

## MARK MOLLER

Professor of Law

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### EDUCATION

<i>University of Cambridge</i>	1999–2000
LL.M. 2000, with first class honors	
<i>The University of Chicago Law School</i>	1996–1999
J.D. 1999, <i>cum laude</i>	
<i>The University of Chicago Law Review</i> , staff member	
<i>Duke University</i>	1990–1994
A.B. 1994, <i>magna cum laude</i> in Political Science	

### TEACHING EXPERIENCE

<i>DePaul University College of Law</i>	
Professor of Law	2018-present
Associate Professor of Law (with tenure)	2013–2018
Associate Professor of Law	2011–2013
Assistant Professor of Law	2007–2011
Courses Taught: Civil Procedure, Advanced Civil Procedure, Conflict of Laws, Legal Profession	
Honors: Recipient of the College of Law’s Award for Excellence in Scholarship	

### SELECTED SCHOLARSHIP

#### ARTICLES AND BOOKS

#### WORKS-IN-PROGRESS

*Complete Diversity: The Origin Story*

#### PUBLISHED AND FORTHCOMING

*The Article III “Party” and the Originalist Case Against Corporate Diversity Jurisdiction*, 64 WM. & MARY L. REV. 1345 (2023) (with Lawrence B. Solum)

- Hugo Black and the Forgotten Role of Litigant Autonomy in New Deal Federalism*, 30 *GEORGE MASON L. REV.* 63 (2022)
- Corporations and the Original Meaning of “Citizens” in Article III*, 72 *HASTINGS L.J.* 169 (2020) (with Lawrence B. Solum)
- Internal Separation of Powers, Compensating Adjustments, and Court Rulemaking*, 36 *REV. LITIG.* 579 (2018)
- Separation of Powers and the Class Action*, 52 *NEB. L. REV.* 366 (2016)
- The Checks and Balances of Forum Shopping*, 1 *STAN. J. COMPLEX LITIG.* 105 (2012) (modified peer-review)
- Class Action Defendants’ New Lochnerism*, 2012 *UTAH L. REV.* 319
- Procedure’s Ambiguity*, 86 *IND. L.J.* 645 (2011)
- A New Look at the Original Meaning of the Diversity Clause*, 51 *WM. & MARY L. REV.* 1113 (2009)
- Class Action Lawmaking: An Administrative Law Model*, 11 *TEX. REV. L. & POL.* 39 (2006)
- The Rule of Law Problem: Unconstitutional Class Actions and Options for Reform*, 28 *HARV. J.L. & PUB. POL’Y* 855 (2005) (reprinted in *Defense Law Journal* (2006))

SYMPOSIA

- The New Class Action Federalism*, 48 *AKRON L. REV.* 860 (2015) (invited submission to symposium on the Roberts Court’s class action jurisprudence)
- Common Problems for the Common Answers Test: Class Certification in Amgen and Comcast*, 2013 *CATO SUP. CT. REV.* 301 (invited submission to symposium on the Supreme Court’s 2012-13 term)
- Old Puzzles, Puzzling Answers: The Alien Tort Statute and Federal Common Law in Sosa v. Alvarez-Machain*, 2004 *CATO SUP. CT. REV.* 209
- Race, “National Security” and Unintended Consequences: A Sideways Glance at Brown v. Board of Education at Fifty*, 36 *LOY. U. CHI. L.J.* 257 (2004) (invited symposium submission)

MISCELLANEOUS

- Brief of *Amicus Curiae* Professor Mark Moller Supporting Petitioners, *S.G.E. Management, L.L.C v. Torres* (No. 16-1309), May 31, 2017 (co-authored with Aaron Streett of Baker Botts)
- Contra Plaintiffs’ Bar, Registering to Do Business Does Not Create General Jurisdiction*, Legal Opinion Letter, Washington Legal Foundation, June 10, 2016
- Brief of Civil Procedure Scholars as *Amici Curiae* in Support of Neither Party, *Tyson Foods, Inc. v. Bouphakeo* (No. 14-1146), August 14, 2015
- Supreme Court’s Daimler Decision Makes it a Good Year for General Jurisdiction Clarity*, Legal Backgrounder vol. 29, no. 7, Washington Legal Foundation, April 11, 2014

## PRESENTATIONS AND CONFERENCES

Presenter: *Applied Originalism*. Originalism Summer Seminar. Georgetown University Center for the Constitution. May 22, 2023.

