

## CAPRICE L. ROBERTS

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### ACADEMIC APPOINTMENTS

The George Washington University Law School, Washington, D.C.

Visiting Professor of Law (June 2019-July 2020) & Professorial Lecturer in Law (Jan.-May 2019)  
Contracts, Contracts II, Property, Legislation-Regulation

University of Florida Levin College of Law, Gainesville, Florida

Visiting Professor of Law (July 2018-May 2019)  
Remedies, Judicial Power & Restraint Seminar, Advanced Remedies (Restitution)

Savannah Law School, Savannah, Georgia

Professor of Law, Founding Faculty (August 2012-June 2018)  
Contracts I & II, Federal Courts, Jurisprudence, Remedies, Law Review Seminar;  
Chair & Prior Chair, multiple committees: Retention, Promotion & Tenure; Faculty  
Appointments; Faculty Development; Curriculum; Member: Admissions, Standards;  
Faculty Advisor, *Savannah Law Review* & American Constitution Society

West Virginia University College of Law, Morgantown, West Virginia

Associate Dean of Faculty Research & Development (May 2008-July 2009);  
Professor of Law (August 2007-2012); Research Leave (August 2011-August 2012);  
Associate Professor (2002-2007). Contracts, Federal Courts, Remedies, Judicial Power &  
Restraint Seminar, Pretrial Litigation, and Postmodern Jurisprudence;  
Co-Chair of Appointments Committee (2008-2009); Member, multiple University  
& College of Law governance committees (2002-2009) such as Academic  
Planning, Appointments, Dean Search, Marketing, and Strategic Planning

Florida State University College of Law, Tallahassee, Florida

Visiting Professor (February 2012). Judicial Power & Restraint Seminar

The Catholic University of America, Columbus School of Law, Washington, D.C.

Visiting Professor (August 2009-May 2011). Contracts, Jurisprudence, Remedies,  
and Judicial Power & Restraint Seminar

Washington & Lee University School of Law, Lexington, Virginia

Visiting Professor (Fall 2007). Contracts, incorporating Legal Reasoning & Writing

University of North Carolina School of Law, Chapel Hill, North Carolina

Visiting Associate Professor (Summer 2007). Remedies

Brazilian Law, Business & Politics Program, Gertúlio Vargas Foundation, Rio de Janeiro, Brazil, & University of Vila Velha, Vitória, Brazil (WVU College of Law)

Professor of Law (Summer 2006). Lectures: Comparative Role of Judges & Jurisprudence; Jurisdiction Stripping & Judicial Independence

#### LEGAL PRACTICE EXPERIENCE

Skadden, Arps, Slate, Meagher & Flom LLP, Washington, D.C., 1999-2002

Associate, Litigation & Government Enforcement Group. Primarily conducted internal investigations involving the FBI, DOJ, and SEC; also represented clients in complex civil litigation.

#### JUDICIAL CLERKSHIPS

Honorable Ronald Lee Gilman, Circuit Judge, United States Court of Appeals for the Sixth Circuit, 1998-1999

Honorable Julia Smith Gibbons, then-Chief Judge, United States District Court for the Western District of Tennessee, 1997-1998

#### EDUCATION

Washington & Lee University School of Law, Lexington, Virginia  
Juris Doctor, *magna cum laude*, 1997

Honors: Order of the Coif; *Washington & Lee Law Review*, Lead Articles Editor; Hornbook Award for Highest Scholastic Average in First Year Class; Merit Scholarship; Award for Highest Grade in: Contracts, Advanced Contracts, Property, Remedies; Negotiation Competition, Regional Champion

Rhodes College, Memphis, Tennessee  
Bachelor of Arts, *cum laude*, 1994  
Political Science Major & International Studies Minor

Honors & Activities: Phi Beta Kappa; Omicron Delta Kappa; 1991 & 1994 National Mock Trial Champion; Justice Abe Fortas Award for Excellence in Legal Studies; Public Defender Capital Defense Intern; Honor Council; Student Government; Teaching & Research Assistant; Summer Scholars; Volunteer Reader WYPL Radio

American University, Washington, D.C.  
Washington Semester Program, 1993

Justice & Public Law Semester: Studied criminal and constitutional law; interned with People for the American Way.

