

Judith Resnik

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Employment

Arthur Liman Professor of Law, Yale Law School, 1997-present
Founding Director, Arthur Liman Center for Public Interest Law
Honorary Visiting Professor, University College London
Faculty of Law, 2009-2019
Visiting Professor, Dauphine Université Paris, March 2016
Visiting Professor, Université Panthéon-Assas Paris II, May 2015
Convening Professor, Constituting Federalism, a seminar for the Institute for
Constitutional History in conjunction with the New York Historical
Society, February 2014
Scholar in Residence, Columbia Law School, Spring 2011; 2012
Distinguished Visiting Professor, University of Toronto School of Law, 2005
Parsons Visitor, Sydney University School of Law, 2004

Visiting Professor, New York University School of Law, 1996-1997
Visiting Professor, Harvard Law School, Fall 1989
Visiting Professor, Yale Law School, Spring 1989
Visiting Professor, University of Chicago Law School, Fall 1988

Orrin B. Evans Professor of Law, University of Southern California, 1989-1997;
Professor of Law: 1985-1989; Associate Professor: 1982-1985;
Assistant Professor: 1980-1982
Member, Faculty, The Salzburg Seminar on U.S. Legal Institutions, July 1988

Acting Director, Daniel and Florence Guggenheim Program in Criminal Justice,
Yale Law School, 1979-1980

Lecturer in Law and Supervising Attorney, Yale Law School, 1977-1979

Instructor, New York University School of Law, 1976-1977

Law Clerk, Honorable Charles E. Stewart, United States District Court,
Southern District of New York, 1975-1976

Selected Professional Activities

Chair of Fellows Selection Committee and Founding Director, Arthur Liman Center for Public Interest Law, Yale Law School, 1997-present

Chair, Yale Law School Global Constitutionalism Seminar, A Part of the Gruber Program for Global Justice and Women's Rights, 2012-present

Member, Board of Managerial Trustees, International Association of Women Judges, 2001-present

Chair, Order of the Coif Book Award Committee, 2018-2020

Chair, American Association of Law Schools, Section on its Sections, 2019-2022

Advisor, American Law Institute, Project on Sexual and Gender-Based Misconduct on Campus, 2015-present

Member, Women Faculty Forum, Yale University, 2001-present
Co-chair, 2001-2003, 2006-2008

Co-Chair, Judicial-Academic Network, National Association of Women Judges, 2009-present, 1998-2001

Academic Fellow, Pound Civil Justice Institute, 2016-present

Fellow, Davenport College, Yale University, 2002-present

Former Chair, Section on Civil Procedure, American Association of Law Schools; 2018, 2003, 1991

Member, Executive Committee, Section on Federal Courts, American Association of Law Schools, 1999-2004, 2014-present; chair, 2002

Member, Executive Committee, Section on Law and the Humanities, American Association of Law Schools, 2015-present

Member, Academic & Scientific Council, The Gender Equality Project, Switzerland, 2009-present

Advisor, European Law Institute and International Institute for the Unification of Private Law Project, From Transnational Principles to Rules of European Civil Procedure, 2015-2016

Member, Executive Session, State Courts in the Twenty-First Century, The Kennedy School, Harvard University, 2008-2011

Member, Advisory Group, Principles of the Law of Aggregate Litigation, American Law Institute, 2004-2009

Member, Standing Committee on Federal Judicial Improvements, American Bar Association, 2006-2010 (prior three-year term in the late 1990s);
Chair, Academic Advisory Committee to the Standing Committee on Federal Judicial Improvements, American Bar Association, 2010-2014

Member, Editorial Board, Yale Journal of Law and Feminism

Member, Editorial Advisory Board, Yale Journal of Law and the Humanities

Member, Advisory Board, Journal of Law and Ethics of Human Rights

Member, Advisory Board, Litigation and Procedure, and Negotiation and Dispute Resolution eJournals (Social Science Research Network, online)

Member, Advisory Board, Women's Studies Quarterly

Other Activities

Co-chair of the Board, Fansler Foundation, 2003-2014

Member, National Board of Academic Advisors for the William H. Rehnquist Center on the Constitutional Structures of Government, 2007-2009

Member, Advisory Board of the Science for Judges Project, Brooklyn Law School, 2003-2007

Board Member, Lawyers' Committee for Civil Rights, 2004-2007

Liaison, American Association of Law Schools to the American Bar Association Commission on Women, 2000-2005

Member, Advisory Board of the Center for Judicial Process, Albany Law School, 2000-2004

Member, Editorial Board, Law and Social Inquiry, 1998-2004

Member, Committee on Diversity in Legal Education of the Section of Legal Education and Admissions to the Bar of the American Bar Association, 1996-2002

Consultant, RAND, Institute for Civil Justice, 1980-2002

Member, Editorial Board, The Justice System Journal

Member, Board of Governors, Society of American Law Teachers, 1980-1997

Co-Chair, University of Southern California Feminist Council, 1990-1996

Member, Ninth Circuit Gender Bias Task Force, 1990-1994

Co-Chair, Robert M. Cover Memorial Public Interest Retreat, Society of American Law Teachers, 1988-1992

Member of and a general reporter for the International Association of Procedural Law, 1991 Conference

Member, Planning Committee, ABA-AALS Conference on Women in Legal Education, 1990

Member, Advisory Panel to a Subcommittee of the Federal Courts Study Committee, 1989-1990

Member, Steering Committee for the Center for Feminist Research, University of Southern California, 1990-1994

Member, American Bar Association, Litigation Section, Federal Initiatives Task Force, 1991-1993

Chair, Section on Women in Legal Education, American Association of Law Schools, 1989

Member, Twentieth Century Fund Task Force on Judicial Responsibility, 1988-1989

Member, Board of ACLU of Southern California, 1985

Chair, Bryn Mawr College Centennial Campaign for Southern California, 1983-1985

Publications

Books and Monographs

Ability to Pay (co-editors Anna VanCleave, Alexandra Harrington, Jeff Selbin, Lisa Foster, Joanna Weiss, Faith Barksdale, Alexandra Eynon, Stephanie Garlock, and Daniel Phillips, Arthur Liman Center for Public Interest Law Colloquium, 2019), available at https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3387647

Working to Limit Restrictive Housing: Efforts in Four Jurisdictions to Make Changes (editor, Arthur Liman Center for Public Interest Law and Association of State Correctional Administrators, 2018).

