

ANDREW D. BRADT

University of California, Berkeley School of Law
690 Simon Hall, Berkeley, CA 94720
(510) 664-4984; abrادت@law.berkeley.edu

ACADEMIC APPOINTMENT

UNIVERSITY OF CALIFORNIA, BERKELEY SCHOOL OF LAW

Professor of Law (with tenure)

2018-pres.

Assistant Professor of Law

2012-2018

Teaching: Civil Procedure, Conflict of Laws, Remedies, Complex Litigation, MDL
UC-Berkeley Campus-Wide Distinguished Teaching Award (2022)
Rutter Award for Teaching Distinction, Berkeley Law (2019)
Faculty Graduation Speaker (chosen by graduating class) (2015)

Service: Associate Dean for J.D. Curriculum & Teaching (2022-2023)
Faculty Liaison to Admissions Department (2022-present)
Curriculum Committee (2017-2022; chair 2022-2023)
Admissions Committee (2017-2022)
Campus Committee on Memorial Resolutions (2016-present; chair, 2021-2023)
Judicial Clerkships Committee, 2012-2017 (co-chair, 2013-2017)

Professional Affiliations:

Faculty Director, Civil Justice Research Initiative
Member, American Law Institute
Member, Academic Advisory Board, Supreme Court Fellows Program
Executive Committee Member, AALS Litigation Section (Chair, 2019-20)
Executive Committee Member, AALS Conflict of Laws Section

GOVERNMENT APPOINTMENT

Associate Reporter, Federal Civil Rules Advisory Committee, Judicial Conference of the United States. January 2023-present.

EDUCATION

HARVARD LAW SCHOOL, J.D., *magna cum laude* June 2005

Joseph H. Beale Prize for highest grade in Conflict of Laws, 2004-2005
Research Assistant, Prof. Stephen B. Burbank, University of Pennsylvania Law School
Research Assistant, Prof. Charles R. Nesson, Harvard Law School

HARVARD UNIVERSITY, A.B. in Social Studies, *summa cum laude* June 2002

Awards: Phi Beta Kappa, Detur Book Prize, John Harvard Scholarship

PUBLICATIONS

BOOKS

COMPLEX LITIGATION: CASES AND MATERIALS ON ADVANCED CIVIL PROCEDURE (7th ed. 2021, West) (with Richard L. Marcus, Edward F. Sherman, and Howard M. Erichson).

PLEADING AND PROCEDURE: CASES AND MATERIALS (12th ed. 2020, Foundation Press) (with Geoffrey C. Hazard, Jr., Hon. William A. Fletcher, and Stephen McG. Bundy).

ARTICLES

MDL Myths, 101 TEXAS L. REV. 1521 (2023) (with L. Baker).

Adult Supervision? Appellate Review, Mandamus, and the Federal Rules in Multidistrict Litigation, 50 FLA. ST. U. L. REV. 187 (2022) (with C. Bennett).

It's Good to Have the "Haves" On Your Side: A Defense of Repeat Players in Multidistrict Litigation, 108 GEO. L.J. 73 (2019) (with D. T. Rave).

Party Preferences in Multidistrict Litigation, 108 CAL. L. REV. 1752 (2019) (with Z. Clopton).

Aggregation on Defendants' Terms: Bristol-Myers Squibb and the Federalization of Mass-Tort Litigation, 59 B.C. L. REV. 1251 (2018) (with D. T. Rave) (winner of 2018 Call for Papers Award, Southeastern Association of Law Schools).

The Long Arm of Multidistrict Litigation, 59 WM. & MARY L. REV. 1166 (2018).

MDL v. Trump: The Puzzle of Public-Law MDLs, 112 NW. U. L. REV. 905 (2018) (with Z. Clopton).

The Information-Forcing Role of the Judge in Multidistrict Litigation, 105 CAL. L. REV. 1259 (2017) (with D. T. Rave).

"A Radical Proposal": The Multidistrict Litigation Act of 1968, 165 U. PA. L. REV. 831 (2017).

Resolving Intrastate Conflicts of Laws: The Example of the Federal Arbitration Act, 92 WASH. U. L. REV. 603 (2015).

The Shortest Distance: Direct Filing and Choice of Law in Multidistrict Litigation, 88 NOTRE DAME L. REV. 759 (2012).

