

CURRICULUM VITA

Steven S. Gensler

University of Oklahoma College of Law
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TEACHING POSITIONS

University of Oklahoma College of Law

Associate Dean for Research and Scholarship (Designate) (starting May 2012)

Welcome D. & W. DeVier Pierson Professor (2009-current)

President's Associates Presidential Professor (2006-current)

Professor (2005–current)

Associate Professor (2000-2005) (on leave 2003-2004)

- Courses Taught: Civil Procedure I and II; Federal Courts; Complex Litigation; Conflict of Laws; Federal Judicial Clerkships; ADR; Electronic Discovery; Comparative Litigation
- Teaching Awards: Student Bar Association Best Teacher Award (2003); Best Professor (first-year section; upper-level classes) (multiple awards)

University of Illinois College of Law

Visiting Assistant Professor (1998-2000)

- Courses Taught: Civil Procedure II; Property; ADR; Legal Research & Writing

JUDICIAL FELLOWSHIPS

United States Supreme Court

Supreme Court Fellow, Administrative Office of the U.S. Courts (2003-2004)

JUDICIAL CLERKSHIPS

The Honorable Deanell Reece Tacha, U.S. Circuit Judge (10th Cir.), Lawrence, KS

Law Clerk (1992-1993)

The Honorable Kathryn H. Vratil, U.S. District Judge (D. Kan.), Kansas City, KS

Law Clerk (1993-1994)

LAW PRACTICE EXPERIENCE

Michael, Best & Friedrich, LLP, Milwaukee, WI

Associate (1996-1998)

Reinhart, Boerner, van Duren, Norris & Rieselbach S.C., Milwaukee, WI

Associate (1994-1996)

EDUCATION

University of Illinois College of Law, J.D. *summa cum laude*, May 1992

- Valedictorian (Class Rank: 1/189)
- Editor-in-Chief, University of Illinois Law Review

University of Illinois (Urbana-Champaign), B.S. (Biology), June 1988

PUBLICATIONS

Books:

FEDERAL RULES OF CIVIL PROCEDURE: RULES AND COMMENTARY (West)

- Comprehensive two-volume practice treatise on the Federal Rules of Civil Procedure
- Revised and updated edition published annually
- Annual editions to date: 2007, 2008, 2009, 2010, 2011

MOORE'S FEDERAL PRACTICE, Volume 11 (3d. ed. 2011)

- Co-author with Jeffrey W. Stempel
- Volume 11 covers Summary Judgment under Rule 56

Journal Articles:

Electronic Discovery: The Search for Reasonableness in Hindsight (analyzing the distortion of hindsight on reasonableness norms in electronic discovery and discussing possible solutions)

Sixteen Reasons Why (with the Honorable Lee H. Rosenthal) (discussing the systemic and case-specific benefits of active judicial case management)

Discretion to Deny Summary Judgment: Can Judges Just Say No? (analyzing authority of federal judges to discretionarily deny properly-supported motions for summary judgment in light of historical practice and recent amendments to Rule 56)

Summary Judgment and Case Management: We Need to Talk, ____ LOYOLA UNIVERSITY CHICAGO LAW JOURNAL ____ (2012) (with the Honorable Lee H. Rosenthal) (Symposium issue publishing papers presented at the Seattle University School of Law Colloquium on the 25th Anniversary of the Supreme Court's 1986 Summary Judgment trilogy)

Social Media and the Continuing Evolution of the Discovery Rules, ____ ARKANSAS LAW REVIEW ____ (2012) (Symposium on "Facebook and the Law")

A Tribute to Robert Spector: "It All Started With Jurisdiction", 63 OKLAHOMA LAW REVIEW ____ (2011)

Judicial Case Management: Caught in the Crossfire, 60 DUKE LAW JOURNAL 669 (2010) (Symposium issue publishing papers selected from the 2010 Duke Conference on Civil Litigation)

Oklahoma's New E-Discovery Rules, 81 OKLAHOMA BAR JOURNAL 2427 (Nov. 2010)

Must, Should, Shall, 43 AKRON LAW REVIEW 1141 (2010) (Symposium issue publishing papers selected for presentation at the 2010 AALS Section on Litigation program on "The Future of Summary Judgment")

The Other Side of the CAFA Effect: An Empirical Analysis of Class Action Activity in the Oklahoma State Courts, 58 KANSAS LAW REVIEW 809 (2010) (invited contribution to Symposium on Class Actions)