Oxford University, St. John's College, Oxford, England  
British Studies Program, Summer 1991

Study of Renaissance Art History and Literature

## PUBLICATIONS

### BOOKS

LAW OF REMEDIES: DAMAGES—EQUITY—RESTITUTION, *Hornbook Series* (with Dan B. Dobbs) (West 3d ed. 2018)

REMEDIES: CASES AND MATERIALS (with Doug Rendleman) (West Group, 8th ed. 2011 & 9th ed. 2018) (with accompanying TEACHER'S MANUAL)

FEDERAL COURTS: CONTEXT, CASES, AND PROBLEMS (with Michael P. Allen and Michael Finch) (Aspen Publishers, Inc. 2009 & 2d ed. 2014) (with accompanying TEACHER'S MANUAL)

### LAW REVIEW ARTICLES

*Disgorging Emoluments*, 103 MARQUETTE L. REV. \_\_ (forthcoming 2019) (Lead Article)

*Remedies, Equity & Erie*, 52 AKRON L. REV. 493 (2018)

*Unpopular Opinions on Legal Scholarship*, 50 LOY. U. CHI. L.J. 101 (forthcoming 2018)

*SEALS Advancing Scholarship*, 86 UMKC L. Rev. 583 (2018)

*Supreme Disgorgement*, 68 FLORIDA L. REV. 1413 (2016)

*Remedies, Race & Civil Rights in the Old South*, 2 SAVANNAH L. REV. 73 (2015)

*Remedies Unified in Nine Verses*, 74 MARYLAND L. REV. 199 (2015) (Lead Article)

*Is Profiting from the Online Use of Another's Property Unjust?*, 53 IDEA 131 (2013) (coauthors), selected for the INTELLECTUAL PROPERTY L. REV. (West 2014)

*Teaching Remedies from Theory to Practice*, 57 SAINT LOUIS U. L.J. 713 (2013)

*Discretion and Deference in Senate Consideration of Judicial Nominations*, 51 U. LOUISVILLE L. REV. 1 (2012) (Lead Article)

*The Restitution Revival and the Ghosts of Equity*, 68 WASH. & LEE L. REV. 1027 (2011)

*The Case for Restitution and Unjust Enrichment Remedies in Patent Law*, 14 LEWIS & CLARK L. REV. 653 (2010), selected for INTELLECTUAL PROPERTY LAW REVIEW (West 2011)

*Rights, Remedies, & Habeas Corpus – The Uighurs, Legally Free but Actually Imprisoned*, 24 GEORGETOWN IMM. L.J. 1 (2009), reprinted in RECOGNITION AND ENFORCEMENT OF JUDGMENTS: COMPARATIVE AND INTERNATIONAL PERSPECTIVES 466-531 (U. AIX-MARSEILLE PRESS 2010)

*Asymmetric World Jurisprudence*, 32 SEATTLE L. REV. 569 (2009)

*Restitutionary Disgorgement as a Moral Compass of Breach of Contract*, 77 U. CIN. L. REV. 991 (2009)

*A Commonwealth of Perspective on Restitutionary Disgorgement for Breach of Contract*, 65 WASH. & LEE L. REV. 945 (2008)

*Restitutionary Disgorgement for Opportunistic Breach of Contract and Mitigation of Damages*, 42 LOY. L.A. L. REV. 131 (2008)

*“A Desert Grows Between Us” – The Sovereignty Paradox at the Intersection of Tribal and Federal Courts*, 65 WASH. & LEE L. REV. 347 (2008)

*In Search of Judicial Activism: Dangers in Quantifying the Qualitative*, 74 TENN. L. REV. 567 (2007)

*Ratios, (Ir)rationality & Civil Rights Punitive Awards*, 39 AKRON L. REV. 1019 (2006), reprinted in PUNITIVE DAMAGES: NEW DIMENSIONS (Bhavani ed., Icfai Univ. Press 2008)

