

MYRIAM GILLES

Paul R. Verkuil Research Chair and Professor of Law
Benjamin N. Cardozo School of Law
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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

<i>Paul R. Verkuil Research Chair</i>	2015-present
<i>Professor of Law</i>	2003-present
<i>Vice Dean for Academic Affairs</i>	2016-2018
<i>Associate Professor of Law</i>	2001-2003
<i>Assistant Professor of Law</i>	1999-2001
<i>Lecturer of Law</i>	1998-1999

Courses: Civil Procedure, Torts, Critical Perspectives on Procedure (“Crit Pro”), Products Liability, Complex Litigation, Mass Torts, Contract Drafting

Service: Bar Task Force (Chair, 2023-4); Appointments Committee (2024-5; 2022-3; 2021-2; 2018-19; Chair, 2014-15; 2011-12; Chair, 2009-10; 2008-09; 2006-07); Steering Committee (Chair, 2020-21); Faculty Advisor to Law Review (2021-23); Adjuncts Committee (2001-2003; 2011-13); Dean Search Committee (2010); Educational Policy Committee (2019-20; 2012-13, Chair, 2015-16; 2003-04); Skills Task Force (2012-2015).

Honors: Best First Year Professor (awarded by Graduating Classes of 2019 and 2023); Best Overall Professor (awarded by Graduating Class of 2024); Monrad Paulson Award for Extraordinary Service to the Law School (2018) (awarded by the faculty).

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

KIRKLAND & ELLIS, NEW YORK, LITIGATION ASSOCIATE, 1996-98.

Books

CIVIL PROCEDURE: CASES AND PROBLEMS (Massaro, Spaulding & Gilles, eds.), Foundation Press, 7th ed. 2021;

CIVIL RIGHTS STORIES (Gilles & Goluboff, eds.), Foundation Press, 2008.

Articles & Essays

Arbitration Favoritism (work in progress);

Arbitration’s Unraveling, 172 U. PENN. L. REV. 1063 (2024);

“A Force Created”: *The U.S. Chamber of Commerce and the Politics of Corporate Immunity*, 72 DEPAUL L. REV. 139 (2023) (invited contribution to the 28th Annual Clifford Symposium);

The Private Attorney General in a Time of Hyper-Polarized Politics, 65 AZ. L. J. 337 (2023);

MDL Drano: An Issue Class Solution to Mass Tort Build-Up (with Gary Friedman), 84 LAW & CONT. PROBS. 121 (2021) (invited article in honor of Prof. Francis McGovern);

The Issue Class Revolution (with Gary Friedman), 101 B.U. LAW. REV. 133 (2021);

Unwaivable: Public Enforcement Claims and Mandatory Arbitration, 89 FORDHAM L. REV. 451 (2020) (invited essay for ILEP Symposium);

From the Frontlines of The Modern Movement to End Forced Arbitration (with Paul Bland and Tanuja Gupta), 95 CHI.-KENT L. REV. 585 (2021) (invited essay);

Examining the Case for Socialized Law, 129 YALE L. J. 1946 (2020) (invited review of Frederick Wilmot-Smith’s EQUAL JUSTICE: FAIR LEGAL SYSTEMS IN AN UNFAIR WORLD);

Facilitating Intercourt Coordination of Complex Mass Torts, in AGGREGATE LITIGATION IN STATE COURTS: PRESERVING VITAL MECHANISMS (Pound Civil Justice Institute, 2020), available at <http://www.poundinstitute.org/content/what-we-do/judges-forum/reports/>;

Procedure’s Abandonment of Low-Income Litigants, in Brooke Coleman, Suzette Malveaux, Portia Pedro & Liz Porter, A CRITICAL GUIDE TO CIVIL PROCEDURE (NYU Press, forthcoming 2021);

The New Qui Tam: Enforcing Group Rights in a Hostile Era (with Gary Friedman), 98 TEX. L. REV. 489 (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. 1305 (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, 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);

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

Select Conferences & Workshop Presentations

Presenter, Issue Class Panel, 22nd Annual Impact Fund Class Action Conference, Feb. 22-23, 2024;

Faculty workshop, *Arbitration's Unraveling*, Northwestern Law School, Feb. 19, 2024;

Presenter, Michigan Public Law Workshop, *Arbitration's Unraveling*, Feb. 21, 2024;

Presenter, ADR Speaker Series @ UC San Francisco Law School, March 18, 2024;

Faculty workshop, *Arbitration's Unraveling*, Texas A&M Law School, March 20, 2024.

