

# ADAM N. STEINMAN

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## CURRENT APPOINTMENT

**Hugh F. Culverhouse Jr. School of Law, University of Alabama**, Tuscaloosa, Alabama  
*University Research Professor of Law* (2017–present)  
*Professor of Law & Frank M. Johnson Faculty Scholar* (2014–2017)  
Courses: Civil Procedure; Complex Litigation; International Human Rights Law

## ARTICLES & ESSAYS

*Access to Justice, Rationality, and Personal Jurisdiction*, 71 VANDERBILT L. REV. 1401 (2018)

*Non-Majority Opinions and Biconditional Rules*, 128 YALE L.J. F. 1 (2018)

*Case Law*, 97 BOSTON UNIVERSITY L. REV. 1947 (2017)

*The Rise and Fall of Plausibility Pleading?*, 69 VANDERBILT L. REV. 333 (2016)

*The End of an Era? Federal Civil Procedure After the 2015 Amendments*, 66 EMORY L.J. 1 (2016)

*Atlantic Marine Through the Lens of Erie*, 66 HASTINGS L.J. 795 (2015) (symposium)

*To Say What the Law Is: Rules, Results, and the Dangers of Inferential Stare Decisis*, 99 VIRGINIA L. REV. 1737 (2013)

*Kryptonite for CAFA*, 32 REV. LITIG. 649 (2013) (symposium)

*The Lay of the Land: Examining the Three Opinions in J. McIntyre Machinery v. Nicastro*, 63 S. CAROLINA L. REV. 481 (2012) (symposium)

- Featured in JURISDICTION AND PRIVATE INTERNATIONAL LAW (Elgar 2013)

*The Meaning of McIntyre*, 18 SOUTHWESTERN J. INT'L L. 417 (2012) (symposium)

*Our Class Action Federalism: Erie and the Rules Enabling Act after Shady Grove*, 86 NOTRE DAME L. REV. 1131 (2011)

*The Pleading Problem*, 62 STANFORD L. REV. 1293 (2010)

**SCHOLARSHIP (CONT'D)**

*What Is the Erie Doctrine? (And What Does It Mean for the Contemporary Politics of Judicial Federalism?)*, 84 NOTRE DAME L. REV. 245 (2008)

*An Ounce of Prevention: Solving Some Unforeseen Problems with the Proposed Amendments to Rule 56 and the Federal Summary Judgment Process*, 103 NORTHWESTERN UNIV. L. REV. COLLOQUY 230 (2008)

*Reinventing Appellate Jurisdiction*, 48 BOSTON COLLEGE L. REV. 1237 (2007)

- Awarded the Eisenberg Prize by the American Academy of Appellate Lawyers for the year's best scholarly article on appellate practice and procedure

*"Less" is "More"? Textualism, Intentionalism, and a Better Solution to the Class Action Fairness Act's Appellate Deadline Riddle*, 92 IOWA L. REV. 1183 (2007)

*The Irrepressible Myth of Celotex: Reconsidering Summary Judgment Burdens Twenty Years after the Trilogy*, 63 WASHINGTON & LEE L. REV. 81 (2006)

*Sausage-Making, Pigs' Ears, and Congressional Expansions of Federal Jurisdiction: Exxon Mobil v. Allapattah and its Lessons for the Class Action Fairness Act*, 81 WASHINGTON L. REV. 279 (2006)

*A Constitution for Judicial Lawmaking*, 65 UNIVERSITY OF PITTSBURGH L. REV. 545 (2004)

*Reconceptualizing Federal Habeas Corpus for State Prisoners: How Should AEDPA's Standard of Review Operate After Williams v. Taylor?*, 2001 WISCONSIN L. REV. 1493

**REVIEWS AND BOOK CHAPTERS**

*Human Rights Litigation and the States*, JOTWELL (2018)

*Lost in Transplantation: The Supreme Court's Post-Prudence Jurisprudence*, 70 VANDERBILT L. REV. EN BANC 289 (2017)

*Comparative Avoidance*, JOTWELL (2017)