*Jurisdiction Stripping in Three Acts – A Three-String Serenade*, 51 VILL. L. REV. 593 (2006)

*The Fox Guarding the Henhouse?: Recusal and the Procedural Void in the Court of Last Resort*, 57 RUTGERS L. REV. 107 (2004)

*Standing Committee on Discipline v. Yagman: Missing the Point of Ethical Restrictions on Attorney Criticism of the Judiciary*, 54 WASH. & LEE L. REV. 817 (1997)

#### SCHOLARSHIP, TEACHING & SERVICE AWARDS

Selected Faculty Marshal for Commencement Procession and Address (2018)

Selected Faculty Marshal for Commencement Procession and Address (2016)

Year’s Best Intellectual Property Law Review Articles, West Publishing (2014)

Year’s Best Intellectual Property Law Review Articles, West Publishing (2011)

Significant Scholarship Award, West Virginia University College of Law (2009)

Significant Scholarship Award, West Virginia University College of Law (2007)

Significant Scholarship Award, West Virginia University College of Law (2006)

Outstanding Faculty Contribution, Vol. 108, WEST VIRGINIA LAW REVIEW (2006)

Outstanding Faculty Contribution, Vol. 107, WEST VIRGINIA LAW REVIEW (2005)

Professor of the Year, West Virginia University College of Law (2003-2004)

#### BLOGGING & OPINION-EDITORIAL

*Confirmation hearings aren't criminal trials. Forget about 'reasonable doubt.'*, WASH. POST, B1, Outlook | Perspective, Sept. 23, 2018; slightly condensed web-publication, *Kavanaugh's Senate hearing isn't a trial. The standard isn't 'reasonable doubt.'*, Sept. 21, 2018, 6:00 A.M., [https://wapo.st/2DgKe0r?tid=ss\\_tw-bottom&utm\\_term=.6a279d126e4b](https://wapo.st/2DgKe0r?tid=ss_tw-bottom&utm_term=.6a279d126e4b)

JOTWELL Journal Editor and Commentator on Remedies (2015-present)

PrawfsBlawg Guest Blogger (2015-present)

#### POLITICAL, COMMUNITY & ACADEMIC SERVICE

American Law Institute, Elected Member (2008-present)

United States Court of Appeals for the Fourth Circuit, Rules Advisory Committee Member (2007-2012)

American Association of Law Schools, Remedies Section, Chair Elect (2019); Executive Committee Chair (2009-2010); Chair Elect (2008-2009), Executive Committee Member (2007-2012; 2018-present); Mentor Coordinator (2012-present)

Southeastern Association of Law Schools, Vice-Chair of Programming (2016-present), Scholarly Research Committee (2012-present), Mentor Committee Member (2007-present), Program Committee Member (2007-present), New Scholars Committee Member (2006-2007); Mentor (2007-present); Mock Interviewer (2016-present); Resource Team Member Remedies & Federal Courts (2016-present)

LLM Bar Course Lecturer, Remedies, Conflicts, Constitutional Law, Federal Jurisdiction, and Personal Property, Fordham School of Law (2010-2016)

Independent Commission on Judicial Reform, Chaired by Justice O'Connor, Appointed by West Virginia Governor Joe Manchin (June 2009-November 2009)

Democratic National Convention, Elected Obama Delegate, 1st Congressional District of West Virginia (2008)

West Virginia State Democratic Convention, Elected Delegate (2008)

Obama Legal Team for West Virginia Presidential Primary Election (2008)

Volunteer Lawyer for Obama-Biden Voter Protection (2008)

GOTV Precinct Captain for Precinct 4 in Morgantown, West Virginia (2008)

West Virginia University, Democratic Law Caucus, Faculty Advisor (2002-2009)

West Virginia University, Public Interest Contributor & Auctioneer (2002-2009)

Mountain State Bar Association (West Virginia's minority bar association),  
CLE Committee Member (2005-2006)

