

ALEXANDRA DEVORAH LAHAV

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ACADEMIC APPOINTMENTS

University of Connecticut School of Law
Ellen Ash Peters Professor (2015-present); Joel Barlow Professor (2013-2015); Professor (2009-2013); Associate Professor (2004-2009)

Matina S. Horner Distinguished Visiting Professor, Radcliffe Institute for Advanced Study, Harvard University (2019-2020)

Visiting Professor Harvard Law School (Fall 2015), Yale Law School (Fall 2013), Columbia Law School (Fall 2011), Fordham Law School (2009-2010), Buchmann Faculty of Law, Tel Aviv University (May 2007, 2017)

Courses taught: civil procedure, torts, professional responsibility, remedies, complex litigation, advanced civil procedure, tort reform, tort law and alternatives seminar, legal ethics seminar.

PUBLICATIONS

Books

IN PRAISE OF LITIGATION (Oxford Univ. Press 2017) (Winner, 2018 Pound Civil Justice Scholarship Award; Honorable Mention, 2017 ABA Silver Gavel Awards; reviewed by Time Magazine and Publishers Weekly)

CIVIL PROCEDURE: DOCTRINE, PRACTICE AND CONTEXT (4th edition, 2012; 5th ed., 2016; 6th ed. 2020) with Stephen N. Subrin, Martha L. Minow, Mark S. Brodin, and Thomas O. Main

Journal Articles

The Knowledge Remedy, 98 Tex. L. Rev. 1361 (2020)

Against Judicial Accountability: Evidence from the Six Month List, 105 Cornell L. Rev. 363 (2020) (with Peter Siegelman and Miguel de Figueiredo) (reviewed in JOTWELL, 4/9/2018 as “one of the most important studies relating to the federal courts to come out in years.”)

The Curious Incident of the Falling Win Rate: Individual vs System-level Justification and the Rule of Law, 52 U.C. Davis L. Rev. 1371 (2019) (with Peter Siegelman)

The Law Wars in Massachusetts, 1830-1860: How a Band of Upstart Radical Lawyers Defeated the Forces of Law and Order and Struck a Blow for Freedom and Equality Under Law, 58 Am. J. L. Hist. 1 (2018) (with R. Kent Newmyer)

Procedural Design, 71 Vanderbilt L. Rev. 821 (2018) (reviewed in JOTWELL, 10/30/2017)

The Roles of Litigation in American Democracy, 65 Emory L. Rev. 1657 (2016)

The Market for Preclusion in Merger Litigation, 66 Vanderbilt L. Rev. 1053 (2013)(with Sean J. Griffith)

The Case for “Trial by Formula,” 90 Tex. L. Rev. 571 (2012) (Selected for Branstetter New Voices in Civil Justice Workshop, Vanderbilt Law School, 2012)

Portraits of Resistance: How Lawyers Respond to Unjust Proceedings, 57 UCLA L. Rev. 725 (2010) (Selected for Fred C. Zacharias Memorial Prize)

Bellwether Trials, 76 Geo. Wash. L. Rev. 576 (2008)

The Law and Large Numbers: Preserving Adjudication in Complex Litigation, 59 Florida L. Rev. 383 (2007)

Fundamental Principles for Class Action Governance, 37 Indiana L. Rev. 65 (2003)

Book Chapters, Shorter Works

Multidistrict Litigation and Common Law Procedure, 24 Lewis & Clark L. Rev. 531 (2020)

The Continuum of Aggregation, 53 Ga. L. Rev. 1393 (2019)

A Proposal to End Discovery Abuse, 71 Vand. L. Rev. 2037 (2018)

A Primer on Bellwether Trials, 87 Rev. Litig. 185 (2018)

Mass Tort Class Actions: Past, Present, and Future, 92 NYU L. Rev. 1998 (2017)

Participation and Procedure, 64 DePaul L. Rev. 513 (2015)

The Jury and Participatory Democracy, 55 William & Mary L. Rev. 1030 (2014)

