

MARGO SCHLANGER

Washington University School of Law
One Brookings Drive (Campus Box 1120)
St. Louis, MO 63130
(314) 935-8242

webpage: <http://schlanger.wustl.edu>
e-mail: mschlanger@wulaw.wustl.edu

EMPLOYMENT

Visiting Professor of Law, University of Michigan (Fall 2008).

Visiting Professor of Law, University of California, Los Angeles (Spring 2009).

Professor of Law, Washington University in St. Louis (2004–present); Elected 2008 “David M. Becker Professor of the Year” by law students.

Founder and Director, Civil Rights Litigation Clearinghouse, <http://clearinghouse.wustl.edu> (Fall 2005–present). The Clearinghouse is the web’s leading information source for data and documents relating to thousands of injunctive civil rights cases.

Faculty Fellow, Harvard University Center for Ethics and the Professions (2001–02).

Assistant Professor of Law, Harvard Law School (1998–2004).

Senior Trial Attorney, U.S. Dept. of Justice, Civil Rights Division, Special Litigation Section (1995–1998). Division Special Achievement Awards, 1996 and 1997.

Law clerk, Justice Ruth Bader Ginsburg; Supreme Court of the United States (1993–1995).

Fact-checker, *The New Yorker* (1989–1990).

COURSES TAUGHT

Constitutional Law; Torts; Constitutional Law of Incarceration; Seminars: Civil Rights Injunctions; Empirical Inquiries into Civil Litigation; Prisons and Prison Reform; Institutional Reform Litigation.

OTHER APPOINTMENTS

Reporter, American Bar Association task force on Standards relating to the Legal Status of Prisoners (2007–present). See http://www.abanet.org/crimjust/standards/prisoners_status.html.

Commissioner, Commission on Safety and Abuse in America’s Prisons (2005–present). See <http://www.prisoncommission.org>.

EDUCATION

Yale Law School, J.D. 1993.

Book Reviews Editor, *Yale Law Journal* (Vol. 102); Vinson Prize for excellence in clinical casework.

Yale College, B.A. 1989.

Honors: *magna cum laude*, distinction in the History major.

SCHOLARLY PUBLICATIONS

How to Study District Judge Decision-Making, WASH. U. J. LAW & POL'Y (forthcoming 2009) (with Pauline Kim, Christina Boyd, Andrew D. Martin).

Preserving the Rule of Law in America's Prisons: The Case for Amending the Prison Litigation Reform Act, U. PENN. J. CONST. LAW (forthcoming 2008) (with Giovanna Shay).

Operationalizing Deterrence: Claims Management (in Hospitals, a Large Retailer, and Jails and Prisons), 2 JOURNAL OF TORT LAW (Sept. 2008).

Jail Strip-Search Cases: Patterns and Participants, 71 LAW & CONTEMP. PROB. 65 (2008).

Hedonic Damages, Hedonic Adaptation, and Disability, 60 VAND. L. REV. 745 (2007) (with Samuel Bagenstos).

The Washington University Civil Rights Litigation Clearinghouse: Using Court Records for Research, Teaching, and Policymaking, 75 UMKC L. REV. 153 (2006) (Symposium: Federal Civil Court Records of the National Archives: Opportunities for Empirical, Historical and Legal Research and Curriculum Design) (with Denise Lieberman).

What We Know and What We Should Know About American Trial Trends, 2006 J. DISP. RES. 35 (2006) (Vanishing Trial Symposium).

Civil Rights Injunctions Over Time: A Case Study of Jail and Prison Court Orders, 81 N.Y.U. L. REV. 550 (2006). Reprinted in 23 CIVIL RIGHTS LITIGATION AND ATTORNEY FEES ANNUAL HANDBOOK (Steven Saltzman, ed., 2007).

Second Best Damage Action Deterrence, 55 DEPAUL L. REV. 517 (2006) (Clifford Symposium on Tort Law and Social Policy).

Determinants of Civil Rights Filings in Federal District Court by Jail and Prison Inmates, 1 J. EMPIRICAL LEG. STUD. 79 (2004) (with Anne Piehl).

The Reliability of the Administrative Office of the U.S. Courts Database: An Initial Empirical Analysis, 78 NOTRE DAME L. REV. 1455 (2003) (with Theodore Eisenberg). (symposium issue)

Inmate Litigation, 116 HARV. L. REV. 1555 (2003).

Gender Matters: Teaching a Reasonable Woman Standard in Personal Injury Law, 45 ST. LOUIS U. L.J. 769 (2001).

Beyond the Hero Judge: Institutional Reform Litigation as Litigation, 76 MICH. L. REV. 1994 (1999).

Injured Women Before Common Law Courts, 1860-1930, 21 HARV. WOMEN'S L.J. 79 (1998).