- Reforming Restrictive Housing: The 2018 ASCA-Liman Nationwide Survey of Time-in-Cell* (co-author, Arthur Liman Center for Public Interest Law and Association of State Correctional Administrators, 2018), available at https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3264350
- Global Reconfigurations, Constitutional Obligations, and Everyday Life* (co-editor Clare Ryan, Yale Global Constitutionalism Seminar, A Part of the Gruber Program for Global Justice and Women's Rights, 2018)
- Who Pays? Fines, Fees, Bail, and the Cost of Courts* (co-editors Anna VanCleave, Kristen Bell, Skylar Albertson, Natalia Friedlander, Illyana Green, and Michael Morse, Arthur Liman Center for Public Interest Law Colloquium, 2018), available at https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3165674
- Reconstituting Constitutional Orders* (co-editor Clare Ryan, Yale Global Constitutionalism Seminar, A Part of the Gruber Program for Global Justice and Women's Rights, 2017)
- Aiming to Reduce Time-In-Cell: Reports from Correctional Systems on the Numbers of Prisoners in Restricted Housing and on the Potential of Policy Changes to Bring About Reforms* (co-author, Yale Law School Arthur Liman Public Interest Program and Association of State Correctional Administrators, 2016)
- Rethinking 'Death Row': Variations in the Housing of Individuals Sentenced to Death* (co-authors Celina Aldape, Ryan Cooper, Katie Haas, April Hu, Jessica Hunter, and Shellie Shimizu, Arthur Liman Public Interest Program, 2016), available at https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2874492
- Acts of State, Acts of God* (editor, Yale Global Constitutionalism Seminar, A Part of the Gruber Program for Global Justice and Women's Rights, 2016)
- Time-in-Cell: The ASCA-Liman 2014 National Survey of Administrative Segregation in Prison* (co-author, Yale Law School Arthur Liman Public Interest Program and Association for State Correctional Administrators, 2015), available at https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2655627
- The Reach of Rights* (editor, Yale Global Constitutionalism Seminar, A Part of the Gruber Program for Global Justice and Women's Rights, 2015)
- The Invention of Courts*, Daedalus: Journal of the American Academy of Arts and Sciences (co-editor Linda Greenhouse, Summer 2014)
- Isolation and Reintegration: Punishment Circa 2014* (co-editors Hope Metcalf and Megan Quattlebaum, Arthur Liman Public Interest Program Colloquium, 2014)

Sources of Law and of Rights (editor, Yale Global Constitutionalism Seminar, A Part of the Gruber Program for Global Justice and Women's Rights, 2014)

Governments' Authority (editor, Yale Global Constitutionalism Seminar, A Part of the Gruber Program for Global Justice and Women's Rights, 2013)

Administrative Segregation, Degrees of Isolation, and Incarceration: A National Overview of State and Federal Correctional Policies (co-authors Hope Metcalf, Jamelia Morgan, Samuel Olikier-Friedland, Julia Spiegel, Haran Tae, Alyssa Work, and Brian Holbrook, Arthur Liman Public Interest Program, 2013), available at https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2286861

Law's Borders (editor, Yale Global Constitutionalism Seminar, A Part of the Gruber Program for Global Justice and Women's Rights, 2012)

Representing Justice: Invention, Controversy, and Rights in City-States and Democratic Courtrooms (with Dennis E. Curtis, Yale University Press, 2011)

Federal Courts Stories (co-editor Vicki Jackson, Foundation Press, 2010)

Migrations and Mobilities: Citizenship, Borders, and Gender (co-editor Seyla Benhabib, New York University Press, 2009)

The Processes of the Law: Understanding Courts and Their Alternatives (Foundation Press, 2004)

Adjudication and Its Alternatives: An Introduction to Procedure (with Owen Fiss, Foundation Press, 2003)

The Effects of Gender: The Final Report of the Ninth Circuit Gender Bias Task Force (July 1993) (with The Hon. John C. Coughenour, The Hon. Proctor Hug, Jr., The Hon. Marilyn Patel, Terry W. Bird, Deborah R. Hensler, M. Margaret McKeown, and Henry Shields, Jr.), also reprinted in 67 *Southern California Law Review* 745 (1994)

Procedure (with Robert Cover and Owen Fiss, Foundation Press, 1988)

The Federal Procedural System: A Rule and Statutory Source Book (with Robert Cover and Owen Fiss, Foundation Press, 1988, 1989, 1991)

Chapters in Books

Not Isolating Isolation, in *Solitary Confinement: History, Effects, and Pathways to Reform* (Jules Lobel and Peter Scharff-Smith, eds., Oxford University Press, forthcoming 2019)

