

JOHN BILYEU OAKLEY
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CURRICULUM VITAE

PERSONAL

Born: June 18, 1947, in San Francisco, California.
Married: May 25, 1969, to Fredericka Barvitz.
Children: Adélie Wright Oakley, born May 10, 1974.
Antonia Bilyeu Oakley, born August 23, 1982.
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EDUCATION

Law: J.D., Yale University, 1972.
Board of Editors, *Yale Law Journal*. Assistant in Instruction, Yale Law School Faculty.
Undergraduate: A.B., University of California, Berkeley, 1969.
Honors with Distinction in History and General Scholarship. Phi Beta Kappa. National Merit Scholar.
Other Study: Visiting Student in the Arts, University of Sussex, England, 1966-67.

PROFESSIONAL EMPLOYMENT

July 2009 to present: Distinguished Professor of Law, Emeritus, University of California, Davis (recalled for 2009-2014).
July 2005 to July 2009: Distinguished Professor of Law, University of California, Davis (Professor of Law 1979-2005; Acting Professor of Law 1975-

1979).

Feb. 1996 to present: Associate, Department of Philosophy, University of California, Davis.

Dec. 1995 to Feb. 2004: Reporter, Federal Judicial Code Revision Project, American Law Institute.

Jan. 2002 to July 2002: Consultant, Committee on Federal-State Jurisdiction, United States Judicial Conference.

Jan. 2001 to May 2001: Visiting Professor of Law, University of California, Berkeley (part-time).

March 2001: Distinguished Visiting Professor of Law, University of Tennessee, Knoxville.

Jan. 1998 to July 1998: Consultant, Commission on Structural Alternatives for the Federal Courts of Appeals.

Jan. 1994 to Dec. 1995: Consultant, American Law Institute (developed Prospectus for the Federal Judicial Code Revision Project).

Nov. 1991 to Feb. 1996: Reporter, Committee on Federal-State Jurisdiction, United States Judicial Conference.

Jan. 1984 to Feb. 1996: Appointed Counsel, Automatic Death Penalty Appeal, *People v. Mickey*, Supreme Court of California

Sept. 1982 to Aug. 1983: Visiting Scholar, University College, Oxford University, England.

Aug. 1979 to Aug. 1980: Scholar-in-Residence, Civil Rights Division, U.S. Dept. of Justice, Washington, D.C.

July 1979 to July 2005: Professor of Law, University of California, Davis.

Sept. 1975 to July 1979: Acting Professor of Law, University of California, Davis.

Sept. 1974 to Sept. 1975: Senior Law Clerk, Chambers of Chief Justice Donald R. Wright, Supreme Court of California, San Francisco.

- Sept. 1973 to Aug. 1974: Senior Law Clerk, Chambers of Chief Judge M. Joseph Blumenfeld, United States District Court for the District of Connecticut, Hartford.
- Aug. 1972 to Aug. 1973: Law Clerk, Chambers of Chief Justice Donald R. Wright, Supreme Court of California, San Francisco.
- June 1972 to July 1972: Research Fellow, American Civil Liberties Union of Northern California.
- Sept. 1971 to Jan. 1972: Assistant in Instruction, Yale Law School.
- June 1971 to Aug. 1971: Summer Associate, Lillick, McHose, Wheat, Adams & Charles, Attorneys at Law, San Francisco, California.

TEACHING ACTIVITIES

Current Courses: Civil Procedure, Federal Jurisdiction, Jurisprudence.

Other Courses Taught: Admiralty and Maritime Law, Constitutional Law, Introduction to Law, Legal Philosophy (in the Department of Philosophy), Legal Process, Legislation, Legislative Process, Judicial Process.

Other Universities: University of California, Berkeley; University of Tennessee, Knoxville; Oriel College, Oxford University.

Extracurricular Presentations:

Debater and Discussant, *Should Judges Secure Unenumerated Rights? From Lochner to Lawrence*, Federalist Society, U.C. Davis School of Law, April 5, 2010 (with Dr. Roger Pilon of the Cato Institute).

Presenter, Bay Area Civil Procedure Forum, University of California Hastings College of Law, San Francisco, California, May 4, 2009 (presented *Decontaminating Diversity Jurisdiction*).

