

**ALEXANDER A. REINERT**  
Max Freund Professor of Litigation & Advocacy  
Benjamin N. Cardozo School of Law  
55 Fifth Avenue, Room 1005  
New York, New York 10003  
(646) 592-6543  
areinert@yu.edu

## **EDUCATION**

**NEW YORK UNIVERSITY SCHOOL OF LAW**, New York, New York

J.D., May 1999, *magna cum laude*

**Journal:** *New York University Law Review*, Note Development Editor  
Note: The Right to Farm: Hog-Tied and Nuisance-Bound, 73 N.Y.U. L. REV. 1694 (1998)

**Honors:** Root-Tilden-Kern Scholar  
Order of the Coif  
Maurice Goodman Memorial Prize (outstanding scholarship and character)  
Edward Weinfeld Prize (distinguished scholarship in procedure)

**BROWN UNIVERSITY**, Providence, Rhode Island

A.B., American Civilization and Human Biology, May 1994

**Honors:** Sigma Xi Scientific Research Society  
Brown University National Scholar

## **ACADEMIC EMPLOYMENT**

**BENJAMIN N. CARDOZO SCHOOL OF LAW**, New York, New York

*Max Freund Professor of Litigation & Advocacy*

August 2019-present

*Professor of Law*

August 2013-present

*Associate Professor of Law*

August 2010-July 2013

*Assistant Professor of Law*

July 2007-July 2010

**Courses:** Civil Procedure, Constitutional Law, Criminal Law, Elements of Law, Federal Courts, Race and the Law, Rights of Incarcerated People

**Service:** Adjuncts Committee (2010-2011; Chair, 2020-2021); Appointments Committee (2008-2010; 2015-2016; Chair, 2019-2020; Chair 2022-2023); Cardozo Center for Rights and Justice (Faculty Director, 2015-present); Clerkship & Placement Committee (2008-2010; Chair, 2014-2016); Educational Policy Committee (2010-2011; Chair 2017-2019); Faculty Development Committee (2011-2013; Chair, 2013-2014); Faculty Advisor to Moot Court Honor Society (2007-2008; 2018-2019) and Public Service Scholars (2007-2015)

**Honors:** Best Overall Professor (Awarded by Graduating Class of 2020); Best First Year Professor (Awarded by Graduating Classes of 2012, 2015, 2017, and 2018); INSPIRE Public Service Award (2012)

**CORNELL LAW SCHOOL**, Ithaca, New York

*Visiting Professor of Law*

January 2022-June 2022

**Courses:** Civil Procedure

## **LEGAL EXPERIENCE**

**KOOB & MAGOOLAGHAN**, New York, New York

*Of Counsel*

July 2007-August 2012

*Associate*

November 2001-July 2007

Practiced trial and appellate level civil rights litigation, focusing on prisoners' rights and employment discrimination. Cases included individual and class actions addressing prison conditions, criminal procedure, and post-September-11<sup>th</sup> civil liberties. Counsel of record in *Ashcroft v. Iqbal*, 556 U.S. 662 (2009).

## **CLERKSHIPS**

**THE HONORABLE STEPHEN G. BREYER, UNITED STATES SUPREME COURT**, Washington, D.C.

*Law Clerk*

July 2000-June 2001

**THE HONORABLE HARRY T. EDWARDS, D.C. CIRCUIT COURT OF APPEALS**, Washington, D.C.

*Law Clerk*

July 1999-June 2000

**LAW REVIEW ARTICLES**

*Management's Substantive Edges*, \_\_ REV. LITIGATION \_\_ (forthcoming 2023)

*Qualified Immunity's Flawed Foundation*, 111 CAL. L. REV. 201 (2023)

*Asymmetric Review of Qualified Immunity*, 20 J. EMPIRICAL L. STUD. 1 (2023)

*New Federalism and Civil Rights Enforcement: A Progressive Platform for State and Local Governments*, 116 NORTHWESTERN L. REV. 737 (2021) (with James E. Pfander and Joanna C. Schwartz)

*Going Rogue: The Supreme Court's Newfound Hostility to Policy-Based Bivens Claims*, 96 NOTRE DAME L. REV. 1835 (2021) (with James E. Pfander and Joanna C. Schwartz)

*The Myth of Personal Liability: Who Pays When Bivens Claims Succeed*, 72 STAN. L. REV. 561 (2020) (with James E. Pfander and Joanna C. Schwartz)

*Measuring Selection Bias in Publicly Available Judicial Opinions*, 38 REV. LITIGATION 255 (2019)

*The Narrative of Costs, the Cost of Narrative*, 40 CARDOZO L. REV. 121 (2018)

*Qualified Immunity at Trial*, 93 NOTRE DAME L. REV. 2063 (2018)

*The Influence of Government Defenders on Affirmative Civil Rights Enforcement*, 86 FORDHAM L. REV. 2181 (2018)

*Solitary Troubles*, 93 NOTRE DAME L. REV. 927 (2018)

*Erie Step Zero*, 85 FORDHAM L. REV. 2341 (2017)

*The Second Circuit and Social Justice*, 85 FORDHAM L. REV. 73 (2016) (with Matthew Diller) [commissioned by the United States Court of Appeals for the Second Circuit on the 125<sup>th</sup> Anniversary of the Court]