*Use Your Words: Rhetoric as Absence of Law, Rhetoric as Essence of Law*, in RHETORICAL PROCESSES AND LEGAL JUDGMENTS: HOW LANGUAGE AND ARGUMENTS SHAPE STRUGGLES FOR RIGHTS AND POWER (Austin Sarat, ed., Cambridge University Press 2016)

*Fit to be Tied*, JOTWELL (2016)

*Judicial Fact-Making*, JOTWELL (2014)

**REVIEWS AND BOOK CHAPTERS (CONT'D)**

*Magic Words and the Erie Doctrine*, 64 FLORIDA L. REV. FORUM 56 (2012)

*A New Solution to an Old Problem: Section 1447(d) and Appellate Review of Remand Orders*, JOTWELL (2011)

**EDITORIAL AND OTHER POSITIONS**

- Co-Author, CHARLES ALAN WRIGHT, ARTHUR R. MILLER, ET AL., FEDERAL PRACTICE & PROCEDURE, Volumes 4, 4A & 4B (*Federal Rules of Civil Procedure*, Chapters 1–3)
- Elected Member, American Law Institute
- Co-Editor, *Civil Procedure & Federal Courts Blog* (<http://lawprofessors.typepad.com/civpro>)
- Section Co-Editor, *JOTWELL: Courts Law Section* (<http://courtslaw.jotwell.com>)
- Academic Fellow, Pound Civil Justice Institute
- Editorial Board, *British Journal of American Legal Studies* (United Kingdom)
- Guest-blogger on *Concurring Opinions*, *Opinio Juris*, and *PrawfsBlawg*

**PREVIOUS ACADEMIC APPOINTMENTS**

**Seton Hall University School of Law**, Newark, New Jersey

*Professor of Law & Michael J. Zimmer Fellow* (2010–2014)

Courses: Civil Procedure; Complex Litigation; New York Practice; Transnational Law

**University of Cincinnati College of Law**, Cincinnati, Ohio

*Professor of Law* (2009–2010); *Associate Professor of Law* (2007–2009);

*Assistant Professor of Law* (2004–2007)

Courses: Civil Procedure; International Business Transactions; International Trade  
Jerome Goldman Prize for Excellence in Teaching; Harold C. Schott Publication Prize

**Georgetown University Law Center**, Washington, D.C., LL.M., 2001

*Teaching Fellow & Supervising Attorney, Appellate Litigation Program* (1999–2001)

Co-taught course on appellate litigation, with classroom and clinical components

**EDUCATION**

**Yale Law School**, New Haven, Connecticut, J.D., 1997

**Yale University**, New Haven, Connecticut, B.A. (Economics & International Studies) *cum laude*, 1994

**LAW PRACTICE**

**Perkins Coie LLP, Seattle, Washington**

*Associate* (2001–2004). Complex civil litigation, principally product liability, commercial, and international matters. Appellate litigation, including representing *amici curiae* in the U.S. Supreme Court. Member of Pro Bono and Community Service Committees.

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

*Teaching Fellow & Supervising Attorney, Appellate Litigation Program* (1999–2001). Co-taught course on appellate litigation. Briefed and argued cases in the U.S. Courts of Appeals.

**Judge Emilio M. Garza, U.S. Court of Appeals (5th Cir.), San Antonio, Texas**

*Law Clerk* (1998–1999)

**Chief Judge Jerry Buchmeyer, U.S. District Court (N.D. Tex.), Dallas, Texas**

*Law Clerk* (1997–1998)

**Latham & Watkins, Washington, D.C.**

*Summer Associate* (Summer 1997)

**Davis Polk & Wardwell, New York, New York**

*Summer Associate* (Summer 1996)

**McCutchen Doyle Brown & Enersen, San Francisco, California**

*Summer Associate* (Summer 1996)

**Florida Rural Legal Services, Belle Glade, Florida**

*Legal Intern* (Summer 1995)

**International Trade Commission, Office of General Counsel, Washington, D.C.**

*Legal Intern* (Summer 1995)

**Yale Law School, Lowenstein International Human Rights Clinic, New Haven, Conn.**

*Student Attorney* (1995–1997). Litigation on behalf of victims of human-rights violations.

