

MARIN K. LEVY

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EXPERIENCE

Duke University School of Law, Durham, NC

Professor of Law, July 2019 – Present
Associate Professor of Law, Jan. 2013 – June 2019
Visiting Associate Professor, Aug. 2009 – Dec. 2012
Director, Program in Public Law, July 2018 – Present
Faculty Advisor, Bolch Judicial Institute, Jan. 2019 – Present

Courses: Appellate Courts, Civil Procedure, Courts and Legal Process
Colloquium, Qualitative Research and the Judiciary, Remedies
Honors: Duke Law School Distinguished Teaching Award, 2017

Hon. José A. Cabranes, U.S. Court of Appeals for the Second Circuit, New Haven, CT
Law Clerk, Aug. 2008 – Aug. 2009

Jenner & Block LLP, Washington, DC
Associate, Sept. 2007 – Aug. 2008

EDUCATION

Yale Law School, New Haven, CT
J.D., 2007

Activities: *Yale Law & Policy Review*, Editor-in-Chief, Articles Editor
Professor Heather Gerken, Research Assistant
Professor Bruce Ackerman, Research Assistant
Professor Judith Resnik, Teaching Assistant for Federal Courts,
Research Assistant

University of Cambridge, King's College, Cambridge, UK
M.Phil. in the History and Philosophy of Science and Medicine, 2004
Honors: Cambridge Overseas Trust Scholarship

Yale College, New Haven, CT
B.A. in Ethics, Politics & Economics, and in English, 2003
Honors: Graduated *cum laude* and with Distinction in Both Majors

BOOKS

FEDERAL STANDARDS OF REVIEW: APPELLATE COURT REVIEW OF DISTRICT COURT DECISIONS AND AGENCY ACTIONS (2d ed. 2013) (with Judge Harry T. Edwards and Linda A. Elliott)

THE INTERNAL OPERATIONS OF THE FEDERAL COURTS OF APPEALS (with Judge Jon O. Newman, in progress)

SCHOLARLY PUBLICATIONS AND WORKS IN PROGRESS

Are Federal Judges National Judges? (in progress)

Judicial Secrecy (in progress, with Dan Epps)

The Office of the Chief Circuit Judge, 169 U. PENN. L. REV. (with Judge Jon O. Newman, forthcoming 2021) (invited contribution)

The Promise of Senior Judges, 115 NW. U. L. REV. 1227 (2021) (invited contribution)

- Discussed by Ann E. Marimow & Matt Viser in *Biden Moves Quickly to Make His Mark on Federal Courts After Trump's Record Judicial Nominations*, WASH. POST (Feb. 3, 2021)

Interbranch Information Sharing: Examining the Statutory Opinion Transmission Project, 108 CAL. L. REV. 917 (2020) (with Tejas Narechania) (invited contribution, symposium issue: "Re-examining the Federal Courts 'Crisis'")

Packing and Unpacking State Courts?, 61 WM. & MARY L. REV. 1121 (2020) (invited contribution, symposium issue: "The Role of Courts in Politically Charged Moments")

- Discussed by Adam Liptak in *The Precedent, and Perils, of Court Packing*, N.Y. TIMES (Oct. 12, 2020)
- Discussed by Aaron Blake in *The GOP's Court-Stacking*, WASH. POST (Oct. 12, 2020)
- Discussed by Christopher Ingraham in *GOP Has Been Aggressively Trying to Pack Supreme Courts at State Level, Study Says*, WASH. POST (Oct. 13, 2020)

Foreword: Fees, Fines, Bail, and the Destitution Pipeline, 69 DUKE L. J. 1463 (2020) (with Brandon Garrett & Sara Greene)

Visiting Judges, 107 CAL. L. REV. 67 (2019)

- Selected for the Tenth Annual Junior Faculty Federal Courts Workshop

Panel Assignment in the Federal Courts of Appeals, 103 CORNELL L. REV. 65 (2017)

- Selected for the New Voices in Civil Justice Workshop

SCHOLARLY PUBLICATIONS AND WORKS IN PROGRESS, CT'D

Challenging the Randomness of Panel Assignment in the Federal Appellate Courts, 101 CORNELL L. REV. 1 (2015) (with Adam Chilton)

- Discussed by Adam Liptak in *Coalition Challenges Selection of Judges in Same-Sex Marriage Case*, N.Y. TIMES (Nov. 10, 2014)

Appeals, in INTERNATIONAL ENCYCLOPEDIA OF THE SOCIAL & BEHAVIORAL SCIENCES (2d ed. 2015) (with Paul D. Carrington)

Judging Justice on Appeal, 123 YALE L.J. 2386 (2014) (reviewing WILLIAM M. RICHMAN & WILLIAM L. REYNOLDS, INJUSTICE ON APPEAL (2012))

Judging the Flood of Litigation, 80 U. CHI. L. REV. 1007 (2013)

