

A. Benjamin Spencer

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EDUCATION

- J.D. 2001 **Harvard Law School**, Cambridge, Massachusetts
Articles Editor, *Harvard Law Review*
Winner, Judge John R. Brown Award for Excellence in Legal Writing
Winner, ABA Section of Antitrust Law Student Writing Competition
Best Oralist, Semi-Finals, Ames Moot Court Competition
Best Brief, First-Year Ames Moot Court Competition
NAACP Legal Defense Fund Earl Warren Scholarship
Research Assistant, Professors Daniel Meltzer & Philip Heymann
- MSc 1997 **London School of Economics (Marshall Scholar)**, London, UK
Degree awarded *With Distinction* in Criminal Justice Policy
- B.A. 1996 **Morehouse College**, Atlanta, Georgia
Degree awarded *Summa Cum Laude* in Political Science
Valedictorian
Phi Beta Kappa Society

ADMINISTRATIVE EXPERIENCE

- 2012–Present **Associate Dean for Research**, *Washington & Lee University School of Law*.
Responsible for mentoring and supporting faculty with their research; providing detailed feedback on drafts of faculty scholarship; promoting faculty scholarship internally and externally; facilitating the funding, publication, and distribution of faculty work; approving faculty travel and monitoring the travel expense budget; organizing and managing the junior faculty workshop exchange program; and assisting the Dean in raising the scholarly profile of the law school.
- 2012–Present **Director, Frances Lewis Law Center**, *Washington & Lee University School of Law*.
Responsible for administering endowed center focused on supporting the scholarly life of the law school; developing and managing the Law Center's budget; monitoring Law Center accounts and expenditures; supporting conferences, roundtables, and symposia; organizing the faculty workshop series; approving and managing research assistants and related expenditures; and approving funding for scholarly research during the summer.

ACADEMIC APPOINTMENTS

- 2007–Present **Washington & Lee University School of Law**, Lexington, Virginia
Professor of Law, 2010–Present; Assoc. Professor of Law (Tenured) and Alumni Faculty Fellow, July 2008–June 2010; Visiting Professor of Law, 2007–2008
Subjects: Civil Procedure; Federal Civil Litigation Seminar
- 2011–2012 **University of Virginia School of Law**, Charlottesville, Virginia
Visiting Professor, May 2011–May 2012; returning fall 2014
Subjects: Civil Procedure; Federal Civil Litigation Seminar; Pretrial Litig. Skills
- 2004–2008 **University of Richmond School of Law**, Richmond, Virginia
Associate Professor of Law, 2007–2008
Assistant Professor of Law, 2004–2007
Subjects: Civil Procedure, Complex Litigation, Seminar in Advanced Civil Litigation, Administrative Law

OTHER PROFESSIONAL EXPERIENCE

- 2009–Present **Special Assistant U.S. Attorney**, *U.S. Attorney's Office, Western District of Virginia*, Charlottesville, Virginia
Area of Practice: Appellate
Representative Experience: Briefing cases on behalf of the Government in the Fourth Circuit in criminal and civil cases; presenting oral arguments before the Fourth Circuit in criminal appeals; advising the Government on various legal questions issues confronting federal prosecutors in the Western District of Virginia.
- 2002–2004 **Litigation Associate**, *Shearman & Sterling*, Washington, D.C.
Area of Practice: Commercial Litigation
Representative Experience: Drafted motions to dismiss, summary judgment motions, and supporting legal briefs; drafted legal memoranda to clients; assisted with preparing the defense of a client in a commercial arbitration; managed pre-trial discovery—including correspondence with counsel, document collection, review, and production, and deposition defense—in action against client, a foreign sovereign oil company.
- 2001–2002 **Judicial Law Clerk**, *The Honorable Judith W. Rogers, United States Court of Appeals for the District of Columbia Circuit*, Washington, D.C.
- 1997–1998 **Research Consultant**, *British Home Office & London Borough of Southwark*, London, United Kingdom
Developed local policy for the control of public drunkenness in Camberwell Green area; Conducted evaluation research of police diversity strategy funded by the British Home Office.

BOOKS & BOOK CHAPTER

CIVIL PROCEDURE: A CONTEMPORARY APPROACH, 3d ed. (Casebook) (West 2011).