Speaker, *Lou Ashe 2009 Symposium: "Before It's Too Late – How Can Law Schools Teach and Inculcate the Tradition of Civility,"* University of Pacific McGeorge School of Law, Sacramento, California, March 18, 2009.

Speaker, *King Hall Faculty Panel on the U.S. Supreme Court's 2007 and 2008 Terms*, Davis, California, October 3, 2008.

Presentations to The Regents of the University of California:

Academic Senate Budget Overview, May 17, 2007 (Committee on Finance) (with Christopher Newfield).

Ladder-Rank Faculty Salaries at the University of California, March 15, 2007 (Committee on Compensation) (with Wyatt R. Hume).

Undergraduate Education at UC: Expanding Learning Opportunities, March 16, 2006 (Committee on Educational Policy) (with Wyatt R. Hume and Judith Smith).

Speaker, *Shared Governance at the University of California*, UCOP HR Policy & Program Design Group Meeting, Oakland, California, February 22, 2007.

Speaker, *Academic Governance at the University of California*, presented to the Senior Administration Delegation of Shanghai Jiao Tong University, Oakland, California, January 30, 2007.

Faculty Colloquium Speaker, *The American Law Institute and Federal Statutory Reform: Substantive and Procedural Perspectives from Inside the Federal Judicial Code Revision Project*:

University of Miami School of Law, Coral Gables, Florida, April 2003.

University of California, Davis, School of Law (King Hall), Davis, California, April 2003.

Saint Louis University School of Law, St. Louis, Missouri, March 2003.

University of Illinois College of Law, Champagne, Illinois, April 2005.

Speaker, *King Hall Community Forum on the War in Iraq*, Davis, California, March 2003.

Speaker, *Reflections on September 11 After One Year: Legal Perspectives From King Hall*, Davis, California, September 2002.

Small Group Discussion Leader, Association of American Law Schools Workshop on Federal Courts, Washington, D.C., May 2002.

Speaker (introducing U.S. Circuit Judge Susan P. Graber), Neumiller Moot Court Competition, Davis, California, April 2002.

Speaker, Institute of Governmental Affairs Colloquium, *Military Tribunals*, Davis, California, April 2002.

Moderator, Panel on Contemporary Perspectives on the Politics of Federal Judicial Selection, U.C. Davis Law Review Symposium on Federal Judicial Selection in the New Millennium, Davis, California, April 2002.

Speaker, Symposium on Dispute Resolution in the 21st Century, University of Nevada, Las Vegas, School of Law, January 2002 (presented *A Fresh Look at the Federal Rules in State Courts*).

Speaker (representing Vice President Gore), King Hall Federalist Society's Debate on *Bush v. Gore*, Davis, California, October 2001.

Speaker, Faculty Colloquium, University of Tennessee College of Law, Knoxville, March 2001 (presented *The ALI's Federal Judicial Code Revision Project: Historical Timeline and Future Prospects*).

Speaker, Symposium on the New Federal Rules of Civil Procedure, University of Tennessee College of Law, Knoxville, March 2001 (presented *Joinder and Jurisdiction in the Federal District Courts: The State of the Union of Rules and Statutes*).

Speaker, Institute of Governmental Affairs Colloquium, *Reflecting on the Presidential Election and the Role of the Courts*, Davis, California, January 2001.

Chief Reporter and Moderator (Panel on Capital Habeas Corpus; Panel of State Reporters), Second Western Regional Conference on State-Federal Judicial Relationships, Tucson, Arizona, October 2000.

Speaker (Panel on Implications of the White Commission) and Moderator (Panel on Contemplating the Future of the Federal Courts of Appeals), Symposium: Managing the Federal Courts: Will the Ninth Circuit be a Model for Change?, U.C. Davis Law Review, Davis, March 2000 (presented *Alternative Conceptions of the Divisional Organization of the Ninth Circuit*).

Speaker, Davis Chapter of the California Appellate Defense Counsel, *The Future of the Appellate Process*, Davis, August 1999.

Speaker, Panel on the Appellate Process Task Force, 1999 California Judicial Administration Conference, Long Beach, March 1999.

Speaker, U.C. Davis School of Law Faculty Colloquium, *The Work of the Commission on Structural Alternatives for the Federal Courts of Appeals*, Davis, January 1999.

Speaker, Colloquium of Academic Experts on Judicial Administration, Commission on Structural Alternative for the Federal Courts of Appeal, Washington, D.C., March 1998.