Computer-Assisted Legal Instruction ("CALI"), Editorial Board Member, focus Contracts and Remedies (2004-2006)

#### ACADEMIC LECTURES & PRESENTATIONS

"The Lost Art and Science of Restitution," Invited Presenter, Notre Dame's Remedies Roundtable, Chicago, Illinois (June 19-20, 2019)

"Intellectual Property Remedies at the Supreme Court and Worldwide," Moderator and Commentator, American Association of Law Schools, New Orleans (January 4, 2019)

"The Case for Vibrant, Modern Principled Equity," Invited Panelist, "Equity in the Modern World," American Association of Law Schools, New Orleans (January 3, 2019)

"Disgorging Emoluments," Faculty Workshop Presenter, Speaker Series, University of Florida Levin College of Law, Gainesville, Florida (October 23, 2018)

"Remedies, Equity & *Erie*," Invited Panelist, *Erie* at Eighty: Choice of Law Across Disciplines Symposium, The Center for Constitutional Law and Akron University School of Law, Akron, Ohio (September 14, 2018)

"Interbranch Dialogue & Judicial Self-Restraint," Invited Panelist, "Legislative Generality and the Constitution: Klein, Equal Protection, and Legislative and Presidential Singling-Out," Southeastern Association of Law Schools, Ft. Lauderdale, Florida (August 8, 2018)

"Disgorging Emoluments," Moderator & Speaker, "Controversial Remedies," Southeastern Association of Law Schools, Ft. Lauderdale, Florida (August 5, 2018)

"Reimagining Legal Scholarship," Invited Panelist, "What Is a Good Law Review Article," The Future of Legal Scholarship Symposium, Loyola University Chicago Law Journal,

Chicago, Illinois (April 6, 2018)

"Data Breach Remedies," Faculty Colloquium Presenter, Work-in-Progress Series, Washington & Lee University College of Law, Lexington, Virginia (October 16, 2017)

"Data Breach Remedies," Presenter, Rise of the Automatons Colloquium, Savannah Law School, Savannah, Georgia (September 15, 2017)

"Fourteenth Amendment Rights Through Remedies," Invited Law Day Speaker, "The Fourteenth Amendment: Transforming American Democracy," Savannah Bar Association, Savannah, Georgia (May 18, 2017)

"The Advancement of Remedies," Invited Faculty Colloquium, University of Sydney Law School, Sydney, Australia, N.S.W. (May 10, 2017)

"Updating the Classics: Law Treatises in the Modern Age," Invited Keynote Speaker, Symposium jointly hosted by: Parsons Centre of Commercial, Corporate and Taxation Law of the University of Sydney Law School, the Australian Academy of Law and Herbert Smith Freehills, Sydney, Australia, N.S.W. (May 9, 2017)

"The Development of the Remedy of Disgorgement in the United States," BenchTV Legal Education Interview with Solicitor Ian Benson on *Kansas v. Nebraska*, 135 S. Ct. 1042 (2015), A Benchmark Production, Sydney, Australia, N.S.W. (May 5, 2017)

"Power of Judicial Myths," Presenter, American Legal Fictions Colloquium, Savannah Law School, Savannah, Georgia (September 16, 2016) "The Advancement of Restitution," Co-Moderator & Discussant, "Advancement of Remedies," Southeastern Association of Law Schools Annual Meeting, Boca Raton, Florida (August 4, 2016)

Justice Thomas's Remedies Jurisprudence," Invited Constitutional Law Workshop Discussant, "Justice Thomas After 25 Years," Southeastern Association of Law Schools Annual Meeting, Boca Raton, Florida (August 3, 2016)

"Scholarship: What Is It and How Do We Maximize Its Impact," Invited Presenter," Southeastern Association of Law Schools Annual Meeting, Amelia Island, Florida (August 3, 2016)

"American Remedies for Harms to Property," Invited Discussant and Paper Presenter, Eleventh Remedies Discussion Forum, University of Aix-Marseille, Aix-en-Provence, France (June 28-29, 2016)

