

MYRIAM GILLES

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Education

Yale Law School, J.D., 1996

Harvard-Radcliffe Colleges, A.B. History and Literature, *magna cum laude*, 1993.

Employment

BENJAMIN N. CARDOZO SCHOOL OF LAW, NEW YORK NY

Professor of Law 2003-present

Vice Dean for Academic Affairs 2016-2018

Associate Professor of Law 2001-2003

Assistant Professor of Law 1999-2001

Lecturer of Law 1997-1999

Courses: Civil Procedure, Torts, Products Liability, Complex Litigation, Contract Drafting, Elements of Law, Mass Torts, Consumer Law

Service: Appointments Committee (2018-19, 2014-15 (Chair), 2011-12, 2009-10 (Chair), 2008-09, 2006-07); Adjuncts Committee (2001-2003, 2011-13); Dean's Search Committee (2010); Educational Policy Committee (2012-13, 2015-16 (Chair), 2003-04); Skills Task Force (2012-2015); Steering Committee (2012-13 (Chair), 2010-11, 2007-08); Faculty Development (2006-07, 2001-02); Honors & Awards (2010-11, 2009-10, 2008-09); Clerkships (2002-03, 2003-04 (Chair), 2004-05); Academic Standards (2001-2003); Civil Litigation Concentration Advisor (2011-present); ABA Self-Study Committee (2002-03).

Honors: Best First Year Professor (awarded by Graduating Class of 2019); Monrad Paulson Award for Extraordinary Service to the Law School (2018) (awarded by faculty).

WOODROW WILSON SCHOOL, PRINCETON UNIVERSITY FELLOW,
Program in Law and Public Affairs ("LAPA"), 2005-2006

UNIVERSITY OF VIRGINIA LAW SCHOOL, VISITING PROFESSOR, FALL 2004,

KIRKLAND & ELLIS, NEW YORK, LITIGATION ASSOCIATE, 1996-97.

Scholarship

Examining the Case for Socialized Law, __ YALE L. J. __ (forthcoming 2020) (invited essay on Frederick Wilmot-Smith's EQUAL JUSTICE: FAIR LEGAL SYSTEMS IN AN UNFAIR WORLD);

From The Frontlines Of The Modern Movement To End Forced Arbitration (with Paul Bland and Tanuja Gupta), __ CHI.-KENT L. REV. __ (forthcoming 2020) (invited essay);

The Issue Class Revolution (with Gary Friedman) (work-in-progress);

Facilitating Intercourt Coordination of Complex Mass Torts (work-in-progress; presented at Pound Civil Justice Institute State Appellate Court Forum, July 2019);

Procedure's Abandonment of Low-Income Litigants, in Brooke Coleman, Suzette Malveaux, Portia Pedro & Liz Porter, A CRITICAL GUIDE TO CIVIL PROCEDURE (forthcoming 2020);

The New Qui Tam: Enforcing Group Rights In A Hostile Era (with Gary Friedman), 98 TEX. L. REV. __ (forthcoming 2020);

Recovering the Issue Class in Mass Tort MDLs (with Gary Friedman), Symposium: MDL Turns 50: A Look Back and the Way Forward, 53 U. GA. L. REV. 1 (2019);

The Politics of Access: Examining Concerted State/Private Enforcement Solutions to Class Action Bans, Colloquium: Access to Justice and the Legal Profession in an Era of Contracting Civil Liability, 86 FORDHAM L. REV. 2223 (2018);

The Radical Majoritarianism of Rule 23(b)(2) (with Gary Friedman) Symposium: The 50th Anniversary of the Modern Class Action Rule, 65 KANSAS L. REV. 989 (2017);

Can John Coffee Rescue the Private Attorney General? Lessons from the Credit Card Wars, 83 U. CHI. L. REV. 1001 (2016);

Class Warfare: The Disappearance of Low-Income Litigants from the Civil Docket, Symposium: The War on the Civil Justice System (co-sponsored by the Pound Civil Justice Institute), 65 EMORY L. REV. 1531 (2016);

The Day Doctrine Died: Private Arbitration and the End of Law, 2016 U. ILL. L. REV. (2016) (awarded the Pound Institute Civil Justice Award for Best Article, 2018);

Upending Supreme Court Precedent: Charting the Judicial Rise and Predicting the Regulatory Demise of Mandatory Arbitration in Standard-Form Contracts, in Materials for the Joint Seminar of the Appellate Division, New York State Courts (May 2015);