ACING CIVIL PROCEDURE: A CHECKLIST APPROACH TO SOLVING PROCEDURAL PROBLEMS,
3d. ed. (West 2011).

Obtaining Mareva-type Provisional Relief in New York State and Federal Courts, in COMMERCIAL
INJUNCTIONS (Steven Gee, QC, ed., 5th ed. 2004) (with Jonathan Greenblatt).

ARTICLES & OTHER PUBLICATIONS

Pleading and Access to Justice: A Response to Twiqbal Apologists, 60 U.C.L.A. L. REV. 1710
(2013).

Class Actions, Heightened Commonality, and Declining Access to Justice, 93 BOSTON U. L. REV.
441 (2013).

The Law School Critique in Historical Perspective, 69 WASHINGTON & LEE L. REV. 1949 (2012).

The Judicial Power and the Inferior Federal Courts: Exploring the Constitutional Vesting Thesis,
46 GA. L. REV. 1 (2011).

*The Preservation Obligation: Regulating And Sanctioning Pre-Litigation Spoliation In Federal
Court*, 79 FORDHAM L. REV. 2005 (2011).

The Restrictive Ethos in Civil Procedure, 78 GEO. WASH. L. REV. 353 (2010).

Pleading in State Courts after Twombly and Iqbal, *Pound Civil Justice Institute 2010 Forum for
State Appellate Court Judges*, available at <http://ssrn.com/abstract=2038349>.

Nationwide Personal Jurisdiction for our Federal Courts, 87 DENVER L. REV. 325 (2010),
(Symposium on Civil Justice Reform).

Iqbal and the Slide Toward Restrictive Procedure, 14 LEWIS & CLARK L. REV. 185 (2010)
(Symposium on *Ashcroft v. Iqbal*).

Understanding Pleading Doctrine, 108 MICHIGAN L. REV. 1 (2009).

Pleading Civil Rights Claims in the Post-Conley Era, 52 HOWARD L.J. 99 (2008) (Symposium
Issue entitled “Civil Rights and Civil Procedure: The Legacy of *Conley v. Gibson*”).

Plausibility Pleading, 49 BOSTON COLLEGE L. REV. 431 (2008).

Anti-Federalist Procedure, 64 WASHINGTON & LEE L. REV. 233 (2007).

Due Process and Punitive Damages: The Error of Federal Excessiveness Jurisprudence, 79
SOUTHERN CALIFORNIA L. REV. 1085 (2006).

Jurisdiction to Adjudicate: A Revised Analysis, 73 U. CHICAGO L. REV. 617 (2006).

*Jurisdiction and the Internet: Returning to Traditional Principles to Analyze Network-Mediated
Contacts*, 2006 UNIVERSITY OF ILLINOIS L. REV. 71 (2006).

Mistretta v. United States, in THE ENCYCLOPEDIA OF AMERICAN CIVIL LIBERTIES (Routledge
2006) (solicited entry for legal encyclopedia).

*Terminating Calder: “Effects” Based Jurisdiction in the Ninth Circuit after Schwarzenegger v.
Fred Martin Motor Co.*, 26 WHITTIER L. REV. 197 (2004).

Street Drinking in Camberwell: A Preliminary Assessment. London: Prepared for the London
Borough of Southwark Grants & Community Safety Unit by The London School of
Economics and South Bank University (2003).

Antitrust and the Information Age: Section 2 Monopolization Analyses in the New Economy, 114
HARVARD L. REV. 1623 (2001).

Policing Diversity: Lessons From Lambeth, British Home Office, Policing and Reducing Crime Unit, Paper 121 (2000), available at <http://www.homeoffice.gov.uk/rds/prgpdfs/fprs121.pdf>.

Recent Case Comment, *Inter Medical Supplies, Ltd. v. EBI Medical Systems, Inc.*, 113 HARVARD L. REV. 627 (1999).

ACADEMIC CONFERENCES, WORKSHOPS & PRESENTATIONS

Participant, Third-Party Litigation Finance Roundtable, Washington & Lee University School of Law, Nov. 7–8, 2013.

Panelist, Promoting Diversity in Law School Leadership Workshop, October 11–12, 2013.