NON-SCHOLARLY PUBLICATIONS

Prison Litigation Reform Act Update, in THE STATE OF CRIMINAL JUSTICE, 2007-2008 (American Bar Association, Criminal Justice Section, April 2008).

Professor Notes PLRA Flaws: Will Congress Act to Correct Them?, CORRECTIONAL LAW REP., Feb./Mar. 2008, at 65 (reprints testimony before the House Judiciary Committee, Subcommittee on Crime, Terrorism, and Homeland Security: *Review of the Prison Litigation Reform Act: A Decade of Reform or an Increase in Prison Abuses* (Nov. 2007)).

The Political Economy of Prison and Jail Litigation, PRISON LEGAL NEWS, June 2007, at 1.

Preserving the Rule of Law in America's Prisons: The Case for Amending the Prison Litigation Reform Act, American Constitution Society Issue Brief, Mar. 28, 2007 (with Giovanna Shay).

National Prison Commission Begins Work, CORRECTIONAL LAW REP., June/July 2005, at 1, and PRISON LEGAL NEWS, July 2005, at 17.

Inmate Litigation: Results of a National Survey, NATIONAL INSTITUTE OF CORRECTIONS LARGE JAIL NETWORK EXCHANGE, July 2003, at 1.

WORKS IN PROGRESS

Equal employment opportunity litigation brought by the federal government (with Pauline Kim and Andrew Martin) (NSF grant SES-0718831).

Multi-tasking Agents and Damages Liability (with Gerrit De Geest).

GRANTS

American Bar Association, Section of Litigation (PI, with Pauline Kim and Andrew Martin), "Employment Litigation Class Action Injunctions: Terms and Trends" (2008), \$12,000.

National Science Foundation SES-0718831 (co-PI, with Pauline Kim and Andrew Martin), "The Litigation Process in Government-Initiated Employment Discrimination Suits" (2007), \$213,999.

Harvard University William F. Milton Fund (with Anne Morrison Piehl), "Litigated Intervention in the Management of Correctional Facilities" (2002), \$33,607.

SERVICE AND MEMBERSHIPS

Washington University and Washington University Law

Member, Law School Promotions Committee (2007/08)

Advisory Board, Washington University Center for Empirical Research in the Law (2007/08)

Standing participant: Workshop on Empirical Research in Law (2004-present)

Chair, Law School Lateral Appointments Committee (2006/07)

Chair, Law School Dean's Advisory Group on Improving Student Career Prospects (2005/06)

Chair, Law School Rules and Petitions Committee (2005/06)

Chair, Law School Ad Hoc Committee on Tenure Standards and Process (2004/5)

Member, University Committee on Senate By-Laws (2004/5)

Member, Law School Clerkship Committee (Fall 2004)

Other Academic

Co-editor (with Sharon Dolovich), SSRN abstracting “journal,” Corrections & Sentencing Law & Policy (2006–present). See <http://ssrn.com>.

Chair, American Association of Law Schools, Section on Law & the Social Sciences (2007/08).

Member, Law & Society Association Dissertation Prize Committee (2007).

Member, Law & Society Association.

Professional

Chair, Prison Litigation: A Workshop for Plaintiffs’ Attorneys (Washington, DC, March 2008); see <http://prisonlitigation.org>.

Co-Counsel, Reynolds v. City of Valley Park, Mo. (challenge to local anti-immigration ordinance) (2006–2008).

Counsel of record for amici curiae ACLU and other prison advocacy organizations, Woodford v. Ngo, 05-416 (U.S. Supreme Court, filed Feb. 2, 2006).

Member, expert advisory committee on data collection and confidential reporting, Prison Rape Elimination Act Commission (2007).

Drafter, ABA Litigation Section Project, The Rule of Law in Times of Calamity (2006).

Bar admissions: New York, District of Columbia (inactive), Missouri; Supreme Court; 9th Cir., Eastern District of Missouri.

PRESENTATIONS (2004–present)

Operationalizing Deterrence: Claims Management (in Hospitals, a Large Retailer, and Jails and Prisons)

- University of Michigan Legal Theory Workshop (Sept. 2008)
- Insurance & Society Seminar, Boston (May 2008)
- Southern Methodist University Law Faculty Workshop (Jan. 2008)
- Law & Society Ass’n, Berlin (July 2007)
- University of North Carolina Law Faculty Workshop (Nov. 2006)
- Law & Society Ass’n, Baltimore (July 2006)

Discussant, Laura Beth Neilsen et al., *Uncertain Justice: Litigating Claims of Employment Discrimination in the Contemporary United States*, Conference on Empirical Legal Studies, Ithaca, N.Y. (Sept. 2008).