Individualized Injunctions and No-Modification Terms: Challenging “Anti-Reform” Provisions in Arbitration Clauses, Symposium: Leading from Below, in honor of Judge Jack Weinstein, 69 U. MIAMI L. REV. 469 (2015);

The Demise of Deterrence: Mandatory Arbitration and the “Litigation Reform” Movement, in FORCED ARBITRATION AND THE FATE OF THE 7TH AMENDMENT: THE CORE OF AMERICA’S LEGAL SYSTEM AT STAKE? (Pound Civil Justice Institute, July 2014);

Tribal Rituals of the MDL, 5 J. OF TORT LAW 173 (2014);

Operation Arbitration: Privatizing Medical Malpractice Claims, 15 THEORETICAL INQUIRIES IN LAW 671 (2014);

Crowd-classing Individual Arbitrations in a Post-Class Action Era (with Anthony Sebok), (invited essay for Annual Clifford Symposium on Tort Law and Social Policy), 63 DEPAUL L. REV. 447 (2014);

Killing Them With Kindness: Examining “Consumer-Friendly” Arbitration Clauses After AT&T Mobility v. Concepcion, 88 NOTRE DAME L. REV. 825 (2013);

Procedure in Eclipse: Group-Based Adjudication in a Post-Concepcion Era, 56 ST. LOUIS L. REV. 1203 (2012) (invited essay for symposium honoring Prof. Judith Resnik);

After Class: Aggregate Litigation in the Wake of ATT v. Concepcion (with Gary Friedman), 79 U. CHI. L. REV. 623 (2012);

Public-Private Approaches to Mass Tort Victim Compensation: Some Thoughts on the Gulf Coast Claims Facility, Annual Clifford Symposium on Tort Law and Social Policy, 61 DEPAUL L. REV. 419 (2012);

Class Dismissed: Contemporary Judicial Hostility to Class Certification, Annual Clifford Symposium on Tort Law and Social Policy, 59 DEPAUL L. REV. 201 (2010);

Police, Race and Crime in 1950s Chicago: Monroe v. Pape as Legal Noir, in CIVIL RIGHTS STORIES (Foundation Press) (2008) (also co-edited this volume with Risa Goluboff);

Exploding the Class Action Agency Costs Myth: The Social Utility of Entrepreneurial Lawyers (with Gary Friedman), 155 PENN. L. REV. 103 (2006);

Opting Out of Liability: The Forthcoming Near-Total Demise of the Modern Class Action, 104 MICH. L. REV. 373 (2005) [selected for Stanford-Yale Junior Faculty Forum, Stanford University, May 2005];

Introduction to Symposium: *Private Parties as Defendants in Civil Rights Litigation*, 26 CARDOZO L. REV. 1 (2004);

An Autopsy of Structural Reform Litigation . . . Oops, It's Still Moving!, Symposium: Fiss's Way: The Scholarship of Owen Fiss, 58 U. MIAMI L. REV. 143 (2003);

In Defense of Making Government Pay: The Deterrent Effect of Constitutional Tort Damages, Symposium: Reexamining First Principles, Deterrence and Corrective Justice in Constitutional Torts, 35 GA. L. REV. 845 (2001);

Representational Standing: U.S. ex rel. Stevens and the Future of Public Law Litigation, 89 CAL. L. REV. 315 (2001);

Reinventing Structural Reform Litigation: Deputizing Private Citizens in the Enforcement of Civil Rights, 100 COLUM. L. REV. 1384 (2000);

Breaking the Code of Silence: Rediscovering "Custom" in Section 1983 Municipal Liability, 80 B.U. L. REV. 17 (1999);

(With Mark Herrmann) *First-Year Associate Basics: From the Partner's Perspective and From the Associate's Perspective*, 25 A.B.A. LITIGATION JOURNAL 1, 9 (1998).