Speaker, Panel on the Appellate Process Task Force, 1998 California Judicial Administration Conference, Monterey, March 1998.

Speaker, Symposium on Supplemental Jurisdiction, Section on Civil Procedure of the Association of American Law Schools, San Francisco, January 1998 (presented *The Relationship of Supplemental Jurisdiction and Diversity Jurisdiction*).

Speaker, Symposium on Federal Practice and Procedure in Honor of Professor Charles Alan Wright, University of Texas Law Review, Austin, October 1997 (presented *Federal Jurisdiction and the Problem of the Litigative Unit*).

Keynote Speaker, Conference of the Ohio Courts Futures Commission, Salt Fork, Ohio, June 1997 (presented *Twenty-First Century Justice*).

Moderator, Symposium on Summing Up Procedural Justice: Exploring the Tension Between Collective Processes and Individual Right in the Context of Settlement and Litigating Classes, Section on Civil Procedure of the Association of American Law Schools, San Francisco, January 1997.

Keynote Speaker, National Conference on the Future of the Judiciary, National Center for State Courts, Williamsburg, March 1996 (presented *Twenty-First Century Justice: Problems and Proposals from a State-Court Perspective*).

Moderator, Panel on Uniformity and Rulemaking: Where Do We Go From Here?, Section on Civil Procedure of the Association of American Law Schools, San Antonio, January 1996.

Speaker and Panelist, Symposium on the 50th Anniversary of *International Shoe*: The Past and Future of Personal Jurisdiction, U.C. Davis Law Review, Davis, February 1995 (presented *The Pitfalls of "Hint and Run" History*).

Small Group Reporter, National Mass Torts Conference, Cincinnati, November 1994.

Moderator, Orientation Programs for Visiting Foreign Judges, Judicial Administration Division of the American Bar Association, Washington, D.C., July 1994, and New Orleans, August 1994.

Chief Reporter and Moderator of Panel of Small-Group Reporters, Western Regional Conference on State-Federal Judicial Relationships, Stevenson, Washington, June 1993.

Speaker, 2020 Vision Symposium: A Plan for the Future of California's Courts, San Francisco, December 1992 (presented *The Future Relationship of California's State and Federal Courts*), repeated at the Annual Meeting of the Western Political Science Association, Pasadena, March 1993, and at the California Judicial Council's Court Management and Presiding Judges Conference, La Jolla, April 1993.

Panelist, Program on Civil Justice Reform, Law and Society Association Annual Meeting, Philadelphia, May 1992.

Small-Group Reporter, National Conference on State-Federal Judicial Relationships,

Orlando, April 1992.

Moderator, Panel on Law and Morality, Annual Meeting of Pacific Division of American Philosophical Association, Portland, March 1992.

Commentator, Conference on Ethology, Property and Growth, Gruter Institute for Law and Behavioral Research, Squaw Valley, May 1990.

Panelist, Program on Deciding Appeals Without Collegial Interaction, Law and Society Association Annual Meeting, Madison, Wisconsin, June 1989.

Speaker, Institute of Governmental Affairs, Davis, February 1989 (presented *Deciding Appeals Without Oral Argument: The Ninth Circuit Experience 1982-1988*).

Speaker, Circuit Judges' Meeting, Ninth Circuit Judicial Conference, Coeur d'Alene, August 1988 (presented *Avoiding Undue Delegation in Screened Cases*).

Panelist, Program on Hazards and Benefits of Court-Sponsored Research, Law and Society Association Annual Meeting, Vail, June 1988.

Speaker, Panel I — Securing Information from Judges and Lawyers; Moderator, Panel IV — Accessing and Using Documents and Databases, Conference on Empirical Research in Judicial Administration, Arizona State University, Tempe, March 1988.

Speaker, Panel on Sociological Jurisprudence and Realist Theories of Rights, 11th World Congress on Philosophy of Law and Social Philosophy, Helsinki, August 1983 (presented *The Legality of a Political System: Positivism, Political Morality and the Point of Theories of Law*).

Speaker, Panel on Law and Anthropology, 11th World Congress on Philosophy of Law and Social Philosophy, Helsinki, August 1983 (presented *Sociobiology and the Law*).

Co-tutor, Seminars in Jurisprudence, Oriel College, Oxford, Spring 1983 (with R.H.S. Tur).

