper, Reporter to the Advisory Committee on Civil Rules).
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<b>COMMENTARY AND ANALYSIS</b>
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89. *Complex Litigation – CAFA Mass Actions*, Nat'l L.J. 12 (May 1, 2006).
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91. *Should Federal Courts Continue to Apply the “Probate Exception” to their Jurisdiction?*, 5 Preview of Supreme Court Cases 274 (February 2006)(*Marshall v. Marshall*).
92. *Complex Litigation – CAFA Proof Burdens*, Nat'l L.J. 12 (Dec. 19-26, 2005).
93. *The Award of Attorney Fees After Remand: Should the Court Adopt a Bright-Line Rule?*, 2 Preview of Supreme Court Cases 78 (Oct. 2005)(*Martin et ux. v. Franklin Capital Corp. et al.*).
94. *Complex Litigation – CAFA and Retroactivity*, Nat'l L.J. 12 (Oct. 17, 2005).
95. *Complex Litigation – Class Actions (Supplemental Jurisdiction)*, Nat'l L.J. 11 (August 15, 2005).
96. *Complex Litigation – Work Product Protection*, Nat'l L. J. 12 (June 13, 2005).
97. *Complex Litigation – The Maturity Factor*, Nat'l L.J. at 12 (April 11, 2005).
98. *Class Actions: Fairness Act's Effect on Mass Torts*, N.Y.L.J. (March 31, 2005)(with Paul Rheingold).
99. *Impact of the Class Action Fairness Law*, N.Y.L.J. 5 (March 3, 2005)(with Paul D. Rheingold).
100. *Federal Court Jurisdiction – Zahn Revisited: Supplemental Jurisdiction Over Individual Claims to Satisfy Federal Diversity Jurisdiction*, 5 Preview of United States Supreme Court Cases 263 (Feb. 22, 2005)(*Exxon Corp. v. Allapattah Services, Inc. and Ortega et al. v. Star-Kist Foods, Inc.*).
101. *Federal Court Jurisdiction – Parallel Federal and State Court Proceedings: The Rooker-Feldman Doctrine and Principles of Intersystem Comity*, 5 Preview of United States Supreme Court Cases 290 (Feb. 22, 2005)(*Exxon Mobil Corp. et al. v. Saudi Basic Industries Corp.*).

102. *Complex Litigation – The New Rule 23(g)*, Nat’l L.J. 12 (Feb. 7, 2005).
103. *Complex Litigation – RICO Class Actions*, Nat’l L.J. 10 (November 29, 2004).
104. *Complex Litigation – The ‘Zahn’ Morass*, Nat’l L.J. 14 (September 27, 2004).
105. *Complex Litigation – To (b)(2) or Not To (b)(2)?*, Nat’l L.J. 12 (July 26, 2004).
106. *Complex Litigation – The Texas Touchdown*, Nat’l L. J. 13 (May 24, 2004).
107. *Complex Litigation – Negative Value Suits*, Nat’l L.J. 11 (March 22, 2004).
108. *Federal Jurisdiction – The Deadline for Determining Diversity: A World Without End, or Atlas Shrugged?*, 5 Preview of United States Supreme Court Cases 240 (Feb. 16, 2004)(*Grupo Dataflux v. Atlas Global*).
109. *Complex Litigation – Abandoning Claims in Class Actions*, Nat’l. L.J. 11 (Jan. 19, 2004)
110. *Complex Litigation – Class Action Superiority*, Nat’l. L.J. 27 (Nov. 17, 2003).
111. *Complex Litigation – Inroads on “Eisen,”* Nat’l. L.J. B13 (Sept. 22, 2003).
112. *Complex Litigation – Standing*, Nat’l. L.J. B (June 16, 2003).
113. *Class Actions: Federal Arbitration Preemption or State Contract Law: When May An Arbitration Be Conducted on a Classwide Basis?*, 7 Preview of United States Supreme Court Cases 419 (April 18, 2003)(*Green Tree Financial Corp. v. Bazzle*).
114. *Complex Litigation – Revisiting Agent Orange*, Nat’l. L.J. B7 (April 7, 2003).
115. *Class Actions: Apocalypse Forever: Revisiting the Adequacy of the Agent Orange Settlement, Twenty-Five Years Later*, 5 Preview of United States Supreme Court Cases 274 (February 21, 2003)(*In re Agent Orange Prods. Liab. Litig., Dow Corning v. Stephenson*).
116. *Master Class – Class Actions II*, Nat’l. L.J. B7 (January 13, 2003).
117. *Master Class – Class Actions I*, Nat’l. L.J. B9 (November 4, 2002).
118. *Class Actions: Let Us Count the Ways: How Should the Amount in Controversy Be Calculated in Diversity Class Actions?*, 1 Preview of United States Supreme Court Cases 49 (Sept. 30, 2002)(*Ford Motor Company and Citibank (South Dakota) v. McCauley*).
119. *Class Actions: Is the All Writs Act the Caulking Gun for Dual-System Class Action Litigation?*, 1 Preview of United States Supreme Court Cases 44 (Sept. 30, 2002)(*Syngenta Crop Protection, Inc. v. Henson*).

120. *Master Class – Arbitration Clauses II*, Nat'l. L.J. B8 (August 26, 2002).
121. *Master Class – Arbitration Clauses*, Nat'l. L.J. B9 (June 3, 2002).
122. *Class Actions: The Party's Over: Do Spurned Class Action Objectors Have Appellate Rights to Protest?*, 6 Preview of United States Supreme Court Cases 298 (March 13, 2002)(*Devlin v. Scardelletti*).
123. *Master Class – Dispositive Motions*, Nat'l L.J. B11 (March 11, 2002).
124. *Master Class – Rule Amendments*, Nat'l L.J. B11 (January 7, 2002).
125. *Master Class – Class Communications*, Nat'l L.J. B11 (October 15, 2001).
126. *Master Class – Making Contact*, Nat'l L.J. B11 (July 23, 2001).
127. *Federal Practice: Complex Litigation–Rule 23(f) Appeals*, Nat'l L.J. A11 (May 14, 2001).
128. *Federal Practice: Complex Litigation–Issues of Adequacy*, Nat'l L.J. A17 (Jan. 15, 2001).
129. *Federal Practice: Complex Litigation–Primary Jurisdiction*, Nat'l L.J. A16 (Sept. 25, 2000).
130. *Federal Practice: Complex Litigation–Certification Burdens*, Nat'l L.J. A14 (July 3, 2000).
131. *Federal Practice: Complex Litigation–Defendant Class Actions*, Nat'l L.J. A18 (April 10, 2000).
132. *Federal Practice: Complex Litigation–Punitive Damage Class Actions*, Nat'l L.J. A18 (January 24, 2000).
133. *Federal Practice: Complex Litigation–Multistate Actions*, Nat'l L.J. B18 (October 18, 1999).
134. *Supreme Court Review: Court Nixes Latest Settlement Class*, Nat'l L.J. B12 (August 16, 1999).
135. *Federal Practice: Complex Litigation–A New Hybrid*, Nat'l L.J. B24 (August 9, 1999).
136. *Federal Practice: Complex Litigation–A Tort 'Doorstop'*, Nat'l L.J. B10 (June 21, 1999).
137. *Federal Practice: Complex Litigation–Dueling Class Actions*, Nat'l L.J. B18 (April 26, 1999).