- Courts *and* Economic and Social Rights/Courts *as* Economic and Social Rights, in *The Future of Economic and Social Rights* (Katharine G. Young, ed., Cambridge University Press, forthcoming 2019)
- The Functions of Publicity and of Privatization in Courts and their Replacements (from Jeremy Bentham to #MeToo and *Google Spain*) in *Open Justice: The Role of Courts in a Democratic Society* (Burkhard Hess and Ana Koprivica, eds., Max Planck Institute, Luxembourg, Nomos, 2019)
- Judicial Methods of Mediating Conflicts: Recognizing and Accommodating Differences in Pluralist Legal Regimes, in *Judicial Power: How Constitutional Courts Affect Political Transformations* (Christine Landfried, ed., Cambridge University Press, 2019)
- On Darkness and Light in Legal Imagination and in Practice, in *The Dark Sides of the Law: Perspectives on Law, Literature, and Justice in Common Law Countries* (Geraldine Gadbin-George, Yvonne-Marie Rogez, Armelle Sabatier, and Claire Wrobel, eds., Editions Michel Houdiard, 2018)
- Bordering by Law: The Migration of Law, Crimes, Sovereignty, and the Mail, in *Nomos LVII: Immigration, Emigration, and Migration*, at 79-201 (Jack Knight, ed., New York University Press, 2017)
- Why Eyes? Cautionary Tales from Law's Blindfolded Justice (with Dennis E. Curtis), in *Blinding as a Solution to Bias in Biomedical Science and the Courts: A Multidisciplinary Approach*, at 227-247 (Aaron Kesselheim and Christopher Robertson, eds., Elsevier Press, 2016)
- Constructing the "Foreign:": American Law's Relationship to Non-Domestic Sources, in *Courts and Comparative Law*, at 437-471 (Mads Andrenas and Duncan Fairgrieve, eds., Oxford University Press, 2015)
- Epistemological Doubt and Visual Puzzles of Sight, Knowledge, and Judgment: Reflections on Clear-Sighted and Blindfolded Justices (with Dennis E. Curtis), in *Genealogies of Legal Vision*, at 201-242 (Peter Goodrich and Valérie Hayaert, eds., London: Routledge, 2015)
- Federalism(s)'s Forms and Norms: Contesting Rights, De-Essentializing Jurisdictional Divides, and Temporizing Accommodations, in *Nomos LV: Federalism and Subsidiarity*, at 363-435 (James E. Fleming and Jacob T. Levy, eds., New York University Press, 2014)
- Constructing Courts: Architecture, the Ideology of Judging, and the Public Sphere (with Dennis E. Curtis and Allison Tait), in *Law, Culture & Visual Studies*, at 547-572

(Richard K. Sherwin and Anne Wagner, eds., Springer Publishing Company, 2013)

“Hear the Other Side:” *Miranda*, Guantánamo, and Public Rights to Fairness and Dignity, in *Law and the Quest for Justice*, at 85-109 (Marjorie S. Zatz, Doris Marie Provine, and James P. Walsh, eds., Quid Pro Books, 2013)

Old and New Depictions of Justice: Reflections, Circa 2011, on Hill-Thomas, in *I Still Believe Anita Hill*, at 51-70 (Amy Richards and Cynthia Greenberg, eds., The Feminist Press, 2012)

Changing the Climate: The Role of Translocal Organizations of Government Actors (TOGAs) in American Federalism(s), in *Navigating Climate Change Policy: The Opportunities of Federalism*, at 120-143 (Edella C. Schlager, Kirsten H. Engel, and Sally Rider, eds., The University of Arizona Press Tucson, 2011)

Sisterhood, Slavery and Sovereignty: Transnational Women’s Rights Movements from 1840 through the Beginning of the Twenty-first Century, in *Women’s America: Seventh Edition*, at 781-790 (Linda Kerber, Cornelia Hughes Dayton, and Jane De Hart, eds., Oxford University Press, 2010)

New Federalism(s): Translocal Organizations of Government Actors (TOGAs) Reshaping Boundaries, Policies, and Laws, in *Why the Local Matters: Federalism, Localism, and Public Interest Advocacy*, at 83-99 (published by the Liman Public Interest Program at Yale Law School, and the National State Attorneys General Program at Columbia Law School, 2010)

Managerial Judges, Jeremy Bentham and the Privatization of Adjudication, in *Common Law, Civil Law and the Future of Categories*, at 205-224 (Janet Walker and Oscar G. Chase, eds., LexisNexis Canada, 2010), also published in 49 *S.C.L.R.* (2d) 205 (2010)

What’s Federalism For?, in *The Constitution 2020*, at 269-284 (Jack Balkin and Reva Siegel, eds., Oxford University Press, 2009)

Judicial Independence, in *Global Perspectives on Constitutional Law*, at 15-33 (Vikram David Amar and Mark V. Tushnet, eds., Oxford University Press, 2008)

From “Rites” To “Rights” of Audience: The Utilities and Contingencies of the Public’s Role in Court-Based Processes (with Dennis E. Curtis) in *Representation of Justice*, at 195-236 (Antoine Masson and Kevin O’Connor, eds., P.I.E. - Peter Lang, 2007)

- Sisterhood, Slavery, and Sovereignty: Transnational Antislavery Work and Women's Rights Movements in the United States During the Twentieth Century, in *Women's Rights and Transatlantic Antislavery in the Era of Emancipation*, at 19-54 (Kathryn K. Sklar and James Brewer Stewart, eds., Yale University Press, 2007)
- Gendered Borders and United States' Sovereignty, in *Women and Immigration Law: New Variations on Classical Feminist Themes*, at 44-63 (S.K. Van Walsum and T. Spijkerboer, eds., Routledge-Cavendish Press, 2006)
- Contracting Civil Procedure, in *Law and Class in America: Trends Since the Cold War*, at 60-86 (Paul Carrington and Trina Jones, eds., New York University Press, 2006)
- Democratic Responses to the Breadth of Power of the Chief Justice, in *Reforming the Court: Term Limits for Supreme Court Justices*, at 181-200 (Paul D. Carrington and Roger C. Cramton, eds., Carolina Academic Press, 2006)
- Composing a Judiciary: Reflections on Proposed Reforms in The United Kingdom on How to Change the Voices of and the Constituencies for Judging, in *Constitutional Innovation: The Creating of A Supreme Court for the United Kingdom; Domestic, Comparative and International Reflections, A Special Issue of Legal Studies*, at 228-252 (Derek Morgan, ed., LexisNexis, United Kingdom, 2004)
- The Story of *Goldberg*: Why This Case Is Our Shorthand, in *Civil Procedures Stories: An In-Depth Look at the Leading Civil Procedure Cases*, at 473-508 (Kevin M. Clermont, ed., Foundation Press, 2004; 2nd ed., 2007)
- Federalism(s), Feminism, Families, and the Constitution, in *Women and the United States Constitution: History, Interpretation, and Practice*, at 127-152 (Sybil A. Schwarzenbach and Patricia Smith, eds., Columbia University Press, 2004)
- The Rights of Remedies: Collective Accountings for and Insuring Against the Harms of Sexual Harassment in *Directions in Sexual Harassment Law*, at 247-271 (Reva Siegel and Catherine MacKinnon, eds., University Press, 2004)
- Civil Processes, in *Oxford Handbook of Legal Studies*, at 478-772 (Peter Cane and Mark Tushnet, eds., Oxford Press, 2003)
- Women, Meeting (Again), In and Beyond the United States, Afterword to *The Difference Difference Makes: Women and Leadership*, at 203-216 (Deborah L. Rhode, ed., Stanford University Press, 2003)