Continuing Education Lecturer on Civil Procedure, Alaska Bar Association Annual Meeting, Anchorage, May 1982.

Speaker and Moderator, Panel on Intervention in Public Law Litigation, Section on Civil Procedure of the Association of American Law Schools, Phoenix, January 1980 (presented *The United States as Participant in Public Interest Litigation: Recent Developments*).

Commentator, Federal Judicial Center Conference for Federal Appellate Judges, Los Angeles, January 1979 (with Ronald Dworkin and Richard Wasserstrom).

Network television interviews: April 25, 1991 (NBC Nightly News re televising executions). Dec. 14, 1987 (PBS MacNeil-Lehrer News Hour re Justice-designate Anthony M. Kennedy).

Numerous local television and radio interviews.

OTHER APPOINTMENTS AND ACTIVITIES

Government Service: Higher Education Advisor, Lt. Gov. John Garamendi, 2007-09. Faculty Representative, Board of Regents, University of California, 2005-07. Reporter and Planning Committee Member, Second Western Regional Conference on State-Federal Judicial Relationships, 1999-2000. Consultant, Commission on Structural Alternatives for the Federal Courts of Appeals, 1998. Member, California Judicial Council's Appellate Process Task Force, 1997-2001 (by appointment of California Chief Justice Ronald M. George). Chair of Subcommittee on Court Operations, California Judicial Council's Appellate Process Task Force, 1997-2000. Reporter, Committee on Federal-State Jurisdiction of the United States Judicial Conference, 1991-1996 (by appointment of United States Chief Justice William H. Rehnquist). Reporter, Civil Justice Reform Act Advisory Group, United States District Court for the Eastern District of California, 1991-1994. Reporter and Planning Committee Member, Western Regional Conference on State-Federal Judicial Relationships, 1992-1993. Consultant, California Judicial Council, Commission on the Future of the Courts, 1992-1993. Lawyer Representative from the Eastern District of California to the Ninth Circuit Judicial Conference, 1991-1992. Reporter, Speedy Trial Planning Group, United States District Court for the Eastern District of California, 1977-82. Public Member, New Motor Vehicle Board, State of California, 1976-82. Legislative Consultant, California State Senate, 1977. Legislative Consultant, Governor of California, 1976.

The American Law Institute: Elected to membership in 1986; Reporter, Federal Judicial Code Revision Project, 1995-2004. Consultant to Special Committee on the Federal Judicial Code Revision Project, 2004.

University Service: Oliver Johnson Award for Lifetime Service to the Systemwide Academic Senate of the University of California, received July 2012. Vice Chair, Davis Divisional Academic Senate, 2009-2011. Member, Academic Senate Special Committee on Lab Issues, 2007-2008. Academic Senate Representative, Advisory Board of the University of California Retirement System, 2007-2011 (chair 2010-2011). Academic Senate Representative, Advisory Board of the Lawrence Berkeley National Laboratory, 2006-2008. Academic Senate Representative, Lawrence Berkeley National Laboratory/U.S. Department of Energy Contract Assurance Council, 2006-2008. Chair, Academic Senate of the University of California, 2006-2007. Faculty Representative to the Board of Regents of the University of California, 2005-2007. Chair, Academic Senate Committee on the National Laboratories, 2005-2007. Vice Chair, Academic Senate of the University of California, 2005-2006. Member of the University Committee on Faculty Welfare of the Academic Senate of the University of California, 1999-2007 (chair 2004-2005; ex officio 2005-2007; member of Task Force on Investments and Retirement 2003-2011). Member of the Academic Council of the University of California, 2004-2007. Member of the Academic Assembly of the University of California, 1998-2000; 2004-2007; 2008-2010; 2013-15. Member of the Executive Council of the Davis Division of the Academic Senate of the University of California, 1997-2005; 2008-2011; 2013-2015. Member of the University Committee of the Academic Senate of the University of California on the Education Abroad Program, 1992-1995. Davis Divisional Committees: Academic Freedom and Responsibility;

Education Abroad Program (chair 1992-95); Educational Policy; Faculty Welfare (chair 1999-2001). Merced Divisional Committee: Rules and Elections (2009-2010). Davis Chancellor's and Administrative Advisory Committees: Clinical Research on Human Subjects; Intercollegiate Athletics; Status of Women; Transportation (chair 1990-1991); University Airport.