138. *Federal Practice: Complex Litigation—Medical Monitoring*, Nat'l L.J. B15 (March 29, 1999).
139. *Federal Practice: Complex Litigation—The Art of Intervening*, Nat'l L.J. B17 (Jan. 18, 1999).
140. *One Free Shot: Must an Objector to a Shareholder's Derivative Settlement Intervene to be Heard on Appeal?*, 4 Preview of Supreme Court Cases 179 (December 1998)(*California Public Employees' Retirement v. Felzen*).
141. *Asbestos at the Crossroads: Will a Mandatory Class Pass Muster?*, 3 Preview of Supreme Court Cases 118 (December 1998)(*Ortiz v. Fibreboard*).
142. *Federal Practice: Complex Litigation—Settlement Class at Issue in Ortiz Appeal*, Nat'l L.J. B10 (Nov. 16, 1998).
143. *Federal Practice: Complex Litigation—5th Circuit Rejects Trial Plan for Asbestos Class*, Nat'l L.J. B5 (Sept. 21, 1998).
144. *Supreme Court Review: Court Preserves the Privileges of the Dead*, Nat'l L.J. B13 (August 10, 1998).
145. *Federal Removal, the Eleventh Amendment, State Remand, and Other Exercises in Futility*, 7 Preview of Supreme Court Cases 447 (April 1998)(*Wisconsin Dept. of Corrections v. Schacht*).
146. *Getting Out of Dodge: May Defendants Remove a State Case to Federal Court Based Solely on a Federal Preclusion Defense?*, 4 Preview of Supreme Court Cases 219 (December 1997)(*Rivet v. Regions Bank of Louisiana*).
147. *Supreme Court Review: Court Settles Settlement Class Issue*, Nat'l L.J. B12 (August 11, 1997).
148. *Must Settlement Classes Satisfy All The Requirements of Litigation Classes?*, 5 Preview of Supreme Court Cases 296 (February 1997)(*Amchem Products, Inc. v. Windsor*).
149. *Do Mandatory Monetary Settlement Classes Violate Due Process?*, 4 Preview of Supreme Court Cases 221 (December 1996)(*Adams v. Robertson*).
150. *Podium: High Court Should Review Mass Torts*, Nat'l L.J. A19 (September 30, 1996).
151. *Transferring a State Court Case to Federal Court: When Must the Grounds for Transfer Exist?* 2 Preview of Supreme Court Cases 87 (October 1996)(*Caterpillar, Inc. v. Lewis*).
152. *Supreme Court Review: New Opinions Defer to State Law*, Nat'l L.J. C5 (July 29, 1996).
153. *Declining to Decide: Is a Federal Court's Decision to Send a Case Back to State Court in Deference to Ongoing State Proceedings Immediately Appealable?* 5 Preview of

- Supreme Court Cases 224 (February 1996)(*Quackenbush v. Allstate Insurance Company*).
154. *Enforcing Class Settlements: Can Federal Courts Refuse to Give Effect to State Court Class Settlements That Release Exclusively Federal Claims?* 3 Preview of Supreme Court Cases 108 (November 1995)(*Matsushita Electric Industrial Co., Ltd. v. Epstein*).
  155. *Punitive Damages Revisited: May Punitive Damages Be Imposed for Out-of-State Conduct, and What Punitive Damages Are Excessive?*, 1 Preview of United States Supreme Court Cases 37 (September 1995)(*BMW v. Gore*).
  156. INDIVIDUAL JUSTICE IN MASS TORT LITIGATION: THE EFFECT OF CLASS ACTIONS, CONSOLIDATIONS, AND OTHER MULTIPARTY DEVICES, 5:6 Law and Politics Review 173 (June 1995)(review of Jack B. Weinstein's book of this title).
  157. *Federal Abstention in Declaratory Judgment Actions*, 6 Preview of United States Supreme Court Cases 275 (March 1995)(*Wilton v. Seven Falls Company*).
  158. *Supreme Court Review: Court Sets New Rules in Key Areas*, Nat'l L.J. C7 (Aug. 15, 1994).
  159. *Does The Claim Not To Be Tried Support Immediate Appeal of an Order That Sets Aside a Settlement Agreement?*, 5 Preview of United States Supreme Court Cases 153 (Feb. 1994)(*Digital Equipment Corporation v. Desktop Direct, Inc.*).
  160. *The Inherent Jurisdiction of Federal Courts to Enforce Settlement Agreements in Dismissed Cases*, 5 Preview of United States Supreme Court Cases 174 (Feb. 1994)(*Kokkonen v. Guardian Life Insurance Co.*).
  161. *Mandatory Class Actions That Include Monetary Claims: Do Absent Class Members Have a Due Process Right to Opt Out?*, 5 Preview of United States Supreme Court Cases 157 (Feb. 1994)(*Ticor Title Insurance Co. v. Brown*).
  162. *Litigation and Inequality*, 75 Social Sci. Q. 235 (1994)(review of Edward A. Purcell Jr., LITIGATION AND INEQUALITY: FEDERAL DIVERSITY JURISDICTION IN INDUSTRIAL AMERICA (1992)).
  163. *Clarifying the Distinction Between Civil and Criminal Contempt: Problems of Prospective Penalties and Excessive Fines*, 3 Preview of United States Supreme Court Cases 87 (Nov. 1993)(*United Mine Workers v. John L. Bagwell, et al.*).
  164. *Podium: Should Congress Decide Civil Rules?*, 16 Nat'l L.J. 15 (Nov. 22, 1993).
  165. *Supreme Court Review: Questions Linger on Punitives and Evidence*, Nat'l L.J. S4 (Aug. 23, 1993).
  166. *Supreme Court Review: Civil Rule Revisions A Mixed Bag*, Nat'l L.J. S14 (Aug. 23, 1993).
  167. *Double-Dipping Against Uncle Sam: Suing the Federal Government in Multiple Courts*

- at the Same Time*, 7 Preview of United States Supreme Court Cases 304 (March 1993)(*Keene Corp. v. United States*).
168. *To Declare or Not To Declare: The Tension Between the Declaratory Judgment Act and Federal Abstention Doctrine*, 7 Preview of United States Supreme Court Cases 290 (March 1993)(*Granite State Insurance Co. v. Tandy Corp.*).
169. *The State's Right to Be Free From Trial: Is The Denial of Sovereign Immunity Immediately Appealable?*, 1 Preview of United States Supreme Court Cases 4 (October 1992)(*Puerto Rico Aqueduct and Sewer Authority v. Metcalf & Eddy*).
170. *Supreme Court Review: Federal Jurisdiction Is Addressed*, Nat'l L.J. S4 (Aug. 31, 1992).
171. *Federal Courts and Family Law: Will the Court Open Federal Court Doors to Domestic Relations Disputes?* 9 Preview of United States Supreme Court Cases 314 (May 1992)(*Ankenbrandt v. Richards*).
172. *Corporate Charters and the Problem of Talismanic Federal Question Jurisdiction*, 7 Preview of United States Supreme Court Cases 243 (March 1992)(*S.B. and J.G. v. The American National Red Cross*).
173. *On Being in the Wrong Place at the Wrong Time: Wrongful Removal and Rule 11*, 4 Preview of United States Supreme Court Cases 1 (January 1992)(*Willy v. The Coastal Corporation*).
174. *The Collision of Personal Injury and State Action: Are Private State Torts Actionable Under the Federal Civil Rights Laws?*, 3 Preview of United States Supreme Court Cases 88 (November 1991)(*Collins v. City of Harker Heights*).
175. *Suing State Officials Under the Civil Rights Act: When Is a Person Not a Person?*, 2 Preview of United States Supreme Court Cases 48 (October 1991)(*Hafer v. Melo*).
176. *Supreme Court Review: Forum-Shoppers Should Discover a Wider Market*, 13 Nat'l. L.J. S12 (Aug. 19, 1991).
177. *Supreme Court Review: Rule 11 Decisions Targeted Clients, Not Just Lawyers*, 13 Nat'l. L.J. S9 (Aug. 19, 1991).
178. *Rule 11 Report: The Undefined Professional Responsibility of Clients: The Furthest Reach of Rule 11*, 4 Inside Litigation 9 (April 1991).
179. *The \$1.5 Million Sanction: Testing the Inherent Power of Federal Courts to Sanction Parties by Awarding Attorney Fees*, 8 Preview of United States Supreme Court Cases 244 (April 1991)(*Chambers v. Nasco, Inc.*).
180. *Fee Simple: Is The Pro Se Attorney Entitled to Attorneys' Fees?*, 8 Preview of United States Supreme Court Cases 241 (April 1991)(*Kay v. Ehrler and the Kentucky Board of Elections*).