Faculty workshop, *Arbitration's Unraveling*, Bay Area Civil Procedure Forum, Nov. 6, 2023;

Presenter, Yale/Quinnipiac AALS ADR Section WIP Conference, *Arbitration's Unraveling*, Oct. 13-14, 2023;

Complex Litigation Ethics Conference, UC Hastings College of the Law, Oct. 28, 2023 (moderated panel on ethical concerns in communicating with class members);

Presenter, Bloch Judicial Institute: Judicial Administration Roundtable, Duke Law School, Dec. 5-6, 2023;

Faculty workshop, *MDL Drano*, University of Florida Law School, February 2021;

Faculty workshop, *The Private Attorney General in a Time of Hyper-Polarized Politics*, University of Arizona Law School, April 2020;

Faculty workshop, *The Private Attorney General in a Time of Hyper-Polarized Politics*, Minnesota Law School, March 2020;

Faculty workshop, *The Issue Class Revolution*, USC Law School, November 15, 2019;

Faculty workshop, *The Issue Class Revolution*, University of Texas Law School, November 5, 2019;

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

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

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

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

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;

M. Gilles
Curriculum vitae, p. 6

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, "Arbageddon" 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.

Amicus Briefs (authored or co-authored)

Coinbase v. Suski et al., [Brief](#) of Legal Scholars as Amicus Curiae in Support of Respondents (SCOTUS), Jan. 29, 2023;

Viking River Cruises, Inc. v. Moriana, [Brief](#) of Civil Procedure and Arbitration Law Professors as Amicus Curiae in Support of Respondent (SCOTUS), March 9, 2022;

Hodges v. Comcast, [Brief](#) of Civil Procedure and Arbitration Law Professors as Amicus Curiae in Support of Petition for Rehearing En Banc (9th Cir.), Oct. 29, 2021;

Carrera v. Bayer Corp., [Brief](#) of Amici Curiae Professors of Civil Procedure and Complex Litigation in Support of Petition for Rehearing En Banc (3rd Cir.), Oct. 4, 2013;

Blue Cross and Blue Shield of Florida, Inc., et al. v. Abbott Laboratories and Geneva Pharmaceuticals, [Brief](#) of Law Professors Myriam Gilles and Guy Charles in Support of Petition for a Writ of Certiorari, Dec. 4, 2006.

Legislative and Regulatory Activities

Testimony before the Senate Judiciary Committee, [Small Print, Big Impact: Examining the E... | United States Senate Committee on the Judiciary](#), April 9, 2024;

Testimony before the House Oversight Committee, “Silenced: How Forced Arbitration Keeps Victims of Sexual Violence and Sexual Harassment in the Shadows,” November 15, 2021, <https://docs.house.gov/Committee/Calendar/ByEvent.aspx?EventID=114227>;

Testimony before the House Judiciary Committee, “Justice Restored: Ending Forced Arbitration and Protecting Fundamental Rights,” February 11, 2021, <https://docs.house.gov/meetings/JU/JU05/20210211/111171/HHRG-117-JU05-Wstate-GillesM-20210211.pdf>;

Interview with the General Accounting Office on Servicemembers and Mandatory Arbitration Clauses, National Defense Authorization Act for Fiscal Year 2020, [Sec. 550F. GAO review of USERRA and SCRA](#);

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/>.

PROFESSIONAL SERVICE

American Law Institute, Philadelphia, PA

Member 2023-present

Adviser, 3rd Restatement of Torts: Concluding Provisions 2019-present

Elected to leading independent organization in the United States producing scholarly work to clarify, modernize, and otherwise improve the law.

Association of American Law Schools, Washington, D.C.

Chair, Civil Procedure Section 2023-24

Chair-elect, Civil Procedure Section 2022-23

Executive Committee, Civil Procedure Section 2020-present

Chair, Civil Rights Section 2010-11

Chair-elect, Civil Rights Section 2009-10

Elected to lead AALS Sections and plan thematic programming for the Annual Meetings.
Inaugurated a Civ Pro Junior Scholarship Award in 2023.

National Civil Justice Institute, Washington, D.C.

Academic Fellow

2019-present

Selected by Board of Trustees to serve as an Academic Fellow for a national legal think tank created by pioneering members of the trial bar and dedicated to ensuring access to justice for ordinary citizens.

People's Parity Project, Washington, D.C.

Board of Advisors

2019-present

Selected by Board of Directors to serve as an Advisor for a national organization of law students and attorneys seeking to make lasting change in the legal system.

Public Justice, Washington, D.C.

Board Member

2018-present

Chair of the Access to Justice Committee

2022-present

Member of the Class Action Preservation Committee

2018-present

Research Fellow, Robert L. Habush Endowment

2013-2014

Elected to the Board of a leading nonprofit legal advocacy organizations and elected to chair its largest committee of staff attorneys litigating matters involving forced arbitration, civil rights and other access to justice issues.

Justice Resource Center, New York

Board of Directors

2015-present

Elected to the Board of an organization providing law-related civil education for New York City's school-aged population, including a Mentor program, moot courts and court visits.