Symmetry and Class Action Litigation, 60 UCLA L. Rev. 1494 (2013)

The Political Justification for Group Litigation, 81 Fordham L. Rev. 3193 (2013)

Due Process and the Future of Class Actions, 44 Loy. U. Chi. L.J. 545 (2012)

Rites without Rights: A Tale of Two Military Commissions, 24 Yale Journal of Law & Humanities 439 (2012)

Are Class Actions Unconstitutional? 106 Mich. L. Rev. 993 (2011) (book review of Martin H. Redish, *Wholesale Justice: Constitutional Democracy and the Problem of the Class Action Lawsuit* (2009))

Two Views of the Class Action, 79 Fordham L. Rev. 1939 (2011)

The Curse of Bigness and the Optimal Size of Class Actions, 63 Vand. L. Rev. En Banc 117 (2010)

Recovering the Social Value of Jurisdictional Redundancy, 82 Tulane L. Rev. 2369 (2008)

Absence Makes the Heart Grow Fonder: Dead Souls, Phantom Clients and the Modern Class Action in 40 STUDIES IN LAW, POLITICS AND SOCIETY 340 (Austin Sarat ed., 2007)

Recent Publication: The Strange Career of Legal Liberalism, 32 Harv. Civil Rights – Civil Liberties L. Rev. 565 (1997) (book review of Laura Kalman, *Strange Career of Legal Liberalism* (1998))

AWARDS, DISTINCTIONS

2019 Perry A. Zirkel '76 Distinguished Teaching Award

2018 Pound Civil Justice Scholarship Award; Honorable Mention, ABA Silver Gavel Award

2011 Branstetter New Voices in Civil Justice Workshop, Vanderbilt Law School

2010 Fred C. Zacharias Memorial Prize for Best Article in Professional Responsibility

2008-09 Human Rights Institute, University of Connecticut, Research Fellowship

PRESENTATIONS

Faculty Workshops

The Knowledge Remedy: Michigan Law & Economics Workshop (April 2020)

The Curious Case of the Falling Win Rate: Drexel (February 2018)

Procedural Design (previously titled *The Disintegration of Procedure*): Harvard (Nov. 2016); University of Virginia (Sept. 2016); UNLV-Boyd (Oct. 2017); Emory (Jan. 2017); Texas (April 2017)

Equality in Civil Litigation: Roger Williams University (March 2015); University of Southern California - Gould (Sept. 2014)

The Market for Preclusion in Merger Litigation: Fordham (March 2012)

The Case for “Trial by Formula”: Columbia (Dec. 2011); Brooklyn (Dec. 2011)

Rights Without Rights: A Tale of Two Military Commissions: Northeastern (March 2011)

Rough Justice: Pacific McGeorge (Nov. 2009); University of Florida, Levine College of Law (March 2010)

Portraits of Resistance: How Lawyers Respond to Unjust Proceedings: Brooklyn (Jan. 2009); Boston University (Jan. 2009); Seton Hall University (Oct. 2008); Boston College (Sept. 2008)

Bellwether Trials: St. John's (March 2008); Washington University-St. Louis, MO (Oct. 2007); Tel Aviv University (May 2007)

Absence Makes the Heart Grow Fonder: Dead Souls, Phantom Clients and the Modern Class Action, Eastman Lecture, Department of Law, Jurisprudence and Social Thought, Amherst College (April, 2006)

Conferences

Presenter, The Knowledge Remedy, conference Remedies in Complex Litigation, University of Texas Law School, Feb. 1, 2020

Presenter, Mass Tort Endgame, conference Class Actions, Mass Torts and MDLs: The Next 50 Years, Lewis & Clark Law School, Nov. 1-2, 2019.