181. *With Malice Towards One: The "Heightened" Pleading of Constitutional Torts Against Federal Officials*, 8 Preview of United States Supreme Court Cases 258 (April 1991)(*Siegert v. Gilley*).
182. *If They Could Sue Me Now: Minimum Contacts on the Love Boat*, 5 Preview of United States Supreme Court Cases 135 (January 1991)(*Carnival Cruise Lines, Inc. v. Shute*).
183. *Sanctioning A Party Under Rule 11: To What Standard of Conduct Should A Client Be Held?*, 4 Preview of United States Supreme Court Cases 100 (December 1990)(*Business Guides, Inc. v. Chromatic Communications*).
184. *Erie on Appeal: Deferential or De Novo Review?* 4 Preview of United States Supreme Court Cases 97 (December 1990)(*Salve Regina College v. Russell*).
185. *Supreme Court Review: Justices Clarified Courts' Role On Sanctions and Attorney Fees*, Nat'l. L. J. 25 (Sept. 10, 1990).
186. *The Case of the Lawyer Who Filed Too Soon*, 2 Preview of United States Supreme Court Cases 34 (October 1990)(*FirsTier Mortgage Co. v. Investors Mortgage Insurance Co.*).
187. *The Case of the Lawyer Who Filed Too Late*, 1 Preview of United States Supreme Court Cases 5 (October 1990)(*Irwin v. Veterans Administration*).
188. *Supreme Court Review: Badly Fractured Decisions Muddy Cases on Venue*, 12 Nat'l. L. J. S9 (Aug. 13, 1990).
189. *Interstate Compacts and the Eleventh Amendment*, 9 Preview of United States Supreme Court Cases 304 (April 1990)(*Port Authority Trans-Hudson Corp. v. Feeney*).
190. *The Reach of Rule 11: Sanctions, Appeals, and Voluntary Dismissals*, 9 Preview of United States Supreme Court Cases 314 (April 1990)(*Cooter & Gell v. Hartmarx Corp.*).
191. *Back to the Future: A \$16 Million Problem in the Retroactive Award of Postjudgment Interest*, 7 Preview of United States Supreme Court Cases 210 (February 1990)(*Kaiser Aluminum & Chemical Corp. v. Bonjorno*).
192. *Court-Facilitated Notice in Age Discrimination Class Actions*, 1 Preview of United States Supreme Court Cases 26 (October 1989)(*Hoffman-La Roche, Inc. v. Sperling*).
193. *Did Congress Mean What It Didn't Say About Reverse Direct Action Lawsuits?*, 2 Preview of United States Supreme Court Cases 50 (October 1989)(*Northbrook National Insurance Co. v. Brewer*).
194. *Is A Trial Court's Decision Not To Enforce A Forum Selection Clause Immediately Appealable?*, 13 Preview of United States Supreme Court Cases 388 (April 1989)(*Lauro Lines v. Chasser*).
195. *Pendent Parties Under The Federal Torts Claim Act: The Supreme Court, Round*

- Two, 11 Preview of United States Supreme Court Cases 301 (March 1989)(*Finley v. United States*).
196. *The Post Judgment Request For Prejudgment Interest: When Is A Final Decision Final?*, 6 Preview of United States Supreme Court Cases 153 (December 1988)(*Osterneck v. Ernst and Whinney*).
  197. *Suing On Borrowed Time: The Appropriate Statute of Limitations in Federal Civil Rights Cases*, 3 Preview of United States Supreme Court Cases 75 (October 1988)(*Owens & Lessard v. Okure*).
  198. *Tuckered Out In Federal Court: Splitting Claims Against The Government*, 14 Preview of United States Supreme Court Cases 422 (May 1988)(*Bowen v. Commonwealth of Massachusetts*).
  199. *Desperately Seeking Texas: Federal Injunction of the World's Forum of Last Resort*, 12 Preview of United States Supreme Court Cases 354 (April 1988)(*Choo v. Exxon Corp.*).
  200. *Review of Forum Non Conveniens and Immunity From Civil Suit*, 11 Preview of United States Supreme Court Cases 323 (March 1988) (*Van Cauwenberghe v. Biard*).
  201. *After Default: What State Process Is Due?*, 5 Preview of United States Supreme Court Cases 147 (December 1987)(*Peralta v. Heights Medical Center*).
  202. *Review of Abstention: The Appealability of A Refusal To Refuse Jurisdiction*, 5 Preview of United States Supreme Court Cases 135 (December 1987)(*Gulfstream Aerospace Corp. v. Mayacamas*).
  203. *When Federal Courts Should Abstain: Should State Grand Juries Be Getting Any Younger?*, 2 Preview of United States Supreme Court Cases 53 (October 1987)(*Deakins v. Monaghan*).
  204. *The New Untouchables: Subjecting Foreign Corporations to Federal Question Jurisdiction*, 1 Preview of United States Supreme Court Cases 18 (October 1987)(*Omni Capital International v. Wolff*).
  205. *A Tull Tale of More Right Versus Less Filling: The Right to Trial by Jury in Federal Civil Penalty Cases*, 7 Preview of United States Supreme Court Cases 188 (January 1987)(*Tull v. United States*).
  206. *Federal Abstention of the Fourth Kind: The Judicial Administration Exception*, 1 Preview of United States Supreme Court Cases 20 (1985)(*Lake Coal Company v. Roberts & Schaefer Company*).

#### LECTURES, SPEECHES & INVITED CONFERENCE PARTICIPATION

1. Participant, Final Meeting of the Comparative Procedural Law and Justice (CPLJ) Project, The University of Luxembourg (Luxembourg July 10 -11, 2024).



2. Media Interview, Billion Dollar Lawsuits: When Litigation Finance Met Mass Torts (Bloomberg Law, June 20, 2024).
3. Participant, The Culp Colloquium Harvard Law School (May 20, 2024).
4. Speaker, “Public Nuisance,” Faculty Professional Development Program University of Las Vegas, Nevada, Law School (Las Vegas, Nevada, April 19, 2024).
5. Presenter, Comparative Procedural Law and Justice Mid-Term Conference, The Max Planck Institute Luxembourg for Procedural Law (Luxembourg, March 23-24, 2023).
6. Workshop Participant, Comparative Civil Procedure (Elgar Pub.)( Maastricht, The Netherlands, January 19-22, 2023).
7. Speaker, Class Actions in Europe and the United States - 2023 and Beyond: A Comparative Civil Justice Conference, “*Class Action Waivers in Arbitration Agreements: The Twenty-First Century Arbitration Battleground and Implications for the EU Countries,*” Emory Law School (September 15, 2023).
8. Speaker and panelist, AALS Torts and Compensation Systems Section Program: *Opioid Litigation: The Good, The Bad, and The Ugly* (San Diego, California, January 5, 2023).
9. Speaker and panelist, “*Public Nuisance: The New Sheriff in Town?*,” American Bar Association 25<sup>th</sup> Annual Institute on Class Actions, (Austin, Texas, April 12, 2022).
10. Speaker, Conference on Privatizing the Gun Debate, Civil Liability for Gun Misuse; presentation of article “*Outgunned No More?*” *Reviving the Possibility of a Firearms Mass Tort Litigation*” (Duke Law School, Durham, North Carolina March 18, 2022).
11. Moderator, Second Annual Class Action Case Law and Practices Review Conference, (Humphrey Center for Complex Litigation, George Washington Law School, November 11-12, 2021)( Panel 2 – Attorney Fee’s Awards in Consumer Fraud Cases and No-Injury Class Actions; Panel 6 -- Review of Draft Proposed 2020 Best Practices – Objectors; Virtual Proceedings; Distribution-Payment Methods).
12. Speaker, “Recent Developments in Attorney Sanctions,” Civil Procedure Workshop (one-hour virtual presentation)(November 9, 2021).
13. Speaker, “The *Ford* Cases: Another Landmark Supreme Court Ruling in Personal Jurisdiction Is Coming,” Federal Bar Association Annual Meeting (Charleston, South Carolina, September 20, 2020)
14. Keynote Speaker, “Client-Centered Remedies in an Age of Aggregate Litigation,” Symposium, Remedies in Complex Litigation (Texas Law Review Symposium, Austin, Texas)(January 31-February 1, 2020).

