

MYRIAM GILLES

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Education

Yale Law School, J.D., 1996
Harvard-Radcliffe Colleges, A.B. History and Literature, *magna cum laude*, 1993.

Employment

Benjamin N. Cardozo School of Law
Vice Dean, 2016-2018; Professor of Law, 2003 to Present
Associate Professor, 2001 to 2003, Assistant Professor, 1999 to 2001
Lecturer of Law, 1997-1999
Courses taught: Civil Procedure, Torts, Products Liability, Complex Litigation, Contract
Drafting, Elements of Law

Woodrow Wilson School, Princeton University Fellow,
Program in Law and Public Affairs, 2005-2006

Kirkland & Ellis, New York, Litigation Associate, 1996-97.

Scholarship

The Issue Class Revolution (with Gary Friedman) (work-in-progress);

Mandatory Arbitration + Class Action Bans = Disempowering the Powerless, in Coleman, Malveaux, Pedro & Porter, CRITICAL GUIDE TO CIVIL PROCEDURE (forthcoming);

The New Qui Tam: Enforcing Group Rights In A Hostile Era (with Gary Friedman), __ TEX. L. REV. __ (forthcoming 2019);

Recovering the Issue Class in Mass Tort MDLs (with Gary Friedman), Symposium: MDL Turns 50: A Look Back and the Way Forward, __ U. GA. L. REV. __ (forthcoming 2019);

The Politics of Access: Examining Concerted State/Private Enforcement Solutions to Class Action Bans, Colloquium: Access to Justice and the Legal Profession in an Era of Contracting Civil Liability, 86 FORDHAM L. REV. 2223 (2018);

The Radical Majoritarianism of Rule 23(b)(2) (with Gary Friedman) Symposium: The 50th Anniversary of the Modern Class Action Rule, 65 KANSAS L. REV. 989 (2017);

Can John Coffee Rescue the Private Attorney General? Lessons from the Credit Card Wars, 83 U. CHI. L. REV. 1001 (2016);

Class Warfare: The Disappearance of Low-Income Litigants from the Civil Docket, Symposium: The War on the Civil Justice System (co-sponsored by the Pound Civil Justice Institute), 65 EMORY L. REV. 1531 (2016);

Upending Supreme Court Precedent: Charting the Judicial Rise and Predicting the Regulatory Demise of Mandatory Arbitration in Standard-Form Contracts, in Materials for the Joint Seminar of the Appellate Division, New York State Courts (May 2015);

The Day Doctrine Died: Private Arbitration and the End of Law, 2016 U. ILL. L. REV. (2016) (winner of Pound Institute Civil Justice Award for Best Article, 2018);

The Demise of Deterrence: Mandatory Arbitration and the “Litigation Reform” Movement, in FORCED ARBITRATION AND THE FATE OF THE 7TH AMENDMENT: THE CORE OF AMERICA’S LEGAL SYSTEM AT STAKE? (Pound Civil Justice Institute, July 2014);

Individualized Injunctions and No-Modification Terms: Challenging “Anti-Reform” Provisions in Arbitration Clauses, Symposium: Leading from Below, in honor of Judge Jack Weinstein, 69 U. MIAMI L. REV. 469 (2015);

Tribal Rituals of the MDL, 5 J. OF TORT LAW 173 (2014);

Operation Arbitration: Privatizing Medical Malpractice Claims, 15 THEORETICAL INQUIRIES IN LAW 671 (2014);

Crowd-classing Individual Arbitrations in a Post-Class Action Era (with Anthony Sebok), Annual Clifford Symposium on Tort Law and Social Policy, 63 DEPAUL L. REV. 447 (2014);

Killing Them With Kindness: Examining “Consumer-Friendly” Arbitration Clauses After AT&T Mobility v. Concepcion, 88 NOTRE DAME L. REV. 825 (2013);

Procedure in Eclipse: Group-Based Adjudication in a Post-Concepcion Era, 56 ST. LOUIS L. REV. 1203 (2012) (symposium honoring Prof. Judith Resnik);

After Class: Aggregate Litigation in the Wake of ATT v. Concepcion (with Gary Friedman), 79 U. CHI. L. REV. 623 (2012);

Public-Private Approaches to Mass Tort Victim Compensation: Some Thoughts on the Gulf Coast Claims Facility, Annual Clifford Symposium on Tort Law and Social Policy, 61 DEPAUL L. REV. 419 (2012);

Class Dismissed: Contemporary Judicial Hostility to Class Certification, Annual Clifford Symposium on Tort Law and Social Policy, 59 DEPAUL L. REV. 201 (2010);

Police, Race and Crime in 1950s Chicago: Monroe v. Pape as Legal Noir, in CIVIL RIGHTS STORIES (Foundation Press) (2008) (also co-edited this volume with Risa Goluboff);