*Reconceptualizing the Eighth Amendment: Slaves, Prisoners, and "Cruel and Unusual Punishment,"* 94 N.C. L. REV. 817 (2016)

*Measuring the Impact of Plausibility Pleading*, 101 VA. L. REV. 2117 (2015)

*The Burdens of Pleading*, 162 U. PA. L. REV. 1767 (2014)

*Screening Out Innovation: The Unrecognized Merits of Meritless Litigation*, 89 IND. L. J. 1191 (2014)

*Asking the First Question: Reframing Bivens after Minneci*, 90 WASH. U. L. REV. 1473 (2013) (with Lumen N. Mulligan)

*Revisiting "Special Needs" Theory via Airport Searches*, 106 NW. U. L. REV. 1513 (2012); 106 NW. U. L. REV. COLLOQUY 207 (2012)

*Release as Remedy for Excessive Punishment*, 53 WM. & MARY L. REV. 1575 (2012)

*Pleading as Information-Forcing*, 75 LAW & CONTEMP. PROBS. 1 (2012)

*The Costs of Heightened Pleading*, 86 IND. L. J. 119 (2011)

*Does Qualified Immunity Matter?* 8 U. ST. THOMAS L. J. 477 (2011)

*Public Interest(s) and Fourth Amendment Enforcement*, 2010 U. ILL. L. REV. 1461 (2010)

*Measuring the Success of Bivens Litigation and Its Consequences for the Individual Liability Model*, 62 STAN. L. REV. 809 (2010)

*Procedural Barriers to Civil Rights Litigation and the Illusory Promise of Equity*, 78 UMKC L. REV. 931 (2010)

*Eighth Amendment Gaps: Can Conditions of Confinement Litigation Benefit from Proportionality Theory?* 36 FORDHAM URB. L. J. 53 (2009)

### **BOOKS AND TREATISES**

WRIGHT, KANE, HERSHKOFF, & REINERT'S LAW OF FEDERAL COURTS (West 9<sup>th</sup> Ed.) (with Helen Hershkoff) (forthcoming 2024)

### **OTHER PUBLICATIONS**

*Want Police Reform? Look to the States, not Courts or Congress*, USA TODAY (Feb. 8, 2022) (with James Pfander and Joanna Schwartz)

*Disruptors and Disruptions – Re-Centering Procedural Narrative*, in A CRITICAL GUIDE TO CIVIL PROCEDURE (2022)

*Supervisory Liability After Iqbal*, 41 CARDOZO L. REV. 945 (2020)

*We Can End Qualified Immunity Tomorrow*, BOSTON REVIEW (June 23, 2020)

*The Simple Way Congress Can Stop Federal Officials from Abusing Protesters*, POLITICO (June 10, 2020) (with Joanna Schwartz and James Pfander)

*Stop Staring at Manafort and Look at Rikers Island's Predominant Population*, N.Y. DAILY NEWS (June 6, 2019) (with Betsy Ginsberg)

*One Detention Center's Pain Is a Window on a National Plague: Jail and Prison Inmates Across America Struggle to Protect Their Rights*, N.Y. DAILY NEWS (Feb. 6, 2019) (with Betsy Ginsberg)

*Erie Doctrine, State Law, and Civil Rights Litigation in Federal Court*, 9 CONLAWNOW 219 (2019)

*We Need to Treat Solitary Confinement like the Human Rights Abuse It Is*, HUFFINGTON POST (May 15, 2018), [https://www.huffingtonpost.com/entry/opinion-reinert-solitary-confinement\\_us\\_5afb46a6e4b0779345d3c999](https://www.huffingtonpost.com/entry/opinion-reinert-solitary-confinement_us_5afb46a6e4b0779345d3c999)

*The Cost of Seeking Legal Clarity*, Balkinization (symposium on James Pfander, CONSTITUTIONAL TORTS AND THE WAR ON TERROR (2017)), <https://balkin.blogspot.com/2017/05/the-cost-of-seeking-legal-clarity.html> (May 16, 2017)

*SPEAK FREE Act Would Silence Civil Rights and Public Interest Litigants* (Editorial), THE HILL (July 7, 2016)

*Finding the Proper Measure for Conditions of Pretrial Confinement*, Response, 161 U. Pa. L. Rev. PENNumbra 191 (2013), <http://www.pennumbra.com/responses/response.php?rid=113>

*The Impact of Ashcroft v. Iqbal on Pleading*, 43 URB. LAW. 559 (2011)

*National Security and the Shadows of Judicial "Common Sense,"* 96 IOWA L. REV. BULL. 1 (2010) (essay in response to Peter Margulies, *Judging Myopia in Hindsight: Bivens Actions, National Security Decisions, and the Rule of Law*, 96 IOWA L. REV. 195 (2010))

*Accounting for the Limitations of Congress' Enforcement Power*, U. CHI. L. REV. LEGAL WORKSHOP (Oct. 25, 2010) (editorial in response to Richard Frankel, *Regulating Privatized Government through § 1983*, 76 U. CHI. L. REV. 1449 (2009))

*The Legal System's Misuse of Epidemiology*, 87 JUDICATURE 12 (2003) (with Arthur Bryant)