15. Invited Speaker, Symposium Conference, Southwestern University Law Review Symposium, “Out-Gunned No More: Reviving the Possibility of a Firearms Industry Mass Tort Litigation,” (Los Angeles, California, February 7, 2020).
16. Invited Keynote Speaker, Civil Procedure Conference (University of New South Wales, Australia, February 11-14, 2020).
17. Speaker, CLE conference, “Current Development in United States Class Action Jurisprudence,” Sydney, Australia (February 15, 2020).
18. Speaker, Public and Private Justice: Dispute Resolution in Modern Societies, Conference on “Class Actions – The Holy Grail for (European) Civil Procedure?” – “For the Defense: 28 Shades of European Class Actions,” Inter-University Centre (IUC), Dubrovnik, Croatia (May 27-31, 2019).
19. Speaker, Defense Research Institute (DRI), Business Litigation Super Conference, “Supreme Court Class Action Roundup: 2017-2019,” May 9, 2019 (Austin, Texas).
20. Speaker, Statement Enforcement in an Interstate World, “Complex Litigation in a Dual Court System: Public and Private State Court Enforcement in the Era of Federalized Class Actions,” J. Reuben Clark Law School, Brigham Young University, Provo Utah (April 5, 2019)(law review symposium).
21. Speaker, 3<sup>rd</sup> International Conference: Dispute Resolution of Consumer Mass Disputes, Collective Redress Class Actions and ADR, “Human Rights Class Actions: Advances and Retreats,” March 28-29, 2019 (University of Haifa, Israel).
22. Speaker, Annual AALS Meeting, New Orleans, Louisiana (January 2-5, 2019). Panel speaker at Federal Courts Section program meeting, “Teaching Federal Courts.”
23. Speaker, I Congresso Internacional de Coletivaco e Unidade do Direito, Pontifical University of Rio Grande do Sul, Porto Alegre, Brazil, November 22-23, 2018.
24. Speaker, Symposium, “Blocking the Courthouse Door: Federal Civil Procedure Obstacles to Entry,” McGeorge University School of Law, Sacramento, California, November 1-3, 2018)
25. Senior Faculty Mentor, Federal Courts Junior Scholarship Workshop, The University of Oklahoma Law School, Norman, Oklahoma, September 14-15, 2018.
26. Invited Speaker, International Conference on Consumer Redress, Stellenbosch University and KU Leuven, Capetown, South Africa, April 9-10. Presentation: “Regulatory and Judicial Consumer Protection in the United States.”

27. Invited Conferee, Institute for the Advancement of the American Legal System, “Efficiency in Motion: A Convening on Summary Judgment and Dispositive Motions” (Colorado Springs, Colorado, November 9-10, 2017)(an invitation-only convening of approximately 25 judges, attorneys, and scholars from around the country to discuss the current challenges of summary judgment and dispositive motions practice, and brainstorm solutions designed to decrease cost and delay).
28. Speaker and panel participant (2 panels), Roundtable on Multidistrict Litigation, Humphrey Center for Complex Litigation, George Washington University Law School (Washington D.C. April 27-28, 2017) Panels on: - Limits on Judicial Participation in Settlement Discussions and Judicial Approval of Non-class MDL Settlements; Alternatives to MDL Practice.
29. Speaker and panelist, Section on Litigation, Association of American Law Schools Annual Meeting 2017, San Francisco (January 6, 2017)(“MDL Problems: Policing MDL Non-Class Aggregate Settlements Through the All Writs Act”).
30. Commentator and panelist, Conference on EU Collective Redress Project, Wolfson College, Oxford University, U.K. (Dec. 12-13, 2016).
31. Endowed Lecture, the Judge Lloyd D. George Lecture on the Judicial Process, the University of Nevada Las Vegas William S. Boyd School of Law (Nov. 3, 2016)(“Empowering Judicial Oversight of MDL Non-Class Aggregate Settlements”).
32. Speaker, International Conference on the Resolution of Mass Disputes, sponsored by the University of Haifa, Israel (Nov. 26-27, 2015)(“The End of the American *Shangri-Law*: Closing the Courts to Transnational Collective Actions;” and “Mediating and Arbitrating Collective Settlements”).
33. Keynote Speaker, Class Action Symposium, 14<sup>th</sup> Annual National Consumer Law Center Conference (sponsored by the National Center for Consumer Law, Tampa, Florida, November 8-9, 2014).
34. Speaker, VII International Congress of Procedural Law (sponsored by the Universidad de Medellin, Colombia, October 17-18, 2014).
35. Speaker, Symposium, Forum Selection Clauses After *Atlantic Marine* (sponsored by the University of California, Hasting College of Law, San Francisco, September 19, 2014).
36. Speaker, Complex Litigation Symposium on the BP Gulf Oil Spill (sponsored by the Stanford Law School Journal of Complex Litigation, Stanford University Law School, Palo Alto, May 8-9, 2014).
37. Speaker, The Clifford Symposium: Judge Jack Weinstein’s Impact on Civil Justice in America (sponsored by the DePaul University College of Law, April 24, 2014, Chicago)

Illinois).

38. Speaker, Symposium in Honor of Professor Stephen Subrin (co-sponsored by Northeastern University Law School and the University of Las Vegas, Nevada Law School, Boston, Massachusetts, April 11-12, 2014).
39. Speaker, American Bar Association Litigation Section Annual Conference, “Moldy or Not – The Impact of Comcast on the Future of Class Action Litigation, Standing, and Issues Classes (Sponsored by the ABA Litigation Section, Scottsdale, Arizona, April 9-11, 2014).
40. Speaker, Randolph W. Thorer Symposium, “American Dispute Resolution 2020: The Death of Group Vindication of the Law?,” (sponsored by the Emory University School of Law, February 6, 2014, Atlanta, Georgia).
41. Faculty member, The 17<sup>th</sup> Annual American Bar Association Class Action Institute, “Standing and Class Ascertainability,” (October 23-24, 2013)(Boston, Massachusetts).
42. Speaker, “Private and Government-Related Consumer Litigation,” Federal Bar Association 2013 Annual Meeting and Convention (September 26-28, 2013, San Juan, Puerto Rico).
43. Invited conferee, Innovation Summit, sponsored by West Academic and Foundation Press Publishing (July 8-9, 2013, Minneapolis, Minnesota).
44. Distinguished Visiting Professor Lecture, Principles of Civil Procedure, “*Aggregate Litigation and the Death of Democratic Dispute Resolution*,” (Oxford University U.K. May 7, 2013).
45. Colloquium presentation, American Class and Aggregate Litigation, the Oxford Centre for Socio-Legal Studies (Oxford University U.K. May 9, 2013).
46. Speaker, “Mass Tort Theory,” at Symposium on Perspectives on Mass Tort Litigation, sponsored by Widener Law School Law Review (Widener Law School, Harrisburg, Pennsylvania, April 16, 2013).
47. Speaker, “The Supreme Court’s Repudiation of Classwide Arbitration,” at Symposium on Class Action Litigation, sponsored by the University of Michigan Journal of Law Reform (University of Michigan Law School, March 15-16, 2013).
48. Speaker, “Putting Proponents to Their Proof: Evidentiary Rules at Class Certification,” at Symposium, The Future of Class Actions sponsored by the James F. Humphreys Center for Complex Litigation Public Justice, and the Committee to Support the Antitrust Laws (George Washington University Law School, March 6-7, 2013).

49. Speaker, “Class Actions Shrugged: Mass Actions and the Future of Aggregate Litigation,” AALS Section on Litigation and Section on Civil Procedure program: “The Class Action Fairness Act of 2005: Perspectives and Predictions” (New Orleans, Louisiana, January 5, 2013).
50. Speaker and Commentator, Fifth Annual Junior Faculty Federal Courts Workshop, sponsored by the Institute for the Bill of Rights, William and Mary College of Law (October 25-27, 2012).
51. Speaker, “The Political Theory of Class Actions: In Honor of Professor Martin Redish,” at “Festschrift in Honor of Professor Martin Redish” (Northwestern University School of Law (Chicago, Illinois March 30, 2012).
52. Speaker, Program in Honor of Professor Edward Cooper, Reporter, Advisory Committee on Civil Rules (Meeting of the Advisory Committee on Civil Rules, Ann Arbor Michigan, March 22-23, 2012).
53. Speaker, “A Critique of Fund Approaches to Resolving Mass Tort Litigation,” at Conference on Mass Torts in Federal Courts, sponsored by the Charleston School of Law (Charleston, South Carolina Feb. 23, 2012).
54. Speaker, “The BP MDL: Tort Litigation Alternatives to Fund Remediation for Mass Tort Disasters,” at AALS Section on Litigation program: “Large Scale Litigation Issues: Class Actions and Mass Tort Cases in 2012 and Beyond,” (Washington D.C. Jan. 6, 2012).
55. Speaker, Tarlton Talks: “A Tale of Two Funds — Comments on the World Trade Center Victims’ Compensation Fund and the Gulf Coast Claims Facility,” University of Texas School of Law (Nov. 9, 2011).
56. Speaker, “The Twenty-Fifth Anniversary of the Supreme Court’s Summary Judgment Trilogy at Twenty-Five: Much Ado About Nothing,” at Colloquium: “The 25<sup>th</sup> Anniversary of the Summary Judgment Trilogy: Reflections on Summary Judgment,” Seattle University School of Law (Seattle, Washington Sept. 15-16, 2011).
57. Speaker and panelist, “Judge Jack Weinstein’s Contributions to Mass Tort Litigation,” program on “The Jurisprudence of Judge Jack Weinstein,” sponsored by the New York City Bar Association (New York City, Sept. 13, 2011).
58. Speaker and panelist, “The Lessons of 9/11 for Mass Tort Litigation,” program sponsored by the Cardozo Law School (New York City, Sept. 12, 2011).
59. Speaker, The Implications of the Supreme Court’s Wal-Mart Decision for Class Action Litigation, University of Texas Supreme Court Round-Up Colloquium, September 2, 1011.