Selected Conferences & Workshop Presentations

Faculty workshop, *The Issue Class Revolution*, USC Law School, November 2019;

Faculty workshop, *The Issue Class Revolution*, University of Texas @ Austin Law School, November 2019;

Presenter, Civil Procedure Workshop V, University of Texas @ Austin Law School, October 22-23, 2019;

Faculty workshop, *The Issue Class Revolution*, UC Hastings Law School, October 2019;

Paper presenter, *Facilitating Intercourt Coordination of Complex Mass Torts*, Pound Civil Justice Institute State Appellate Court Forum, San Diego, July 2019;

Panelist, *What I Wish I Had Known Before I Became Associate Dean*, Women's Leadership in Law Conference, University of Virginia Law School, July 2019;

Paper presenter, *Disempowering the Poor*, "Critical Civil Procedure," Boston University Law School, May 2019;

Moderator, *Iqbal at 50*, Cardozo Law School, March 2019;

Paper presenter, *Recovering the Issue Class*, MDL Turns 50: A Look Back and the Way Forward, University of Georgia Law School, February 2019;

Paper presenter, *The New Qui Tam*, Berkeley Consumer Law Conference, Berkeley Law School, Feb. 21-22, 2019;

Faculty Workshop, *The New Qui Tam*, Illinois Law School, November 2018;

Faculty Workshop, *The New Qui Tam*, Michigan Law School, November 2018;

Commentator, Civil Procedure Workshop IV, Stanford University Law School, November 2018;

Faculty Workshop, *The New Qui Tam*, Seattle University Law School, September 2018;

Paper presenter, *The Politics of Access*, Access to Justice and the Legal Profession in an Era of Contracting Civil Liability Symposium, Fordham Law School, October 2017;

Paper Presenter, *Radical Majoritarianism of Rule 23(b)(2)*, The 50th Anniversary of the Modern Class Action Rule, Kansas Law School, October 2016;

Symposium participant, *Class Warfare*, The War on the U.S. Civil Justice System, Emory Law School, October 2015;

Commentator, First Annual Civil Procedure Workshop, Seattle, WA, July 2015;

Faculty Workshop, *The Day Doctrine Died*, St. John's Law School, April 2015;

Faculty Workshop, *The Day Doctrine Died*, Cardozo Law School, March 2015;

Paper presenter, *Upending Supreme Court Precedent*, New York Court of Appeals Judicial Conference, Albany, Feb. 2015;

Moderator, *The Future of Class Action Litigation: A View from the Consumer Class*, NYU Civil Justice Center Program, Nov. 2014;

Paper presenter, *Individualized Injunctions*, Leading from Below: A Symposium in Honor of Jack Weinstein, University of Miami Law School, Feb. 2014;

Panelist, Federal Bar Council Winter Retreat, Recent Developments in Class Action Law (chaired by Judge Raymond Lohier, 2nd Cir.), Feb. 2014, Costa Rica;

Paper presenter, *The Demise of Deterrence*, Pound Institute for Justice Judge's Forum on Forced Arbitration and the Fate of the 7th Amendment, Baltimore MD, July 26, 2014;

Presenter, Consumer Remedies After *Concepcion*, Forum on Class Actions and Aggregate Litigation, ALI, Philadelphia, June 7, 2013;

Panelist, "Arbigeddon" Has the Revolution to End Class Actions Spawned Weapons of Mass Arbitration?, 17th Annual ABA Class Actions National Institute, Boston, MA, Oct. 23-24, 2013;

Commentator, The Public Life of Private Law: Conference in Honor of Richard Nagareda, Vanderbilt Law School, Sept. 27-28, 2013;

Faculty workshop, *Operation Arbitration*, Boston University School of Law, Sept. 19, 2013;

Paper presenter, *Operation Arbitration*, New Approaches for a Safer and Healthier Society, Tel Aviv University, Cegla Center, May 20-22, 2013;

Paper presenter, *Crowd-Classing*, A Brave New World: The Changing Face of Litigation and Law Firm Finance, Clifford Symposium, DePaul University, April 18-19, 2013;

Organizer and panelist, *AT&T Mobility v. Concepcion*: One Year Later, Cardozo Law School, April 26, 2012;

Paper presenter, *Public-Private Approaches*, Clifford Symposium in honor of Robert Rabin, DePaul University, April 2011;

Faculty Workshop, *Public-Private Approaches*, UNC, March 2011;

Paper Presenter, *Procedure in Eclipse*, St. Louis University School of Law, Symposium: Justice Systems Circa 2011: Public Courts, Military Commissions, and Aggregate Processing, November 2011;

Moderator, 9/11 Victims' Compensation Fund: A Look Back, Cardozo Law School, Sept. 12, 2011;

Faculty Workshop, *Public-Private Approaches*, University of Miami Law School, September 2011;

Faculty Workshop, *Public-Private Approaches*, Houston Law Center, February 2011;

Paper presenter, *Class Dismissed*, Clifford Symposium "Rising Stars in Civil Procedure," DePaul University, April 14-15, 2010;

Participant, Cecil D. Branstetter Litigation & Dispute Resolution Program, Vanderbilt University: Roundtable Discussion on Attorneys' Fees in Aggregate Litigation, February 5, 2010;

Faculty Workshop, *Exploding Agency Costs*, University of Illinois School of Law, Faculty Workshop, September 29, 2006;

Faculty Workshop, *Exploding Agency Costs*, Northwestern Law School, Faculty Workshop, April 20, 2006.