- Procedure: Legal Aspects (Vol.18), in *International Encyclopedia of the Social & Behavioral Sciences*, at 12136-12141 (Neil J. Smelser and Paul B. Baltes, eds., Elsevier Press, 2001)
- Contested Identities: Task Force on Gender, Race, and Ethnic Bias and the Obligations of the Legal Profession (with Deborah Hensler) in *Ethics in Practice, Lawyers' Roles, Responsibilities, and Regulation*, at 240-263 (Deborah L. Rhode, ed., Oxford University Press, 2000)
- Federal Judicial Role (Vol. III); Single-Sex Education (Vol. V); Procedural Due Process Civil (Update I, Vol. IV), in *The Encyclopedia of the American Constitution*, 2nd edition, (Leonard Levy, Kenneth L. Karst, Adam Winkler, Dennis J. Mahoney, and John G. West, Jr., eds., Macmillan, 2000)
- Singular and Aggregate Voices: Audiences and Authority in Law & Literature and in Law & Feminism, in *Law and Literature: Current Legal Issues*, Vol. II, at 687-727 (Michael Freeman and Andrew D. E. Lewis, eds., Oxford University Press, 1999)
- Foreword (with Carolyn Heilbrun) to *Beyond Portia: Women, Law & Literature in the United States*, at 11-52 (Jacqueline St. Joan and Annette Bennington McElhiney, eds., Northeastern University Press, 1997)
- Procedure, in *Looking at Law School*, at 177-195 (Stephen Gillers, ed., Penguin Books, NY, 4th ed., 1997; 3rd ed., 1990)
- From the Senate Judiciary Committee to the County Courthouse: The Relevance of Gender, Race, and Ethnicity to Adjudication, in *Race, Gender, and Power in America, The Legacy of the Hill-Thomas Hearings*, at 177-227 (Anita Hill and Emma Jordan, eds., Oxford Press, 1995)
- Gender in the Courts: The Task Force Reports, in *The Woman Advocate, Excelling in the 90's*, at 3-38 (Jean Maclean Snyder and Andra Barmash Greene, eds., Prentice Hall Law & Business, 1995)
- Finding the Factfinders, in *Verdict: Assessing the Civil Justice System*, at 500-530 (Robert E. Litan, ed., Brookings, May 1993)
- Independent and Inter-dependent: The Ninth Circuit and the Federal Judiciary, in *Restructuring Justice*, at 321-330 (Arthur Hellman, ed., Cornell Press, 1990)
- The Perception of Justice: Tort Litigants' Views of Trial, Court-Annexed Arbitration, and Judicial Settlement Conferences (with E. Allan Lind, Robert MacCoun, Patricia Ebener, William L.F. Felstiner, Deborah R. Hensler, and Tom R. Tyler), The RAND Corporation, Institute for Civil Justice (1989)

Should Prisoners Be Classified by Sex?, in *Criminal Corrections: Ideals and Realities*, at 109-123 (J. Doig, ed., Mass: Lexington Books, Fall 1982)

Discrimination in Education, Chapter XXVIII in Dorsen, Bender, Neuborne, and Law, in *Political and Civil Rights in the United States*, at 107-173 (Little Brown, 1979, Supplement, 1981)

Prisoners of Their Sex: Health Problems of Incarcerated Women (with Nancy Shaw) in *Prisoners' Rights Sourcebook: Theory, Practice, and Litigation*, Vol. II, at 319-413 (Ira Robbins, ed., N.Y.: Clark Boardman, 1980, reprinted in 3 *Prison Law Monitor* 57-58, March 1981)

Federal Prisoners' Access to Federal Courts: Jurisdiction and Related Procedural Matters, *Prisoners Rights*, at 85-158 (N.Y.: PLI, 1979)

Undelivered Care: The Incapacitated and the Mentally Ill New York City Defendant, A Report to the Mayor's Criminal Justice Coordinating Council (August 1973) (co-authored)

Articles

Sentencing Inside Prisons: Efforts to Reduce Isolating Conditions (with Kristen Bell), 87 *University of Missouri Kansas City Law Review* 133 (2018)

A2J/A2K: Access to Justice, Access to Knowledge, Economic Inequalities, and Open Courts and Arbitrations, 96 *North Carolina Law Review* 605 (2018)

Reorienting the Process Due: Using Jurisdiction to Forge Post-Settlement Relationships Among Litigants, Courts, and the Public in Class and Other Aggregate Litigation, 92 *New York University Law Review* 1017 (2017)

"Vital" State Interests: From Representative Actions for Fair Labor Standards to Pooled Trusts, Class Actions, and MDLs in the Federal Courts, 165 *University of Pennsylvania Law Review* 1765 (2017)

Lawyers' Ethics Beyond the Vanishing Trial: Unrepresented Claimants, De Facto Aggregations, Arbitration Mandates, and Privatized Processes, 85 *Fordham Law Review* 1899 (2017)

Accommodations, Discounts, and Displacement: The Variability of Rights as a Norm of Federalism(s), 17 *Jus Politicum* 209 (2017)

"Within Its Jurisdiction": Moving Boundaries, People, and the Law of Migration, 160 *Proceedings of the American Philosophical Society* 117 (2016)