Commentator, Recognizing Wrongs: Philosophy of Tort Law, AALS, Jan. 5, 2019

Presenter, Against Judicial Accountability, Civil Procedure Workshop IV, Stanford Law School, Nov. 8, 2018

Organizer, Evaluating Litigation Risk in the 21st Century, Insurance Law Center, UCONN Law, April 27, 2018

Keynote presenter (with Peter Siegelman), The Curious Case of the Falling Win Rate, conference What's Happening in Federal Court?, Civil Justice Research Initiative, Berkeley Law School, April 9, 2018

Presenter, Class Settlement, Fees, Claims Administration, conference Posner on Class Actions, Columbia University, March 2, 2018

Presenter, Civil Litigation Reform in the Trump Era, Fordham Law School, February 23, 2018.

Presenter, The Future of Civil Discovery, Vanderbilt Law School, October 13, 2017

Presenter, MDL Problems, Section on Litigation, AALS Annual Meeting, January 6, 2017

Presenter, Rule 23@50, NYU Law School, December 2, 2016

Presenter, The Role of Litigation in American Democracy, Pound Conference on Civil Justice, Emory Law School, October 15, 2015

Presenter, Participation and Procedure, Clifford Symposium, DePaul U. College of Law, April 24-25, 2014

Presenter, Transparency in Civil Litigation, Through a Glass Starkly: Civil Procedure Reassessed, Northeastern Law School, April 11, 2014

Presenter, The Jury as a Political Institution, William & Mary Law School, February 22-23, 2013

Presenter, Twenty-First Century Litigation: Pathologies and Possibilities, UCLA, January 24-25, 2013

Presenter, Corporate Liability for Human Rights Violations, Tel Aviv University, Dec. 16-17, 2012

Presenter, Representing Groups, Fordham Law School, November 30, 2012

Commentator, Law as a Business, The Law: Business or Profession, Fordham Law School, April 23-24, 2012

Presenter, Eugene P. and Delia S. Murphy Conference on Corporate Law, Fordham Law School, April 9, 2012

Presenter, The Future of Class Actions and Its Alternatives, Loyola University-Chicago Law School, April 13, 2012

Presenter, Aggregation and Mass Torts, Mass Torts and the Federal Courts, Charleston Law School, Feb. 24, 2012

Presenter, Are Class Actions Unconstitutional?, Association of American Law Schools, Civil Procedure Section Panel, January 2012

Conference Organizer, Actuarial Litigation, University of Connecticut Insurance Law Center, April 11, 2011

Presenter, Rites Without Rights: A Tale of Two Military Commissions, Courts: Representing and Contesting Ideologies in the Public Spheres, Yale Law School, February 4, 2011

Presenter, Provocation: Law and War, Northeast Law and Society Conference, Amherst, MA, October 2, 2010

Invited Participant, Layering Governance: Multi-Level Regulation Under Bush and Beyond, Center on Federalism and Intersystemic Governance, Emory University School of Law, May 1-2, 2009

Presenter, Representing Guantanamo Detainees, A Place Beyond Law: Detainees Held in Guantánamo Bay, Cuba Panel, Law and Society Annual Conference, Montreal, Canada, May 30, 2008

Presenter, Recovering the Social Value of Jurisdictional Redundancy, Tulane Law Review Symposium: The Problem of Multidistrict Litigation, New Orleans, LA, February 16, 2008

Presenter and Organizer, Wal-Mart: Inter-doctrinal and Interdisciplinary Approaches to Law, Association of American Law Schools, Open Source Panel, Washington, DC, January 5, 2007 (developed panel chosen by competition)

Presenter and Organizer, The Phantom Client, Association of American Law Schools, Professional Responsibility Section Panel, Washington, DC, January 6, 2007

Invited Participant, Governance by Design: Cost, Effectiveness and Democratic Norms, Harvard Law School, Cambridge, MA, March 25, 2005

Presenter, “Historicism in Judicial Opinions,” Law Culture and Humanities Conference, New York, NY, 2003

Continuing Legal Education (Selected Presentations)

The New Class Action Landscape, ABA 21st Annual Class Action Institute, Oct. 17-18, 2019 (presenting at this event yearly since 2013)

The End of Mass Torts as We Know Them – or Not – how Recent Developments Have Impacted Mass Tort Practice, 2018 Environmental & Energy, Mass Torts and Products Liability Litigation Committees’ Joint CLE Seminar, January 25-27, 2018