Commencement Address, Savannah Law School Commencement, Ships of the Sea Museum, Savannah, Georgia (May 20, 2016)

"Supreme Disgorgement," Presenter, Faculty Colloquia Series, Savannah Law School, Savannah, Georgia (February 24, 2016)

“The Proposed Tribal Equal Access to the Voting Act,” Commentator, Stetson University College of Law, Gulfport, Florida (November 13-14, 2015)

“Supreme Disgorgement,” Presenter, Faculty Colloquium, West Virginia University College of Law, Morgantown, West Virginia (September 24, 2015)

“Civil Rights in the Old South,” Invited Presenter, [Re]Integrating Spaces, Colloquium, Savannah Law School, Savannah, Georgia (September 18-19, 2015)

“Equitable Remedies and Civil Rights,” Paper Presenter, Moderator, and Discussion Group Participant, “Staying Power of Equitable Remedies,” Southeastern Association of Law Schools Annual Meeting, Boca Raton, Florida (July 28, 2015)

“Supreme Disgorgement,” Invited Discussant and Paper Presenter, Tenth Remedies Discussion Forum, Université Paris – Dauphine, Paris, France (June 16-17, 2015)

“Past the Façade of the Marble Columns,” Roundtable Chair & Discussant, Law & Society Association Annual Meeting, Seattle, Washington (May 28, 2015)

“Past the Façade of the Marble Columns,” Roundtable Chair & Discussant, Law, Culture & Humanities Annual Meeting, Georgetown University Law Center, Washington, D.C. (March 6, 2015)

“Tenure, Now What?,” Panelist, Southeastern Association of Law Schools Annual Meeting, Amelia Island, Florida (August 6, 2014)

“Contract Disgorgement Remedy Early Returns,” Paper Presenter, Moderator, and Discussion Group Participant, “Emerging Remedies,” Southeastern Association of Law Schools Annual Meeting, Amelia Island, Florida (August 2, 2014)

“Property, Unjust Enrichment & the Contract Disgorgement Remedy,” Invited Discussant and Paper Presenter, Ninth Remedies Discussion Forum, University of Aix-Marseille, Aix-en-Provence, France (June 18-19, 2014)

“Law’s Essence: Dialectic between Passion & Reason,” Paper Presenter, Association for the Study of Law, Culture & Humanities Annual Meeting, University of Virginia School of Law, Charlottesville, Virginia (March 10-11, 2014)

“New Voices in Public Remedies,” Moderator & Commentator, “The Myth of Mild Declaratory Judgments” by Sam Bray, American Association of Law Schools (Jan. 4, 2014)

“Presidential Pardons on Crack,” Paper Presenter and Discussion Group, “The Election and the Constitution,” Southeastern Association of Law Schools Annual Meeting (Aug. 8, 2013)

“Remedies from Theory to Practice,” Paper Presenter, Moderator, and Discussion Group Participant, “Pedagogical Choices and Challenges in Remedies,” Southeastern Association of Law Schools Annual Meeting (August 4, 2013)

“Remedies Unified in Nine Verses,” Invited Discussant and Paper Presenter, Eighth Remedies Discussion Forum, University of Monash, Prato, Italy (June 10-11, 2013)

“Google Adwords, Trademark Law & Unjust Enrichment,” Invited Panelist, Vanderbilt Law School (February 14, 2013)

“Federal Courts and Passive-Aggressive Virtues,” Invited Panelist, Southeastern Association of Law Schools Annual Meeting, Amelia Island, Florida (July 31, 2012)

“Illusive Remedies Shaping Constitutional Rights,” Paper Presenter and Discussion Group Participant, “Impact of Remedies on Constitutional Law,” Southeastern Association of Law Schools Annual Meeting (July 31, 2012)

“The Restitution Revival, the Ghosts of Equity, and the Normative Case for the Disgorgement Interest in Contract Law,” Invited Faculty Colloquium Speaker, Florida State University College of Law, Tallahassee, Florida (February 23, 2012)