Faculty Workshop, *Exploding Agency Costs*, Princeton University, Program in Law and Public Affairs Seminar, April 10, 2006;

Faculty Workshop, *Exploding Agency Costs*, Washington University at St. Louis, Faculty Workshop on *Exploding Agency Costs*, April 3, 2006;

Faculty Workshop, *Exploding Agency Costs*, UCLA Law School, March 17, 2006;

Paper presenter, *Opting Out of Liability*, Stanford-Yale Junior Faculty Forum, Palo Alto, CA 2005;

Faculty Workshop, *Opting Out of Liability*, Columbia Law School, Faculty Workshop, February 16, 2005;

Faculty Workshop, *Opting Out of Liability*, Duke Law School, Faculty Workshop, February 8, 2005;

Faculty Workshop, *Opting Out of Liability*, University of Virginia Law School, November 12, 2004;

Panelist, *Fiss's Way: The Scholarship of Owen Fiss*, Panel on Judicial Power, University of Miami (in conjunction with the Yale Law School), March 23-25, 2003, Miami, FL.

Legislative and Regulatory Activities

Testimony before the House Judiciary Subcommittee on Antitrust, Commercial and Administrative Law, on "Justice Denied: Forced Arbitration and the Erosion of our Legal System," May 16, 2019, available at <https://judiciary.house.gov/legislation/hearings/justice-denied-forced-arbitration-and-erosion-our-legal-system>

Testimony before the U.S. Senate Judiciary Committee on "Arbitration in America," April 2, 2019, available at <https://www.judiciary.senate.gov/imo/media/doc/Gilles%20Testimony.pdf>

Testimony before the Vermont Senate Judiciary Committee on the Model State Consumer Enforcement Act, S. 105, Jan. 4, 2018, available at <https://legislature.vermont.gov/assets/Documents/2018/WorkGroups/Senate%20Judiciary/Bills/S.105/S.105~Professor%20Myriam%20Gilles~Written%20Testimony~1-4-2018.pdf>.

Testimony before the U.S. Senate Judiciary Committee on "The Impact of Lawsuit Abuse on American Small Businesses and Job Creators," Nov. 8, 2017, written testimony available at <https://www.judiciary.senate.gov/imo/media/doc/11-08-17%20Gilles%20Testimony.pdf>.

Testimony before the U.S. Senate Judiciary Committee on the Arbitration Fairness Act of 2013 [S. 878/H.R. 1844], Tuesday, December 17, 2013, written testimony available at <http://www.judiciary.senate.gov/imo/media/doc/12-17-13GillesTestimony.pdf> and <http://www.judiciary.senate.gov/imo/media/doc/121713QFRs-Gilles.pdf>; transcript of oral testimony at <http://www.nasaa.org/wp-content/uploads/2013/12/Transcript-of-the-Dec.-17-Senate-Judiciary-Committee-Hearing.pdf>.

Field Hearing of the Consumer Financial Protection Bureau, March 10, 2015, available at <http://www.consumerfinance.gov/blog/live-from-newark/>.

Senate Briefing on the CFPB Arbitration Study and New Polling on Mandatory Arbitration, March 12, 2015.

Featured Speaker, Democratic Attorney Generals' Fall Meeting, Philadelphia PA, September 20-21, 2014.

PROFESSIONAL MEMBERSHIP AND SERVICE

Academic Advisor, American Law Institute's Third Restatement of Torts: Concluding Provisions (appointed 2019)

People's Parity Project, Board of Advisors (selected 2019)

Academic Advisor, NYU Civil Jury Project (selected 2018)

Academic Fellow, Pound Civil Justice Institute (selected 2015)

Board Member, Public Justice (2018-present)

Board Member, Justice Resource Center (2015-present);

Executive Committee Member, Class Action Preservation Project, Public Justice (2006-2010; 2018-present);

Chair, Civil Rights Section, AALS (2003-2004);

Recipient, The American Association for Justice, Robert L. Habush Endowment Fund (2013-2014).