

CATHERINE T. STRUVE
University of Pennsylvania Law School
3501 Sansom Street
Philadelphia, PA 19104
(215) 898-7068
email: cstruve@law.upenn.edu

WORK EXPERIENCE:

- 2000-present **University of Pennsylvania Law School**, Philadelphia, PA. David E. Kaufman & Leopold C. Glass Professor of Law (2019-); Professor (2005-2019); Assistant Professor (2000-2005).
- 1996-2000 **Cravath, Swaine & Moore**, New York, NY. Associate, litigation department.
- 1995-1996 **Judge Amalya L. Kears**, **United States Court of Appeals for the Second Circuit**. Law clerk.

EDUCATION:

- 1992-1995 **Harvard Law School**

J.D., *magna cum laude*, awarded 1995. Notes Office Co-Chair and Supervising Editor, *Harvard Law Review*.
- 1988-1992 **Harvard College**

B.A. in Comparative Religion, *summa cum laude*, awarded 1992. Phi Beta Kappa. John Harvard Scholar. Elizabeth Cary Agassiz Scholar.

PUBLICATIONS:

- Allowing the Courts to Step in Where Needed: Applying the PLRA's 90-Day Limit on Preliminary Relief*, 19 U. ST. THOMAS L.J. 407 (2023).
- 2023 Supplements to 16A & 16AA FEDERAL PRACTICE AND PROCEDURE (5th ed.) (with the late Charles Alan Wright, Arthur R. Miller, & Edward H. Cooper).
- 16AA FEDERAL PRACTICE & PROCEDURE (5th ed. 2020) (with the late Charles Alan Wright, Arthur R. Miller, & Edward H. Cooper).
- 16A FEDERAL PRACTICE & PROCEDURE (5th ed. 2019) (with the late Charles Alan Wright, Arthur R. Miller, & Edward H. Cooper).

Last updated May 2023

Procedure in Context, 70 HASTINGS L.J. 1121 (2019) (tribute to Geoffrey C. Hazard, Jr.).

The Federal Rules of Inmate Appeals, 50 ARIZ. ST. L.J. 247 (2018).

Phantom Rules, 117 COLUM. L. REV. ONLINE 70 (2017).

FIELD, KAPLAN, CLERMONT, AND STRUVE'S CIVIL PROCEDURE, MATERIALS FOR A BASIC COURSE (11th ed. 2014) (with Professor Kevin Clermont, the late Professor Richard Field, and the late Justice Benjamin Kaplan).

TEACHER'S MANUAL TO FIELD, KAPLAN, CLERMONT, AND STRUVE'S CIVIL PROCEDURE, MATERIALS FOR A BASIC COURSE (11th ed. 2014) (with Professor Kevin Clermont).

A Reply to Professor Reinert, 161 U. PA. L. REV. ONLINE 249 (2013),
<http://www.pennlawreview.com/responses/4-2013/Struve.pdf>.

The Conditions of Pretrial Detention, 161 U. PA. L. REV. 1009 (2013).

What Ed Cooper Has Taught Me about the Realities and Complexities of Appellate Jurisdiction and Procedure, 46 MICH. J. L. REF. 697 (2013).

Institutional Practice, Procedural Uniformity, and As-Applied Challenges under the Rules Enabling Act, 86 NOTRE DAME L. REV. 1181 (2011).

Sovereign Litigants: Native American Nations in Court, 55 VILL. L. REV. 929 (2010).

Geoffrey C. Hazard, Jr.: Scholar, Law Reformer, Teacher, and Mentor, 158 U. PA. L. REV. 1307 (2010).

Time and the Courts: What Deadlines and Their Treatment Tell Us About the Litigation System, 59 DEPAUL L. REV. 601 (2010).

Shifting Burdens: Discrimination Law Through the Lens of Jury Instructions, 51 B.C. L. REV. 279 (2010).

Foreword: Procedure as Palimpsest, 158 U. PA. L. REV. 421 (2010).

“The Story of *Santa Clara Pueblo v. Martinez*: Tribal Sovereignty, Sex Equality and the Federal Courts,” in FEDERAL COURTS STORIES (Vicki Jackson & Judith Resnik eds. 2009).