*Epidemiology in the Legal Arena and the Search for Truth*, 154 AM. J. EPID. S27 (2001) (with Arthur Bryant)  
(solicited work)

Note, *The Right to Farm: Hog-Tied and Nuisance-Bound*, 73 N.Y.U. L. REV. 1694 (1998)

*Corruption of Previously Published Asbestos Research*, 55 ARCH. ENVTL. HEALTH 75 (2000) (with David S. Egilman)

*Asbestos Exposure and Lung Cancer: Asbestosis Is Not Necessary*, 30 AM. J. IND. MED. 398 (1996) (with David S. Egilman)

*The Asbestos TLV: Early Evidence of Inadequacy*, 30 AM. J. IND. MED. 369 (1996) (with David S. Egilman)

*The Origin and Development of the Asbestos Threshold Limit Value: Scientific Indifference and Corporate Influence*, 25 INT. J. HEALTH SERV. 667 (1995) (with David S. Egilman)

### **WORKS IN PROGRESS**

*Capital Sentencing in the Shadow of Enmund and Tison, 1976-2008* (with Joseph Margulies and Cassandra Stubbs)

Empirical study of all cases in which juries recommended death in jurisdictions in which capital punishment was permitted for defendants who neither killed nor intended to kill (encompassing over 4,000 death sentences)

*Theorizing Unjustified Punishment*

Criticizing theoretical definitions of punishment that implicitly or explicitly focus on *justified* punishment and fail to acknowledge or account for the existence of *unjustified* punishment

### **PROFESSIONAL HONORS AND ACTIVITIES**

**AMERICAN LAW INSTITUTE**, Philadelphia, PA

*Member*

2023-present

*Adviser, Restatement of Law, Constitutional Torts Project*

2023-present

Elected to leading independent organization in the United States producing scholarly work to clarify, modernize, and otherwise improve the law.

**SECOND CIRCUIT PRO BONO PANEL**, New York, NY

*Panel Member*

2019-2022

Appointed by Second Circuit Court of Appeals to provide appellate representation to indigent litigants upon request of the court

**NATIONAL CIVIL JUSTICE INSTITUTE**, Washington, DC

*Academic Fellow*

2019-present

Selected by Board of Trustees to serve as an Academic Fellow for a national legal think tank created by pioneering members of the trial bar and dedicated to ensuring access to justice for ordinary citizens.

**AMERICAN JUDICATURE SOCIETY**, Des Moines, Iowa

*Chair, Amicus Committee*

2009-2014

*Member, Board of Directors*

2002-2011

Member of the Board of Directors of national nonprofit organization dedicated to improving the quality of justice and ensuring judicial independence in the United States. As Chair of Amicus Committee, responsible for evaluating requests for amicus participation and for providing feedback on briefs submitted on behalf of the organization.

**ASSOCIATION OF AMERICAN LAW SCHOOLS**, Washington, DC

*Executive Committee Member, Civil Rights Section*

2012-2013

*Chair, Civil Rights Section*

2011-2012

Organize thematic program for Section's Annual Meeting; prepare annual newsletter.

**PRACTISING LAW INSTITUTE**, New York, New York

*Chair, Section 1983 Program*

2023-present

*Co-Chair, Prison Law Program*

2012, 2014

*Chair, Prison Law Program*

2009, 2010, 2011

Organize and facilitate comprehensive day-long program to educate attorneys and others regarding the substantive, procedural, and ethical rules governing prisoners' rights litigation.

**PUBLIC JUSTICE**

*Chair, Iqbal Project*

2009-2019

Organize, facilitate, and assist committee devoted to researching the impact of *Ashcroft v. Iqbal* in lower courts and providing legal assistance in select cases in which *Iqbal* will play a significant role.

**TEMPLE BAR SCHOLAR**, London, United Kingdom

*Participating Scholar*

October 2001

One of four young American lawyers to participate in month-long program devoted to the study of the English legal system from the perspective of advocates, judges, and academics.

**TRIAL LAWYERS FOR PUBLIC JUSTICE**, Washington, DC

*Finalist, Trial Lawyer of the Year*

2006

Lead counsel for *Elmaghraby v. Ashcroft*, one of seven cases chosen as finalist for 2006 Trial Lawyer of the Year. Trial Lawyers for Public Justice, a national public interest organization, presents the award to those lawyers who have made the greatest contribution to the public interest by trying or settling a precedent-setting case.