60. Speaker, Of Dubious Doctrines: The Quasi Class Action, at Symposium: “The Principles of Aggregate Litigation: CAFA, PSLRA, and Beyond,” The University of Cincinnati College of Law (Cincinnati, Ohio April 1, 2011).
61. Speaker, The BP Oil Spill and the Future of Mass Tort Litigation, 58<sup>th</sup> Annual Mineral Law Institute (Louisiana State University, Baton Rouge, Louisiana, March 24, 2011).
62. Speaker, Seminar on Consumer Law, sponsored by the Centro de Estudos de Direito Economico e Social (CEDES)(São Paulo, Brazil, Nov. 17 – 18, 2010).
63. Speaker, “Big Topics, Shrinking Credits,” Workshop on Civil Procedure, Association of American Law Schools (New York City, June 12, 2010).
64. Speaker and Program Moderator, “How Much Evidence Is Enough for Class Certification?” American Bar Association, Litigation Section Mid-year Meeting (New York City, April 23, 2010).
65. Speaker, The Case For Enhanced Summary Judgment Prior to Class Certification, The Searle Center for Law and Economic Growth at Northwestern University School of Law, “Finding the Balance Between Benefit and Cost: A Public Policy Roundtable on the Federal Rules of Civil Procedure,” April 21 and 22, 2010 in Chicago).
66. Speaker, “Statutory and Contractual Limitations on Class Actions,” Complex Litigation Conference, George Washington University Law School (Washington D.C. March 12, 2009).
67. Speaker, “The Case for Summary Judgment Prior to Class Certification,” Annual Meeting of the Association of American Law Schools, Section on Litigation Program on Summary Judgment (New Orleans, Louisiana January 9, 2010).
68. Speaker, “Nine Lives: The Punitive Damage Class,” at Symposium, “Aggregate Litigation Since *Ortiz v. Fibreboard*,” sponsored by the University of Kansas Law Review (Lawrence, Kansas October 29-20, 2009).
69. Speaker, “American Exceptionalism and The Theory of Convergence: Are We There Yet?,” at the Toronto Conference on “The Future of Categories,” sponsored by the International Association of Procedural Law Toronto, Canada June 3-5, 2009).
70. Panelist, “*Hydrogen Peroxide's* Aftermath: New Restrictive Directives in Class Certification (Is It Applicable in All Class Actions?),” (Live Telephone Seminar /Live Audio Webcast sponsored by the American Law Institute/American Bar Association, Thursday, April 23, 2009).
71. Speaker, “Trends in Aggregate Litigation,” Future Litigation Risks Conference, sponsored by Altria Group, Inc. (Washington D.C. April 9-10, 2009).
72. Panelist, “Litigating and Trying Complex Civil Antitrust Class Actions, Part Four: Class

Certification,” sponsored by the American Bar Association’s Section of Antitrust Law, Civil Practice and Procedure and Trial Practice Committees (via teleconference Feb. 17, 2008).

73. Speaker, “The Politics of Pre-emption,” Symposium, “Access to the Courts in the Roberts Era,” *Case Western Reserve Law Review* (Cleveland, Ohio January 30, 2009).
74. Speaker, “Class Action Settlements in the United States,” Conference on Comparative Collective or Class Action Settlements, sponsored by the Università degli Studi di Milano (Milan, Italy, September 26-27, 2008).
75. Speaker, Supreme Court Roundup, “The Supreme Court Speaks on Punitive Damages and Federal Pre-emption of State Law Tort Claims” (commenting on *Exxon Mobil v. Baker* and *Reigel v. Medtronic* (2007-08 Term))(University of Texas Law School (September 4, 2008).
76. Speaker, “Current Developments in Class Action Litigation and Antitrust Class Action Litigation” (in-house CLE program, Baker & McKenzie, Dallas, Texas and broadcast throughout Baker & McKenzie affiliate offices, June 2008).
77. Speaker, “Asbestos Litigation and Theories of Justice,” Perspectives on Asbestos Litigation Symposium, sponsored by the Southwestern Law Review, Southwestern Law School (Los Angeles, California January 18, 2008).
78. Speaker, Speaker, Litigation and Resolution of Complex Claims, “Class Action Fairness Act – An Update on CAFA” sponsored by Thomson-West Legalworks (San Francisco, California, November 1, 2007).
79. Speaker, “New Trends in Standing and Res Judicata in Collective Suits, Report of the General Reporter,” XIII World Congress of Procedural Law (Salvador, Brazil, September 19, 2007).
80. Speaker, “The Politics of Class Actions,” sponsored by the Section on Civil Procedure, The American Association of Law Schools (Washington D.C., January 4, 2007).
81. Speaker, Annual Conference on Tort Liability Regimes, sponsored by Munich Re (Munich, Germany, October 25-27<sup>th</sup>, 2006).
82. Speaker, Corporate Counsel Symposium, Federation of Defense and Corporate Counsel Annual Meeting (Chicago, September 28, 2006); “Update on CAFA Issues and Problems.”
83. Speaker, The Class Action Fairness Act: One Year Later, sponsored by Thomson- West (New York City, June 27, 2006); speaker on “Understanding the Statute: CAFA Basics;” “Mass Actions”: Have ‘Mass Actions’ Been Subject to Removal?”.
84. Speaker and panelist: “Looking Beyond the Pleadings in Class Certification Motions,” ABA-CLE Teleconference and Audio Webcast (June 13, 2006); speaker on *Eisen* rule and class certification hearings.

85. Speaker and panelist, Civil Practice Litigation Techniques in Federal and State Courts, sponsored by ALI-ABA (Charleston, South Carolina, May 31-June 2, 2006); speaker on Emerging Problem Areas in Rule 23 (Class Actions and Class Action Fairness Act).
86. Speaker, “Class Actions and Due Process, The 25<sup>th</sup> Anniversary of *Phillips Petroleum Company v. Shutts*,” sponsored by the University of Missouri, Kansas City School of Law (Kansas City, April 7, 2006); speaker, “*GRIDLAW: The Enduring Legacy of Phillips Petroleum Co. v. Shutts*.”
87. Speaker, Litigation and Resolution of Complex Claims, “Class Action Fairness Act – One Year Later;” Arbitration Agreements and Class Actions,” sponsored by Thomson-West Legalworks (San Francisco, California, November 16-17, 2005).
88. Speaker and panelist, “Asbestos and the Future of Mass Tort Litigation,” at Symposium: Asbestos: Anatomy of a Mass Tort, sponsored by the University of Connecticut School of Law and the Insurance Law Center (Hartford, Connecticut, November 3-4, 2005).
89. Speaker, Annual Conference on Tort Liability Regimes, “The Class Action Fairness Act of 2005,” sponsored by Munich Re (Munich, Germany, October 26-28<sup>th</sup>, 2005).
90. Speaker, “The Morphing of the Mass Tort Landscape – What Factors Have Changed the Business of Mass Torts in Recent Years: The Class Action Fairness Act of 2005,” Wall Street Forum: Mass Tort Litigation (New York City, October 19, 2005).
91. Faculty Member and panelist, “The Class Action Fairness Act,” the American Bar Association 9<sup>th</sup> Annual National Institute on Class Actions (Chicago, September 23, 2005 and San Francisco, October 7, 2005).
92. Speaker, “The Class Action Fairness Act of 2005,” The Federal Bar Association of San Antonio (San Antonio, Texas, September 14, 2005).
93. Faculty Member and presenter, The Roscoe Pound Institute, “State Rulemaking: The Varieties of the Rulemaking Experience and the Consequences for Substantive and Procedural Fairness, at the 2005 Forum for State Appellate Judges, Toronto, Canada (July 22-23, 2005).
94. Speaker, “Cutting Edge Strategies in Class Action Litigation,” at Seminar: “Latest Developments In Class Action Law,” Fulbright & Jaworski (Houston, Texas February 23, 2005; Dallas, Texas March 30, 2005; Austin, Texas March 31, 2005).
95. Speaker, “Should Mississippi Adopt a Class Action Rule? – Balancing the Equities: Ten Considerations That Mississippi Rulemakers Ought to Take Into Account in Evaluating Whether to Adopt a State Class Action Rule;” panelist, “The Merits and Demerits of Aggregating Civil Actions;” sponsored by the University of Mississippi Law School and Law Review Symposium “Love It or Leave It; An Examination of the Need for and Structure of a Class Action Rule for Mississippi” (Jackson, Mississippi, February 18, 2005).
96. Speaker, “Class Actions – A View From the Experts,” at the Advanced Consumer