“Discretion and Deference in Senate Consideration of Judicial Nominations,” Invited Faculty Colloquium Speaker, The University of South Carolina School of Law, Columbia, South Carolina (January 27, 2012)

“The Restitution Revival and the Ghosts of Equity,” Invited Faculty Colloquium Speaker & Remedies Class Lecture, The University of Mississippi School of Law, Oxford, Mississippi (November 7, 2011)

“The Restitution Revival, the Ghosts of Equity, and the Jury Trial Right,” Invited Faculty Colloquium Speaker, American University Washington College of Law, Washington, D.C. (October 17, 2011)

“Restitution and Unjust Enrichment,” Invited Commentator, Boston University School of Law, Boston, Massachusetts (September 16, 2011)

“The National Security Constitution and the Federal Courts Canon: Three Years into the Obama Administration,” Invited Panelist, Southeastern Association of Law Schools Annual Meeting, Hilton Head, South Carolina (July 25, 2011)

“Discretion and Deference in Senate Consideration of Judicial Nominations,” Selected Call for Papers, “The Supreme Court Nomination Process – Is There a Litmus Test for Supreme Court Nominees?,” Southeastern Association of Law Schools Annual Meeting, Hilton Head, South Carolina (July 24, 2011)

“The Restitution Revival and the Ghosts of Equity,” Invited Discussant and Paper Presenter, Seventh Remedies Discussion Forum, University of Aix-Marseille, Aix-en-Provence, France (June 8-9, 2011)

“Opportunistic Breach-Disgorgement: Exorcizing the Ghosts of Equity,” Invited Panelist, “Restitution Rollout Symposium: The Restatement (Third) of Restitution and Unjust

Enrichment," Washington & Lee School of Law, Lexington, Virginia (February 25, 2011)

"The Restitution Revival and Echoes of Equity's Grave," Selected Panelist from Remedies Section Call for Papers on The Rebirth of the Irreparable Injury Rule, American Association of Law Schools, San Francisco, California (January 8, 2011)

"Restitution Revival – The Restatement (Third) of Restitution and Unjust Enrichment," Invited Panelist, Southeastern Association of Law Schools Annual Meeting, Palm Beach, Florida (August 3, 2010)

"Opportunistic Breach of Contract, Restitutionary Disgorgement, Efficient Breach & Promise Keeping," Presenter, Contracts Conference, University of Nevada, Las Vegas School of Law (February 27, 2010)

"Remedies in Times of Economic Crisis and Financial Scandal," Moderator, American Association of Law Schools Conference, Remedies Panel, New Orleans (January 8, 2010)

"Unjust Enrichment Remedies in Patent Law," Invited Panelist, Intellectual Property Remedies Forum, Lewis & Clark Law School, Portland, Oregon (October 2, 2009)

"Rights, Remedies, & Habeas Corpus - Legally Free but Actually Imprisoned," Invited Discussant and Paper Presenter, Sixth Remedies Discussion Forum, University of Aix-Marseille, Aix-en-Provence, France (June 5-6, 2009)

"Asymmetric World Jurisprudence," Invited Panelist, *Seattle Law Review* Symposium, "Alternative Judicial Visions, Seattle, Washington (April 16, 2009)

"Restitutionary Disgorgement as a Moral Compass of Breach of Contract," Faculty Colloquium, Seattle University School of Law, Seattle, Washington (April 16, 2009)

"The Faces of Digital Entrepreneurship," Panel Moderator, *West Virginia Law Review* Symposium, "Digital Entrepreneurship: Incentives and Legal Risks," West Virginia University College of Law (March 27, 2009)

"Alternative Judicial Visions – Asymmetric World Jurisprudence," Faculty Colloquium, St. Mary's University School of Law, San Antonio, Texas (March 16, 2009)

"Restitutionary Disgorgement as a Moral Compass of Breach of Contract," Faculty Colloquium, Capital University Law School, Columbus, Ohio (March 5, 2009)