**SELECTED PRESENTATIONS, PANELS, AND CONFERENCES**

*Management's Substantive Edges*, Managerial Judges @ 40, Yale Law School, New Haven, Connecticut (November 4, 2022)

*Municipal Liability: Policymakers*, 39<sup>th</sup> Annual PLI Section 1983 Training, New York, New York (November 3, 2022)

Panelist, *A Roundup of Recent Federal Court Decisions*, Short Circuit Live Podcast, New York, New York (October 26, 2022)

Panelist, *Thank You Justice Stephen Breyer*, Federal Bar Association, New York, New York (October 20, 2022) (virtual event)

*The Story of Iqbal*, University of Chicago Law School, Chicago, Illinois (October 17, 2022) (virtual appearance)

*The Story of Iqbal*, Northwestern University School of Law, Chicago, Illinois (October 6, 2022) (virtual appearance)

Moderator, Prisons and Punishment I Panel, CrimFest, Benjamin N. Cardozo School of Law, New York, New York (July 18, 2022)

*Eight and Fourteenth Amendment Section 1983 Claims*, District Court for the District of Nevada Pro Bono Program, Nevada, Las Vegas (July 12, 2022) (virtual event)

*New Developments in the Law of Section 1983*, Federal Judicial Center Court Web Lecture, Washington, D.C. (May 24, 2022) (virtual event)

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Discussant, Mark Moller & Lawrence Solum, *The Article III “Party” and The Originalist Case Against Corporate Diversity Jurisdiction*, Civil Procedure Workshop, Benjamin N. Cardozo School of Law, New York, New York (May 19, 2022)

*Asymmetric Review of Qualified Immunity*, Colloquium on Civil Rights History, Enforcement, and Policy, Duke Law School, Durham, North Carolina (April 7, 2022) (virtual appearance)

Invited Witness, *Hearing on Examining Civil Rights Litigation Reform, Part I: Qualified Immunity*, House of Representatives Subcommittee on the Constitution and Civil Justice, Committee on the Judiciary, Washington, DC (March 31, 2022) (testimony delivered virtually)

Invited Commentator, *50 Shades of Government Immunity*, Short Circuit Podcast (February 9, 2022)

*Qualified Immunity’s Flawed Foundation*, Cornell Law School Faculty Workshop, Ithaca, New York (February 4, 2022) (virtual appearance)

*Qualified Immunity’s Flawed Foundation*, ABA Academy of Justice Roundtable (November 5, 2021) (virtual event)

*Municipal Liability Update*, 38<sup>th</sup> Annual PLI Section 1983 Training, New York, New York (October 28, 2021)

Supreme Court Preview, Benjamin N. Cardozo School of Law, New York, New York (October 25, 2021)

*The Story of Iqbal*, Boston University Law School, Boston, Massachusetts (October 20, 2021)

Pearson’s *Wrong Turn*, Loyola University Chicago School of Law Law Review Symposium, Chicago, Illinois (April 9, 2021) (virtual event)

*Going Rogue: The Supreme Court’s Newfound Hostility to Policy-Based Bivens Claims*, Notre Dame Law Review 2021 Symposium, Notre Dame, Indiana (January 15, 2021) (with James E. Pfander and Joanna C. Schwartz) (virtual event)

*Section 1983 Pleadings Issues*, 37<sup>th</sup> Annual PLI Section 1983 Training, New York, New York (October 16, 2020)

Panel Presenter, *Remedies in Practice*, University of Texas Symposium on Remedies in Complex Litigation, Austin, Texas (January 31, 2020) (virtual appearance)

*Bivens/Malesko/Ziglar: Where Are We Going?* Prison Law 2019, PLI, New York, New York (November 22, 2019)

*Causation Is Everywhere*, 36<sup>th</sup> Annual PLI Section 1983 Training, New York, New York (October 24, 2019)

*Section 1983: Immunities, Remedies, and Defenses*, Second Circuit Staff Attorney Training, New York, New York (May 23, 2019; July 20, 2017)

*Supervisory Liability After Iqbal*, Ten Years of *Iqbal*: Perspectives on Policy, Procedure, and Substance, Benjamin N. Cardozo School of Law, New York, New York (March 15, 2019)

*The Myth of Personal Liability: Who Pays When Bivens Claims Succeed*, Benjamin N. Cardozo School of Law Faculty Workshop, New York, New York (February 20, 2019); Northwestern Pritzker School of Law Faculty Workshop, Chicago, Illinois (October 19, 2018)

*The State of Mind Requirement in Section 1983 Cases*, Law Clerk Video Conference on Issues in 42 U.S.C. § 1983 Litigation, Federal Bar Council, New York, New York (November 28, 2018; November 28, 2017; November 16, 2016; December 2, 2015; November 19, 2014; January 15, 2014; November 29, 2013; November 29, 2011; November 30, 2010)

*Supervisory Liability and Ashcroft v. Iqbal*, 35<sup>th</sup> Annual PLI Section 1983 Training, New York, New York (October 25, 2018)

*Erie Doctrine, State Law, and Civil Rights Litigation in Federal Court*, Erie at Eighty: Choice of Law Across the Disciplines, The Center for Constitutional Law, University of Akron School of Law, Akron, Ohio (September 14, 2018)

*Legal Strategies in Solitary Confinement Reform – Opportunities and Challenges*, The Santa Cruz Academic Summit on Solitary Confinement & Health, University of California Santa Cruz, Santa Cruz, California (May 25, 2018)

*Nassau County Correctional Center: A Case Study in Jail Reform Litigation*, Nassau County Bar Association Civil Rights Committee, Mineola, New York (May 17, 2018)

Moderator, *Rikers Island: Present & Future*, Cardozo Law School New York, New York (April 24, 2018)

*Measuring Selection Bias in Publicly Available Judicial Opinions*, Judicial Efficiency Symposium, University of Texas Law School, Austin, Texas (April 21, 2018)

*The Art of Pleading: Civil Rights & Employment Law After Iqbal*, Eastern District of Michigan Federal Bar Association, Detroit, Michigan (March 23, 2018).

