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ACADEMIC APPOINTMENTS

Seton Hall University School of Law, Newark, New Jersey
Professor of Law & Michael J. Zimmer Fellow (2010–Present)

- Courses: Civil Procedure; Complex Litigation; Transnational Law
- Co-Editor, *Civil Procedure & Federal Courts Blog* (<http://lawprofessors.typepad.com/civpro>)
- Section Co-Editor, *JOTWELL: Courts Law Section* (<http://courtslaw.jotwell.com>)

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 I & II; International Business Transactions; International Trade
- Jerome Goldman Prize for Excellence in Teaching (2007)
- Harold C. Schott Publication Prizes (2006, 2007)

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, Conn., J.D., 1997

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

PUBLICATIONS

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)

An Ounce of Prevention: Solving Some Unforeseen Problems with the Proposed Amendments to Rule 56 and the Federal Summary Judgment Process, 103 NORTHWESTERN UNIVERSITY 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

PUBLICATIONS

“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

FORTHCOMING PUBLICATIONS

The Lay of the Land: Examining the Three Opinions in J. McIntyre Machinery v. Nicastro, 63 S.C. L. REV. ____ (forthcoming 2012) (invited symposium contribution)

The Meaning of McIntyre, 18 SW. J. INT’L L. ____ (forthcoming 2012) (invited symposium contribution)

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)

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

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

LAW PRACTICE (CONT'D)

Latham & Watkins, Washington, D.C.

Davis Polk & Wardwell, New York, N.Y.

McCutchen Doyle Brown & Enersen, San Francisco, California

Summer Associate (Summers 1996 & 1997)

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)

PRESENTATIONS

Symposium Speaker, "Our Courts and the World: Transnational Litigation and Procedure." Southwestern Law School, Los Angeles, California (forthcoming 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)

PRESENTATIONS (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)

Panelist, “Fueling the Creative Economy: Workforce Development.” University of Cincinnati (April 2006)

“Reconsidering Summary Judgment Burdens Twenty Years after the Trilogy.” University of Cincinnati College of Law, Summer Scholarship Series (July 2005)

“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)

LITIGATION

J. McIntyre Machinery, Ltd. v. Nicaastro, 131 S. Ct. 2780 (2011) (authored amicus brief in support of respondents on behalf of law professors)

Wal-Mart Stores, Inc. v. Dukes, 131 S. Ct. 2541 (2011) (co-authored amicus brief in support of respondents on behalf of civil procedure professors)

PLIVA, Inc. v. Mensing, 131 S. Ct. 2567 (2011) (joined amicus brief in support of respondents on behalf of administrative law and civil procedure scholars)

Astra USA, Inc. v. Santa Clara County, 131 S. Ct. 1342 (2011) (joined amicus brief in support of respondent on behalf of federal courts professors)

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)

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)

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)

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)

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)

LITIGATION (CONT'D)

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, 2000 U.S. App. LEXIS 21135 (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)

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)

SELECTED CITATIONS

Comite de Jornaleros de Redondo Beach v. City of Redondo Beach, 657 F.3d 936, 963 n.7 (9th Cir. en banc 2011) (Kozinski, J., dissenting)

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

Henry v. Lake Charles American Press, L.L.C., 566 F.3d 164, 172 (5th Cir. 2009)

- Citing and quoting *Reinventing Appellate Jurisdiction*, 48 BOSTON COLLEGE L. REV. 1237 (2007)

Spivey v. Vertrue, Inc., 528 F.3d 982, 984 (7th Cir. 2008)

- Citing "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)

Greenberg v. Macy's, 2011 WL 4336674, 2011 U.S. Dist. LEXIS 104689 (E.D. Pa. 2011)

- Citing and quoting *The Pleading Problem*, 62 STANFORD L. REV. 1293 (2010)

Lewis v. Taylor, 2010 WL 3785109, 2010 U.S. Dist. LEXIS 98697 (S.D. Ohio 2010)

- Citing and quoting *The Pleading Problem*, 62 STANFORD L. REV. 1293 (2010)

United States v. Kandirakis, 441 F. Supp. 2d 282, 286 n.15 (D. Mass. 2006)

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

Breighner v. Chesney, 301 F. Supp. 2d 354, 361 (M.D. Pa. 2004)

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

SELECTED CITATIONS (CONT'D)

In re Lilley, 2011 WL 1428089, 2011 Bankr. LEXIS 1406 (Bankr. M.D.N.C. 2011)

- Citing and quoting *The Pleading Problem*, 62 STANFORD L. REV. 1293 (2010)

CHARLES A. WRIGHT & ARTHUR R. MILLER ET AL., FEDERAL PRACTICE & PROCEDURE, Vol. 7A (3d ed.) § 1756.2 n.17

- Citing and quoting “*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)

CHARLES A. WRIGHT & ARTHUR R. MILLER ET AL., FEDERAL PRACTICE & PROCEDURE, Vol. 10A (3d ed.) § 2727 n.34

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

CHARLES A. WRIGHT & ARTHUR R. MILLER ET AL., FEDERAL PRACTICE & PROCEDURE, Vol. 14B (4th ed.) § 3724 nn.31 & 38

- Citing and quoting “*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)
- Citing *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)

CHARLES A. WRIGHT & ARTHUR R. MILLER ET AL., FEDERAL PRACTICE & PROCEDURE, Vol. 14C (4th ed.) § 3725.3 n.8, § 3728 n.43

- Citing *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)

CHARLES A. WRIGHT & ARTHUR R. MILLER ET AL., FEDERAL PRACTICE & PROCEDURE, Vol. 16A (4th ed.) § 3951 n.14

- Citing and quoting “*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)

MOORE’S FEDERAL PRACTICE – CIVIL: Vol. 11 §§ 56.40 n.27, 56.91 n.7

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

MANUAL FOR COMPLEX LITIGATION – ANNOTATED (4th ed.) §§ 15.1, 21.2

- Citing and quoting “*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)