Litigation Conference sponsored by the Texas State Bar CLE and the National Association of Consumer Advocates (San Antonio, Texas, February 10-11, 2005).

97. Speaker, 14<sup>th</sup> Annual Litigation and Resolution of Complex Class Actions, sponsored by Glasser LegalWorks, January 27-28, 2005. Speaker on panels: “Recent Federal and State Developments;” “Preliminary Issues Regarding Forum Selection, Jurisdiction, and Choice of Law;” “Electronic Discovery;” “Product Liability/Mass Tort Developments and Medical Monitoring Class Actions;” “Consumer Actions;” “Trial, Proof of Damages, and Punitive Damages;” and “Resolution and Settlement Strategies.”
98. Speaker, “Recent Developments in the Field of Class Actions and Mass Torts,” at the Corporate Counsel Symposium: Industries on the Defense – Defending and Managing Litigation Across the Country, Class Actions – Mass Torts, Aggregated Claims, New Threats, sponsored by the Federation of Defense & Corporate Counsel (September 9-10, 2004)(Milwaukee, Wisconsin, in conjunction with Marquette University Law School and in collaboration with the Product Liability Advisory Council).
99. Faculty Member and panelist, “Crossing the State Line: The Pursuit of State Law Claims for an Interstate Class, the American Bar Association 8<sup>th</sup> Annual National Institute on Class Actions (New York City, October 15, 2004 and New Orleans, October 29, 2004).
100. Speaker, *Bazzle v. Green Tree Financial Corporation: Are Arbitration Agreements a Viable Tool Against Class Actions?*, The Class Action Litigation Summit: Preemptive Best Practices and Winning Strategies (June 24-25, 2004, Washington D.C.).
101. Speaker, “Taking Adequacy Seriously: The Inadequate Assessment of Adequacy in Litigation and Settlement Classes,” at the 10<sup>th</sup> Annual Institute for Law and Economic Policy, Symposium: Protecting the Public; The Role of Private and Public Attorneys’ General, sponsored by Vanderbilt University Law School and the Vanderbilt Law Journal (April 23-24, 2004, Miami, Florida).
102. Speaker, “Class Action Standing After *Amchem* and *Ortiz*: The Problem of ‘Logically Antecedent’ Inquiries,” at Symposium on Multi-Jurisdictional and Cross- Border Class Actions, Michigan State University DCL College of Law (April 16-17, 2004, East Lansing, Michigan).
103. Academic Invitee, Committee on the Rules of Practice and Procedure of the Judicial Conference of the United States, Conference on Electronic Discovery (February 20- 21, 2004, Fordham University School of Law, New York City).
104. Speaker, “The Future of Tort Reform: Possible Lessons From the World Trade Center Victim Compensation Fund,” at The Randolph W. Thorer Symposium on The Future of Tort Reform: Reforming the Remedy, Re-Balancing the Scales (February 19, 2004 at the Emory Law School, Atlanta, Georgia).
105. Presenter and Faculty Member, 13<sup>th</sup> Annual Litigation and Resolution of Class Action Litigation (November 19-20<sup>th</sup>, 2003, New York City; December 3-4, 2003, San Francisco; sponsored by Glasser LegalWorks. Panels on “Reforms in Class Action Procedures and Effects on Strategies;” “Preliminary Issues Regarding Forum Selection,

Jurisdiction, and Choice of Law;" "Products Liability/Mass Tort Developments and Medical Monitoring Class Actions;" "Consumer Actions."

106. Moderator and Presenter, The Future of Class Action Litigation in America (October 2-3, 2003, Boston, Massachusetts, sponsored by the American Bar Association, Tort Trial & Insurance Practice Section). Moderator of all panels for entire first day of program (six panels); panelist and presenter, "Recent Developments: Notice Issues, Res Judicata/Claim Preclusion Issues."
107. Speaker, "Developments in the Procedural Means For Resolution of Mass Tort Litigation in the United States, 1975-2003," (February 27-28, 2003), Conference on Liability for Acts of Terrorism, sponsored by the European Centre of Tort and Insurance Law, Munich, Germany.
108. Panelist, "The Right to Opt-Out of Class Action Suits," Symposium, "Cutting Edge Issues in Class Action Litigation," (November 1-2, 2002), The Legal Forum, The University of Chicago Law School).
109. Speaker, "September 11th Victim Compensation Fund of 2001: A Model for the Future?, Liability and Insurance After September 11th (March 21-22, 2002, University of Connecticut School of Law, Hartford, Connecticut Insurance Law Center and the Geneva Association).
110. Commentator, "Perspectives on Dispute Resolution in the 21st Century" (January 25, 2002, William S. Boyd School of Law, University of Nevada).
111. Speaker, "The Proposed Amendments to Federal Rule of Civil Procedure 23, The Class Action Rule" (January 16, 2002, The Federal Bar Association of San Antonio, Texas).
112. Commentator, "Judge Jack B. Weinstein, Tort Litigation, and The Public Good" (November 9, 2001, Brooklyn Law School).
113. Panelist, "Rules-Based Approaches to the Problems and Issues [relating to Proposed Amendments to Fed. R. Civ. P. 23]," Class Action Conference, sponsored by the Committee on Rules of Practice and Procedure of the Judicial Conference of the United States (October 22-23, 2001, Chicago, Illinois).
114. Speaker, "A 'Predominância' e a 'Superioridade' Na Class Action for Damages Norte-Americana, IV Jornadas Braslieiras de Direito Procesual Civil, sponsored by the Instituto Brasileiro de Direito Processual and Instituto Brasiliense de Ensino e Pesquisa (August 6-10, 2001, Fortaleza, Brazil).
115. Speaker, "Where's There's Smoke: Will Tobacco Litigation Go Global?," Seventh Annual Clifford Symposium on Tort Law and Social Policy, DePaul University School of Law (April 5, 2001, Chicago, Illinois).
116. Speaker, "A Good Rulemaking: Federal Rule 23(f)," Symposium on the New Federal Rules of Civil Procedure: How Will They Affect Litigation Strategy and Tactics?," The Center for Advocacy and Dispute Resolution at the University of Tennessee College of