Service to other Universities: Extramural reviewer, LL.M. Program, American University of Armenia, 2013. Member, Board of Visitors, Duke University Primate Center, 1998-2000. Western Regional Associate and Field Associate, Duke University Primate Center, 1986-1991. Member, Senior Common Room, University College, Oxford University, 1982-1983.

Litigation Experience: Appearances entered in Supreme Court of the United States; United States Courts of Appeals for the Fifth and Ninth Circuits; United States District Courts for the Eastern and Northern Districts of California and the Eastern District of Pennsylvania; Supreme Court of California; Court of Appeal of California for the Third Appellate District; Superior Courts of California for San Francisco and Yolo Counties. Representation of plaintiffs and amici curiae in civil rights, investment fraud and torts litigation. Counsel for plaintiff class, federal securities fraud class action, United States District Court for the Northern District of California, 1976-1982. Federal prosecutor: Senior Trial Attorney for Civil Rights Division, United States Department of Justice, 1979-1980. Indigent criminal defense: appellate counsel in capital case, by appointment of the Supreme Court of California, from January 1984 to February 1996.

Professional Societies: Member of the State Bar of California, since 1972. Member of the Bar of the Supreme Court of the United States, since 1977. Member of the bars of various other federal trial and appellate courts. Member of the American Bar Association, the American Judicature Society (Director, 1996-1998), the American Law Institute (elected 1986), the International Association for Philosophy of Law and Social Philosophy, and the Milton L. Schwartz American Inn of Court (1999-2006). Chair of the Section on Civil Procedure of the Association of American Law Schools (AALS), 1979-1980 and 1996-1997. Member of the Executive Committees of the AALS Section on Civil Procedure (1977-1981 and 1995-1998) and of the AALS Section on Federal Courts (1992-1996). Member, Panel of Academic Contributors, *Black's Law Dictionary – Eighth Edition* (2004). Listed in *Who's Who in American Law*; *Who's Who in America*; *Who's Who in the World*.

Fellowships: National Endowment for the Humanities, Summer 1978. American Civil Liberties Union of Northern California, Summer 1972.

Directorships: American Judicature Society, 1996-1998; Fallen Leaf Lake Mutual Water Company, 1980-1982; 1994-present; Northern California Rugby Football Union, Inc., 1980-1982; Cal Aggie Flying Farmers, Inc., 1977-1979.

Military: United States Merchant Marine, Vietnam, 1969.

Athletic: Amateur runner and golfer. Private pilot since 1977. Club rugby: California Bald Eagles, 1981-1999; Sacramento Rugby Club, 1987-1996; River City Rugby Club, 1984-1987; Oxford Old Boys Rugby Club, 1982-1983; Davis City Rugby Club, 1976-1984 (President 1980-1982); Intercollegiate rugby: Yale University, 1969-1972; University of California, Berkeley, 1964-1966; 1967-1969; University of Sussex, England, 1966-1967. Intercollegiate football: University of California, Berkeley, 1964-1965.

PUBLICATIONS

Books and Monographs:

Federal Courts: Cases and Materials—Thirteenth Edition (with the late Charles Alan Wright and Debra L. Bassett), FOUNDATION PRESS (2012) (pp. i-ixlii; 1-1062).

American Civil Procedure: A Guide to Civil Adjudication in US Courts (with Vikram D. Amar), KLUWER LAW INTERNATIONAL (2009) (pp. 1-286).

Civil Procedure—United States of America, 2d ed. (with Vikram D. Amar), in P. Lemmens, ed., *International Encyclopedia of Laws—Civil Procedure*, Supplement 50, KLUWER LAW INTERNATIONAL (2009) (same text as the separately published spinoff volume, *American Civil Procedure: A Guide to Civil Adjudication in US Courts*).

Federal Courts: Cases and Materials—Twelfth Edition (with the late Charles Alan Wright and Debra L. Bassett), FOUNDATION PRESS (2008) (pp. i-xlii; 1-1118).

2011 Supplement to Wright, Oakley, and Bassett's Cases on Federal Courts, 12th Edition (with Debra L. Bassett), FOUNDATION PRESS (pp. i-xi, 1-117).

2010 Supplement to Wright, Oakley, and Bassett's Cases on Federal Courts, 12th Edition (with Debra L. Bassett), FOUNDATION PRESS (pp. i-xi, 1-105).