Seminar teaching

- Ass’n of American Law Schools, Workshop for New Law Teachers (June 2008)
- Ass’n of American Law Schools, Workshop for New Law Teachers (June 2007)

The EEOC’s Injunctive Litigation: The Continuing Relevance of Institutional Reform Litigation

- Law and Society Ass’n, Montreal (May 2008)

How to Study District Judge Decision-Making

- Law and Society Ass’n, Montreal (May 2008)

Hedonic Damages, Hedonic Adaptation, and Disability

- University of Illinois Law School, Seminar on Law, Psychology & Economics (Apr. 2008)
- Washington University Law Faculty Workshop (Aug. 2006)

Civil Rights Injunctions Over Time: A Case Study of Jail and Prison Court Orders

- University Management Team, Washington University in St. Louis (Apr. 2008).
- Prison Litigation: A Workshop for Plaintiffs' Attorneys (Washington, D.C., Mar. 2008)
- Law and Society Ass'n (Las Vegas, NV, June 2005).
- Junior Scholars Empirical Legal Studies conference, Cornell Law School (Oct. 2004).

The Prison Litigation Reform Act

- *Preserving the Rule of Law in America's Prisons: The Case for Amending the PLRA*, Symposium, Penn. J. of Constitutional Law, Litigating the Eighth Amendment (Feb. 2008)
- Witness, National Prison Rape Elimination Comm'n, *The Role of Courts and Litigation in Regulating Prison and Jail Prevention of Sexual Violence and Misconduct* (Dec. 2007)
- Witness, House Judiciary Committee, Subcommittee on Crime, Terrorism, and Homeland Security, hearing: *Review of the Prison Litigation Reform Act: A Decade of Reform or an Increase in Prison Abuses* (Nov. 2007)
- Congressional staff briefing, proposed amendments to the PLRA (Sept. 2007)
- *Preserving the Rule of Law in America's Prisons: The Case for Amending the PLRA* American Constitution Society issue brief presentation, Washington DC (Apr. 2007)
- *The Past and Future of the PLRA*, National Association of Attorneys General, Baltimore, MD (Feb. 2007)
- Witness, ABA Criminal Justice Section Council, on proposed ABA policy to amend the Prison Litigation Reform Act (Nov. 2006).

The Civil Rights Litigation Clearinghouse: Using Court Records for Research, Teaching, and Policymaking

- Association of American Law Schools annual conference, Washington University Law breakfast (Jan. 2008)
- Presentation to social studies coordinators, Missouri Cooperating School Districts (Feb. 2007).
- Conference presentation ("Federal Civil Court Records of the National Archives: Opportunities for Empirical, Historical and Legal Research and Curriculum Design"), University of Missouri at Kansas City & National Archives and Records Administration (Oct. 2005).

Fault and the Constitutional Law of Equality. Invited response to David Strauss, Childress Lecture (Little Rock and the Legacy of *Brown*), Saint Louis University (Oct. 2007)

Teaching the Equal Protection Clause. Presentation to high school teachers, Street Law (Oct. 2007)

The Plaintiffs' Bar and the Conceptualization of Litigation

- Law & Society Ass'n, Berlin (July 2007)
- Washington University Law Faculty Workshop (May 2007)
- Conference presentation (The Plaintiff's Bar), New York Law School (Mar. 2006)

The Litigation Process in Government-Initiated Employment Discrimination Suits (hypotheses and preliminary evidence). Duke Law School Faculty Workshop (Apr. 2007)

Discussant, Katherine Barnes et al., *Life and Death Decisions: Prosecutorial Discretion and Capital Punishment in Missouri*, St. Louis U. conference (Mar. 2007).

Discussant, J.J. Prescott, *Empirical Evidence of Prosecutorial Charging Manipulation: And What it Tells Us About What Prosecutors are Trying to Do*, Conference on Empirical Legal Studies, Austin, Texas (Oct. 2006).

Women and the New Supreme Court: University of Missouri–St. Louis, Sue Shear Institute for Women in Public Life (Jan. 2006).

Moderator and participant, panel discussion of *Problems and Solutions in American Criminal Justice*, in conjunction with hearing held at Washington University in St. Louis by the Commission on Safety and Abuse in America's (Oct. 2005).

What We Know and What We Could Know About the Vanishing Trial: Featured Comment on Marc Galanter, "A World Without Trials," University of Missouri at Columbia, Distinguished Lecture on Alternative Dispute Resolution (Sept. 2005).

Incarceration, Reform, and Politics: presentation to undergraduate student groups (Apr. 2005).

Second Best Damage Action Deterrence

- University of Missouri at Columbia (Apr. 2005).
- Clifford Conference on Torts and Social Policy, DePaul University College of Law (Apr. 2005).
- UCLA faculty workshop (Mar. 2005)

Collateral Consequences of Incarceration: Background on the Scope of the Carceral System: Symposium on Poverty, Wealth and the Working Poor: Clinical and Interdisciplinary Perspectives (Apr. 2005).

Respondent to James B. Jacobs, *The Future of Imprisonment: Leadership, and Prison Reform*, St. Louis University Ass'n of Criminal Justice and Sociology (Oct. 2004).