"Stepping to the Mic: Hip Hop's Expanding Voice in Social and Political Discourse," Panel Moderator, Symposium, "The Evolution of Street Knowledge: Hip Hop's Influence on Law and Culture," West Virginia University College of Law (February 13, 2009)

"Comparative Perspectives – Pakistani Lawyers' Movement Defending the Rule of Law and Justice," Presenter, Constitution Day Celebration, West Virginia University College of Law (September 17, 2009)

"Roundtable: Alternative Visions of the Judicial Role," Invited Paper Presenter, Southeastern Association of Law Schools Annual Meeting, Palm Beach, Florida (July 29, 2008)

"Restitutionary Disgorgement for Opportunistic Breach of Contract," Presenter, Jackson Kelly PLLC, Charleston, West Virginia (June 17, 2008)

"Federalism and Same-Sex Marriage," Invited Commentator, A Queer Definition of Equality: Exploring Major Issues in Sexual Orientation & the Law, Washington & Lee University School of Law, Lexington, Virginia (February 29, 2008)

"A Commonwealth of Perspective on Restitutionary Disgorgement for Breach of Contract," Invited Speaker, Roundtable on Restitution and Unjust Enrichment in North America, Washington & Lee University School of Law, Lexington, Virginia (December 14, 2007)

"When Compensation Is Just Not Enough," Panel Moderator, Second International Symposium on the Law of Remedies, Auckland, New Zealand (November 16, 2007)

"Looking Back and Moving Forward – A Recap of the Supreme Court's 2006-2007 Term and a Preview of the 2007-2008 Term," Invited Speaker on Detainee Jurisprudence, Hosted by American Constitution Society, Washington & Lee University School of Law, Lexington, Virginia (October 18, 2007)

"'A Desert Grows Between Us' - The Sovereignty Paradox at the Intersection of Tribal and Federal Courts," Invited Commenter on Stephen McNeill's Note ("In a Class by Themselves: A Proposal to Incorporate Tribal Courts into the Federal Court System without Compromising Their Unique Status as 'Domestic Dependent Nations'"), *Washington & Lee Law Review* Notes Presentation Program, Lexington, Virginia (October 4, 2007)

"The Pending Restatement of Restitution," Invited Paper Presenter, Southeastern Association of Law Schools Annual Meeting, Amelia Island, Florida (July 30, 2007)

"Restitutionary Disgorgement as the Moral Compass of Contract Breach," Invited Discussant and Paper Presenter, Fifth Remedies Discussion Forum, Emory School of Law, Atlanta, Georgia (May 29-30, 2007)

"The Court, the Constitution, and the History of Ideas," Commenter on Scott Gerber's Article, Ohio Legal Scholarship Workshop, Columbus, Ohio (January 27, 2007)

"Attacks on Our Courts: Justice O'Connor's Warning," Invited Panelist, Hosted by The Center for American Progress, The American Constitution Society for Law and Policy, and the Human Rights Campaign Foundation, Washington, D.C. (November 15, 2006)

"A Dialogue: Threats to Judicial Independence," Presenter, Constitution Day Celebration, West Virginia University College of Law (September 18, 2006)

"The Many Faces of Judicial Activism," Paper Presenter ("In Search of Judicial Activism"), Southeastern Association of Law Schools, Palm Beach, Florida (July 17, 2006)

"Roadmap for Continued Collaboration in the Brave New World," Panel Moderator and Organizer, *West Virginia Law Review* Symposium, "Brave New World - Developing the Legal Frontier in Light of Forensic and Biometric Advances," West Virginia University College of Law (March 27-28, 2006)

"Judicial Confirmation Wars and the Future of the Supreme Court," Panelist, 19th Institute on the Profession of Law, Rhodes College, Memphis, Tennessee (February 23-24, 2006)

"Ratios, (Ir)rationality & Civil Rights Punitive Awards," Invited Discussant and Paper Presenter," Fourth Remedies Discussion Forum, Louis D. Brandeis School of Law, Louisville, Kentucky (November 18-19, 2005)