Moderator, Judicial Roundtable, The Innocence Project's Impact After 25 Years: Law, Policy and the Courts, New York, New York (November 17, 2017)

*Defensive Agendas and Access to Justice*, Louis Stein Center for Law and Ethics Colloquium on Access to Justice and the Legal Profession in an Era of Contracting Civil Liability, Fordham Law School, New York, New York (October 27, 2017)

*Anatomy of a Section 1983 Wrongful Conviction Case*, 34<sup>th</sup> Annual PLI Section 19983 Training, New York, New York (October 26, 2017)

*Juvenile Justice and Solitary Confinement*, NYC Social Justice Post-Graduate Fellowship Program, New York, New York (August 21, 2017)

*Theorizing Unjustified Punishment*, Benjamin N. Cardozo School of Law Faculty Brownbag Workshop, New York, New York (June 20, 2017)

*Measuring Selection Bias in Publicly Available Judicial Opinions*, Benjamin N. Cardozo School of Law Faculty Workshop, New York, New York (April 5, 2017)

Invited Commentator, University of Michigan Prison Law Roundtable, Ann Arbor, Michigan (March 10, 2017)

*Plausibility Pleading Practices: 7 Years Post-Iqbal, Red Flag or Red Herring*, Federal Bar Association, Civil Rights Section, New York, New York (Feb 16, 2017)

*Solitary Troubles*, St. John's University School of Law Faculty Workshop, Queens, New York (February 8, 2017)

*Abuse of State Power*, 33rd Annual PLI Section 19983 Training, New York, New York (September 29, 2016)

Invited Commentator, Second Annual Civil Procedure Workshop, University of Washington Law School, Seattle, Washington (July 14, 2016)

*Testimony on H.R. 2304, the SPEAK FREE Act of 2015*, House of Representatives Subcommittee on the Constitution and Civil Justice, Committee on the Judiciary, Washington, DC (June 22, 2016)

Panel Presenter, *Solitary Confinement in New York State*, New York City Bar Committee on Corrections and Community Reentry, New York, New York (May 18, 2016)

Panel Presenter, *Developments in Civil Procedure: Civil Rights Plaintiffs and Access to Courts*, New York Law School, New York, New York (April 8, 2016)

*Update on the Law of Incarcerated Persons*, Wm. Matthew Byrne, Jr., Judicial Clerkship Institute, Federal Judicial Center, Malibu, California (March 18, 2016)

*Solitary Troubles*, Thomas R. Kline School of Law, Drexel University, Philadelphia, Pennsylvania (February 25, 2016)

Panel Presenter, *Is it Really Time to Change: Analyzing the Scope and Impact of the Recent Amendments to the Federal Rules*, New York State Bar Association Webinar (February 10, 2016)

Moderator, *Chief Justice John Roberts and Statutory Interpretation*, Benjamin N. Cardozo Law School Law Review Symposium, New York, New York (October 15, 2015)

*The New Dynamics of Solitary Confinement: Has our Singular 'Experiment' Run Its Course?* Criminal Law Faculty Seminar, New York University School of Law, New York, New York (October 6, 2015)

*Erie Step Zero*, First Annual Civil Procedure Workshop, Seattle, WA (July 16, 2015)

*The Law of Incarcerated Persons*, Federal Judicial Center Court Web Lecture, Washington, D.C. (May 20, 2015)

*Supervisory Liability, Monell, and Prisoners' Rights*, Nassau County Bar Association Civil Rights Committee, Mineola, New York (April 29, 2015)

*Juveniles and Solitary Confinement*, Art of Social Change, Harvard Law School, Cambridge, Massachusetts (April 2, 2015)

*Prisoner Litigation: Pleading Standards and Causes of Action*, 2015 Joint First, Second, and Third Circuit *Pro Se* Conference, New Paltz, New York (February 25, 2015)

*Testimony in Opposition to Proposed Rule to Create Enhanced Supervision Housing*, New York City Board of Correction, New York, New York (December 19, 2014)

Panel Presenter, *Society and Solitary Confinement: The War Within- A Panel Discussion*, New York Society for Ethical Culture, New York, New York (October 15, 2014)

*Testimony in Support of Solitary Confinement Reform*, Council of the City of New York, Committee on Fire and Criminal Justice Services, New York, New York (August 20, 2014)

*The Use of Solitary Confinement for Juveniles in New York*, New York State Advisory Committee to the United States Commission on Civil Rights, New York, New York (July 10, 2014)

*Prisoners' Rights*, Second Circuit *Pro Se* Office Training Seminar, New York, New York (November 19, 2013; November 30, 2012; October 25, 2011; October 26, 2010)

*The Burdens of Pleading*, The Federal Rules at 75, University of Pennsylvania Law School, Philadelphia, Pennsylvania (November 15, 2013)



*Measuring Iqbal*, Fordham Law School Faculty Workshop, New York, New York (October 31, 2013); Conference on Empirical Legal Studies, Philadelphia, Pennsylvania (October 25, 2013); Vanderbilt Law School Faculty Workshop, Nashville, Tennessee (April 3, 2013); Washington and Lee University School of Law Faculty Colloquium, Lexington, Virginia (March 4, 2013)