2009 Supplement to Wright, Oakley, and Bassett's Cases on Federal Courts, 12th Edition (with Debra L. Bassett), FOUNDATION PRESS (pp. i-xi, 1-53).

Federal Courts: Cases and Materials—Twelfth Edition—Author's Suggestions (with Charles Alan Wright and Debra L. Bassett), FOUNDATION PRESS (2008) (pp. i-v; 1-96).

Federal Courts: Cases and Materials—Eleventh Edition (with the late Charles Alan Wright), FOUNDATION PRESS (2005) (pp. i-xxxiii; 1-1070).

2007 Supplement to Wright and Oakley's Cases on Federal Courts, 11th Edition (with Debra L. Bassett), FOUNDATION PRESS (pp. i-xiv, 1-162).

2006 Supplement to Wright and Oakley's Cases on Federal Courts, 11th Edition (with Debra L. Bassett), FOUNDATION PRESS (pp. i-xiv, 1-135).

Federal Courts: Cases and Materials—Eleventh Edition—Author's Suggestions (with Charles Alan Wright), FOUNDATION PRESS (2005) (pp. i-v; 1-71).

Federal Judicial Code Revision Project, AMERICAN LAW INSTITUTE (2004) (pp. i-xxxiii, 1-673).

An Introduction to the Anglo-American Legal System (with Jean C. Love), THOMSON-WEST (4th. ed. 2004) (pp. i-xvii; 1-258).

Teacher's Manual To Accompany An Introduction to the Anglo-American Legal System, 4th Edition (with Jean C. Love), THOMSON-WEST (2004) (pp. 1-59).

An Introduction to the Anglo-American Legal System (with Jean C. Love) (WEST GROUP, 3rd. ed. 2001) (pp. i-xvii; 1-232).

Teacher's Manual To Accompany An Introduction to the Anglo-American Legal System, 3rd Edition (with Jean C. Love), WEST GROUP (2001) (pp. 1-56).

An Introduction to the Anglo-American Legal System (with Edgar Bodenheimer and Jean C. Love) (WEST PUBLISHING CO., 2nd. ed. 1988) (pp. i-xxvi; 1-166).

An Introduction to the Anglo-American Legal System (with Edgar Bodenheimer and Jean C. Love); (WEST PUBLISHING CO., 1980) (pp. i-xxiv; 1-161).

Civil Procedure—United States of America (with Vikram D. Amar), in P. Lemmens, ed., *International Encyclopedia of Laws—Civil Procedure*, Kluwer Law International (2001) (pp. 1-284).

Civil Procedure (with Rex R. Perschbacher), CASENOTES PUBLISHING CO. (3d ed. 2001) (408 pp.).

Civil Procedure (with Rex R. Perschbacher), CASENOTES PUBLISHING CO. (2d ed. 1996) (432 pp.).

Civil Procedure (with Rex R. Perschbacher), CASENOTES PUBLISHING CO. (1991) (320 pp.).

Proceedings of the Second Western Regional Conference on State-Federal Judicial Relationships, STATE JUSTICE INSTITUTE (2000) (pp.i-iii, 1-33).

Federal Courts: Cases and Materials—Tenth Edition (with Charles Alan Wright), FOUNDATION PRESS (1999) (pp. i-xxix; 1-850).

2004 Supplement to Wright and Oakley's Cases on Federal Courts, 10th Edition, FOUNDATION PRESS (pp. i-xiv, 1-255).

2003 Supplement to Wright and Oakley's Cases on Federal Courts, 10th Edition, FOUNDATION PRESS (pp. i-xiv, 1-166).

2002 Supplement to Wright and Oakley's Cases on Federal Courts, 10th Edition, FOUNDATION PRESS (pp. i-xv, 1-133).

2001 Supplement to Wright and Oakley's Cases on Federal Courts, 10th Edition, FOUNDATION PRESS (pp. i-xi, 1-51).

2000 Supplement to Wright and Oakley's Cases on Federal Courts, 10th Edition, FOUNDATION PRESS (pp. i-ix; 1-42).

Federal Courts: Cases and Materials—Tenth Edition—Author's Suggestions (with Charles Alan Wright), FOUNDATION PRESS (1999) (pp. i-v; 1-71).