Grable on the Ground: Mitigating Unchecked Jurisdictional Discretion, 44 U.C. DAVIS L. REV. 1153 (2011).

Much to Gain and Nothing to Lose: Implications of the History of the Declaratory Judgment for the (b)(2) Class Action, 58 ARK. L. REV. 767 (2006).

ESSAYS, BOOK CHAPTERS, AND CONTRIBUTIONS TO SYMPOSIA

A Surprising Ally: Harnessing the Power of Procedure in Domestic Violence Tort Cases, 38 BERKELEY J. GENDER, L. & JUSTICE (forthcoming 2024) (with M. Kaur).

Why, and How, the Socratic Method: One Law Teacher Reflects, in HOW TO ACCOUNT FOR TRAUMA AND EMOTIONS IN LAW TEACHING, Mallika Kaur & Lindsay M. Harris, eds. (Edward Elgar, forthcoming 2024)

Anecdotes Versus Data in the Search for Truth About Multidistrict Litigation, 107 CORNELL LAW REV. ONLINE 249 (2022) (with L. Baker).

Dissonance and Distress in Mass Torts and Bankruptcy, 91 FORDHAM L. REV. 309 (2022) (with Z. Clopton and D.T. Rave) (invited submission for Symposium on mass torts and bankruptcy).

The False Promise of General Jurisdiction, 73 ALA. L. REV. 455 (2022) (with P. Bookman, Z. Clopton, M. Gardner, and D.T. Rave).

MDL and Adversarial Legalism, 53 GA. L. REV. 1382 (2019) (invited contribution to symposium, “MDL Turns 50: A Look Back and the Way Forward”).

The Looming Battle for Control of Multidistrict Litigation in Historical Perspective, 87 FORDHAM L. REV. 87 (2018) (invited contribution to symposium, “Civil Justice Reform in the Trump Era”).

The Stickiness of the MDL Statute, 37 REV LITIG. 203 (2018) (invited contribution to symposium, “MDL Problems”).

Something Less and Something More: MDL’s Roots as a Class Action Alternative, 165 U. PA. L. REV. 1711 (2017) (invited contribution to symposium on the fiftieth anniversary of the 1966 amendments to Rule 23).

Herma Hill Kay and the Conflict of Laws: A Tribute, 104 CAL. L. REV. 579 (2016).

Atlantic Marine and Choice-of-Law Federalism, 65 HASTINGS L.J. 617 (2015) (invited contribution to symposium on *Atlantic Marine v. U.S. District Court*).

JUDICIAL CLERKSHIPS

HON. ROBERT A. KATZMANN, New York, NY 2007-2008
U.S. Court of Appeals for the Second Circuit

HON. PATTI B. SARIS, Boston, MA 2005-2006
U.S. District Court for the District of Massachusetts

PRIOR EXPERIENCE

HARVARD LAW SCHOOL <i>Climenko Fellow and Lecturer on Law</i> Course: Legal Research & Writing	2010-2012
JONES DAY , New York, NY <i>Associate, Issues & Appeals Group</i>	2008-2010
ROPES & GRAY , Boston, MA <i>Litigation Associate</i> <i>Summer Associate</i>	2006-2007 Summer 2004

BAR ADMISSIONS

New York (admitted 2007); Massachusetts (admitted 2007); U.S. Court of Appeals for the Ninth Circuit; U.S District Courts for the District of Massachusetts and the Eastern and Southern Districts of New York.

AMICUS BRIEFS

Brief by Andrew D. Bradt in Support of Plaintiff-Appellant, *Doe v. Damron*, Calif. Court of Appeals (2021) (successful brief on behalf of victim of domestic violence urging personal jurisdiction in California).

Brief by Civil Procedure Professors in Support of Respondents, *Ford Motor Co. v. Montana Eighth Judicial District Court*, U.S. Supreme Court, No. 19-368 (2020) (with Pamela K. Bookman, Zachary D. Clopton, Maggie Gardner, and D. Theodore Rave).

Brief by Civil Procedure Professors in Support of Respondents, *Bristol-Myers Squibb v. Superior Court of California*, U.S. Supreme Court, No. 16-466 (2017) (with Pamela K. Bookman, Zachary D. Clopton, Maggie Gardner, and D. Theodore Rave) (cited in dissent by Justice Sotomayor, 137 S. Ct. 1773, 1788 n. 3).