Revising Our “Common Intellectual Heritage”: Federal and State Courts in Our Federal System,” 91 *Notre Dame Law Review* 1831 (2016)

Time-In-Cell: Isolation and Incarceration (with Sarah Baumgartel and Johanna Kalb), 125 *Yale Law Journal Forum* (2016);
<http://www.yalelawjournal.org/forum/time-in-cell-isolation-and-incarceration>

The Contingency of Openness in Courts: Changing the Experiences and Logics of Publics’ Role in Court-Based ADR, 15 *Nevada Law Journal* 1631 (2015)

Diffusing Disputes: The Public in the Private of Arbitration, the Private in Courts, and the Erasure of Rights, 124 *Yale Law Journal* 2804 (2015); published in Portuguese in *Grandes Temas do Novo CPC: Justiça Multiportas: Mediação, Conciliação, Arbitragem e Outros Meios de Solução Adequada Para Conflitos* (DIDIER JR., Freddie; ZANETI JR., Hermes; CABRAL, Tricia Xavier Navarro eds., Salvador: JusPodvim, 2016))

Reinventing Courts as Democratic Institutions, *Daedalus: Journal of the American Academy of Arts and Sciences* 9 (Summer 2014)

The Privatization of Process: Requiem for and Celebration of the Federal Rules of Civil Procedure at 75, 162 *University of Pennsylvania Law Review* 1793 (2014)

Inventing Democratic Courts: A New and Iconic Supreme Court (with Dennis E. Curtis), 38 *Journal of Supreme Court History* 207 (2013)

Gideon at Guantánamo: Democratic and Despotic Detention (with Hope Metcalf), 122 *Yale Law Journal* 2504 (2013)

Administrative Segregation, Degrees of Isolation, and Incarceration: A National Overview of State and Federal Correctional Policies (with Hope Metcalf, Jamelia Morgan, Samuel Oliner-Friedland, Julia Spiegel, Haran Tae, Alyssa Work, and Brian Holbrook) (2013)

The Democracy in Courts: Jeremy Bentham, ‘Publicity’, and the Privatization of Process in the Twenty-First Century, *NoFo* 10 (2013)

Globalization(s), privatization(s), constitutionalization and statization: Icons and experiences of sovereignty in the 21st century, 11 *International Journal of Constitutional Law (I·CON)* 162 (2013)

Equality’s Frontiers: Courts Opening and Closing, 122 *Yale Law Journal Online* 243 (2013)

- Opening the Door: Ruth Bader Ginsburg, Law's Boundaries, and the Gender of Opportunities, 25 *Columbia Journal of Gender and Law* 81 (2013)
- Constitutional Entitlements to and in Courts: Remedial Rights in an Age of Egalitarianism: The Childress Lecture, 56 *St. Louis University Law Journal* 916 (2012)
- Comparative (In) equalities: CEDAW, the jurisdiction of gender, and the heterogeneity of transnational law production, 10 *International Journal of Constitutional Law (I·CON)* 531 (2012)
- Building the Federal Judiciary (Literally and Legally): The Monuments of Chief Justices Taft, Warren, and Rehnquist, 87 *Indiana Law Journal* 823 (2012)
- Re-Presenting Justice: Visual Narratives of Judgment and the Invention of Democratic Courts (with Dennis E. Curtis), 24 *Yale Journal of Law and the Humanities* 19 (2012)
- Fairness in Numbers: A Comment on *AT&T v. Concepcion*, *Wal-Mart v. Dukes*, and *Turner v. Rogers*, 125 *Harvard Law Review* 78 (2011)
- The Production and Reproduction of Constitutional Norms, 35 *New York University Review of Law & Social Change* 226 (2011)
- Bring Back Bentham: "Open Courts," "Terror Trials," and Public Sphere(s), 5 *Law & Ethics of Human Rights* 226 (2011)
- Compared to What?: ALI Aggregation and the Shifting Contours of Due Process and of Lawyers' Powers, 79 *George Washington Law Review* 628 (2011)
- Reading Reinhardt: The Work of Constructing Legal Virtue (*Exempla Iustitiae*), 120 *Yale Law Journal* 539 (2010)
- Kyoto at the Local Level: Federalism and Translocal Organizations of Government Actors (TOGAs) (with Joshua Civin and Joseph Frueh), 40 *Environmental Law Reporter* 10768 (2010)
- Detention, The War on Terror, and the Federal Courts, 110 *Columbia Law Review* 579 (2010)
- The Internationalism of American Federalism: Missouri and Holland (Earl F. Nelson Memorial Lecture), 73 *Missouri Law Review* 1105 (2009)
- Courts: In and Out of Sight, Site, and Cite, 53 *Villanova Law Review* 771 (2008)

- Interdependent Federal Judiciaries: Puzzling about Why and How to Value the Independence of Which Judges, *Daedalus* 28 (2008)
- Ratifying Kyoto at the Local Level: Sovereignism, Federalism, and Translocal Organizations of Government Actors (TOGAs) (with Joshua Civin and Joseph Frueh), 50 *Arizona Law Review* 709 (2008)
- Lessons in Federalism from the 1960s Class Action Rule and the 2005 Class Action Fairness Act: “The Political Safeguards” of Aggregate Translocal Actions, 156 *University of Pennsylvania Law Review* 1929 (2008)
- Law as Affiliation: “Foreign” Law, Democratic Federalism, and the Sovereignism of the Nation-State, 6 *International Journal of Constitutional Law (I-CON)* 33 (2008)
- Foreign as Domestic Affairs: Rethinking Horizontal Federalism and Foreign Affairs Preemption in Light of Translocal Internationalism, 57 *Emory Law Journal* 31 (2007)
- Representing Justice: From Renaissance Iconography to Twenty-First Century Courthouses (with Dennis E. Curtis), Henry la Barre Jayne Lecture, 151 *Proceedings of the American Philosophical Society* 139 (2007)
- Roscoe Pound Round-Table Discussion, in Conference of Chief Justices and Council on State Court Administrators Symposium, 82 *Indiana Law Journal* 1157 (2007)
- No *Daubert* Hearing Necessary: The Extraordinary Expertise of Margaret Berger, 16 *Journal of Law and Policy* 6 (2007)
- Whither and Whether Adjudication?, 86 *Boston University Law Review* 1101 (2006)
- Uncovering, Disclosing, and Discovering How the Public Dimensions of Court-Based Processes Are at Risk, 81 *Chicago-Kent Law Review* 521 (2006)
- Responding to a Democratic Deficit: Limiting the Powers and the Term of the Chief Justice of the United States (with Lane Dilg), 154 *University of Pennsylvania Law Review* 1575 (2006)
- Law’s Migration: American Exceptionalism, Silent Dialogues, and Federalism’s Multiple Ports of Entry, 115 *Yale Law Journal* 1564 (2006)
- Living Their Legal Commitments: Paideic Communities, Courts and Robert Cover, 17 *Yale Journal of Law & the Humanities* 17 (2005)
- Procedure as Contract, 80 *Notre Dame Law Review* 593 (2005)