Panel Presenter, *Federal Pleading After Twombly and Iqbal*, Judicial Conference of the Fifth Circuit, Fort Worth, Texas (May 7, 2013)

*Scaffolds of Subordination: Slaves, Prisoners, and "Cruel And Unusual" Punishment*, University of Michigan Law School Prison Scholarship Workshop, Ann Arbor, Michigan (February 1, 2013)

Panel Presenter, *A Multiplicity of Perspectives on the War on Terror: Teaching Social Justice in the Aftermath of 9/11*, Society of American Law Teachers Conference on Teaching, Baltimore, Maryland (October 6, 2012)

*The Value of Meritless Litigation*, Seton Hall University School of Law Faculty Colloquium, Newark, New Jersey (October 1, 2012); Discussion Group on the Impact of Remedies on Constitutional Law, Southeastern Association of Law Schools Annual Meeting, Amelia Island, Florida (July 31, 2012); and Benjamin N. Cardozo School of Law Faculty Development Conference, New York, New York (March 26, 2012)

*Health Care in Prison*, Prison Law 2012, Practising Law Institute, New York, New York (August 3, 2012)

*Iqbal v. Ashcroft: Impact in Prisoner Civil Rights Litigation Pleading Standards and Supervisory Liability*, Section 1983 Prisoner Civil Rights Litigation Training, Buffalo, New York (June 29, 2012)

*Qualified Immunity Fictions*, Barriers and Innovations in Civil Rights Litigation Since 9/11: Practical and Theoretical Perspectives, University of Texas School of Law, Austin, Texas (February 3, 2012)

Moderator, *National Security and Civil Rights*, Association of American Law Schools Annual Meeting, Civil Rights Section, Washington, D.C. (January 7, 2012)

*Release as Remedy for Excessive Punishment*, Annual Conference of the American Society of Criminology, Washington, D.C. (November 17, 2011)

*Pleading as Information-Forcing*, University of Genoa Faculty of Law, Genoa, Italy (June 10, 2011); and Access to Justice Symposium, Institute for Law & Economic Policy, Manalapan, Florida (April 8, 2011)

*Prisoners' Rights Litigation*, Section 1983: Civil Rights Litigation, Georgetown University Law Center, Washington, DC (March 24, 2011)

*Plausible Pleading: Ashcroft v. Iqbal and How the Circuits Are Applying the Decision to Section 1983 Cases*, Section 1983: Civil Rights Litigation, Georgetown University Law Center, Washington, DC (March 24, 2011)

*Does Qualified Immunity Matter? Official Wrongdoing and the Civil Liability of the Federal Government and Officers*, University of St. Thomas School of Law, Minneapolis, Minnesota (March 18, 2011)

*Substantive Case Law Update and The Impact of Ashcroft v. Iqbal*, 2011 Joint First, Second, and Third Circuit Pro Se Conference, New Paltz, New York (February 10, 2011)

Roundtable Participant, *Federal Courts, Inc.? American Constitution Society*, New York, New York (February 8, 2011)

*The Many Faces of Iqbal: Pleadings, Supervisory Liability and Bivens*, Association of American Law Schools Annual Meeting, Civil Rights Section, San Francisco, California (January 5, 2011)

*Litigating Claims After Iqbal and Twombly*, American Association of Justice Teleseminar (December 15, 2010)

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*Pleading in a Post-Twombly and Iqbal World: Where Things Stand*, Bureau of National Affairs Webinar (November 17, 2010)

*The Scholarship of Paul Verkuil* (Moderator), Feitschrift in Honor of Paul Verkuil, New York, New York (October 18, 2010)

*Motions to Dismiss After Iqbal*, National Employment Lawyers Association/New York, Fall 2010 Conference, New York, New York (October 15, 2010)

*Litigating Civil Rights Claims After Iqbal*, Civil Rights Training Institute, NAACP Legal Defense and Education Fund, Warrenton, Virginia (October 7, 2010)

*Issues After Iqbal*, Workshop for U.S. District Judges III, Federal Judicial Center, Portland, Oregon (September 22, 2010); Workshop for U.S. District Judges II, Federal Judicial Center, Minneapolis, Minnesota (July 14, 2010); Workshop for U.S. Magistrate Judges II, Federal Judicial Center, Santa Fe, New Mexico (July 9, 2010); Workshop for U.S. District Judges I, Federal Judicial Center, Washington, D.C. (May 20, 2010); Workshop for U.S. Magistrate Judges I, Federal Judicial Center, San Francisco, California (April 9, 2010)

*Issues After Iqbal in Prisoners' Rights Litigation*, Prison Law 2010, Practising Law Institute, New York, New York (September 1, 2010)

*Motions to Dismiss Employment Claims After Iqbal, Twombly, & Swierkiewicz*, National Employment Lawyers Association Annual Convention, Washington, D.C. (June 24, 2010)

Moderator, *The Content and Context of "Hate Speech": Rethinking Regulation and Remedies*, Benjamin N. Cardozo School of Law, New York, New York (May 13, 2010)