Letter in Support of Petition for Review, *Chen v. L.A. Truck Centers, LLC*, California Supreme Court, No. S240245 (2017) (review subsequently granted).

SYMPOSIA ORGANIZED

Mass Torts Inferno: New Battle Lines in the Resolution Debate, Cornell Law School, Sept. 20-21, 2024 (upcoming) (organized with S. Campos, Z. Clopton, A. Lahav, and S. Parikh).

Mass Torts Evolve: The Intersection of Aggregate Litigation and Bankruptcy, Fordham Law School, Feb. 25, 2021 (organized with S. Campos, Z. Clopton, and S. Parikh).

Civil Procedure, Judicial Administration, and the Future of the Field: A Festschrift in Honor of Prof. Stephen B. Burbank, University of Pennsylvania School of Law, Feb. 12-13, 2021 (organized with T. Wolff).

Junior Federal Courts Workshop, Emory Law School, Mar. 31-Apr. 1, 2017 (organized with F. Smith).

SELECTED PRESENTATIONS

Will *Purdue* Upend Mass-Tort Bankruptcies?, at “Purdue Pharma Goes to (Bankruptcy) Court,” Berkeley, CA, Dec. 2023

The Present and Future of Attorneys Fee Awards in Class Actions and MDLs, MDL Transferee Judges’ Conference, Palm Beach, FL, Oct. 2023

The Rise and Fall (and Rise?) of the American Class Action, UC Berkeley Homecoming Lecture Series, Berkeley, CA, Oct. 2023

MDL: Where Did it Come From, and What Was Intended?, Bolch Judicial Institute Symposium, Duke Law School, Durham, NC, May 2023

Bankruptcy and the Future of Federal Mass Tort Litigation, Northern District of California Judicial Conference, Napa, CA, April 2023.

Mallory and General Jurisdiction, Berkeley Law ACS & Plaintiffs’ Lawyers’ Association, Berkeley, CA, March 2023.

MDL Myths, “Judicial Management of MDLs and Other Consolidations,” Texas Law Review Symposium, Univ. of Texas Law School, Austin, TX, Jan. 2023.

The U.S. Approach to Choice-of-Law, Conflict of Laws in Interstate and International Contracts, Miller Institute for Global Challenges in the Law, Berkeley, CA, Sept. 2022.

Multidistrict Litigation: Promise and Perils, Judicial Conference of the United States Court of Appeals for the Sixth Circuit, Louisville, KY, Sept. 2022.

Pound, Procedure, and Private Enforcement—Comments on Stephan Landsman’s *Civil Justice and Accountability: The Challenge of Grave Corporate Misconduct*, Pound Civil Justice Forum for State and Appellate Judges, Seattle, WA, July 2022.

Should There be Federal Rules of Civil Procedure for Multidistrict Litigation?, Berkeley Law Webinar Series, Berkeley, CA July 2022.

MDL, Bankruptcy, and the Inconvenience of Due Process, Fordham Law Review Symposium on Mass Torts and Bankruptcy, New York, NY (virtually), February 2022.

Interpleading Bounty Hunters, Duke Federal Courts & Judicial Administration Roundtable, Durham, NC (virtually), December 2021

Selection of Leadership in MDLs, Civil Justice Research Initiative, Berkeley, CA (virtually), September 2021.

Rulemaking in the Twenty-first Century—Constraints and Opportunities, A Response to the Professors Marcus, Penn Law Review Symposium, Philadelphia, PA (virtually), February 2021.

Adult Supervision: Opioids, Mandamus, and “Law Reform” in Multidistrict Litigation, University of Texas School of Law Colloquium on Current Issues in Complex Litigation, Austin, TX (virtually), November 2020.

The Civil Rules in the Age of Covid, Covid in the Courts Symposium, Civil Justice Research Initiative & RAND Corporation, Berkeley, CA (virtually), October 2020.

Super Litigation for Super Cases, 2020 Clifford Symposium on Tort Law and Policy—The Opioid Crisis: Where Do We Go From Here?, DePaul Law School (virtually), May 2020.

The Next Decade in Aggregate Litigation, Bolch Judicial Institute Civil Rules Planning Conference, Duke Law School, Durham, NC, November 2019.