**SELECTED PRESENTATIONS & CONFERENCES**

- Speaker, “Ten Years After *Iqbal*: Perspectives on Policy, Procedure, and Substance,” Cardozo Law School – Yeshiva University (March 2019)
- Panelist, “MDL at 50 – The 50th Anniversary of Multidistrict Litigation.” New York University School of Law (October 2018)

**SELECTED PRESENTATIONS & CONFERENCES (CONT'D)**

- “Access to Justice, Rationality, and Personal Jurisdiction.” University of Aix-Marseille, Aix-en-Provence, France, Remedies Discussion Forum (June 2018); University of Alabama School of Law, Faculty Colloquium (March 2018); University of Georgia School of Law, Faculty Colloquium (February 2018)
- Presenting Faculty, Alabama Association for Justice, 2018 Mid-Winter Conference, Mountain Brook, Alabama (January 2018)
- “Case Law.” Faculty Seminar, Australian National University College of Law, Canberra, Australia (August 2017)
- Presenting Faculty, Pound Civil Justice Institute, 2017 Forum for State Appellate Judges, Boston, Massachusetts (July 2017)
- Speaker, 2017 Tenth Circuit Judicial Conference, Deer Valley, Utah (May 2017)
- Panelist, “Trump 2.0.” American Constitution Society, University of Alabama School of Law (March 2017)
- Commentator, Second Annual Civil Procedure Workshop. University of Washington School of Law (July 2016)
- Speaker, “Rhetorical Processes and Legal Judgments.” University of Alabama School of Law (September 2015)
- Presenter, “Texts, Meanings, and Decisions.” Law & Society Association Annual Meeting, Seattle, Washington (May 2015)
- “Case Law,” Boston University School of Law, Faculty Workshop (April 2015)
- Symposium Speaker, “Forum Selection After *Atlantic Marine*.” University of California Hastings College of the Law (September 2014)
- Moderator, “The Future of Human Rights Litigation in U.S. Courts.” Seton Hall University School of Law (October 2013)
- Presenter, Public Law Workshop, “*Comcast v. Behrend* and *American Express v. Italian Colors*.” Center for Constitutional Governance, Columbia Law School (July 2013)
- Panelist, “The Class Action Fairness Act of 2005: Perspectives and Predictions.” Association of American Law Schools Annual Meeting, Section on Litigation, New Orleans, Louisiana (January 2013)
- Speaker, “The Future of Class Action Litigation After *Wal-Mart v. Dukes*.” American Constitution Society, Brooklyn Law School (February 2012)
- Symposium Speaker, “Our Courts and the World: Transnational Litigation and Procedure.” Southwestern Law School (February 2012)
- Symposium Speaker, “Personal Jurisdiction for the Twenty-First Century: The Implications of *McIntyre* and *Goodyear Dunlop Tires*.” University of South Carolina School of Law (October 2011)
- Presenter, Fourth Annual Conference on Judges and Judging. American University Washington College of Law (September 2011)
- Speaker, “Constitution 2020: The Impact of Heightened Pleading Standards.” American Constitution Society, Brooklyn Law School (April 2011)
- “Our Class Action Federalism.” Seattle University School of Law, Faculty Workshop (March 2011); Third Annual Junior Faculty Federal Courts Workshop, Chicago, Illinois (sponsored by the University of Illinois College of Law) (October 2010)