A Bull's-Eye View of Cooperation in Discovery, 10 SEDONA CONFERENCE JOURNAL 363 (Fall 2009 Supp.) (invited contribution to Special Edition on The Sedona Conference Cooperation Proclamation)

Some Thoughts on the Lawyer's E-volving Duties in Discovery, 36 NORTHERN KENTUCKY UNIVERSITY LAW REVIEW 521 (2009) (invited contribution to Symposium on E-Discovery), reprinted in 60 DEF. L.J. 1 (2011)

Justness! Speed! Inexpense! An Introduction to The Revolution of 1938 Revisited: The Role and Future of the Federal Rules, 61 OKLAHOMA LAW REVIEW 257 (2008) (Introduction to AALS Civil Procedure Section 2008 Annual Meeting Symposium)

Driving Misjoinder: The Improper Party Problem in Removal Jurisdiction, 57 ALABAMA LAW REVIEW 779 (2006) (with Laura J. Hines)

Diversity Class Actions, Common Relief, and the Rule of Individual Valuation, 82 OREGON LAW REVIEW 295 (2003)

Class Certification and the Predominance Requirement under Oklahoma Section 2023(B)(3), 56 OKLAHOMA LAW REVIEW 289 (2003)

Bifurcation Unbound, 75 WASHINGTON LAW REVIEW 705 (2000)

Prejudice, Confusion, and the Bifurcated Civil Jury Trial: Lessons from Tennessee, 67 TENNESSEE LAW REVIEW 653 (2000) (invited contribution to Symposium: Communicating with Juries)

Student Note: Wrongful Discharge for In-House Attorneys: Holding the Line Against Lawyers' Self-Interest, 1991 UNIVERSITY OF ILLINOIS LAW REVIEW 515

Other Publications:

FEDERAL RULES OF CIVIL PROCEDURE: 2007 STYLE PROJECT COMPARISON CHARTS (West)

- Companion publication to the 2008 edition of treatise listed above

SEALED SETTLEMENT AGREEMENTS IN FEDERAL DISTRICT COURT, Federal Judicial Center (2004)
(with Robert Timothy Reagan, Shannon R. Wheatman, Marie Leary, Natacha Blain, George Cort, and Dean Miletich)

Developments in the Federal Rules of Civil Procedure, Association of American Law Schools Civil Procedure Newsletter (2008)

Developments in the Federal Rules of Civil Procedure, Association of American Law Schools Civil Procedure Newsletter (2007)

Developments in the Federal Rules of Civil Procedure, Association of American Law Schools Civil Procedure Newsletter (2006)

Developments in the Federal Rules of Civil Procedure, Association of American Law Schools Civil Procedure Newsletter (2005)

Developments in the Federal Rules of Civil Procedure, Association of American Law Schools Civil Procedure Newsletter (2003)

PROFESSIONAL AND PUBLIC SERVICE

Member, *United States Judicial Conference Advisory Committee on Civil Rules* (2005 - 2011)

- Appointed June 2005 by Chief Justice William H. Rehnquist
- Reappointed August 2008 by Chief Justice John G. Roberts, Jr.

Member, *Planning Committee, 2010 Conference on Civil Litigation ("Duke Conference")* (2009-2010)

Member, *Local Rules Committee, United States District Court for the Western District of Oklahoma* (2008 - present)

Member, *Oklahoma State Bar Association Committee on Civil Procedure* (2005 - present)

- Vice-Chair (2009 - present)
- Chair, E-Discovery Subcommittee (2009)

Member, *American Law Institute* (2006 – present)

- Members Consultative Group for the Principles of Aggregate Litigation Project
- Members Consultative Group for Restatement (Third) U.S. Law of International Arbitration

Member, *The Sedona Conference* (2008 – present)

- Working Group 1: Electronic Discovery
- Working Group 6: International Electronic Information Management, Discovery and Disclosure
- *Founding Member*: ROI Project for Information Asset Management (exploratory group to identify principles and best practices for maximizing “information assets”)

Member, *Executive Committee, Association of American Law Schools Section on Civil Procedure* (2005 - 2009)

- Chair (2007)

Consultant, Honorable Tom A. Lucas, Cleveland County District Court (Spring 2008)

- Served as class action consultant in a national consumer class action

Informal Consultant, *United States Judicial Conference Federal-State Jurisdiction Committee*