Paper Presentation (with Lawrence Solum): *The Article III “Party” and the Originalist Case against Corporate Diversity Jurisdiction*. Seventh Annual Civil Procedure Workshop, hosted by Cardozo Law School. May 19, 2022.

Commentator. Second Annual Chicagoland Junior Scholars Conference. July 29, 2019.

Paper Presentation: *Corporations and the Original Meaning of Article III “Citizens.”* Georgetown University Law Center Summer Workshop. July 16, 2019.

Commentator. Third Annual Civil Procedure Workshop, co-hosted by University of Arizona Rogers School of Law, University of Washington School of Law, and Seattle University School of Law. Tucson, AZ. October 6-7, 2017.

Discussant. Koch Foundation Roundtable on THE CONSERVATIVE CASE FOR THE CLASS ACTION. NYU Law School. May 25-26, 2017.

Peer Reviewer of Submissions. Second Annual Civil Procedure Workshop, co-hosted by University of Arizona Rogers School of Law, University of Washington School of Law, and Seattle University School of Law. Seattle, WA. July 14-15, 2016.

Paper Presentation: *Separation of Powers and the Class Action*. First Annual Civil Procedure Workshop, co-hosted by University of Arizona Rogers School of Law, University of Washington School of Law, and Seattle University School of Law. Seattle, WA. June 16-17, 2015.

Paper Presentation: *Agenda Setting and the Class Action*. George Mason University School of Law. February 12, 2015.

Paper Presentation: *Agenda Setting and the Class Action*. Federalist Society Faculty Conference. January 4, 2015.

Panelist. “Patents and Class Actions,” Cato Constitution Day Symposium. The Cato Institute. September 17, 2013.

Panelist. “Patent Issues: Class Actions,” at the Ninth Annual Meeting of the College of Business Law Judges, hosted by the George Mason University School of Law’s Law and Economics Center. September 17, 2013.

Paper Presentation: *A New Look at the Original Meaning of the Diversity Clause*. Federalist Society Faculty Conference. January 8, 2009.

Panelist. “Has the Supreme Court Seen Green? The Ramifications of *Massachusetts v. EPA*.” American Enterprise Institute. May 7, 2007.

Panelist. “The Advocates Speak: Federal Abortion Ban Cases.” American Constitution Society (National Lawyers’ Division) Forum. November 8, 2006.

Panelist. “The Virginia Constitution: The Proposed Amendment on Marriage and Its Effect on Other Agreements.” George Mason University School of Law. November 1, 2006.

Discussant. “What American Values are Served/Disserved by Engagement with International Courts and Tribunals?” George Washington University Law School Colloquium, sponsored by the Project on International Courts and Tribunals (NYU), the American Bar Association, and the International Courts Committee (GW). May 2006.

Panelist. “The Future of the Supreme Court.” Forum co-hosted by the Columbia Law School divisions of the American Constitution Society and Federalist Society. March 2006.

Panelist. Symposium on *Rumsfeld v. FAIR*. William & Mary’s Bill of Rights Institute. February 2006.

Panelist. “The Future of Class Action Reform.” AEI-Brookings Joint Center on Regulation’s Judicial Education Program for Business Court Judges. October 2005.

Panelist. “*Gonzales v. Oregon: The Advocates Speak*,” forum hosted by Georgetown University Law Center division of the American Constitution Society. October 5, 2005.

Panelist. “*Brown v. Board of Education at Fifty*,” Loyola University of Chicago Symposium on Race and Education. March 2004.

### **PROFESSIONAL EXPERIENCE**

*The Cato Institute*. Washington, D.C. 2004–2007

Senior Fellow in Constitutional Studies

Director of Cato’s Supreme Court *amicus* program

Editor-in-Chief, CATO SUPREME COURT REVIEW

*Gibson, Dunn & Crutcher LLP*. Washington, D.C. 2000–2004

Member of the Appellate & Constitutional Law and Class Action Defense Practice Groups