**SELECTED PRESENTATIONS & CONFERENCES (CONT'D)**

- Panelist, National Legal Aid & Defender Association, Litigation and Advocacy Directors Conference, Chicago, Illinois (July 2010)
- Invited Participant, United States Advisory Committee on Civil Rules, Conference on Civil Litigation, Duke University School of Law (May 2010)
- Panelist, “The Future of Summary Judgment.” Association of American Law Schools Annual Meeting, New Orleans, Louisiana, Section on Litigation (January 2010)
- Panelist, “Revisiting Discovery.” Association of American Law Schools Annual Meeting, New Orleans, Louisiana, Section on Civil Procedure (January 2010)
- Panelist, “Civil Pleading Standards After *Iqbal*.” 12th Annual Federalist Society Faculty Conference, New Orleans, Louisiana (January 2010)
- “The Pleading Problem.” Ohio State University Moritz College of Law (November 2009); University of Cincinnati College of Law, Summer Scholarship Series (August 2009); Boston College Law School, Faculty Workshop (March 2009)
- “What Is Federal Common Law?” Second Annual Junior Faculty Federal Courts Workshop, Michigan State University College of Law (October 2009)
- Panelist, “Ohio Supreme Court Oral Argument Program: *Roe v. Planned Parenthood Southwest Ohio Region*.” University of Cincinnati College of Law (November 2008)
- “Deference and Review.” University of Cincinnati College of Law, Summer Scholarship Series (July 2008)
- “*Erie*’s Past, *Erie*’s Future: What is the *Erie* Doctrine and What Does It Mean for the Twenty-First Century Politics of Judicial Federalism?” Indiana University (Bloomington) School of Law, Faculty Workshop (September 2007)
- “‘Less’ is ‘More’? Textualism, Intentionalism, and a Better Solution to the Class Action Fairness Act’s Appellate Deadline Riddle.” Chicago-Kent College of Law, Faculty Workshop (January 2007)
- “A Federal Common Law for the Age of Textualism.” University of Cincinnati College of Law, Summer Scholarship Series (Aug. 2006)
- “*Exxon Mobil v. Allapattah* and its Lessons for the Class Action Fairness Act.” University of Kansas School of Law, Faculty Workshop (April 2006)
- “Optimizing Appellate Jurisdiction.” St. Louis University School of Law, Faculty Workshop (March 2005)
- “The Multiparty, Multiforum Trial Jurisdiction Act of 2002.” Washington State Bar Association, Continuing Legal Education Program (November 2003)
- “Reconceptualizing Federal Habeas Corpus.” Georgetown University Law Center, Summer Faculty Workshop (June 2001)

**SELECTED LITIGATION & ADVOCACY**

- *Graviss v. Department of Defense Domestic Dependent Elementary and Secondary Schools*, (U.S. No. 18-1061) (authored amicus brief on behalf of law professors in support of petitioner), petition for a writ of certiorari filed Feb. 11, 2019, seeking review of *Fed. Educ. Ass’n v. Dep’t of Def.*, 898 F.3d 1222 (Fed. Cir. 2018)

**SELECTED LITIGATION & ADVOCACY (CONT'D)**

- *Animal Science Products, Inc. v. Hebei Welcome Pharmaceutical Co.*, 138 S. Ct. 1865 (2018) (joined amicus brief in support of neither party on behalf of professors of international litigation)
- *Patchak v. Zinke*, 138 S. Ct. 897 (2018) (joined amicus brief in support of petitioner on behalf of federal courts scholars)
- *Willis v. City of Seattle*, No. 18-35053 (9th Cir.) (pending) (joined amicus brief in support of appellants on behalf of civil procedure professors), appeal from *Hooper v. City of Seattle*, 2017 WL 4410029 (W.D. Wash. 2017)
- *Rodriguez v. Swartz*, 899 F.3d 719 (9th Cir. 2018) (joined amicus brief in support of affirmance on behalf of law professors)
- *Low v. Trump University, LLC*, 881 F.3d 1111 (9th Cir. 2018) (joined amicus brief in support of appellants on behalf of civil procedure professors)
- *George v. Hargett*, 879 F.3d 711 (6th Cir. 2018) (joined amicus brief in support of appellees on behalf of professors of the law of federal courts)
- *Stinnie v. Holcomb*, 734 Fed. Appx. 858, 2018 WL 2337750, No. 17-1740 (4th Cir. 2018) (joined amicus brief in support of appellant on behalf of law professors)
- *Gilmore v. Jones*, 3:18-cv-00017 (W.D. Va.) (pending) (joined amicus brief of scholars in support of plaintiff)
- *Wikimedia Foundation v. National Security Agency*, 857 F.3d 193 (4th Cir. 2017) (authored amicus brief in support of appellants on behalf of law professors)
- *Franchise Tax Board v. Hyatt*, 136 S. Ct. 1277 (2016) (joined amicus brief in support of respondent on behalf of professors of federal jurisdiction)
- *Tyson Foods v. Bouaphakeo*, 136 S. Ct. 1036 (2016) (joined amicus brief in support of respondent on behalf of civil procedure professors)
- Suggestion for Rule 23 Subcommittee of the Civil Rules Advisory Committee (Feb. 24, 2015), available at: <http://www.uscourts.gov/rules-policies/archives/suggestions/adam-steinman-15-cv-d>
- Joint Comment by Professors Helen Hershkoff, Lonny Hoffman, Alexander A. Reinert, Elizabeth M. Schneider, David L. Shapiro & Adam N. Steinman (Feb. 5, 2014), available at: <http://www.regulations.gov/#!documentDetail;D=USC-RULES-CV-2013-0002-0622>
- *Madigan v. Levin*, 134 S. Ct. 2 (2013) (joined amicus brief in support of respondents on behalf of law professors)
- *J. McIntyre Machinery, Ltd. v. Nicastro*, 564 U.S. 873 (2011) (authored amicus brief in support of respondents on behalf of law professors)
- *Wal-Mart Stores, Inc. v. Dukes*, 564 U.S. 338 (2011) (co-authored amicus brief in support of respondents on behalf of civil procedure professors)
- *PLIVA, Inc. v. Mensing*, 564 U.S. 604 (2011) (joined amicus brief in support of respondents on behalf of administrative law and civil procedure scholars)
- *Astra USA, Inc. v. Santa Clara County*, 563 U.S. 110 (2011) (joined amicus brief in support of respondent on behalf of federal courts professors)
- *Mamani v. Berzain*, 654 F.3d 1148 (11th Cir. 2011) (joined amicus brief in support of petition for rehearing and rehearing en banc on behalf of civil procedure scholars)