Built to Last: The History of the MDL Statute and Implications for its Future, Judicial Panel on Multidistrict Litigation Transferee Judges Conference, Palm Beach, FL, October 2019.

What MDL Can Teach Us About Federal Judicial Reform, California Law Review Symposium, Berkeley, CA, April 2019.

MDL and Adversarial Legalism, Georgia Law Review Symposium, University of Georgia School of Law, Athens, GA, Feb. 2019.

Jurisdiction and Choice of Law in Multidistrict Litigation, Center for Civil Justice, New York University School of Law, New York, NY, Oct. 2018.

“The Looming Battle for the Soul of MDL,” Fordham Law Review Symposium, “Civil Justice Reform in the Trump Era,” New York, NY, Feb. 2018.

“Aggregation on Defendants’ Terms: *Bristol-Myers Squibb* and the Federalization of Mass-Tort Litigation,” AALS Annual Meeting, Conflict of Laws Section, San Diego, CA, Jan 2018; Bay Area Civil Procedure Forum, UC-Hastings College of the Law, San Francisco, CA, Oct. 2017; Berkeley Law Faculty Workshop, Sept. 2017.

“MDL v. Trump,” Joint Workshop with Seoul National University Law School, Berkeley, CA, Aug. 2017.

Presentation on recent Supreme Court decisions on personal jurisdiction, Berkeley Law Summer Faculty Workshop, June 2017.

“The Long Arm of Multidistrict Litigation,” UCLA Law School Faculty Workshop, April 2017.

“The Information-Forcing Role of the Judge in Multidistrict Litigation,” presented at Junior Federal Courts Scholars Workshop, Emory Law School, Atlanta, GA, April 2017; University of Houston Public Law Colloquium, Feb. 2017; University of Arizona Law School Faculty Workshop, Tucson, AZ, Jan. 2017; Civil Procedure Workshop, Seattle, WA, July 2016; Law & Society Conference, New Orleans, LA, June 2016.

“The Stickiness of the MDL Statute,” presented at American Association of Law Schools Litigation Section Annual Meeting, San Francisco, CA, Jan. 2017.

“MDL as a Class Action Alternative,” presented at the University of Pennsylvania Law Review Symposium, Philadelphia, PA, November 2016.

“The Multidistrict Litigation Act of 1968,” presented at American Society for Legal History Conference, Toronto, ON, Oct. 2016; Faculty Workshop, University of California-Irvine School of Law, Irvine, CA, Jan. 2016; Junior Federal Courts Scholars Workshop, Irvine, CA, Sept. 2015; First Annual Civil Procedure Conference, University of Washington, Seattle, WA, July 2015; Berkeley Law Faculty Workshop, Berkeley, CA, July 2015.

“Declaratory Relief and Full Faith and Credit,” Bay Area Civil Procedure Forum, UC-Hastings College of the Law, San Francisco, CA, Oct. 2014.

“When States Don’t Blink: Declaratory Judgments and Full Faith and Credit,” Seventh Annual Junior Faculty Federal Courts Workshop, University of Georgia School of Law, Athens, GA, Oct. 2014.

“*Atlantic Marine* and Choice-of-Law Federalism,” Symposium on Forum Selection after *Atlantic Marine*, UC-Hastings College of the Law, San Francisco, CA, Sept. 2014.

“Recent Developments in Civil Procedure,” Berkeley Law Faculty Workshop, Berkeley, CA, June 2014.

“Intrastate Conflicts and the Federal Arbitration Act,” Junior Faculty Federal Courts Workshop, Brooklyn Law School, New York, NY, Oct. 2013.

“Multidistrict Litigation and Choice of Law,” University of Pennsylvania School of Law Complex Litigation Seminar, Philadelphia, PA, Nov. 2012; New England Junior Scholars’ Conference, Boston College Law School, Boston, MA, Mar. 2011.

“The Shortest Distance: Direct Filing and Choice of Law in Multidistrict Litigation,” presented at law-school-faculty workshops held by Harvard Law School, Drexel University, Syracuse University, Temple University, Tulane University, University of Alabama, University of California-Berkeley, University of California-Davis, University of Oklahoma, University of Washington, and the University of Wisconsin, Sept.-Dec. 2011.