Power, Protocol, and Practicality: Communications From the District Court During an Appeal, 84 NOTRE DAME L. REV. 2053 (2009).

16A & 16AA FEDERAL PRACTICE AND PROCEDURE (4th ed. 2008) (with the late Charles Alan Wright, Arthur R. Miller, & Edward H. Cooper) (two volumes on the Federal Rules of Appellate Procedure).

Commentary on "Class Settlements Under Attack," 156 U. PA. L. REV. 2143 (2008).

Greater and Lesser Powers of Tort Reform: The Primary Jurisdiction Doctrine and State-law Claims Concerning FDA-Approved Products, 93 CORNELL L. REV. 1039 (2008).

Judiciary Act of 1891, in ENCYCLOPEDIA OF THE SUPREME COURT OF THE UNITED STATES (David S. Tanenhaus et al., eds., Macmillan Reference USA 2008).

Expertise and the Legal Process, in MEDICAL MALPRACTICE AND THE U.S. HEALTHCARE SYSTEM: NEW CENTURY, DIFFERENT ISSUES (William M. Sage & Rogan Kersh eds., Cambridge Univ. Press, 2006).

Constitutional Decision Rules for Juries, 37 COLUM. HUM. RTS. L. REV. 659 (2006).

The FDA and the Tort System: Postmarketing Surveillance, Compensation, and the Role of Litigation, 5 YALE J. HEALTH POL'Y, L. & ETHICS 587 (2005).

Improving the Medical Malpractice Litigation Process, 23 HEALTH AFFAIRS 33 (2004).

Tribal Immunity and Tribal Courts, 36 ARIZ. ST. L.J. 137 (2004).

Doctors, the Adversary System, and Procedural Reform in Medical Liability Litigation, 72 FORDHAM L. REV. 943 (2004).

EXPERTISE IN MEDICAL MALPRACTICE LITIGATION: SPECIAL COURTS, SCREENING PANELS AND OTHER OPTIONS (The Project on Medical Liability in Pennsylvania 2003).

Turf Struggles: Land, Sovereignty and Sovereign Immunity, 37 NEW ENG. L. REV. 571 (2003).

Direct and Collateral Federal Court Review of the Adequacy of State Procedural Rules, 103 COLUM. L. REV. 243 (2003).

How Bad Law Made a Hard Case Easy: Nevada v. Hicks and the Subject Matter Jurisdiction of Tribal Courts, 5 U. PA. J. CONST. L. 288 (2003).

The Paradox of Delegation: Interpreting the Federal Rules of Civil Procedure, 150 U. PA. L. REV. 1099 (2002).

Realspace Sovereigns in Cyberspace: Problems with the Anticybersquatting Consumer

Protection Act, 17 BERKELEY TECH. L.J. 989 (2002) (with R. Polk Wagner).

Raising Arizona: Reflections on Sovereignty and the Nature of the Plaintiff in Federal Suits Against States, 61 MONT. L. REV. 105 (2000).

Note, *Attorney-Client Privilege and Work Product Protection in a Utilitarian World: An Argument for Recomparison*, 108 HARV. L. REV. 1697 (1995).

TEACHING AND SERVICE:

Courses taught: Civil Procedure; Federal Courts; Federal Indian Law; Advanced Problems of Federal Procedure (seminar, co-taught); Selected Approaches to Current Problems in Civil Procedure (seminar); Statutory Interpretation (seminar).

Law School

committee service: Affirmative Action; Academic Freedom & Responsibility; Appointments (co-chair, 2005-06); Academic Standing (chair, 2004-05); Book Symposia co-coordinator; Building; Career Planning and Placement; Clerkships (chair, 2019-20, 2006-07, 2002-03; co-chair, 2014-2018, 2009-2013, fall 2003); Educational Programs; Faculty Retreat co-convenor; Law Review; Legal Studies co-convenor; Ombudsperson (2017-18); Technology; Tenure & Promotions.

University committee

service: Constituency representative to the Faculty Senate Executive Committee (2005-2007).