**SELECTED LITIGATION & ADVOCACY (CONT'D)**

- *Iowa Public Employees' Retirement System v. Franks*, No. 11-1982 (2d Cir.) (authored amicus brief in support of appellant on behalf of civil procedure and federal court professors), appeal from *In re Lehman Brothers Securities & ERISA Litigation*, 684 F. Supp. 2d 485 (S.D.N.Y. 2010) (case settled while on appeal)
- *Vermont Pension Investment Committee v. Goldman Sachs & Co.*, No. 11-15087 (9th Cir.) (authored amicus brief in support of appellant on behalf of civil procedure and federal courts professors), appeal from *In re Wells Fargo Mortgage-Backed Certificates Litigation*, 712 F. Supp. 2d 958 (N.D. Cal. 2010) (case settled while on appeal)
- *Powerex Corp. v. California*, 551 U.S. 224 (2007) (joined amicus brief in support of respondents on behalf of civil procedure professors)
- *Day v. McDonough*, 547 U.S. 198 (2006) (joined amicus brief in support of petitioner on behalf of civil procedure professors)
- *Blakely v. Washington*, 542 U.S. 296 (2004) (authored amicus brief in support of petitioner on behalf of National Association of Criminal Defense Lawyers and Washington Association of Criminal Defense Lawyers)
- *In re Air Crash Over Taiwan Straits on May 25, 2002*, 331 F. Supp. 2d 1176 (C.D. Cal. 2004) (co-authored movant's brief)
- *Krug v. Lutz*, 329 F.3d 692 (9th Cir. 2003) (argued and co-authored appellant's brief)
- *Rhoads v. FDIC*, 257 F.3d 373 (4th Cir. 2001) (argued and co-authored amicus brief in support of appellant)
- *United States v. Johnson*, 254 F.3d 279 (D.C. Cir. 2001) (co-authored appellant's brief)
- *United States v. Sanders*, 247 F.3d 139 (4th Cir. 2001) (co-authored appellant's brief)
- *United States v. Feuer*, 236 F.3d 725 (D.C. Cir. 2001) (argued and co-authored appellant's brief)
- *Warren v. Baskerville*, 233 F.3d 204 (4th Cir. 2000) (argued and co-authored appellant's brief)
- *United States v. Witherspoon*, 231 F.3d 923 (4th Cir. 2000) (co-authored appellant's brief)
- *United States v. Whisonant*, 229 F.3d 1145 (Table), No. 99-6284, 2000 WL 1186982 (4th Cir. August 22, 2000) (co-authored appellant's brief)
- *Linder v. NSA*, 94 F.3d 693 (D.C. Cir. 1996) (co-authored appellant's brief)