- Discussed by Adam Liptak in *Fearing Deluge of Litigation, Supreme Court Works the Floodgates*, N.Y. TIMES (Mar. 4, 2013)

Judicial Attention as a Scarce Resource: A Preliminary Defense of How Judges Allocate Time Across Cases in the Federal Courts of Appeals, 81 GEO. WASH. L. REV. 401 (2013)

- Reviewed on Jotwell by Nancy Leong

Case Management in the Circuit Courts, LEGAL WORKSHOP (2011)

The Mechanics of Federal Appeals: Uniformity and Case Management in the Circuit Courts, 61 DUKE L. J. 315 (2011)

The Costs of Judging Judges by the Numbers, 28 YALE L. & POL'Y REV. 313 (2010) (with Kate Stith and José A. Cabranes)

Geographic Variation in Informed Consent Law: Two Standards for Disclosure of Treatment Risks, 4 J. EMPIRICAL LEGAL STUD. 103 (2007) (with David M. Studdert et al.)

BRIEFS

Cooper v. Berger, No. 315PA18 (Supreme Court of North Carolina, 2018)

Brief of Professor Marin K. Levy as *Amicus Curiae* (with Drew Erteschik & Nathaniel Zinkow)

SELECTED WORKSHOPS AND PRESENTATIONS

“The Office of the Chief Circuit Judge,” The University of Pennsylvania Law Review Symposium: Civil Procedure, Judicial Administration, and the Future of the Field: A *Festschrift* in Honor of Professor Stephen B. Burbank, Feb. 12, 2021

Panelist, “Is There a Path Forward for Court Reform?,” Brookings Institution, Jan. 25, 2021

SELECTED WORKSHOPS AND PRESENTATIONS, CT'D

“The Promise of Senior Judges,” William & Mary Law School Faculty Workshop, Oct. 22, 2020

“Judicial Secrecy,” Washington University in St. Louis School of Law Faculty Workshop, Sept. 8, 2020

“The Office of the Chief Judge,” Duke Law School Faculty Workshop, July 1, 2020

“The Power of the Chief,” Courts & Judicial Process Colloquium, Berkeley School of Law Apr. 2, 2020

“The Power of the Chief,” Judicial Administration / Judicial Process Roundtable, Duke Law School, Dec. 12, 2019

Panelist, Civil Rules Planning Conference, Bolch Judicial Institute, Duke Law School, Nov. 8, 2019

“Judicial Officers,” Remedies Roundtable, Notre Dame Law School, June 20, 2019

Panelist, California Law Review Symposium: “Re-examining the Federal Courts ‘Crisis,’” University of California, Berkeley School of Law, Apr. 12, 2019

“Judicial Self-Restraint or Self Help?” William & Mary Law Review Symposium: “The Role of Courts in Politically Charged Moments,” William & Mary Law School, Feb. 22, 2019

“Are Federal Judges National Judges?” Judicial Administration / Judicial Process Roundtable, Duke Law School, Dec. 14, 2018

“Visiting Judges,” Vanderbilt University Law School Faculty Workshop, Oct. 2, 2018

“Consequentialist Courts,” Remedies Roundtable, Notre Dame Law School, June 14, 2018

“Visiting Judges,” Courts & Legal Process Workshop, Columbia Law School, Mar. 28, 2018

“Panel Assignment in the Federal Courts of Appeals,” Law and Economics Workshop, University of Toronto Law School, Sept. 12, 2017

“Visiting Judges,” Study of the Judiciary Workshop, Center for Judicial Studies, Duke Law School, June 9, 2017

“Are Federal Judges National Judges?” Duke Law School Faculty Workshop, July 27, 2016

“Beyond Strict Randomness in Appellate Panel Assignment,” New Voices in Civil Justice Workshop, Vanderbilt University Law School, May 11, 2016

SELECTED WORKSHOPS AND PRESENTATIONS, CT'D

“Challenging the Randomness of Panel Assignment in the Federal Appellate Courts,” Conference on Empirical Legal Studies, Washington University in St. Louis School of Law, Oct. 31, 2015

“Judicial Administration and Historical Practice,” Historical Practice and the Federal Judicial Power Roundtable, Duke Law School, Oct. 23, 2015

“Judicial Administration and the New Legal Process,” The Eighth Annual Judge Stephanie K. Seymour Distinguished Lecture in Law, University of Tulsa College of Law, Oct. 15, 2015

“The Burden on the Court: The Role of Judicial Self-Interest in Remedies,” Duke Law School Faculty Workshop, July 15, 2015

“The Burden on the Court: Injunctive Relief in the Wake of *eBay*,” Remedies Discussion Forum, Université Paris – Dauphine, June 16, 2015

“Beyond Strict Randomness: Understanding and Evaluating Panel Assignment in the Federal Courts of Appeals,” Cornell Law School Faculty Workshop, Mar. 13, 2015

