

Scott Dodson

William & Mary School of Law • Williamsburg, VA 23187
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ACADEMIC APPOINTMENTS

William & Mary School of Law

ASSOCIATE PROFESSOR OF LAW (2009 – Present)

- Courses: Civil Procedure, Federal Courts, Comparative Civil Procedure
- Law School Committees: Special Committee to Review Legal Skills

Duke University School of Law

VISITING ASSOCIATE PROFESSOR OF LAW (Fall 2008)

- Course: Civil Procedure

University of Arkansas School of Law

ASSISTANT PROFESSOR OF LAW (2006 – 2009)

- Courses: Civil Procedure I & II, Federal Jurisdiction, Conflict of Laws
 - Law School Committees: Law Review (Chair), CLE, Clerkships, Library, Curriculum, Graduation, Admissions/Scholarships, and Community Life
 - University Committees: Program Review (2007-09)
 - Director, Arkansas Law Review Board of Governors (2006-09)
 - Representative, SEALS Steering Committee (2006-08)
 - Delegate, AALS House of Representatives (2006-07)
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EDUCATION

Duke University School of Law

JURIS DOCTOR, *CUM LAUDE* (2000)

- Editor, *Duke Law Journal*
- Note, [Assessing the Practicality and Constitutionality of Alaska's Split-Recovery Punitive Damages Statute](#), 49 DUKE LAW JOURNAL 1335 (2000)

Rice University

B.A. ECOLOGY AND EVOLUTIONARY BIOLOGY, *CUM LAUDE* (1996)

BOOKS

How to Think Like a Lawyer: Civil Procedure

(under contract with Oxford University Press)

ARTICLES & ESSAYS

[Comparative Convergences in Pleading Standards](#)

158 UNIVERSITY OF PENNSYLVANIA LAW REVIEW (forthcoming 2009)

[Mandatory Rules](#)

61 STANFORD LAW REVIEW 1 (2008)

[In Search of Removal Jurisdiction](#)

102 NORTHWESTERN UNIVERSITY LAW REVIEW 55 (2008)

[A Darwinist View of the Living Constitution](#)

61 VANDERBILT LAW REVIEW 1319 (2008)

The Challenge of Comparative Civil Procedure

60 ALABAMA LAW REVIEW 133 (2008) (solicited review essay)

Book Review: A History of the Eighth Circuit

67 ARKANSAS HISTORICAL QUARTERLY 310 (2008) (peer-edited)

The Failure of Bowes v. Russell

43 TULSA LAW REVIEW 631 (2008) (Symposium: Supreme Court Review)

Appreciating Mandatory Rules: A Reply to Critics

102 NORTHWESTERN UNIVERSITY LAW REVIEW COLLOQUY 228 (2008)

Jurisdictionality and Bowles v. Russell

102 NORTHWESTERN UNIVERSITY LAW REVIEW COLLOQUY 42 (2007)

Pleading Standards after Bell Atlantic v. Twombly

93 VIRGINIA LAW REVIEW IN BRIEF 135 (2007)

The Forum Defendant Rule in Arkansas

2007 ARKANSAS LAW NOTES 73 (peer-edited)

Subclassing

27 CARDOZO LAW REVIEW 2351 (2006)

Constitutional Thematics and the Peculiar Federal Marriage Amendment

20 B.Y.U. JOURNAL OF PUBLIC LAW 223 (2006) (symposium)

The Peculiar Federal Marriage Amendment

36 ARIZONA STATE LAW JOURNAL 783 (2004)

Judicial Activism

29 NATIONAL LAW JOURNAL 19 (2004) (op-ed)

Dignity: The New Frontier of State Sovereignty

56 OKLAHOMA LAW REVIEW 777 (2003)

Vectoral Federalism

20 GEORGIA STATE UNIVERSITY LAW REVIEW 393 (2003)

The Metes and Bounds of State Sovereign Immunity

29 HASTINGS CONSTITUTIONAL LAW QUARTERLY 721 (2002)

Habeas Review of Perfunctory State Court Decisions on the Merits

29 AMERICAN JOURNAL OF CRIMINAL LAW 223 (2002)

Extending the Robertson Presumption to Leased Vehicles

64 TEXAS BAR JOURNAL 966 (2002)

**OTHER
PUBLICATIONS**

Temporary Restraining Order

ENCYCLOPEDIA OF THE U.S. CONSTITUTION (David Schultz ed. 2009)

Abstention

ENCYCLOPEDIA OF THE SUPREME COURT (David S. Tanenhaus ed. 2008)

Adequate and Independent State Grounds
ENCYCLOPEDIA OF THE SUPREME COURT (David S. Tanenhaus ed. 2008)

Appellate Jurisdiction
ENCYCLOPEDIA OF THE SUPREME COURT (David S. Tanenhaus ed. 2008)

The Importance of E-Discovery
43 ARKANSAS LAWYER 14 (2008)

