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CURRENT APPOINTMENT

University of Alabama School of Law, 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

SCHOLARSHIP

Access to Justice, Rationality, and Personal Jurisdiction, 71 VANDERBILT L. REV.
(forthcoming 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)

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

SCHOLARSHIP (CONT'D)

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

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)

Magic Words and the Erie Doctrine, 65 FLORIDA L. REV. FORUM 56 (2013)

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.

LAW PRACTICE (CONT'D)

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

- “Access to Justice, Rationality, and Personal Jurisdiction.” 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)

SELECTED PRESENTATIONS & CONFERENCES (CONT'D)

- 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, San Francisco, California (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, Los Angeles, California (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)
- 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, Durham, North Carolina (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)

SELECTED PRESENTATIONS & CONFERENCES (CONT'D)

- “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 (Jan. 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 (Nov. 2003)
- “Reconceptualizing Federal Habeas Corpus.” Georgetown University Law Center, Summer Faculty Workshop (June 2001)

SELECTED LITIGATION & ADVOCACY

- *Patchak v. Zinke*, 138 S. Ct. 897 (2018) (joined amicus brief in support of petitioner on behalf of federal courts scholars)
- *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)
- *Animal Science Products, Inc. v. Hebei Welcome Pharmaceutical Co., cert. granted*, 138 S. Ct. 734 (2018) (pending) (joined amicus brief in support of neither party on behalf of professors of international litigation)
- *Stinnie v. Holcomb*, No. 17-01740 (4th Cir.) (pending) (joined amicus brief in support of appellant on behalf of law professors), appeal from 2017 WL 963234 (W.D. Va. 2017)
- *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)

SELECTED LITIGATION & ADVOCACY (CONT'D)

- *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. Nicaastro*, 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)
- *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)

SELECTED LITIGATION & ADVOCACY (CONT'D)

- *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)