- Judicial Selection and Democratic Theory: Demand, Supply, and Life Tenure,
26 Cardozo Law Review 579 (2005)
- Procedure's Projects, *23 Civil Justice Quarterly* 273 (2004)
- Migrating, Morphing, and Vanishing: The Empirical and Normative Puzzles of
Declining Trial Rates in Courts, *3 Journal of Empirical Legal Studies* 783 (2004)
- Tribes, Wars, and the Federal Courts: Applying the Myths and the Methods of *Marbury*
v. Madison to Tribal Courts' Criminal Jurisdiction, *36 Arizona State Law*
Journal 77 (2004)
- The Independence of the Federal Judiciary, in Proceedings of the American Academy
of Arts and Sciences, *17 Bulletin* 22 (2004)
- For Owen M. Fiss: Some Reflections on the Triumph and the Death of Adjudication,
58 University of Miami Law Review 173 (2003)
- A Continuous Body: Ongoing Conversations About Women and Legal Education,
53 Journal of Legal Education 564 (2003)
- Of Courts, Agencies, and the Court of Federal Claims: Fortunately Outliving One's
Anomalous Character, *71 George Washington Law Review* 798 (2003)
- Adding Insult to Injury: Questioning the Role of Dignity in Conceptions of Sovereignty
(with Julie Suk), *55 Stanford Law Review* 1921 (2003)
- Constricting Remedies: The Rehnquist Judiciary, Congress, and Federal Power,
78 Indiana Law Journal 223 (2003)
- Reconstructing Equality: Of Justice, Justicia, and the Gender of Jurisdiction,
14 Yale Journal of Law and Feminism 393 (2002)
- Mediating Preferences: Litigant Preferences for Process and Judicial Preferences for
Settlement, *2002 University of Missouri-Columbia Journal of Dispute*
Resolution 155 (2002)
- Teaching Billing: Metrics of Value in Law Firms and Law Schools (with Dennis E.
Curtis), *54 Stanford Law Review* 1409 (2002)
- "Uncle Sam Modernizes His Justice": Inventing the Federal District Courts of the
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Supermajority Rule, *New York Times*, Op-Ed, Section A at 31, June 11, 2003

Testimony

Statement submitted for the record, Women in Prison: Seeking Justice Behind Bars, before the U.S. Commission on Civil Rights, March 22, 2019

Comments submitted on Proposed Changes to Code of Conduct for U.S. Judges and Judicial Conduct and Disability Rules (with Abbe R. Gluck), submitted to the Judicial Conference committees on Codes of Conduct and Judicial Conduct and Disability, November 13, 2018

Comments submitted for the Telephonic Hearing on Proposed Amendments to the Federal Rules of Civil Procedure before the Advisory Committee on Civil Rule of the Judicial Conference of the United States, February 16, 2017

Statement submitted for the record, Women in Detention: The Need for National Reform, Charles Colson Task Force on Federal Corrections Public Hearing, Washington, D.C., March 11, 2015

Statement submitted for the record, Women in Detention: The Need for a National Agenda, Hearing before the Senate Judiciary Subcommittee on the Constitution, Civil Rights, and Human Rights, December 9, 2014

The Policies Governing Isolation in U.S. Prisons, Statement submitted for the Hearing before the Senate Judiciary Subcommittee on the Constitution, Civil Rights and Human Rights, Reassessing Solitary Confinement II: The Human Rights, Fiscal and Public Safety Consequences, February 25, 2014;
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Statement submitted for the record, Reassessing Solitary Confinement: The Human Rights, Fiscal, and Public Safety Consequences, Hearing before the Senate Judiciary Subcommittee on the Constitution, Civil Rights, and Human Rights, U.S. Senate, June 19, 2012

Courtroom Use: Access to Justice, Effective Judicial Administration and Courtroom Security, Hearing before the Subcommittee on Courts and Competition Policy of the United States Committee on the Judiciary, U.S. House of Representatives, September 24, 2010

Statement submitted for the record, Recommendations on Courthouse Construction, Courtroom Sharing and Enforcing Congressionally Authorized Limits on Size and Cost, Hearing before the Subcommittee on Economic Development, Public Buildings and Emergency Management Committee on Transportation and Infrastructure, U.S. House of Representatives, May 21, 2010

Statement submitted for the record, Sunshine in Litigation Act: Does Court Secrecy Undermine Public Health and Safety, Hearing before the Subcommittee on Antitrust, Competition Policy and Consumer Rights of the Committee on the Judiciary, 110th Cong. 181, December 11, 2007

Hearings on the Judicial Nomination of John G. Roberts, Jr., to be Chief Justice of the United States, held by the Committee on the Judiciary of the United States Senate, Washington, D.C., September 15, 2005

Hearings on the Judicial Selection before the Standing Committee on Justice, Human Rights, Public Safety and Emergency Preparedness, held by the House of Commons, Ottawa, Canada, April 20, 2004

