

MARK MOLLER

Professor of Law

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EDUCATION

University of Cambridge 1999–2000

LL.M. 2000, with first class honors

The University of Chicago Law School 1996–1999

J.D. 1999, *cum laude*

The University of Chicago Law Review, staff member

Duke University 1990–1994

A.B. 1994, *magna cum laude* in Political Science

TEACHING EXPERIENCE

Northwestern Pritzker School of Law

Visting Professor of Law Fall 2025

Courses Taught: Civil Procedure

DePaul University College of Law

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, Legislation and Statutory Interpretation, Conflict of Laws, Legal Ethics

Honors: Recipient of the College of Law's Award for Excellence in Scholarship (2011, 2022)

Selected Service: Academic Freedom Task Force (current), AAUP Chapter Steering Committee (current), Presidential Search Faculty Vetting Committee, Dean Search Committee (co-chair of faculty subcommittee), Curriculum Committee (chair), Faculty Senate (college representative)

SELECTED SCHOLARSHIP

WORKS-IN-PROGRESS

The Whig Origins of the Horizontal Necessary and Proper Clause

Incidental Jurisdiction

PUBLISHED AND FORTHCOMING

Complete Diversity: The Origin Story, 76 FLA. L. REV. 1221 (2024)

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 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)

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))

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. Bouaphakeo* (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

Paper Presentation: *Supplemental Jurisdiction as Incidental Power*. Tenth Annual Civil Procedure Workshop, hosted by University of Richmond School of Law. June 1-2, 2025

Presenter: *Applied Originalism*. Originalism Summer Seminar. Georgetown University Center for the Constitution. May 21, 2025

Paper Presentation: *Complete Diversity: The Origin Story*. Ninth Annual Civil Procedure Workshop, hosted by UC Law San Francisco. June 1, 2024.

Presenter: *Applied Originalism*. Originalism Summer Seminar. Georgetown University Center for the Constitution. May 22, 2024.

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

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|---|-----------|
| <i>The Cato Institute</i> . Washington, D.C. | 2004–2007 |
| Senior Fellow in Constitutional Studies | |
| Director of Cato’s Supreme Court <i>amicus</i> program | |
| Editor-in-Chief, CATO SUPREME COURT REVIEW | |
| <i>Gibson, Dunn & Crutcher LLP</i> . Washington, D.C. | 2000–2004 |
| Member of the Appellate & Constitutional Law and Class Action Defense Practice Groups | |