"Emerging Trends in Tort Reform," Lecturer, West Virginia Defense Trial Counsel Retreat, Shepherdstown, West Virginia (September 23, 2005)

"Supreme Court Judicial Nominations Process," Lecturer and Panelist, "The Supreme Court: What's at Stake" Public Discussion, Monongalia County Courthouse, Morgantown, West Virginia (September 14, 2005)

"Jurisdiction Stripping in Three Acts – A Three-String Serenade," Paper Presenter, Young Scholars' Panel, Southeastern Association of Law Schools Annual Meeting, Hilton Head, South Carolina (July 19, 2005)

"Legal Scholarship & Gender Implications," Lecturer, Women's Studies Graduate Group, West Virginia University (March 8, 2005)

"The Fox Guarding the Henhouse?: Recusal and the Procedural Void in the Court of Last Resort," Paper Presenter, Faculty Scholarship Presentation, West Virginia University College of Law (February 16, 2005)

"Choosing Our Judges: Present & Future," Moderator and Presenter, Judicial Selection Panel, West Virginia University College of Law (January 19, 2005)

"Ramifications of the Patriot Act," Discussion Moderator, West Virginia University College of Law (November 13, 2003)

#### BAR & COURT ADMISSIONS

United States Court of Appeals for the Fourth Circuit (2006) / D.C. (2000) / Tennessee (1998) (inactive) / Georgia (1998) / United States Court of Appeals for the Sixth Circuit (1998)

#### PROFESSIONAL ORGANIZATIONS

American Bar Association / American Constitution Society / Phi Alpha Delta / Savannah Bar Association / Law & Society / Law, Culture & Humanities

## REFERENCES

### ACADEMIA

#### **DOUG LAYCOCK**

Robert E. Scott Distinguished Professor of Law  
University of Virginia Law School  
580 Massie Road  
Charlottesville, VA 22903  
434.243.8546  
dlaycock@law.virginia.edu

#### **ANDREW KULL**

Distinguished Senior Lecturer  
The University of Texas School of Law  
512.232.1125  
akull@law.utexas.edu

#### **DOUG RENDLEMAN**

Robert E. R. Huntley Professor of Law  
Washington and Lee University  
School of Law  
540.458.8934  
rendlemand@wlu.edu

#### **JOYCE MCCONNELL**

Provost & Vice President, Academic Affairs  
& Thomas R. Goodwin Professor of Law  
(formerly Dean of WVU College of Law)  
West Virginia University  
304.293.5701  
provost@mail.wvu.edu

#### **JUDGE MICHAEL ALLEN**

U.S. Court of Appeals for Veterans Claims  
(formerly Professor of Law)  
Stetson University College of Law  
727.562.7360 | 202.501.5970  
allen@law.stetson.edu

#### **JOHN TAYLOR**

Professor of Law  
West Virginia University College of Law  
304.293.8180  
john.taylor@mail.wvu.edu

#### **MARION CRAIN**

Wiley B. Rutledge Professor of Law &  
Director, Center for the Interdisciplinary  
Study of Work & Social Capital  
Washington University School of Law  
314.935.3459  
mgcrain@wulaw.wustl.edu

#### **ANDREW SIEGEL**

Associate Professor of Law  
Seattle University School of Law  
206.398.4063  
siegelan@seattleu.edu

#### **STEPHEN VLADECK**

A. Dalton Cross Professor in Law  
University of Texas School of Law  
512.475.9198  
svladeck@law.utexas.edu

### JUDICIAL CLERKSHIPS

**THE HONORABLE RONALD LEE GILMAN**  
U.S. Court of Appeals for the Sixth Circuit  
901.495.1575

**THE HONORABLE JULIA SMITH GIBBONS**  
U.S. Court of Appeals for the Sixth Circuit  
(formerly Chief Judge, U.S. District Court for  
the Western District of Tennessee)  
901.495.1266

### PRACTICE

#### **ROBERT S. BENNETT**

Partner, Hogan Lovells  
(formerly Partner, Skadden Arps)  
202.637.6464  
robert.bennett@hoganlovells.com