Panelist, *Form Over Substance?: The Impact of Recent Civil Procedure Cases and Proposed Federal Rules Changes on Civil Rights Practice*, NAACP Legal Defense and Education Fund Civil Rights Training Institute, October 10, 2013.

Senior Commentator, Sixth Annual Junior Faculty Federal Courts Workshop, Brooklyn Law School, October 3–5, 2013.

Commentator, Fourth Annual John Mercer Langston Writing Workshop, Denver, Colorado, July 12, 2013.

Presenter, West Law School Innovation Summit, Minneapolis, MN, July 9, 2013.

Distinguished Visiting Senior Scholar, New Voices in Civil Justice Workshop, Vanderbilt Law School, May 7, 2013.

CLE Presentation, *Pleading in the Age of Twombly and Iqbal*, Virginia Association of Defense Attorneys (Oct. 11, 2012), Virginia Trial Lawyers Association, (March 22, 2013), Roanoke Federal Bar Association (April 25, 2013).

Panelist, UCLA Law Review Symposium, *Twombly, Iqbal, and the Future of Pleading*, Los Angeles, California, January 23, 2013.

Panelist, Appellate Judges Education Institute 2012 Summit, *Access to Justice: What Process is Due?* New Orleans, Louisiana, November 15, 2012.

Panelist, Inaugural National Symposium on Experiential Education in Law, *Who Are We, Where Are We Going, and How Do We Get There?* Northeastern University, Boston, Massachusetts, October 27, 2012.

Presenter, Third Annual John Mercer Langston Writing Workshop, *Heightened Commonality*, Boston, Massachusetts, June 29, 2012.

Panelist, 20th Anniversary Conclave on the Education of Lawyers, *How are Law Schools Addressing Major Changes in the Practice of Law and Accrediting Standards for Legal Education?* Charlottesville, Virginia, April 22, 2012.

Faculty Workshop, University of Virginia School of Law, *The Law School Critique in Historical Perspective*, March 2, 2012.

Panelist, Increasing Diversity in the Legal Profession Conference, *Is the Law School Experience Rigged Against Success for Students of Color?*, University of Virginia School of Law, November 11, 2011.

Faculty Workshop, Cardozo School of Law, *Beyond Langdell*, November 7, 2011.

Panelist, Third National People of Color Legal Scholarship Conference, *The Impact of Civil Procedural Mechanisms on Civil Rights Enforcement*, September 11, 2010.

Panelist, Southeastern Association of Law Schools Annual Meeting, *Federal Civil Pleading after Iqbal/Twombly*, August 3, 2010.

Faculty/Presenter, Pound Civil Justice Institute: *Back to the Future: Pleading Again in the Age of Dickens*, July 10, 2010.

Faculty, Third Annual Advanced Business Litigation Institute, *Twombly, Iqbal, and the New Heightened Pleading Standard*, May 20, 2010.

Participant, Advisory Committee on Civil Rules 2010 Civil Litigation Conference, Duke University School of Law, May 10–11, 2010.

CLE Presentation, *Federal Civil Procedure*, U.S. District Court for the District of Puerto Rico, December 18, 2009.

Faculty Workshop, University of Illinois College of Law, *The Restrictive Ethos in Civil Procedure*, Apr. 21, 2009.

Panelist, DePaul University College of Law’s Fifteenth Annual Clifford Symposium on Tort Law and Social Policy, *Rising Stars: A New Generation of Scholars Looks at Civil Justice*, April 2009.

Emory University School of Law, Faculty Colloquium Series, *Deconstructing Pleading Doctrine*, Oct. 16, 2008.

University of Richmond School of Law, Faculty Colloquium Series, *Deconstructing Pleading Doctrine*, Oct. 3, 2008.

Presentation, *Maximizing Student Understanding of Civil Procedure*, Southeast Association of Law Schools (SEALS) Annual Conference, August 1, 2008.

University of California Hastings College of Law, Faculty Colloquium, *Pleading Civil Rights Claims in the Post-Conley Era*, April, 23, 2008.

Washington University in St. Louis School of Law, Faculty Colloquium, *Plausibility Pleading*, Oct. 12, 2007.

Presentation, *Casebooks: The Next Generation*, 2007 Computer Assisted Legal Instruction (CALI) Conference, University of Nevada Las Vegas, June 19, 2007.