- Law (March 15, 2001, Knoxville, Tennessee).
117. Speaker, "Revising the Class Action Rule – Federal Rule of Civil Procedure 23," The University of Tennessee College of Law (March 8, 2001; faculty colloquium, March 5, 2001, Knoxville, Tennessee).
  118. Invited Conferee, *Ad Hoc* Subcommittee on Attorney Conduct, January 2001 Invitational, Committee on Rules of Practice and Procedure of the Judicial Conference of the United States (January 17, 2001, Washington D.C.).
  119. Speaker, "State Class Actions Roundup: Significant Developments in States with Large Numbers of Class Actions," American Bar Association, Fourth Annual National Institute on Class Actions (October 13, 2000, New York City; October 27, 2000, Chicago, Illinois)(with the Section of Litigation and the Center for Continuing Legal Education).
  120. Instructor, National Institute for Legal Education (Stanford Law School, July 3-7, 2000; St. Mary's Law School, August 4-5, 2000; Nova University Law Center, Ft. Lauderdale, Florida, August 11-12, 2000).
  121. Speaker, "Federal Harmonization of Civil Procedure in the United States," International Association of Procedural Law, Millennium Colloquium (Ghent, Belgium, April 23-28, 2000).
  122. Lecture, "Lessons From Abroad: Complexity and Convergence," the Reuschlein Endowed Lecture, Villanova University School of Law (Villanova, Pennsylvania, April 7, 2000).
  123. Speaker, "The Impact of Federal Class Action Law on Class Actions Litigation in the Gulf States," American Bar Association Section of Litigation Annual Meeting, Committee on Class Actions and Derivative Litigation (Seattle, Washington, April 6, 2000).
  124. Speaker, "Abandoning the Federal Class Action Ship: Is There Smoother Sailing for Class Actions in Gulf Waters: The Trickle Down Effects of Federal Class Action Jurisprudence on the Gulf States," Symposium on Class Actions in the Gulf States sponsored by the Tulane Law Review and Tulane Law School (New Orleans, Louisiana, March 31, 2000).
  125. Speaker, "The Impact of Federal Class Action Law on Class Actions Litigation in the Gulf States," Faculty Colloquium, Villanova University School of Law (March 29, 2000).
  126. Lecture, "Lessons from Abroad—Resolving Aggregate Litigation in a Global Context," (the Harold Gill Reuschlein Distinguished Visiting Distinguished Chair Lecture, Villanova University Law School).
  127. Invited Participant, Special Study Meeting on Federal Rules Governing Attorney Conduct, Subcommittee on Federal Rules Governing Attorney Conduct (sponsored by the Judicial Conference Committee on Rules of Practice and Procedure, Washington D.C., February 4, 2000).
  128. Speaker, "Civil Procedure in the 21st Century—The Future of Complex Litigation," Association of American Law Schools Section on Civil Procedure (Washington D.C.

January 8, 2000).

129. Commentator, "Futures," Mass Tort: A Symposium, sponsored by the David Berger Program on Complex Litigation & the University of Pennsylvania Law Review, in Conjunction with The Advisory Committee on Civil Rules & The Working Group on Mass Torts (Philadelphia, Pennsylvania, November 11-12, 1999).
130. Speaker and Panelist, "Creating Opportunities Outside the Law School," Workshop for Women in Legal Education, Association of American Law Schools (Chicago, Illinois October 1-2, 1999).
131. Speaker and Panelist, "New Developments in Class Actions;" and "Class Actions in State Courts: The New Forum," American Bar Association National Institute on Class Actions (Washington D.C. October 8, 1999).
132. Speaker and Panelist, "Ethical Issues in Mass Tort Litigation," 23rd Annual Page Keeton Products Liability and Personal Injury Law Conference (Austin, Texas October 21, 1999).
133. Instructor, National Institute for Legal Education (Nova University Law Center, Ft. Lauderdale, Florida, August 8-10, 1999).
134. Speaker, "Guns, Butter, Tobacco and Beer—Government Sponsored Litigation—Are You Next?," speaking on "Class Action and Aggregate Litigation in a Global Context," Products Liability Advisory Council Meeting (San Antonio, Texas May 6, 1999).
135. Speaker, "Hot Issues in Class Action Litigation," American Bar Association Section of Litigation Annual Meeting, Subcommittee on Class Actions and Derivative Litigation (Dallas, Texas April 16, 1999).
136. Program Moderator, "How to Prosecute and Defend a National Class Action," American Bar Association Section of Litigation Annual Meeting (Dallas, Texas April 15, 1999).
137. Colloquium Presentation, "Class Action and Aggregate Litigation in a Global Context," Valparaiso University School of Law (Valparaiso, Indiana March 26, 1999).
138. Speaker, The Monsanto Lecture: "Resolving Aggregate Mass Tort Litigation: The New Private Law Dispute Resolution Paradigm" (Valparaiso University School of Law, Valparaiso, Indiana March 25, 1999).
139. Moderator, Plaintiffs' Law Day (University of Texas School of Law, March 9, 1999).
140. Panelist, "The Ethics of Mass Torts and Class Action Settlements," 8th Annual Advanced Civil Trial Law Conference (Houston, Texas, February 4-5, 1999).
141. Commentator, "The Vicissitudes of the American Class Action," International Colloquium—Abuse of Procedural Rights: Comparative Standards of Procedural

- Fairness (sponsored by the International Association of Procedural Law, the Louisiana State Bar Association, International Law Section, and the Eason-Weinmann Center for Comparative Law at Tulane Law School, October 29, 1998).
142. Invited Conferee, Conference on Mass Torts, Mass Tort Working Group (sponsored by the Committee on Rules of Practice and Procedure of the Judicial Conference of the United States, San Francisco, April 23-24, 1998).
  143. Speaker, "Mass Torts, Class Actions, and Aggregative Procedure Through a Comparative Lens," Symposium on Products Liability: Comparative Approaches and Transnational Litigation (sponsored by the *Texas International Law Journal*, Austin, Texas February 20, 1998).
  144. Moderator, "Ethical Issues in Mass Tort Litigation" (symposium sponsored by the *Review of Litigation*, Austin, Texas, February 6, 1998).
  145. Speaker, "10th Trial by Masters" (sponsored by Tulane Law School, Continuing Legal Education, New Orleans, Louisiana, December 19, 1997).
  146. Speaker, "Getting to *Shutts*," Symposium in Honor of Professor Robert Casad (sponsored by the University of Kansas Law School, November 14, 1997).
  147. Commentator, "Class Actions: Uses and Abuses" (sponsored by the Austin Inns of Court, Austin, Texas, October 20, 1997).
  148. Commentator, Conference on Civil Discovery Rules (sponsored by the Advisory Committee on Civil Procedure of the United States Judicial Conference, Boston College, September 4-5, 1997).
  149. Speaker and Program Moderator, "Class Actions After *Georgine* and *Ahearn*: What Will the Future Bring?," American Bar Association Annual Meeting, Presidential Showcase Program (San Francisco, California, August 1, 1997).
  150. Speaker, "Current Developments in Class Action Litigation," Travis County Bar Association Bench-Bar VII Conference (Montgomery, Texas May 16-18, 1997).
  151. Speaker, "Mass Torts and Class Actions, Analysis of Trends and Upcoming Events," (CLE Program sponsored by Shook, Hardy & Bacon, Kansas City, Missouri, April 25, 1997).
  152. Speaker, "Current Controversies in Class Action Litigation," Loyola of Los Angeles Law School (Los Angeles, California, April 10, 1997).
  153. Panelist, "Class Actions at the Crossroads" (symposium conference sponsored by the University of Arizona College of Law, the Law College Association, and the Institute for Law & Economic Policy, December 13-14, 1996, Tucson, Arizona).
  154. Panelist and Speaker, "Proposed Amendments to the Federal Class Action Rule 23," American Law Institute-American Bar Association Program, Employment Law: The