COURT CITES

[Pace v. Swerdlow](#), 519 F.3d 1067, 1075 n.1 (10th Cir. 2008) (Gorsuch, J., concurring & dissenting) (citing *Pleading Standards after Bell Atlantic v. Twombly*)

[Farrar & Farrar Dairy, Inc. v. Miller-St. Nazianz, Inc.](#), 254 F.R.D. 68, 77 n.9 (E.D.N.C. 2008) (citing *Subclassing*)

[Engquist v. Ore. Dep't of Agri.](#), 478 F.3d 985, 1001 n.15 & 1005 (9th Cir. 2007) (citing *Assessing the Practicality and Constitutionality of Alaska's Split-Recovery Punitive Damages Statute*)

[Lambert v. Blodgett](#), 393 F.3d 943, 966 (9th Cir. 2004) (citing *Habeas Review of Perfunctory State Court Decisions on the Merits*)

CONFERENCES

Comparative Convergences in Pleading Standards
AALS SECTION ON CIVIL PROCEDURE (AALS Annual Meeting 2009)

Jurisdictional Rules and the Supreme Court
FRONTIER ISSUES IN CIVIL PROCEDURE (SEALS Annual Meeting 2008)

Keynote Address: *Darwin's "Living" Constitution*
LAW, ETHICS & THE LIFE SCIENCES (Brandeis Law School 2007)

What is Removal Jurisdiction?
NEW SCHOLARS PANEL (SEALS Annual Meeting 2007)

Constitutional Thematics and the Peculiar Federal Marriage Amendment
SYMPOSIUM: A FEDERAL MARRIAGE AMENDMENT (B.Y.U. Law School 2005)

WORKSHOPS & COLLOQUIA

Comparative Convergences in Pleading Standards
University of Alabama School of Law (2009)

Comparative Convergences in Pleading Standards
University of Houston Law Center (2009)

Mandatory Rules
Duke University School of Law (2008)

Mandatory Rules
William & Mary Law School (2008)

Mandatory Rules
University of San Diego School of Law (2008)

Mandatory Rules
Seattle University School of Law (2008)

Darwin's "Living" Constitution
Washington University Law School (2007)

The Living Constitution: What Would Darwin Say?
Lewis & Clark Law School (2007)

The Living Constitution: What Would Darwin Say?
University of Arkansas School of Law (2007)

The Supreme Court and Lively v. Wild Oats
University of Arkansas School of Law (2006)

BLOGGING

[PRAWFSBLAWG](#) (February 2008)

[CIVIL PROCEDURE PROF BLOG](#) (July 2007)

Selected Substantive Posts

- [Case of Interest—Reed Elsevier v. Muchnick](#) (June 8, 2009)
- [Against Twombly and Iqbal](#) (June 5, 2009)
- [Beyond Twombly](#) (May 18, 2009)
- [The Mystery of Twombly Continues](#) (Feb. 5, 2008)
- [Three Muted Cheers for John R. Sand & Gravel](#) (Jan. 8, 2008)
- [A Sleeper Case—Bowles v. Russell](#) (July 9, 2007)
- [Dodson on Erickson](#) (June 12, 2007)
- [Prof. Dodson on Bell Atlantic](#) (May 21, 2007)

TESTIMONY

In re Death of Lloyd Koch (Feb. 2008) (testifying expert report on conflict of laws for a pre-suit mediation)

Ark. State Bd. of Dental Examiners v. Solera (Ark. Dental Board July 6, 2007) (live expert testimony on the constitutionality of the Arkansas Dental Practices Act Regulations)

BRIEFS

Appellant's Brief and Reply Brief, Aikens v. Ingram, No. 08-2278 (4th Cir. Feb. 23 & Apr. 13, 2009) (consultant)

Appellant's Brief, Kaufman v. Diaz, Civil No. B 206679 (Cal. App. [2d Dist.] Nov. 7, 2008) (consultant)

Appellant's Brief and Reply Brief, Aktieselskabet AF 21 v. Fame Jeans Inc., No. 07-7105 (D.C. Cir. Apr. 29, 2008) (consultant)

Petition for a Writ of Certiorari and Reply Brief, Lively v. Wild Oats Markets, Inc., No. 06-748 (Nov. 24, 2006 & Jan. 10, 2007) (co-counsel)

PROFESSIONAL EXPERIENCE	Gibson, Dunn & Crutcher LLP ASSOCIATE, LITIGATION AND APPELLATE GROUPS	Washington, DC 2004 – 2006
	United States Department of Commerce ATTORNEY, COMPLEX LITIGATION UNIT	Washington, DC 2002 – 2004
	Gardere Wynne Sewell LLP ASSOCIATE, CIVIL LITIGATION AND EMPLOYMENT LAW	Houston, TX 2001 – 2002
	The Honorable Nicholas G. Garaufis JUDICIAL CLERK	Eastern District of New York 2000 – 2001

BAR ADMISSIONS	Arkansas (2007) Court of International Trade (2005) Supreme Court of the United States (2004) District of Columbia (2004) (inactive) U.S. Court of Appeals for the Fifth Circuit (2001) Texas (2001)
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