

ANDREW D. BRADT

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ACADEMIC APPOINTMENTS

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 Distinguished Teaching Award (2022)
Rutter Award for Teaching Distinction (2019)

Service: Associate Dean for J.D. Curriculum & Teaching (2022-present)
Admissions Committee (2017-present)
Curriculum Committee (2017-present)
Campus Committee on Memorial Resolutions (2016-present; Chair, 2021-pres.)
Judicial Clerkships Committee, 2012-2017 (co-chair, 2013-2017)
Faculty Workshop Committee, 2015-2016 (co-chair)
Academic Placement Committee, 2013-2015
Faculty Advisor, American Constitution Society (2013-present)
Liaison, Bay Area Civil Procedure Forum (2013-present)

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

HARVARD LAW SCHOOL

2010-2012

Climenko Fellow and Lecturer on Law

Course: Legal Research & Writing

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 & ESSAYS

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

Adult Supervision?: Appellate Review, Mandamus, and the Federal Rules in Multidistrict Litigation, 50 *Fla. State. L. Rev.* (forthcoming 2022) (with C. Bennett).

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

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. Theodore Rave).

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

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

Aggregation on Defendants' Terms: Bristol-Myers Squibb and the Federalization of Mass-Tort Litigation, 59 *B.C. L. REV.* 1251 (2018) (with D. Theodore Rave) (winner of 2018 Call for Papers Award, Southeastern Association of Law Schools).

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 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 Zachary D. Clopton).

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

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

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).

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

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

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

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*).

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).

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

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

PRACTICE EXPERIENCE

JONES DAY, New York, NY
Associate, Issues & Appeals Group 2008-2010

ROPES & GRAY, Boston, MA
Litigation Associate 2006-2007
Summer Associate 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).

SELECTED PRESENTATIONS

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.