Hearings on the Proposed Amendments to Federal Rule of Civil Procedure 23, held by the Committee on Rules of Practice and Procedure, Judicial Conference of the United States, January 2002

Hearings on the Senate's Role in the Nomination and Confirmation Process: Whose Burden?, held by the Senate Committee on the Judiciary, Subcommittee on Administrative Oversight and the Courts, 107th Cong. , September 4, 2001, also published in *50 Drake Law Review* 539 (2001-02)

Hearings on the Proposed Amendment to Federal Rule of Civil Procedure 23, held by the Committee on the Rules of Practice and Procedure, Advisory Committee to the Standing Committee on the Rules of Practice and Procedure of the United States Judicial Conference, November 1996

Hearings on the Proposed Long Range Plan of the Judicial Conference of the United States, held by the Committee on Long Range Planning, December 16, 1994

Hearings on the Proposed Changes in the Federal Rules of Civil Procedure, held by the Standing Committee on Rules of Practice and Procedure of the United States Judicial Conference, November 1991

Hearings on the Tentative Report of the Federal Courts Study Committee, held by members of the Committee, San Diego, California, January 29, 1990

Hearings on the Proposed Amendments to Rule 63 of the Federal Rules of Civil Procedure, held by the Advisory Committee to the Standing Committee on the Rules of Practice and Procedure of the United States Judicial Conference, January 1990

Hearings on the Confirmation of Robert H. Bork to be an Associate Justice of the United States Supreme Court, held by the Committee on the Judiciary, United States Senate, September 25, 1987

Hearings on Proposed Amendments to Rule 52(a) of the Federal Rules of Civil Procedure, held by the Subcommittee on Criminal Justice of the Judiciary Committee of the U.S. House of Representatives, June 26, 1985

Hearings on Proposed Amendments to Rule 68 of the Federal Rules of Civil Procedure, held by the Advisory Committee to the Standing Committee on the Rules of Practice and Procedure of the United States Judicial Conference, 1985

Hearings on Proposals to Amend the Rules Governing Section 2254 Cases in the United States District Courts, and Rules Governing Section 2255 Proceedings in the United States District Courts, held by the Advisory Committee to the Standing Committee on the Rules of Practice and Procedure of the United States Judicial Conference, 1984

Female Offender: 1979-80, Part 1: Hearings before the Subcommittee on Courts, Civil Liberties, and Administration of Justice of the House Committee. on Judiciary, 96th Cong. 59, October 11, 1979

Drug Abuse Treatment: Part 2: Hearings before the Select Committee on Narcotics Abuse and Control, House of Representatives, 96th Cong., July 25, 1978

Honors and Awards

Andrew Carnegie Fellowship, 2018-2020

Honorary Doctorate of Laws, University College London, 2018

Visiting Scholar, Max Planck Institute for Procedural Law, Luxembourg, February 2018

Establishment of the Resnik-Curtis Fellowship in Public Interest Law on the 20th anniversary of the Liman Program at Yale, 2017

Visiting Scholar, Phi Beta Kappa, 2014-2016

Recipient, Arabella Babb Mansfield Award, National Association of Women Lawyers, July 2013

Representing Justice: Invention, Controversy, and Rights in City-States and Democratic Courtrooms (with Dennis E. Curtis)

Selected as one of the “Best legal reads of 2011” by The Guardian

Recipient, SCRIBES Award from the American Society of Legal Writers, 2012

Recipient, PROSE Award, Excellence in Social Sciences, 2012

PROSE Award, Excellence in Law & Legal Studies, 2012

Selected as an Outstanding Academic Title of the Year by Choice Magazine, January 2012

Recipient, The Order of the Coif Biennial Book Award, January 2014

New York University Alumna of the Month Award, June 2012,

<http://www.law.nyu.edu/alumni/almo/pastalmos/2011-12almos/judithresnikjune>

Elizabeth Hurlock Beckman Award, Awarded to Outstanding Faculty in Higher Education in the Fields of Psychology or Law, Columbia University, March 2011

Migrations and Mobilities: Citizenship, Borders, and Gender, Selected as an Outstanding Academic Title of the Year by Choice Magazine, January 2011

Outstanding Scholar of the Year Award 2008, from the Fellows of the American Bar Foundation

Oral History, 2007, Women Trailblazers in the Law Project, American Bar Association Commission on Women in the Profession, deposited in the Library of Congress, 2009

Convocation Speaker, Bryn Mawr College Commencement, May 2006

Member, American Philosophical Society, elected Spring 2002

Fellow, American Academy of Arts and Sciences, elected Spring 2001

Recipient, Margaret Brent Women Lawyers of Achievement Award, American Bar Association Commission on Women in the Profession, August 1998

Recipient, NYU School of Law, Legal Teaching Award, Spring 1995

Recipient, USC Associates Award for Creativity in Research, Spring 1994

Recipient, Florence K. Murray Award, National Association of Women Judges, Fall 1993

Recipient, "Big Splash Award" from the Program of Women and Men in Society (SWMS), University of Southern California, 1992

Member, Phi Kappa Phi, elected by the USC Chapter, 1991

University Scholar, University of Southern California, 1982-1983

Recipient, Student Bar Association Outstanding Faculty Award, University of Southern California Law Center, 1982-1983

Arthur Garfield Hays Fellow, 1974-1975, New York University

Education

Bryn Mawr College, B.A., cum laude, 1972

New York University School of Law, J.D., cum laude, 1975

Bar Memberships

Connecticut

United States District Courts: District of Connecticut, Southern District of New York, Eastern District of New York

United States Court of Appeals for the First, Second, Third, Fourth, Ninth and
Eleventh Circuits
United States Supreme Court

Selected Litigation

United States Supreme Court

Of counsel on Brief of Amici Curiae, Law Professors in Support of Petitioners (No. 18-622), on Petition for a Writ of Certiorari to the United States Court of Appeals for the Fifth Circuit, *Whole Woman's Health, et. al. v. Texas Catholic Conference of Bishops* (2018)