Work-in-Progress Presentation, *The Procedural Dialectic*, Mid-Atlantic People of Color Conference, January 27, 2007.

CLE Presentation, *E-Discovery: How to Practice Under the 2006 Amendments to the Federal Rules of Civil Procedure*, Washington Metropolitan Area Corporate Counsel Association, November 9, 2006.

Bisone Foundation Award Recipient and Delegate, Conference entitled “Lawyering in the International Market,” Valle Nevado, Chile, August 2006.

Presenter, *Due Process and Punitive Damages: The Error of Federal Excessiveness Jurisprudence*, Vanderbilt Law School, Nashville, Tennessee, April 14, 2006 (workshop entitled “The Next Generation of Scholarship on Civil Litigation and Dispute Resolution”).

WORKS IN PROGRESS

The Law of Litigation Finance (unpublished monograph).

AWARDS & FELLOWSHIPS

Law Alumni Faculty Fellowship for Scholarship, Washington & Lee University, 2009 & 2013.

Virginia Outstanding Faculty Award, Rising Star Category, 2007.

Center for Civic Engagement-Quest Collaborative Research Fellowship, 2007 (funding for student research entitled *The Impending Judicial Crisis*).

British Marshall Scholarship, 1996–1998.

LAW SCHOOL SERVICE

Washington & Lee:

Dean's Cabinet, 2012–Present
Faculty Appointments Committee, 2008–Present
Associate Director of the Law Library Search Committee, 2013
Task Force on the Value of Law School, 2013
Faculty Advisor, Black Law Students Association, 2007–Present
Clerkship Committee, 2009–2011, 2013–Present
Law Center Committee, 2009–2010, 2012–Present
Academic Standards Committee, 2008–2011
Chair, Library Committee, 2009–2011
University Board of Appeals, 2009–2010

University of Richmond:

School Representative, American Ass'n of Law Schools (AALS) House of Representatives, 2007
Curriculum Committee, 2005–2007
Administrative Support Committee, 2006–2007
Student Services Committee, 2006–2007
Diversity Committee, 2006–2007
Faculty Advisor, Honor Court, 2005–2007
Faculty Advisor, Black Law Students Association, 2005–2007
Faculty Advisor, Patrick Henry Chapter, Phi Alpha Delta Law Fraternity, 2005–2007
Mock Class Teacher, Oliver Hill/Samuel Tucker Pre-Law Institute, 2005 & 2006
Rule of Law Conference Advisory Committee, 2005–2006
Associate Dean for Career Services Search Committee, 2005
Faculty Secretary, Spring 2005

PROFESSIONAL AND OTHER ASSOCIATIONS & ACTIVITIES

Chair, Virginia State Bar Section on the Education of Lawyers Board of Governors, 2010–Present
Member, American Law Institute
Member, Boyd-Graves Conference (advisory group focused on Virginia civil procedure reform); Chair, Committee for Study of Dollar-Based Provisions in the Virginia Code (2009)
Member, West's Law School Advisory Board
Member, National Conference of Bar Examiners Civil Procedure MBE Question Drafting Cmte.
Board of Directors, Piedmont Court Appointed Special Advocates (CASA), 2012–Present
Member, Virginia Bar Association Civil Litigation Section Council 2010–Present
Vice President, Association of Marshall Scholars; Chair, Governance Committee; Member, Development Committee, 2007–Present (V.P. 2012–Present)
Governance Committee, Board of Directors, International School of Charlottesville, 2013
John Marshall Chapter, American Inns of Court
American Bar Association, Litigation Section
Finance Council, Incarnation Catholic Church, Charlottesville, Virginia (2009–2011)
Comfort Zone Camp, Board of Directors (2007–2011)
Vice President, Board of Directors, Girl Scouts Commonwealth Council of Virginia (2005–2007)
Supreme Court of Virginia Court Records Privacy Task Force (2006)
United States Senate Youth Alumni Association
Omega Psi Phi Fraternity

BAR ADMISSIONS

Virginia State Bar, 2001

District of Columbia Bar, 2002

United States Court of Appeals for the Fourth Circuit, 2001

United States Court of Appeals for the District of Columbia Circuit, 2002

United States Court of Appeals for the Third Circuit, 2003

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