Moderator, *Acknowledging Race in a "Post-Racial" Era: Administration of Justice*, Benjamin N. Cardozo School of Law, New York, New York (April 30, 2010)

*The Costs of Heightened Pleading*, CUNY Law School (March 31, 2010)

Panel Presenter, *Triaging and Financing Prison Cases*, Prisoners' Rights Litigation: A Workshop for Advocates, Yale Law School, New Haven, Connecticut (March 4, 2010)

Panel Presenter, *Access to Justice in Federal Courts*, American Constitution Society Symposium, New York University School of Law, New York, New York (January 21, 2010)

Panel Presenter, *Current Issues in Barriers to Justice*, American Constitution Society's Civil Justice Committee at the Yale Law School, New Haven, Connecticut (November 12, 2009)

*Procedural Barriers to Civil Rights Litigation and the Illusory Promise of Equity*, Edward A. Smith/Bryan Cave Lecture Symposium, Enforcing Constitutional Rights in the 21<sup>st</sup> century, UMKC Law School, Kansas City, Missouri (October 23, 2009)

*Practice Issues in Prisoners' Rights Litigation*, Prison Law 2009, Practising Law Institute, New York, New York (September 1, 2009)

*Immunity from Suit in Prisoners' Rights Cases*, Prison Law 2009, Practising Law Institute, New York, New York (September 1, 2009)

*Supreme Court Review: October 2008 Term*, American Association of Justice 2009 Annual Convention, Civil Rights Section, San Francisco, California (July 27, 2009)

*The Future of Public Rights Litigation*, Fordham Urban Law Journal Symposium, New York, New York (March 12-13, 2009)

Panel Presenter, *Gun Regulation after the Heller Decision: What's Next?*, New York City Bar Association, New York, New York (December 11, 2008)

*Eighth Amendment Gaps*, Fordham Urban Law Journal Colloquium on Conditions of Confinement, New York, New York (October 24, 2008)

Panel Presenter, *Bivens, Deterrence, and the Individual Liability Model*, Annual Meeting of the Law and Society Association, Montreal, Quebec (May 30, 2008)

Panel Presenter, *Section 1983 Litigation: Deliberate Indifference*, Federal Bar Council Training, New York, New York (October 25, 2007)

*Preserving Constitutional Rights of Muslim Detainees in the Post-9/11 World*, American Association of Justice 2007 Annual Convention, Chicago, Illinois (July 18, 2007)

Panel Presenter, *Congress Using Oversight Banner to Monitor & Investigate Judges*, for Panel on Judicial Independence, 2004 Annual Meeting, American Judicature Society, Atlanta, Georgia (August 7, 2004)

Panel Presenter, *The Use of Statistics in Disparate Treatment Cases*, for Panel at Spring 2004 Conference of National Employment Lawyers Association, New York Chapter, New York, New York (May 7, 2004)

### **SELECTED LITIGATION EXPERIENCE**

#### Counsel for a Party:

*Miller v. City of New York*, No., 21 Civ. 2616 (S.D.N.Y.) (class action challenge to use of restrictive confinement by New York City Department of Correction)

*Chunn v. Edge*, 20 Civ. 1590 (E.D.N.Y.) (class action seeking protection from COVID-19 for federal detainees)

*A.I.L.L. v. Sessions*, 19 Civ. 0481 (D. Az.) (class action damages action for parents and children injured by border family separations)

*Scott v. Quay*, No. 19 Civ. 1075 (E.D.N.Y.) (class action challenge to conditions in federal detention center)

*Parker v. City of New York*, No. 15 Civ. 6733, 2018 WL 6338775 (E.D.N.Y. De. 4, 2018) (class action challenge to use of solitary confinement by New York City Department of Correction)

*Ziglar v. Abbasi*, 137 S. Ct. 1843 (2017) (liability of high-level officials for abuses of post-9/11 immigration detainees in federal custody)

*McGowan v. United States*, 825 F.3d 118 (2d Cir. 2016) (*Bivens* action for violation of prisoner's First Amendment rights)

*Peoples v. Annucci*, 180 F.Supp.3d 294 (S.D.N.Y. 2016) (class action challenge to excessive use of solitary confinement in New York State prisons)

*Blum v. Holder*, 744 F.3d 790 (1st Cir. 2014) (challenge to constitutionality of Animal Enterprise Terrorism Act, 18 U.S.C. § 43)

*Ashcroft v. Iqbal*, 556 U.S. 662, 129 S. Ct. 1937 (2009) (federal pleading standards)

*Nicholas v. Goord*, 430 F.3d 652 (2d Cir. 2005) (constitutionality of DNA databanks)

*Hilton v. Wright*, 235 F.R.D. 40 (N.D.N.Y. 2006) (class action regarding constitutionality of Hepatitis C treatment protocol in New York prisons)

Counsel for Amicus Curiae:

*Vega v. Semple*, No. 18-3176 (2d Cir.) (Eighth Amendment claims involving radon exposure)

*People for the Ethical Treatment of Animals v. Stein*, No. 17-1669, 2018 WL 2714684 (June 5, 2018) (standing for First Amendment challenge to statute imposing civil liability)

*Landers v. Quality Communications, Inc.* (U.S. No. 14-969) (application of federal pleading standards) (petition stage)