Of counsel on Brief of Amici Curiae, Former Judges, Former Prosecutors, Former Government Officials, Law Professors, and Social Scientists in Support of Respondents (No. 17-312), *United States of America v. Sanchez-Gomez* 138 S.Ct. 1532 (2018)

Of counsel on Brief of Amici Curiae, Professors of Federal Courts Jurisprudence, Constitutional Law, and Immigration Law in Support of Respondents (Nos. 16-1436 and 16-1540), *Donald J. Trump, et al. v. International Refugee Assistance Project, et al, Donald J. Trump, et al. v. State of Hawaii, et al.* (2017), 138 S.Ct. 2392 (2018)

Of counsel on Brief of Amici Curiae, Constitutional Law, Federal Courts, Citizenship, and Remedies Scholars in Support of Respondent Luis Ramon Morales-Santana (No. 15-1191), *Lynch v. Morales-Santana*, 136 S.Ct. 2545 (2016)

Oral Argument and brief presented on behalf of the Respondent Norman Carpenter in *Mohawk Industries, Inc. v. Carpenter* (No. 08-678, 2009 WL 3169419) (argued October 5), 558 U.S. 100 (2009)

Of counsel on Brief of Law Professors as Amici Curiae, in Support of Respondent Jacob Denedo (No. 08-267, 2009 WL 418793), *United States v. Denedo*, 556 U.S. 904 (2009)

Of counsel on Brief of Amici Curiae Professors of Constitutional Law and of Federal Jurisdiction, in Support of Petitioner Keith Haywood (No. 07-10374), *Haywood v. Drown*, 556 U.S. 729 (2009)

Of counsel on Brief of Amici Curiae Professors of Constitutional Law and of the Federal Courts, in Support of the Habeas Petitioners Omar and Munaf (Nos. 07-394, 06-1666), *Munaf v. Geren*, 553 U.S. 674 (2008)

Of counsel on Brief of Professors of Constitutional Law and of the Federal Jurisdiction as Amici Curiae, in Support of Petitioners Boumediene et al. (Nos. 06-394, 06-1196), *Boumediene v. Bush*, 553 U.S. 723 (2008)

Brief of Amici Curiae Norman Dorsen, Frank Michelman, Burt Neuborne, Judith Resnik, and David Shapiro, in Support of Petitioner Salim Ahmed Hamdan (No. 05-184), *Hamdan v. Rumsfeld*, 548 U.S. 557 (2006)

Brief of Amici Curiae of Law Professors in Support of Petitioner Paula Jones (No. 95-1853, 1996 WL48092), *Clinton v. Jones*, 520 U.S. 681 (1997)

Oral Argument presented on behalf of the Rotary Club of Duarte:
Board of Directors of Rotary International v. Rotary Club of Duarte,
481 U.S. 537 (1987)

United States Courts of Appeals

Brief of Amici Curiae of Constitutional Law and Procedure Scholars Judith Resnik and Brian Soucek in Support of Petitioner (No. 16-73801), submitted for the hearing en banc, *C.J.L.G. v. Jefferson B. Sessions III* (9th Cir., , 880 F.3d 1122 (2019)

Of counsel on Brief of Amici Curiae, Professors of Federal Courts Jurisprudence, Constitutional Law, and Immigration Law in Support of Plaintiffs-Appellees, (No. 17-17168), Ninth Circuit, *State of Hawaii, et al., v. Donald Trump* (2017)

Of counsel on Brief of Amici Curiae, Professors of Federal Courts Jurisprudence, Constitutional Law, and Immigration Law in Support of Plaintiffs-Appellees, (No. 17-2231 (L), 17-2232, 17-2233, 17-2240 (Consolidated)), Fourth Circuit, *International Refugee Assistance Project, et al., Iranian Alliances Across Borders, et al., Eblal Zakzok, et al., v. Donald Trump* (2017)

Of counsel on Brief of Amici Curiae, Constitutional Law Professors in Support of Appellees and Affirmance (No. 17-1351), *International Refugee Assistance Project et al. v. Donald J. Trump, et. al.* (4th Cir. 2017)

Appellate Counsel

In re *San Juan Dupont Plaza Hotel Fire Litigation*, 111 F.3d 220 (1st Cir. 1997)

In re *Thirteen Appeals Arising Out of San Juan Dupont Plaza Hotel Fire Litigation*, 56 F.3d 295 (1st Cir.1995)

In re *Nineteen Appeals Arising Out of San Juan Dupont Plaza Hotel Fire Litigation*, 982 F.2d 603 (1st Cir. 1992)

United States District Court

Court-appointed trustee in re: *MDL-926 Global Breast Implant Settlement* (1994)

Expert appointed by the district court to assist the Special Master in *McLendon v. Continental Group, Inc.*, 802 F.Supp. 1216 (D.N.J. 1992)

Exhibits, Co-Curator

The Remarkable Run of a Political Icon: Justice as a Sign of the Law. Rare Book Exhibition Gallery, Lillian Goldman Law Library, Yale Law School, September – December 2011 (with Dennis E. Curtis, Allison Tait & Michael Widener); <http://library.law.yale.edu/justice-sign-law-exhibit>

Courts: Representing and Contesting Ideologies of the Public Sphere. Yale Art Gallery, Study Galleries, January – May 2011 (with Dennis E. Curtis)

Selected Broadcasts

Interview, WNPR – Connecticut Public Radio's *Where We Live*, presented by John Dankosky, August 5, 2013; <http://wnpr.org/post/connecticuts-criminal-justice-system>

Interview, BBC Radio 4's *Law in Action*, presented by Joshua Rozenberg, March 12, 2013; <http://www.bbc.co.uk/programmes/b01r5ln5>

Cameo in *Fair Game*, directed by Doug Liman, Fall 2010, and panel moderator, discussion of the film with Valerie Plame, Joseph Wilson, Emily Bazelon and Doug Liman, Paris Theatre, New York City, October 5, 2010