Awards:

University of Pennsylvania Black Law Students Association Appreciation Award, 2010.
Harvey Levin Award for Excellence in Teaching, 2003, 2009, and 2015.
A. Leo Levin Award for Excellence in an Introductory Course, 2017.

PAPERS AND PANELS:

Panel member, "Other Issues in Prisoner Rights," University of St. Thomas Law Journal Spring Symposium on Prisoner Rights and Prison Conditions, April 22, 2022.

Panel member, "Rules and Rulemaking," symposium in honor of Professor Stephen B. Burbank hosted by the University of Pennsylvania Law Review & Journal of Constitutional Law, February 12, 2021.

Panel member, "Current Issues in Class Actions: Ascertainability and Proposed Changes to Rule 23 of the Federal Rules of Civil Procedure," Third Circuit Judicial Conference, April 20, 2017.

Panel member, “Crime, Punishment and Professional Responsibility in Indian Country,” University of Pennsylvania Law School American Inn of Court, November 13, 2012.

Panel member, symposium in honor of Professor Edward H. Cooper hosted by the Judicial Conference Advisory Committee on Civil Rules at Michigan Law School, March 22, 2012.

Panel member, “Short, Plain, and Plausible? A Pro Se Litigant Tackles Pleading,” University of Pennsylvania Law School American Inn of Court, October 5, 2010.

Panel member, panel on “Issues With the Current State of Discovery: Is There Really Excessive Discovery, and if so, What are the Possible Solutions?,” at the 2010 Conference on Civil Litigation at Duke Law School, May 10, 2010.

Panel member, panel on “Civil Rights and Remedies,” at the Pennsylvania Bar Institute’s Seventh Constitutional Law Conclave, October 30, 2009.

Panelist, Villanova Law Review Norman J. Shachoy Symposium on “Sovereignty’s Seductions: Reconciling Claims to Govern,” September 11, 2009.

Paper, “Time and the Courts: What Deadlines and Their Treatment Tell Us About the Litigation System,” 15th Annual Clifford Symposium on Tort Law and Social Policy, DePaul University College of Law, April 2, 2009.

Presenter, “The Proposed Revisions to Fed. R. Civ. P. 6,” 2008 Federal Bench-Bar Conference, Philadelphia Bar Association, June 6, 2008.

Commentator, “Navigating the Maze of Injustice” (presentation co-sponsored by Six Directions and Amnesty International, University of Pennsylvania Chapter), March 17, 2008.

Moderator, panel on “Concepts of Independence and Accountability,” Joint AALS and Conference of Chief Justices workshop on “The Courts: Independence and Accountability,” January 3, 2008.

Commentator on Samuel Issacharoff & Richard A. Nagareda, “Class Action Settlements Under Attack,” University of Pennsylvania Law Review Symposium on “Fairness to Whom? Perspectives on the Class Action Fairness Act of 2005,” December 1, 2007.

Panel member, “Litigation Deadlines,” University of Pennsylvania Law School American Inn of Court, November 13, 2007.

Panel Member, “Separation of Powers,” 29th Annual Conference, National Association of Women Judges, November 8, 2007.

Panel member, “The Third Circuit’s Model Civil Jury Instructions and Their Impact on Charging Conferences,” 2007 Federal Bench-Bar Conference, Philadelphia Bar Association, June

8, 2007.

Panel member, "Section 1983 Model Civil Jury Instructions and Overview," Third Circuit Judicial Conference, May 2, 2006.

Presented "The FDA and the Tort System" at a Civil Justice Workshop, Boalt Hall School of Law, March 16, 2006.

Panel member, "Pro Bono," University of Pennsylvania Law School American Inn of Court, January 17, 2006.

Panel member, panel on "Citation of Foreign Law in Constitutional Interpretation" at the Pennsylvania Bar Institute's Fifth Annual Constitutional Law Conclave, October 21, 2005.

Presentation, "Juries and the Bill of Rights," University of Pennsylvania Law School Ad Hoc Workshop, July 12, 2005.

Panel member, panel on the Terri Schiavo litigation, University of Pennsylvania Law School, March 29, 2005.

Paper, "The FDA and the Tort System," Faculty Workshop, Rutgers School of Law, Camden, October 11, 2004.

