

MARK MOLLER
Professor of Law
DePaul University College of Law
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EDUCATION

<i>University of Cambridge</i>	1999–2000
LL.M. 2000, with first class honors	
<i>The University of Chicago Law School</i>	1996–1999
J.D. 1999, <i>cum laude</i>	
<i>The University of Chicago Law Review</i> , staff member	
<i>Duke University</i>	1990–1994
A.B. 1994, <i>magna cum laude</i> in Political Science	

TEACHING EXPERIENCE

DePaul University College of Law

Associate Dean for Research and Faculty Development	Fall 2026
Professor of Law	2018-present
Associate Professor of Law (with tenure)	2013–2018
Associate Professor of Law	2011–2013
Assistant Professor of Law	2007–2011
Courses Taught: Civil Procedure, Advanced Civil Procedure, Legislation and Statutory Interpretation, Conflict of Laws, Legal Ethics	
Honors: Recipient of the College of Law's Award for Excellence in Scholarship (2011, 2022)	
Selected Service: Academic Freedom Task Force, AAUP Chapter Steering Committee, Presidential Search Faculty Vetting Committee, Dean Search Committee (co-chair of faculty subcommittee), Curriculum Committee (chair), Faculty Senate (college representative)	

Northwestern Pritzker School of Law

Visting Professor of Law	Fall 2025
Courses Taught: Civil Procedure	

SELECTED SCHOLARSHIP

WORKS-IN-PROGRESS

Original Jurisdiction's General Law

PUBLISHED AND FORTHCOMING

The Radical Whig Origins of the Horizontal Necessary and Proper Clause, 72 VILL. L. REV. (2027) (forthcoming)

Incidental Jurisdiction, 13 TEXAS A&M L. REV. (2026) (forthcoming)

“Highly recommended.”—Professor Lawrence Solum’s LEGAL THEORY BLOG.

Selected for presentation at the Tenth Annual Civil Procedure Workshop.

Complete Diversity: The Origin Story, 76 FLA. L. REV. 1221 (2024)

“An important paper from a deep and meticulous scholar.” “Highly recommended.” “Download it while it’s hot!”—Professor Lawrence Solum’s LEGAL THEORY BLOG

Selected for presentation at the Ninth Annual Civil Procedure Workshop.

The Article III “Party” and the Originalist Case Against Corporate Diversity Jurisdiction, 64 WM. & MARY L. REV. 1345 (2023) (with Lawrence B. Solum)

Selected for presentation at the first plenary panel at the Seventh Annual Civil Procedure Workshop.

Hugo Black and the Forgotten Role of Litigant Autonomy in New Deal Federalism, 30 GEORGE MASON L. REV. 63 (2022)

Corporations and the Original Meaning of “Citizens” in Article III, 72 HASTINGS L.J. 169 (2020) (with Lawrence B. Solum)

“It’s an outstanding paper, as important (if not more so) for its detailed methodology as for its conclusions.”— Professor Michael Ramsey on the ORIGINALISM BLOG

Internal Separation of Powers, Compensating Adjustments, and Court Rulemaking, 36 REV. LITIG. 579 (2018)

Separation of Powers and the Class Action, 52 NEB. L. REV. 366 (2016)

Selected for presentation at the First Annual Civil Procedure Workshop

The New Class Action Federalism, 48 AKRON L. REV. 860 (2015) (invited submission to symposium on the Roberts Court’s class action jurisprudence)

Common Problems for the Common Answers Test: Class Certification in Amgen and Comcast, 2013 CATO SUP. CT. REV. 301 (invited submission to symposium on the Supreme Court’s 2012-13 term)

The Checks and Balances of Forum Shopping, 1 STAN. J. COMPLEX LITIG. 105 (2012) (modified peer-review)

Class Action Defendants’ New Lochnerism, 2012 UTAH L. REV. 319

Procedure’s Ambiguity, 86 IND. L.J. 645 (2011)