Exploding the Class Action Agency Costs Myth: The Social Utility of Entrepreneurial Lawyers (with Gary Friedman), 155 PENN. L. REV. 103 (2006);

Opting Out of Liability: The Forthcoming Near-Total Demise of the Modern Class Action, 104 MICH. L. REV. 373 (2005) [selected for Stanford-Yale Junior Faculty Forum, Stanford University, May 2005];

Introduction to Symposium: *Private Parties as Defendants in Civil Rights Litigation*, 26 CARDOZO L. REV. 1 (2004);

An Autopsy of Structural Reform Litigation . . . Oops, It’s Still Moving!, Symposium: Fiss’s Way: The Scholarship of Owen Fiss, 58 U. MIAMI L. REV. 143 (2003);

In Defense of Making Government Pay: The Deterrent Effect of Constitutional Tort Damages, Symposium: Reexamining First Principles, Deterrence and Corrective Justice in Constitutional Torts, 35 GA. L. REV. 845 (2001);

Representational Standing: U.S. ex rel. Stevens and the Future of Public Law Litigation, 89 CAL. L. REV. 315 (2001);

Reinventing Structural Reform Litigation: Deputizing Private Citizens in the Enforcement of Civil Rights, 100 COLUM. L. REV. 1384 (2000);

Breaking the Code of Silence: Rediscovering "Custom" in Section 1983 Municipal Liability, 80 B.U. L. REV. 17 (1999);

(With Mark Herrmann) *First-Year Associate Basics: From the Partner's Perspective and From the Associate's Perspective*, 25 A.B.A. LITIGATION JOURNAL 1, 9 (1998).

Selected Conferences and Programs

Panelist, *Fiss's Way: The Scholarship of Owen Fiss*, Panel on Judicial Power, University of Miami (in conjunction with the Yale Law School), March 23-25, 2003, Miami, FL.;

University of Virginia Law School, Faculty Workshop on *Opting Out of Liability* paper, November 12, 2004;

Duke Law School, Faculty Workshop on *Opting Out of Liability*, February 8, 2005;

Columbia Law School, Faculty Workshop on *Opting Out of Liability*, February 16, 2005;

Panelist, "Class Actions: Empirical, Anecdotal and Understood Truths," Law & Society Conference, June 2005;

UCLA Law School, Faculty Workshop on *Exploding Agency Costs*, March 17, 2006;

Washington University at St. Louis, Faculty Workshop on *Exploding Agency Costs*, April 3, 2006;

Princeton University, Program in Law and Public Affairs Seminar on *Exploding Agency Costs*, April 10, 2006;

Presenter, Cecil D. Branstetter Litigation & Dispute Resolution Program, Vanderbilt University, April 14, 2006;

Northwestern Law School, Faculty Workshop on *Exploding Agency Costs*, April 20, 2006.

University of Illinois School of Law, Faculty Workshop on *Exploding Agency Costs*, September 29, 2006;

Presenter, University of Pennsylvania Law School, Law Review Author's Luncheon, October 27, 2006;

Organizer, Cardozo Law School, Public Justice & American Constitution Society Conference: Justice and the Role of Class Actions, March 13, 2008;

Panelist, American Constitution Society Conference: Class Actions and Access to Justice, NYU Law School, January 21, 2010;

Participant, Cecil D. Branstetter Litigation & Dispute Resolution Program, Vanderbilt University: Roundtable Discussion on Attorneys' Fees in Aggregate Litigation, February 5, 2010;

Presenter, Clifford Symposium "Rising Stars in Civil Procedure," presented *Class Dismissed*; DePaul University, April 14-15, 2010;

Presenter, University of Houston Faculty Colloquium on *Some Thoughts on the Gulf Coast Claims Facility*, February 17, 2011;

Presenter, UNC Faculty Speaker Series on *Some Thoughts on the Gulf Coast Claims Facility*, March 17, 2011;

Participant, Clifford Symposium in honor of Robert Rabin, Depaul University, *Some Thoughts on the Gulf Coast Claims Facility*, April 14-15, 2011;

Moderator, 9/11 Victims' Compensation Fund: A Look Back, Cardozo Law School, Sept. 12, 2011;

Presenter, University of Miami Law School, Faculty Workshop, September 30, 2011;

Panelist, St. Louis University School of Law, Symposium: Justice Systems Circa 2011: Public Courts, Military Commissions, and Aggregate Processing, November 11, 2011;

Panelist, Remedies for Big Disasters, AALS Annual Meeting, January 7, 2012;

Organizer and panelist, *AT&T Mobility v. Concepcion*: One Year Later, Cardozo Law School, April 26, 2012;

Commentator, Vanderbilt Law School, New Voices in Civil Justice Workshop, May 7, 2012;