1998 Supplement to Chadbourn, McCormick and Wright's Cases on Federal Courts, 9th Edition (with Charles Alan Wright) (pp. i-xix; 1-147).

1997 Supplement to Chadbourn, McCormick and Wright's Cases on Federal Courts, 9th Edition (with Charles Alan Wright), FOUNDATION PRESS (pp. i-xv; 1-135).

1996 Supplement to Chadbourn, McCormick and Wright's Cases on Federal Courts, 9th Edition (with Charles Alan Wright), FOUNDATION PRESS (pp. i-xv; 1-120).

1995 Supplement to Chadbourn, McCormick and Wright's Cases on Federal Courts, 9th Edition (with Charles Alan Wright), FOUNDATION PRESS (pp. i-xi; 1-73).

Prospectus: Revision of the Federal Judicial Code, AMERICAN LAW INSTITUTE (1995) (pp. 1-113 text; 1-54 notes; 1-12, 1-28 appendices).

Proceedings of the Western Regional Conference on State-Federal Judicial Relationships, STATE JUSTICE INSTITUTE (1993) (pp. i-iii, 1-123).

Report of the Civil Justice Reform Act Advisory Group of the United States District Court for the Eastern District of California (with Richard W. Nichols) (1991) (284 pp.).

Law Clerks and the Judicial Process (with Robert S. Thompson), UNIVERSITY OF CALIFORNIA PRESS (1980) (pp. i-xiii; 1-183).

Articles and Essays Published in Books:

The Story of Owen Equipment v. Kroger: A Change in the Weather of Federal Jurisdiction, Chap. 2 of K. Clermont, ed., *Civil Procedure Stories*, FOUNDATION PRESS (2d ed. 2008) (pp. 81-134).

Human Evolution and the Challenge of Creationism: A speech given at Duke University, September 16, 2005, in J. Fleagle & C. Gilbert, ed., *Elwyn Simons: A Search for Origins*, SPRINGER SCIENCE (2008) (pp. 41-45).

The Natural, in Friedrich K. Juenger, *Choice of Law and Multistate Justice* (Special Ed. 2005) (pp. xvi-xxi).

The Story of Owen Equipment v. Kroger: A Change in the Weather of Federal Jurisdiction, Chap. 2 of K. Clermont, ed., *Civil Procedure Stories*, FOUNDATION PRESS (2004) (pp. 75-128).

Edgar Bodenheimer, in C. Gray, ed., *The Philosophy of Law: An Encyclopedia*, GARLAND PUBLISHING COMPANY (1999) (Vol. I, pp. 86-87).

Memorandum on Divisional Organization of the United States Court of Appeals for the Ninth Circuit, in *Working Papers*, COMMISSION ON STRUCTURAL ALTERNATIVES FOR THE FEDERAL COURTS OF APPEALS (1998) (pp. 145-166).

Twenty-First Century Justice: Problems and Proposals from a State-Court Perspective, in *Conference Proceedings: National Conference on the Future of the Judiciary*, NATIONAL CENTER FOR STATE COURTS (1996) (pp. 23-35).

Edgar Bodenheimer (with Carol Bruch, Daniel Dykstra, and Friedrich Juenger), in *In Memoriam 1991*, ACADEMIC SENATE OF THE UNIVERSITY OF CALIFORNIA (1992) (pp. 19-21).

Screening, Delegation and the Values of Appeal: An Appraisal of the Ninth Circuit's Screening Docket During the Browning Years (with Robert S. Thompson), Chapter 4 of Arthur D. Hellman, ed., *Restructuring Justice*, CORNELL UNIVERSITY PRESS (1990) (pp. 97-137).

The Legality of a Political System: Positivism, Political Morality and the Point of Theories of Law, in E. Kamenka, R. Summers & W. Twining, ed., *Rechtstheorie Beiheft 9: Soziologische Jurisprudenz und Realistische Theorien des Rechts* [Sociological Jurisprudence and Realist Theories of Rights], Proceedings of the 11th World Congress on Philosophy of Law and Social Philosophy, Helsinki, August 15, 1983, DUNCKER & HUMBLOT (Berlin 1986) (pp. 83-93).

Sociobiology and the Law, in E. Bulygin, J.-L. Gardies & I. Niiniluoto, ed., *Man, Law and Modern Forms of Life*, Proceedings of the 11th World Congress on Philosophy of Law and Social Philosophy, Helsinki, August 19, 1983, D. REIDEL (Dordrecht 1985) (Law and Philosophy Library Series) (pp. 43-54).