A New Look at the Original Meaning of the Diversity Clause, 51 WM. & MARY L. REV. 1113 (2009)

“Very interesting and highly recommended”—Professor Lawrence Solum’s LEGAL THEORY BLOG

Class Action Lawmaking: An Administrative Law Model, 11 TEX. REV. L. & POL. 39 (2006)

The Rule of Law Problem: Unconstitutional Class Actions and Options for Reform, 28 HARV. J.L. & PUB. POL'Y 855 (2005) (reprinted in *Defense Law Journal* (2006))

Old Puzzles, Puzzling Answers: The Alien Tort Statute and Federal Common Law in Sosa v. Alvarez-Machain, 2004 CATO SUP. CT. REV. 209

Race, "National Security" and Unintended Consequences: A Sideways Glance at Brown v. Board of Education at Fifty, 36 LOY. U. CHI. L.J. 257 (2004) (invited symposium submission)

MISCELLANEOUS

Brief of *Amicus Curiae* Professor Mark Moller in Support of Neither Party, *Secretary of Housing and Urban Development v. Lombardi* (1:25-cv-8550, N. D. Ill.), Sept. 29, 2026 (court-invited amicus on the proper interpretation of the federal officer removal statute)

Brief of Civil Procedure Professors as *Amicus Curiae* in Support of Petition for Rehearing, *In re The Boeing Co.* (No. 25-1942, 4th Cir.), Sept. 9, 2026 (amicus on the proper interpretation of *Comcast v. Behrend*)

Brief of *Amicus Curiae* Professor Mark Moller Supporting Petitioners, *S.G.E. Management, L.L.C v. Torres* (No. 16-1309, U.S.), May 31, 2017 (co-authored with Aaron Streett of Baker Botts) (amicus on the proper interpretation of class certification standards)

Contra Plaintiffs' Bar, Registering to Do Business Does Not Create General Jurisdiction, Legal Opinion Letter, Washington Legal Foundation, June 10, 2016

Brief of Civil Procedure Scholars as *Amici Curiae* in Support of Neither Party, *Tyson Foods, Inc. v. Bouaphakeo* (No. 14-1146, U.S.), August 14, 2015 (amicus on evidentiary shortcuts in class action certification)

Supreme Court's Daimler Decision Makes it a Good Year for General Jurisdiction Clarity, Legal Backgrounder vol. 29, no. 7, Washington Legal Foundation, April 11, 2014

PRESENTATIONS AND CONFERENCES

Senior Commentator. Ninth Annual Chicagoland Junior Scholars Conference. September 27, 2026.

Presenter: *Applied Originalism*. Originalism Summer Seminar. Georgetown University Center for the Constitution. May 20, 2026

Paper Presentation: *Incidental Jurisdiction*. Northwestern Pritzker School of Law. February 2, 2026.

Senior Commentator. Eighth Annual Chicagoland Junior Scholars Conference. September 26, 2005.

Panel Presentation: *Civil Procedure's Originalist Turn*. Seventh Circuit Judicial Conference (with William Baude, Judith Miller, and James Pfander). August 18, 2025.

Paper Presentation: *Incidental Jurisdiction*. Tenth Annual Civil Procedure Workshop, hosted by University of Richmond School of Law. June 1-2, 2025

Presenter: *Applied Originalism*. Originalism Summer Seminar. Georgetown University Center for the

Constitution. May 21, 2025

Paper Presentation: *Complete Diversity: The Origin Story*. Ninth Annual Civil Procedure Workshop, hosted by UC Law San Francisco. June 1, 2024.

Presenter: *Applied Originalism*. Originalism Summer Seminar. Georgetown University Center for the Constitution. May 22, 2024.

Presenter: *Applied Originalism*. Originalism Summer Seminar. Georgetown University Center for the Constitution. May 22, 2023.