Presenter, Association of American Law Schools' Workshop on Torts, Environment, and Disaster, June 8-10, 2012;

Panelist, Arbitration and Class Actions, Class Action Symposium, George Washington University Law School, March 7-8, 2013;

Presenter, A Brave New World: The Changing Face of Litigation and Law Firm Finance, Clifford Symposium, presented *Crowd-Classing* DePaul University, April 18-19, 2013;

Presenter, New Approaches for a Safer and Healthier Society, Tel Aviv University, Cegla Center, presented *Operation Arbitration*, May 20-22, 2013;

Presenter, Consumer Remedies After *Concepcion*, Forum on Class Actions and Aggregate Litigation, ALI, Philadelphia, June 7, 2013;

Faculty workshop on *Operation Arbitration*, Boston University School of Law, Sept. 19, 2013;

Commentator, *The Public Life of Private Law: Conference in Honor of Richard Nagareda*, Vanderbilt Law School, Sept. 27-28, 2013;

Panelist, “Arbageddon” Has the Revolution to End Class Actions Spawned Weapons of Mass Arbitration?, 17th Annual ABA Class Actions National Institute, Boston, MA, Oct. 23-24, 2013;

Commentator, *The Federal Rules at 75*, University of Pennsylvania Law School, Nov. 15-16, 2013;

Panelist, Federal Bar Council Winter Retreat, Recent Developments in Class Action Law (chaired by Judge Raymond Lohier, 2nd Cir.), Feb. 8-14, Costa Rica;

Presenter, *Leading from Below: A Symposium in Honor of Jack Weinstein*, University of Miami Law School, Feb. 14, 2014;

Presenter, Pound Institute for Justice Judge’s Forum on Forced Arbitration and the Fate of the 7th Amendment, Baltimore MD, July 26, 2014;

Presenter, Democratic Attorney Generals’ Fall Meeting, Philadelphia PA, September 20-21, 2014;

Presenter, *The Future of Class Action Litigation: A View from the Consumer Class*, NYU Civil Justice Center Program, Nov. 7, 2014;

Commentator, 1st Annual Civil Procedure Workshop, Seattle, WA, July 2015;

Symposium participant, “The War on the U.S. Civil Justice System,” Emory Law School, October 2015;

Symposium participant, “The 50th Anniversary of the Modern Class Action Rule,” Kansas Law School, October 2016;

Colloquium participant, “Access to Justice and the Legal Profession in an Era of Contracting Civil Liability,” Fordham Law School, October 2017;

Seattle University Law School, Faculty Workshop on *The New Qui Tam* paper, September 2018;

Legislative and Regulatory Activities

Testimony before the U.S. Senate Judiciary Committee on “Arbitration in America,” April 2, 2019, available at

<https://www.judiciary.senate.gov/imo/media/doc/Gilles%20Testimony.pdf>

Testimony before the Vermont Senate Judiciary Committee on the Model State Consumer Enforcement Act, S. 105, Jan. 4, 2018, available at

<https://legislature.vermont.gov/assets/Documents/2018/WorkGroups/Senate%20Judiciary/Bills/S.105/S.105~Professor%20Myriam%20Gilles~Written%20Testimony~1-4-2018.pdf>.

Testimony before the U.S. Senate Judiciary Committee on “The Impact of Lawsuit Abuse on American Small Businesses and Job Creators,” Nov. 8, 2017, written testimony available at <https://www.judiciary.senate.gov/imo/media/doc/11-08-17%20Gilles%20Testimony.pdf>.

Testimony before the U.S. Senate Judiciary Committee on the Arbitration Fairness Act of 2013 [S. 878/H.R. 1844], Tuesday, December 17, 2013, written testimony available at <http://www.judiciary.senate.gov/imo/media/doc/12-17-13GillesTestimony.pdf> and <http://www.judiciary.senate.gov/imo/media/doc/121713QFRs-Gilles.pdf>; transcript of oral testimony at <http://www.nasaa.org/wp-content/uploads/2013/12/Transcript-of-the-Dec.-17-Senate-Judiciary-Committee-Hearing.pdf>.

Field Hearing of the Consumer Financial Protection Bureau, March 10, 2015, available at <http://www.consumerfinance.gov/blog/live-from-newark/>.

Senate Briefing on the CFPB Arbitration Study and New Polling on Mandatory Arbitration, March 12, 2015.

Other Professional Activities

Board Member, Public Justice (2018-present)

Board Member, Justice Resource Center (2015-present);

Executive Committee Member, Class Action Preservation Project, Public Justice (2006-2010; 2018-present);

Chair, Civil Rights Section, AALS (2003-2004);

Recipient, The American Association for Justice, Robert L. Habush Endowment Fund (2013-2014).