Publications in Legal Periodicals:

Illuminating Shady Grove: A General Approach to Resolving Erie Problems, 44 CREIGHTON LAW REVIEW 79-88 (2010).

Precedent in the Federal Courts of Appeals: An Endangered or Invasive Species?, 8 JOURNAL OF APPELLATE PRACTICE & PROCEDURE 123-130 (2006).

A Fresh Look at the Federal Rules in State Courts, 3 NEVADA LAW JOURNAL 354-387 (2003).

Introduction — Symposium: Federal Judicial Selection in the New Millenium, 36 U.C. DAVIS LAW REVIEW 583-585 (2003).

Joinder and Jurisdiction in the Federal District Courts: The State of the Union of Rules and Statutes, 69 TENNESSEE LAW REVIEW 35-64 (2001).

Fiat Lux, 51 DUKE LAW JOURNAL 699-712 (concluding contribution to Colloquy — Supplemental Jurisdiction, the ALI, and the Rule of the *Kroger* Case) (2001).

Kroger Redux, 51 DUKE LAW JOURNAL 663-686 (initial contribution to Colloquy — Supplemental Jurisdiction, the ALI, and the Rule of the *Kroger* Case) (2001).

Comparative Analysis of Alternative Plans for the Divisional Organization of the Ninth Circuit, 34 U.C. DAVIS LAW REVIEW 483-548 (2000).

Integrating Supplemental Jurisdiction and Diversity Jurisdiction: A Progress Report on the Work of the American Law Institute, 74 INDIANA LAW JOURNAL 25-52 (1998).

Prospectus for the American Law Institute's Federal Judicial Code Revision Project, 31 U.C. DAVIS LAW REVIEW 855-1034 (1998).

Federal Jurisdiction and the Problem of the Litigative Unit: When Does What "Arise Under" Federal Law?, 76 TEXAS LAW REVIEW 1829-1861 (1998).

Introduction — Program: AALS Section on Civil Procedure — Summing Up Procedural Justice: Exploring the Tension Between Collective Processes and Individual Rights in the Context of Settlement and Litigating Classes, 30 U.C. DAVIS LAW REVIEW 787-790 (1997).

The Myth of Cost-Free Jurisdictional Reallocation, 543 ANNALS OF THE AMERICAN

ACADEMY OF POLITICAL AND SOCIAL SCIENCE 52-63 (1996).

William W Schwarzer: A Judge for All Seasons, 28 U.C. DAVIS LAW REVIEW 1097-1107 (1995).

Defining the Limits of Delegation, 3:1 THE LONG TERM VIEW 85-93 (Symposium — Law Clerks: The Transformation of the Judiciary) (Spring 1995).

The Pitfalls of “Hint and Run” History: A Critique of Professor Borchers’ “Limited View” of Pennoyer v. Neff, 28 U.C. DAVIS LAW REVIEW 591-753 (1995).

An Open Letter on Reforming the Process of Revising the Federal Rules, 55 MONTANA LAW REVIEW 435-448 (1994).

Proceedings of the Western Regional Conference on State-Federal Judicial Relationships, 155 FEDERAL RULES DECISIONS 233-350 (1994).

The Future Relationship of California’s State and Federal Courts: An Essay on Jurisdictional Reform, the Transformation of Property, and the New Age of Information, 66 SOUTHERN CALIFORNIA LAW REVIEW 2233-2250 (1993).

Conceptions of Natural Law Within the Philosophy of Adjudication — Metaphorical, Metaphysical, and Metatheoretical, 26 U.C. DAVIS LAW REVIEW 509-526 (1993).

Remarks in Honor of Edgar Bodenheimer, 26 U.C. DAVIS LAW REVIEW 503-507 (1993).

In Memoriam: Edgar Bodenheimer, 1908-1991 (with Carol Bruch, Daniel Dykstra, and Friedrich Juenger), 39 AMERICAN JOURNAL OF COMPARATIVE LAW 657-659 (1991).

In Memoriam Edgar Bodenheimer 1908-1991 (with Carol Bruch, Daniel Dykstra, and Friedrich Juenger), 11 VERA LEX no. 2, at p. 43 (1991).

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