Paper Presentation (with Lawrence Solum): *The Article III “Party” and the Originalist Case against Corporate Diversity Jurisdiction*. Seventh Annual Civil Procedure Workshop, hosted by Cardozo Law School. May 19, 2022.

Senior Commentator. Second Annual Chicagoland Junior Scholars Conference. July 29, 2019.

Paper Presentation: *Corporations and the Original Meaning of Article III “Citizens.”* Georgetown University Law Center Summer Workshop. July 16, 2019.

Commentator. Third Annual Civil Procedure Workshop, co-hosted by University of Arizona Rogers School of Law, University of Washington School of Law, and Seattle University School of Law. Tucson, AZ. October 6-7, 2017.

Discussant. Koch Foundation Roundtable on THE CONSERVATIVE CASE FOR THE CLASS ACTION. NYU Law School. May 25-26, 2017.

Peer Reviewer of Submissions. Second Annual Civil Procedure Workshop, co-hosted by University of Arizona Rogers School of Law, University of Washington School of Law, and Seattle University School of Law. Seattle, WA. July 14-15, 2016.

Paper Presentation: *Separation of Powers and the Class Action*. First Annual Civil Procedure Workshop, co-hosted by University of Arizona Rogers School of Law, University of Washington School of Law, and Seattle University School of Law. Seattle, WA. June 16-17, 2015.

Paper Presentation: *Separation of Powers and the Class Action*. George Mason University School of Law. February 12, 2015.

Paper Presentation: *Separation of Powers and the Class Action*. Federalist Society Faculty Conference. January 4, 2015.

Panelist. “Patents and Class Actions,” Cato Constitution Day Symposium. The Cato Institute. September 17, 2013.

Panelist. “Patent Issues: Class Actions,” at the Ninth Annual Meeting of the College of Business Law Judges, hosted by the George Mason University School of Law’s Law and Economics Center. September 17, 2013.

Paper Presentation: *A New Look at the Original Meaning of the Diversity Clause*. Federalist Society Faculty Conference. January 8, 2009. Panelist. “Has the Supreme Court Seen Green? The Ramifications of *Massachusetts v. EPA*.” American Enterprise Institute. May 7, 2007.

Panelist. “The Advocates Speak: Federal Abortion Ban Cases.” American Constitution Society (National Lawyers’ Division) Forum. November 8, 2006.

Panelist. “The Virginia Constitution: The Proposed Amendment on Marriage and Its Effect on Other

Agreements.” George Mason University School of Law. November 1, 2006.

Discussant. “What American Values are Served/Disserved by Engagement with International Courts and Tribunals?” George Washington University Law School Colloquium, sponsored by the Project on International Courts and Tribunals (NYU), the American Bar Association, and the International Courts Committee (GW). May 2006.

Panelist. “The Future of the Supreme Court.” Forum co-hosted by the Columbia Law School divisions of the American Constitution Society and Federalist Society. March 2006.

Panelist. Symposium on *Rumsfeld v. FAIR*. William & Mary’s Bill of Rights Institute. February 2006.

Panelist. “The Future of Class Action Reform.” AEI-Brookings Joint Center on Regulation’s Judicial Education Program for Business Court Judges. October 2005.

Panelist. “*Gonzales v. Oregon*: The Advocates Speak,” forum hosted by Georgetown University Law Center division of the American Constitution Society. October 5, 2005.

Panelist. “*Brown v. Board of Education* at Fifty,” Loyola University of Chicago Symposium on Race and Education. March 2004.

PROFESSIONAL EXPERIENCE

The Cato Institute. Washington, D.C.

2004–2007

Senior Fellow in Constitutional Studies

Director of Cato’s Supreme Court *amicus* program

Editor-in-Chief, CATO SUPREME COURT REVIEW

Gibson, Dunn & Crutcher LLP. Washington, D.C.

2000–2004

Member of the Appellate & Constitutional Law and Class Action Defense Practice Groups