“Challenging the Randomness of Panel Assignment in the Federal Appellate Courts,” University of Chicago Law School Faculty Workshop, Dec. 11, 2014

“Challenging the Randomness of Panel Assignment in the Federal Appellate Courts,” University of Pennsylvania Law School Civil Procedure Scholarship Workshop, Oct. 21, 2014

“Challenging the Randomness of Panel Assignment in the Federal Appellate Courts,” Duke Law School Faculty Workshop, July 16, 2014

“Oral Argument Panel Assignment in the Federal Courts,” Junior Federal Courts and Conflicts of Law Scholars Roundtable, Duke Law School, June 4, 2013

“Oral Argument Panel Assignment in the Federal Courts,” Duke Law School Faculty Workshop, May 29, 2013

“Judging the Flood of Litigation,” Duke Law School Faculty Workshop, Aug. 28, 2012

“Judicial Attention as a Scarce Resource,” William & Mary Law School Faculty Workshop, Feb. 1, 2012

“Judicial Attention as a Scarce Resource,” George Washington Law School Faculty Workshop, Jan. 9, 2012

POPULAR PUBLICATIONS AND COMMENTARY

Politics and Polls Podcast: “All About State Courts – Packing, Expansion & More) (with Sam Wang) (Nov. 19, 2020)

Strict Scrutiny Podcast: “Vice Signaling” (with Leah Litman & Kate Shaw) (Nov. 16, 2020)

The Status of Non-Binding Authority, Jotwell (Nov. 12, 2020) (reviewing Maggie Gardner, *Dangerous Citations* and Merritt E. McAlister, *Missing Decisions*)

Republicans Have Already Packed State Supreme Courts, WASH. POST (OCT. 26, 2020)

Confronting Online Advocacy, Jotwell (Sept. 4, 2019) (reviewing Jeffrey Fisher & Alli Orr Larsen, *Virtual Briefing at the Supreme Court*)

First Mondays Podcast: “Animal Magnetism” (with Dan Epps & Stephen Sachs) (Nov. 19, 2018)

Construing Precedent, Jotwell (Nov. 5, 2018) (reviewing Richard Re, *Beyond the Marks Rule*)

Redesigning the Cert Process, Jotwell (Feb. 9, 2018) (reviewing Daniel Epps & William Ortman, *The Lottery Docket*)

Rethinking Judicial Independence, Jotwell (June 5, 2017) (reviewing Tara Leigh Grove, *The Origins (and Fragility) of Judicial Independence*)

Rationing Constitutional Justice, Jotwell (July 8, 2015) (reviewing Aziz Huq, *Judicial Independence and the Rationing of Constitutional Remedies*)

Coming to a Better Understanding of Remedies, Jotwell (July 15, 2014) (reviewing Samuel L. Bray, *The Myth of the Mild Declaratory Judgment*)

How the Circuit Courts Differ, LitigationWorld (Sept. 7, 2012)

CONFERENCES ORGANIZED

Judicial Administration / Judicial Process Roundtable, Duke Law School, Dec. 11, 2020

Judicial Administration / Judicial Process Roundtable, Duke Law School, Dec. 12, 2019

Judicial Administration / Judicial Process Roundtable, Duke Law School, Dec. 14, 2018

SELECTED SERVICE AND ACTIVITIES

American Association of Law Schools, Remedies Section, Executive Committee Member, 2020 – Present

Duke University Academic Council, Elected Member, 2019 – Present

Duke University Academic Council, Executive Committee, Vice Chair, 2020 – Present, Elected Member, 2019 – 2020

Duke University Audit and Compliance Committee, Faculty Member, 2019 – Present

Duke Law School Law Teaching Committee, Chair, 2015 – 2017, Member, 2018 – Present

Duke Law School Curriculum Committee, Member, 2018 – 2020

Duke Law School Workshops Committee, Member, 2017 – 2018

Duke Law School Clerkship Committee, Member, 2010 – 2011, 2013 – 2015, 2020 – Present

Duke Law School Committee on Teaching, Member, 2014 – 2015

Duke Law School Student Workshop Series, Organizer, 2012 – 2013, 2018 – Present

Jotwell, Courts Law Section Contributor, 2013 – Present

Judicature, Member of the Editorial Board, 2018 – Present

Yale College Alumni Schools Committee, Member, 2012 – 2013

Yale Law Women Mentor, 2012 – Present

OCCASIONAL REVIEWER

NEW YORK UNIVERSITY LAW REVIEW

HARVARD LAW REVIEW

JOURNAL OF EMPIRICAL LEGAL STUDIES

JOURNAL OF LAW, ECONOMICS AND ORGANIZATION

JOURNAL OF LEGAL STUDIES

LAW & SOCIAL INQUIRY

BAR ADMISSIONS

New York

District of Columbia