Paper, "The FDA and the Tort System," Faculty Workshop Series, Brooklyn Law School, October 7, 2004.

Presentation on specialized courts and screening panels, Advisory Committee on Medical Professional Liability, Pennsylvania Joint State Government Commission, Harrisburg, Pennsylvania, October 1, 2004.

Presentation, "Recasting the Debate over FDA Preemption," University of Pennsylvania Law School Ad Hoc Workshop, August 12, 2004.

Panel member, Panel on Statutory Construction, Pennsylvania State Conference of Trial Judges, Hershey, Pennsylvania, July 23, 2004.

Paper, "Tribal Immunity and Tribal Courts," Section on Federal Courts, Association of American Law Schools, Annual Meeting, January 4, 2004.

Panel member, Panel on "Ten Things You Need to Know as a New Law Professor that No One Ever Tells You," Section on New Law Professors, Association of American Law Schools, Annual Meeting, January 4, 2004.

Moderator, "Medical Liability: Can it be Reformed?," Ninth Annual Thomas Langfitt Jr. Memorial Symposium, University of Pennsylvania School of Medicine, December 9, 2003.

Presentation, “Doctors and the Adversary System,” University of Pennsylvania Law School Ad Hoc Workshop, August 14, 2003.

Keynote Address, Second Annual Feminists of Penn Law Dinner, March 27, 2003.

Panel member, “The War on Terrorism: Lawyers and Civil Liberties,” University of Pennsylvania Law School American Inn of Court, February 11, 2003.

Paper, “Turf Struggles: Land, Sovereignty, and Sovereign Immunity,” New England Law Review Symposium on “The Role of Jurisdiction in the Quest for Sovereignty,” October 25, 2002.

Commentator on Neal Devins, “The Uneasy Case for Department of Justice Control of Government Litigation,” 21st Annual Edward V. Sparer Symposium on “Suing the Government: *Velazquez* and Beyond,” Philadelphia, March 23, 2002.

Paper, “How Bad Law Made a Hard Case Easy: *Nevada v. Hicks* and the Subject Matter Jurisdiction of Tribal Courts,” University of Pennsylvania Journal of Constitutional Law Symposium on “Native Americans and the Constitution,” Philadelphia, February 1, 2002.

Paper (with R. Polk Wagner), “Realspace Sovereigns in Cyberspace: The Case of Domain Names,” 29th Research Conference on Communication, Information and Internet Policy, Alexandria, Virginia, October 2001.

Paper, “The Paradox of Delegation: Interpreting the Federal Rules of Civil Procedure,” University of Pennsylvania Law School Faculty Retreat, September 14, 2001.

PROFESSIONAL ACTIVITIES:

Reporter to Judicial Conference Standing Committee on Rules of Practice and Procedure (2019 -); Associate Reporter (September 2017 - 2018).

Reporter to Judicial Conference Advisory Committee on Appellate Rules (May 2006 - September 2015).

Reporter to Third Circuit Task Force Preparing Model Jury Instructions in Civil Cases (spring 2009 - fall 2013); Co-Reporter (fall 2004 - spring 2009; fall 2013 - summer 2019).

Member, American Law Institute (elected 2006). Member of the ALI Council (elected 2010).

Research Fellow, Center for Native American Studies, University of Pennsylvania (2007-08).

Co-Chair of Programs Committee, University of Pennsylvania Law School American Inn of Court (fall 2004-2014).

Chair of the Civil Procedure Section of the Association of American Law Schools (2008); member, 2005, 2006, 2007, 2008 and 2009 Executive Committees.

Member, 2003, 2005, 2006, 2007 and 2008 Executive Committees for the Federal Courts Section of the Association of American Law Schools.

Member, 2006, 2007 and 2008 Committees on Professional Development of the Association of American Law Schools.

ADR ACTIVITIES:

Claim Review Process Arbitrator in *In re American Investors Life Ins. Co. Annuity Marketing and Sales Practices Litigation*, MDL No. 1712 (E.D. Pa.) (2011).

ADMITTED TO PRACTICE:

New York (1996); U.S. District Court, Eastern and Southern Districts of New York (1996); U.S. District Court, Northern District of New York (1998); Pennsylvania (2001).