- April 2005: Solicited to provide comments to the Committee on its working proposals regarding removal jurisdiction issues and venue issues
- July 2008: Solicited to provide comments to the Committee on draft legislation, the “Federal Courts Jurisdiction and Venue Clarification Act,” that it had transmitted to Congress

Local Rules Project, United States District Court for the Western District of Oklahoma

- Drafted report and proposed revisions to the Western District’s Local Rules of Civil Procedure in response to the December 1, 2000 amendments to the Federal Rules of Civil Procedure

PRESENTATIONS

“Electronic Discovery and the Sensible Harvest”

- Boston E-Discovery Summit 2011
- December 8, 2011, Boston, MA

“Social Media and the Continuing Evolution of the Discovery Rules”

- University of Arkansas School of Law Symposium: “Facebook and the Law”
- November 4, 2011, Fayetteville, AR

“Discovery After Iqbal: Where Do We Go From Here?”

- Multidistrict Litigation Panel Transferee Judge's Conference
- November 1-2, 2011, West Palm Beach, FL

"Summary Judgment and Case Management: Each in Service of the Other"

- Seattle University School of Law Colloquium: "25th Anniversary of the Summary Judgment Trilogy: Reflections on Summary Judgment"
- September 16, 2011, Seattle, WA

"Civil Rules and Appellate Rules: What's New and What's on the Horizon"

- Judicial Conference of the Fifth Circuit
- May 3-4, 2011, San Antonio, TX

"The Rulemaking Response to Twombly and Iqbal"

- University of Baltimore School of Law Colloquium Presentation
- April 15, 2011, Baltimore, MD

"Knowledge in the Public Interest: Consideration of Incidents Where Scientific and Technical Knowledge Is Kept From the Public Because of Sealed Settlements and Other Restrictive Arrangements"

- Panelist, National Academy of Science, Committee on Science, Technology, and Law
- April 11, 2011, Washington, DC

"Complex Litigation XIII: The Future of Civil Litigation 2"

- Panelist, 13th Annual Sedona Conference on Complex Litigation
- April 7-8, 2011, Del Mar, CA

"The 2010 Amendments to Rule 26 and Rule 56"

- Kansas Association of Defense Counsel Annual Meeting
- December 3, 2010, Kansas City, MO

"The 2010 Amendments to Rule 56"

- LEXIS/NEXIS Webinar
- November 23, 2010

"Incorporating E-Discovery Rules Into State Practice"

- Panelist, Tulsa County Bar Association CLE Program on Electronic Discovery
- November 12, 2010, Tulsa, OK

"Federal Judicial Roundtable on Electronic Discovery"

- Moderator, Oklahoma Bar Association Symposium on Electronic Discovery
- November 5, 2010, Oklahoma City, OK

"Incorporating E-Discovery Rules Into State Practice"

- Panelist, Oklahoma Bar Association Symposium on Electronic Discovery
- November 5, 2010, Oklahoma City, OK

“Report from the 2010 Conference on Civil Litigation: Where We Are and Where We Are Going”

- Panelist, Sedona Conference Webinar Series Presentation
- June 22, 2010

“Cooperation in Discovery: A 90-Year View”

- Northern Illinois University Law Review Symposium: “What It Means to Be a Lawyer in the Digital Age”
- April 16, 2010, DeKalb, IL

“The Future of Civil Litigation: Legislative and Behavioral Changes”

- Panelist, 12th Annual Sedona Conference on Complex Litigation
- April 8-9, 2010, Phoenix, AZ

“Federal Rules of Civil Procedure: What’s Coming in December 2010”

- Co-presenter (with The Honorable Lee H. Rosenthal)
- DRI Product Liability Conference
- April 7, 2010, Las Vegas, NV

“Codifying Mediation 2.0”

- Panelist, The Ohio State Journal of Dispute Resolution Symposium 2010
- February 5, 2010, Columbus, OH

“Must, Should, Shall”

- AALS Section on Litigation Program
- January 10, 2010, New Orleans, LA

“Procedure a la Carte”

- AALS Section on Civil Procedure
- January 9, 2010, New Orleans, LA

“E-Discovery: Searching the Virtual File Cabinets”

- Presenter, NBI Seminar
- Forthcoming November 13, 2009, Oklahoma City, OK

“Federal Rules of Civil Procedure: Changes Effective December 1, 2009”