- Big Case (New Orleans, Louisiana, October 31, 1996).
155. Luncheon Speaker, "Mass Tort Class Actions: On the Ropes," American Conference Institute, Conference of Tobacco Litigation (New York City, October 10, 1996).
  156. Speaker, "Legal Scholarship Over a Lifetime Academic Career," AALS Workshop for New Teachers (Washington D.C., July 27, 1996).
  157. Panelist, "Mass Torts: The Problems and Potential Solutions," Product Liability Advisory Council Spring Conference (Orlando, Florida, April 24-26, 1996).
  158. Invited participant, Special Study Conference on Federal Rules Governing Attorney Conduct (sponsored by the Judicial Conference Committee on Rules of Practice and Procedure, Los Angeles, California, January 9-10, 1996).
  159. Invited participant, Institute of Judicial Administration, Research Conference on Class Actions and Related Issues in Complex Litigation, New York University School of Law (New York City, April 21-22, 1995).
  160. Invited participant, Southwest Legal Foundation Conference on Civil Procedure and the Future of the Federal Rules (Southern Methodist University, Dallas, March 31, 1995).
  161. Speaker, "Personal Jurisdiction and Plaintiffs' Due Process," University of Florida College of Law (Gainesville, Florida, March 22-23, 1995).
  162. Speaker, "Multiforum Practice: Ethics and *Erie*," Philip A. Hart Lecture, Georgetown University Law Center, Symposium on Legal Ethics Into the Twenty-First Century (Washington D.C. March 17, 1995).
  163. Panelist, "The Limits of Partisan Advocacy," ABA Products Liability Section (mid-year meeting, Tucson, Arizona, February 23-26, 1995).
  164. Speaker, The 50th Anniversary of *International Shoe*: The Past and Future of Personal Jurisdiction, University of California at Davis School of Law (Davis, California February 10, 1995).
  165. Speaker, "Mass Tort Litigation and the Dilemma of Federalization," Section on Federal Courts, Association of American Law Schools Annual Meeting (New Orleans, Louisiana, January 1995).
  166. Invited Conferee, National Mass Tort Conference (Cincinnati, Ohio, November 10 - 13, 1994).
  167. Panelist, Conference on Jurisdiction, Justice, and Choice of Law for the 21st Century, New England School of Law (Boston, Massachusetts, October 28 - 29, 1994).
  168. Conferee, Judicial Conference of the Fifth Judicial Circuit (San Antonio, Texas, June 6-8, 1994).

169. Panelist, Women's Forum, Women in Legal Education, 40th Anniversary of Women Graduates, Georgetown University Law Center (Washington D.C., April 15, 1994).
170. Speaker, "Discovery in Disarray: The Pervasive Myth of Pervasive Discovery Abuse and the Consequences of Unfounded Rulemaking," Clason Lecture Series, the Western New England College of Law (Springfield, Massachusetts, February 28, 1994).
171. Speaker, "Opportunities, Responsibilities, and Roadblocks to Achieving Power: Working With the Legal Profession and the Bar," Miniworkshop on "Beyond Tokenism: Wrestling with Power, Creative Opportunity," Co-Sponsored by the Professional Development Committee and the Section on Women in the Law, Association of American Law Schools Annual Meeting (Orlando, Florida, January 6, 1994).
172. Associate Reporter, The American Law Institute, PROCEEDINGS OF THE 70TH ANNUAL MEETING 1993 (presentation of Tentative *Draft No. 6* of the RESTATEMENT OF THE LAW GOVERNING LAWYERS, Washington D.C., May 13 -14, 1993).
173. Speaker, "*Carnival Cruise Lines* and Contractual Personal Jurisdiction," Section on Maritime Law, Association of American Law Schools Annual Meeting (San Francisco, California, January 9, 1993).
174. Speaker, "Civil Justice Reform Act of 1990 and Its Impact on Federal Practice and Procedure," State Bar of Texas Annual Meeting (Corpus Christi, Texas, June 26, 1992).
175. Associate Reporter, The American Law Institute, PROCEEDINGS OF THE 69TH ANNUAL MEETING 358 (1992)(presentation of Tentative *Draft No. 5* of the RESTATEMENT OF THE LAW GOVERNING LAWYERS, Washington D.C., May 14 - 15, 1992).
176. Reporter, National Conference on State-Federal Judicial Relationships (Orlando, Florida, April 10 -13, 1992).
177. Speaker, "Federalizing Choice of Law in Mass Tort Litigation," Section on Conflicts of Law, Association of American Law Schools Annual Meeting (San Antonio, Texas, January 4, 1992).
178. Presiding Officer, 15th Annual Page Keeton Products Liability and Personal Injury Law Conference (Austin, Texas, November 1991).
179. Speaker, The Alexander Watkins Terrell Lecture, "Hope Over Experience: Mandatory Informal Discovery and the Politics of Rulemaking," University of Texas School of Law (Austin, Texas, March 19, 1991).
180. Co-Chair, Committee on Complex Litigation, Section on Civil Procedure of the Association of American Law Schools; Speaker, "Problems in Complex Litigation" (annual meeting, January 1991).

181. Planning Committee Member, Workshop for New Law Teachers, Association of American Law Schools, small group discussion leader (Washington D.C., July 1990).
182. Chair and Planning Committee Member, Association of American Law Schools Workshop for New Law Teachers (Washington D.C., July 20-22, 1989).
183. Teaching Demonstration, "Teaching Methodologies: Problem Method," Association of American Law Schools Workshop For New Law Teachers, (Washington, D.C., July 21-23, 1988).
184. Planning Committee Member, Conference on Civil Procedure, Association of American Law Schools; Panelist, "Perspectives on Civil Procedure Scholarship: Integrating Traditional Scholarship Into the Classroom;" Chair, "Civil Procedure and Other Disciplines and Perspectives;" Chair, "Innovation in the Classroom: Use of Supplementary Materials" (Charlottesville, Virginia, June 4-10, 1988).
185. Steering Committee member, symposium organizer, and panelist, D.C. Area Women Law Professors (1986-1991). Speaker, Symposium on Professional Development (Washington D.C., fall 1989); Symposium on Scholarship (Washington D.C., May 1986).

#### PREVIOUS ACADEMIC EMPLOYMENT

**American University**, Washington, D.C.  
School of Justice, College of Public Affairs

Assistant Professor, 1978-1979

Adjunct Assistant Professor, 1997-78; 1979-80

**Courses:** Introduction to Problems of Justice; Justice and Morality; Introduction to Political Theory; Civil Disorder; Nature and Function of the American Legal System; Moral Issues in Criminal Justice; Police and the Political System; The Constitution and Criminal Procedure

Department of Government, College of Public Affairs

Adjunct Assistant Professor, Fall 1977

**Course:** Introduction to American Government

**George Washington University**, Washington, D.C.  
College of General Studies

Associate Professorial Lecturer in Government, 1977-1980

**Courses:** The Legislative Process; U.S. Constitutional Law and Politics I;  
U.S. Constitutional Law and Politics II

**Georgetown University Law Center**, Washington, D.C. Law

Fellow, 1978-1979

**Course:** Legal Research and Writing

**Fordham University**, Lincoln Center Campus New York  
City, New York



Adjunct Assistant Professor, Political Science, 1977  
Adjunct Instructor, Political Science, 1975-1977 (offered tenure track position)  
**Courses:** Introduction to American Politics; Introduction to American Constitutional Law; Civil Liberties Under the Constitution; Political Action in America; Revolution and Revolutionary Change; Classical Political Thought; Modern Political Thought; International Law

**The City College of New York**, New York City  
Department of Political Science Adjunct  
Assistant Professor, 1977  
**Courses:** International Law; Constitutional Law: The Federal System

**The Cooper Union for the Advancement of Science and Art**  
Social Sciences Program  
Assistant Professor, Spring 1977  
Instructor, Fall 1976  
**Course:** Politics and American Society

**The New York Institute of Technology**, New York City  
Instructor of Political Science, Spring 1976 **Courses:**  
American Government and Politics; Government and Metropolitan Problems

**The University of Maryland**, European Division  
Ramstein, Germany  
Instructor of Political Science, 1974

#### **PREVIOUS LEGAL EMPLOYMENT**

**Pierson, Ball & Dowd**  
Washington, D.C.  
(since merged with Reed, Smith, Shaw & McClay)  
Associate Attorney, 1980-1981  
General corporate; FCC; Ethics in Government Act; wills and trusts; appellate

**Van Arkel, Kaiser, Gressman, Dreisen & Rosenberg**  
Washington, D.C. (since merged with Bredhoff and Kaiser) Law  
Clerk, 1979-1980  
Union labor representation; class action against Government Printing Office

**Musick, Peeler & Garrett** Los  
Angeles, California Summer  
Associate, 1979  
General corporate practice: litigation; tax; probate; labor law; health care

**Environmental Protection Agency**  
Washington, D.C.  
Summer Associate, 1978  
Research and regulations under the Resource Conservation and Recovery Act

## **PERSONAL INFORMATION**

Westlake High School Band Parents (Board Member, 1999-2003; Chair, Chaperones, 2000-03; High School Representative, 1999-2000; Westlake Marching Festival annually)  
Class reunion committee, 25<sup>th</sup> and 30<sup>th</sup> reunions, Georgetown Law Center  
Class reunion committee, 40<sup>th</sup> reunion, CCNY  
Six grandchildren  
Dual citizenship (U.S., Italy)