A Preview of the Proposed Changes to the Federal Rules of Civil Procedure, Connecticut Bar Association Annual Meeting, June 17, 2013

The Supreme Court Class Action Docket, Boston Bar Association, February 11, 2013

Advocacy at Guantanamo Bay, District of Connecticut Bench Bar Conference, Oct. 8, 2010

Eighth Annual Class Actions/Mass Torts Symposium, New Orleans Bar Association, Oct. 2008

SERVICE

Select University & Law School Service

Co-Chair, Workshops Committee, 2016, 2018-2019

Chair, Promotion and Tenure Committee (elected by faculty), 2012, 2014-15, 2020-

Member, Faculty Appointments Committee (elected by faculty), 2008-09, 2010-11, 2016-18

Member, Curriculum Reform Committee, 2011-14 (Chair 2014)

Chair, Educational Policy Committee, 2012

Member, The Gladstein Committee (University committee), 2011-16

Member, Dean Search Committee (elected by faculty), 2006-07

Advisor, Connecticut Law Review, 2006-07, 2008-11

Other Academic Service

Member, American Law Institute (elected 2019)
 Advisor, ALI Restatement of the Law Third, Torts: Concluding Provisions
 Chair, Remedies Section, AALS (2018-19)
 Member, Executive Committee, Litigation Section, AALS (2016-present)
 Manuscript referee: Cambridge University Press, Oxford University Press
 Outside reviewer: American Political Science Review, Journal of Law & Society, Harvard Law Review, Yale Law Journal, Harvard/Yale/Stanford Junior Faculty Forum (2015)

Selected Public Testimony and Amicus Briefs

Testimony Before House Judiciary Committee, April 29, 2015 relating to H.R. 1927, Fairness in Class Action Litigation Act of 2015 (explaining how the proposed legislation will negatively impact civil rights lawsuits and consumer suits).

Brief for Amici Curiae Professors Alexandra D. Lahav & Sachin S. Pandya in Support of Respondents, Tyson Foods, Inc. v. Bouaphakeo, No. 14-1146, U.S. Sup. Ct., September 29, 2015, principal co-author (arguing that plaintiff has standing to sue under Article III).

Brief of Amici Curiae Professors Nora Freeman Engstrom, Alexandra D. Lahav, Anita Bernstein, John J. Donohue, III, Michael D. Green, Gregory C. Keating, James Kwak, Douglas Kysar, Stephan Landsman, Anthony J. Sebok, W. Bradley Wendel, John Fabian Witt, and Adam Zimmerman in Support of Plaintiff-Appellees, Soto v. Bushmaster Firearms Int'l LLC, Sup. Ct. of Conn., April 17, 2017, principal co-author (arguing in favor of negligent entrustment cause of action).

Co-authored amicus briefs supporting injunctive class action certification in class actions involving due process violations of homeless individuals in Seattle, Washington and immigrants held in detention without bail Michigan and Arizona.

OTHER PROFESSIONAL EXPERIENCE

Stanford Law School, Fellow (2002-2004)
 Emery Cuti Brinckerhoff & Abady PC, Associate (1999-2002)
 Justice Alan Handler, New Jersey Supreme Court, Law Clerk (1998-1999)
 Debevoise & Plimpton LLC, Summer Associate (June-August 1997)

EDUCATION

Harvard Law School, J.D., *magna cum laude*, 1998
 Brown University, B.A. (with honors), 1993

BAR ADMISSIONS

New York, Massachusetts, Southern and Eastern Districts of New York

MEDIA

Quoted in articles in Washington Post, Vox, the Los Angeles Times, New York Times, Wall Street Journal, Bloomberg, Thompson Reuters, Law360, National Law Journal and New York Law Journal.

Appearances on Morning Edition (NPR), All Things Considered (NPR), Diane Rehm Show (NPR), Southern California public radio (WKPC) and New York public radio (WNYC).