- OBA/CLE Webcast Seminar
- November 10, 2009

“The First Year of the Cooperation Proclamation”

- Panelist, The Sedona Conference Webinar
- November 4, 2009

“The Other Side of the CAFA Effect: An Empirical Analysis of Class Action Activity in the Oklahoma State Courts”

- Kansas Law Review 2009 Symposium: “Aggregate Justice: Perspectives 10 Years After *Amchem* and *Ortiz*”
- October 30, 2009, Lawrence, KS

“Judicial Management Strategies to Encourage Cooperative, Non-Adversarial Discovery”

- Workshop for U.S. Magistrate Judges II
- July 15 and 16, 2009, Milwaukee, WI

“Some Thoughts on the Lawyer’s E-volving Duties in Discovery”

- Northern Kentucky Law Review Symposium on E-Discovery
- February 28, 2009, Cincinnati, OH

“Privilege Waiver Under New Federal Rule of Evidence 502”

- Presenter, NBI Seminar: *Keeping Up with E-Discovery*
- November 13, 2008, Oklahoma City, OK

“E-discovery in Oklahoma”

- Presented to the Kingfisher County Bar Association
- August 28, 2008, Kingfisher, OK

“The Revolution of 1938 Revisited: The Role and Future of the Federal Rules”

- Moderator, AALS Civil Procedure Section Program
- January 4, 2008, New York, NY

“E-discovery: New Adventures in Client Babysitting?”

- Presented at the Kansas University School of Law
- October 19, 2007, Lawrence, KS

“Bell Atlantic v. Twombly: Pleading Standards and Court Access”

- “Brown bag” presentation at the University of Oklahoma College of Law
- June 20, 2007, Norman, OK

“What’s Coming Next? A Look Into the Rules Amendment Pipeline”

- Presented at *Winning the Federal Case Before Trial*
- December 15, 2006, Oklahoma City, OK

“Recent Developments in Federal Subject Matter Jurisdiction”

- Presented at *Winning the Federal Case Before Trial*

- December 9, 2005, Oklahoma City, OK

“Driving Misjoinder: The Improper Party Problem in Removal Jurisdiction”

- “Brown bag” presentation at the University of Oklahoma College of Law
- May 25, 2005, Norman, OK

“The Relatively Underguided Erie Analysis”

- University of Oklahoma College of Law
- February 9, 2005, Norman, OK

“Federal Civil Rules Amendments: A Look Into the Pipeline”

- Presented at *Winning the Federal Case Before Trial*
- January 14, 2005, Dallas, TX

“Discretionary Dismissal Based on Post-Jurisdictional Events”

- Presented to United States Judicial Conference Committee on Federal-State Jurisdiction
- June 10, 2004, New York City, NY

“Oil and Gas Class Actions: Issues and Outcomes in Oklahoma”

- Presented at the *Eugene Kunz Conference on Natural Resources Law and Policy*
- November 2002, Oklahoma City, OK

UNIVERSITY OF OKLAHOMA SERVICE

Member, Small Executive Committee, Faculty Senate (2002-2003)

Member, Faculty Senate (2001-2002)

Chair, Campus Disciplinary Council I (2007-2009)

Chair, Campus Disciplinary Council II (2001-2002)

UNIVERSITY OF OKLAHOMA COLLEGE OF LAW SERVICE

Director, Oxford Summer Program (2011-present)

Member, Curriculum Committee (2011-present)

Chair, Committee A (2009-2010)

Member, Dean Search Committee (2009-2010)

Member, Committee A (2008-2010)

Faculty Advisor, Oklahoma Law Review (2002-2003, 2004-2007)

Chair, Mentoring Study Committee (2005-2006)

Chair, Code of Academic Responsibility Appeals Board (2004-2005)

Member, Externship Subcommittee (2004-2005)

Chair, Personnel Committee (2006-2007)

Member, Personnel Committee (2000-2001, 2002-2003)

Member, Competitions Committee (2001-2003)

Member, Legal Writing Committee (2001-2002)
Member, Judicial Clerkships Program (2000-current)
Faculty Advisor, Phi Alpha Delta (2001-2003)

BAR MEMBERSHIPS

United States Supreme Court (2003)
State of Wisconsin (1992)
Eastern District of Wisconsin (1992)
Western District of Wisconsin (1993)
District of Colorado (1995)