*Wood v. Moss*, 134 S. Ct. 2056 (2014) (application of federal pleading standards)

*Minnecci v. Pollard*, 565 U.S. 118 (2012) (*Bivens* liability for employees of private contractors)

*In re Neurontin Marketing, sales Practices and Products Liability Litigation* (D. Mass. MDL Docket No. 1629) (Aug. 29, 2011) (professional responsibility in the context of Multi-District Litigation)

*Coble v. Texas* (U.S. No. 10-1271) (relationship between Eighth Amendment and evidentiary standards in death penalty cases) (petition stage)

*Pliva, Inc. v. Mensing*, 564 U.S. 604 (2011) (relationship between preemption and pleading rules)

*Argueta v. United States Immigration and Customs Enforcement*, 643 F.3d 60 (3d Cir. 2011) (scope of supervisory liability against federal officials)

*Gee v. Pacheco*, 627 F.3d 1778 (10th Cir. 2010) (pleading standards in prisoners' rights case)

*Renfro v. Unisys Corp.*, 671 F.3d 314 (2011) (pleading standard in ERISA case)

**SELECTED MEDIA APPEARANCES**

*16 Crucial Words that Went Missing from a Landmark Civil Rights Law*, N.Y. Times, May 15, 2023

*\$53M Deal in Restrictive-Area Rikers Suit*, N.Y. Daily News, April 20, 2023

*For 50 years, It's Been Hard to Sue Cops for Misconduct. A NY Lawmaker from Syracuse Has Another Idea*, Syracuse Post-Standard, December 8, 2021

*Advocates Protest Qualified Immunity*, Albany Times-Union, June 4, 2021

*Perspectives: A Year After George Floyd's Murder*, Los Angeles Times, May 5, 2021

*After Trump's Drubbing in the Courts, Liberals Fear a Legal Hangover*, Politico, January 1, 2021

*Trump's Lawyers Have Muddied Their Own Arguments Against Subpoenas*, Huffington Post, January 29, 2020

*Democrats Insist They Haven't Been Wasting Time On Trump's Tax Returns*, Huffington Post, August 27, 2019

*The Trump Tax Return Case Could Take A Year Or Longer*, Huffington Post, July 10, 2019

*How an "Apprentice" Contestant's Lawsuit Could Haunt Trump*, Associated Press, March 30, 2018

*City Agrees to Pay Rikers Inmates It Forced Back Into Solitary Confinement*, N.Y. Times, December 12, 2017

*Inmates to get \$5M in Solitary Suit*, N.Y. Daily News, August 25, 2017

*Trump Weighs Revised Travel Ban, Supreme Court Test Still Possible*, Reuters, February 11, 2017

*'Right to Yelp': New Laws Would Protect Reviewers from Lawsuits*, S.F. Chron., September 26, 2016

*Federal Prisoner Who Blogged For HuffPost Has No First Amendment Rights, Court Rules*, Huffington Post, June 10, 2016

*Overhaul of Solitary Confinement Is Approved for New York's Prisons*, N.Y. Times, March 31, 2016

*In Settlement, State Will 'Overhaul' Solitary Confinement System*, Albany Times-Union, December 16, 2015

*New York State Agrees to Overhaul Solitary Confinement in Prisons*, N.Y. Times, December 16, 2015

*Ruling Altered Civil Suits, to Detriment of Individuals*, N.Y. Times, May 19, 2015

*High Court Declines to Take Case on Pleading Standards for FLSA Claims*, Reuters Legal, April 22, 2015

*Fourth Circuit Adopts 'Plausibility' Test in Employment Discrimination Suit*, Reuters Legal, March 16, 2015

*The Hole: The Psychological Effects of Solitary Confinement, and the Evolving Fight to Eliminate It*, Slate.com, January 14, 2015

*Toughness on Crime Gives Way to Fairness, Cost Reality*, USA Today, March 30, 2014

*New York State in Deal to Limit Inmate Isolation*, N.Y. Times, February 20, 2014

*Happy Birthday Iqbal! A Q&A with Alexander Reinert*, The AmLaw Litigation Daily, May 17, 2013

*United States Seeks to Block Challenge by Animal Rights Group*, Associated Press, August 29, 2012

*Judges Urge Lawyers to Take on Pro Se Cases*, The Buffalo News, June 30, 2012

*Does the Supreme Court's Heightened Pleading Standard Apply to Affirmative Defenses?*, Lawyers USA, September 16, 2010

*Solitary: Who and Why?*, Due Process, New Jersey Network, November 21, 2010

*Bush Officials Face Liability for Terror Policies*, Daily Record, September 29, 2009

*High Court Says Sept. 11 Detainee Cannot Sue Ashcroft, Mueller*, Wash. Post, May 19, 2009

*Ruling Deals Blow to Ex-Detainee's Abuse Case*, All Things Considered, National Public Radio, May 18, 2009

*Justices Hear a Case Weighted by 9/11*, N.Y. Times, December 11, 2008

*U.S. Is Settling Detainee's Suit In 9/11 Sweep*, N.Y. Times, February 28, 2006

*Probe of Sensenbrenner Sought*, Chicago Tribune, July 29, 2005