

BIOGRAPHY

James E. Pfander has focused his teaching and research on the role of the federal judiciary under Article III of the Constitution. His books include *CIVIL PROCEDURE: A MODERN APPROACH* (7th ed. 2018) (with Marcus, Redish & Sherman); *FEDERAL COURTS: CASES, COMMENTS, AND QUESTIONS* (8th ed. 2018) (with Redish & Sherry); *PRINCIPLES OF FEDERAL JURISDICTION* (3d ed. 2017).

Pfander's recent scholarship explores remedies for constitutional violations; the role of non-contentious jurisdiction in a federal system otherwise largely devoted to the resolution of disputes between adverse parties; the forgotten distinction between "cases" and "controversies" in defining the work of the federal judiciary; the lessons available from Scotland's civil-law-inflected approach to the problem of litigant standing; the origins and meaning of the anti-injunction act of 1793; and the possible influence of the Scottish judicial system on the structure of the federal court system.

A member of the American Law Institute, Pfander has taught as a visiting professor at the law schools at Harvard, Columbia, and Tel Aviv Universities. He has served as chair of both the federal courts and civil procedure sections of the Association of American Law Schools and as the reporter to the Committee on Federal-State Jurisdiction of the Judicial Conference of the United States.

Selected Recent Publications

The Common Law Origins of Ex parte Young, 72 STAN. L. REV. __ (2020) (with Wentzel).

The Myth of Personal Liability: Who Pays When Bivens Claims Succeed, 72 STAN. L. REV. __ (2020) (with Reinert and Schwartz).

Dicey's Nightmare: An Essay on the Rule of Law, 107 CAL. L. REV. __ (2019).

The Contested History of Article III's Case-or-Controversy Requirement, 65 UCLA L. REV. 170 (2018).

Standing to Sue: Lessons from Scotland's Actio Popularis, 66 DUKE L.J. 1493 (2017).

A Declaratory Theory of State Accountability, 102 VA. L. REV. 153-235 (2016) (with Dwinell).

Article III Judicial Power, the Adverse-Party Requirement, and Non-Contentious Jurisdiction, 124 YALE L.J. 1346 (2015) (with Birk).

The Anti-Injunction Act and the Problem of Federal-State Jurisdictional Overlap, 92 TEX. L. REV. 1 (2013) (with Nazemi).

Resolving the Qualified Immunity Dilemma: Constitutional Tort Claims for Nominal Damages, 111 COLUM. L. REV. 1601-1639 (2011).

Article III and the Scottish Judiciary, 124 HARV. L. REV. 1613 (2011) (with Birk).

CONSTITUTIONAL TORTS AND THE WAR ON TERROR (Oxford University Press 2017).

ONE SUPREME COURT: SUPREMACY, INFERIORITY, AND THE JUDICIAL POWER OF THE UNITED STATES (Oxford University Press 2009).