

A. Benjamin Spencer

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WILLIAM & MARY
LAW SCHOOL

ACADEMIC APPOINTMENTS

William & Mary Law School. [Dean of the Law School](#), 2020–present; Marshall-Wythe School of Law Foundation Trustee Professor, 2021–present; Chancellor Professor of Law, 2020–2021; Chair, Arts & Sciences Dean Search Committee, 2023.

Harvard Law School. Bennett Boskey Visiting Professor of Law, 2019–2020. (Civil Procedure, Fed Courts, Federal Civil Litigation Seminar).

University of Chicago Law School. Visiting Professor of Law, Winter 2020 (Military Law).

University of Virginia School of Law. Justice Thurgood Marshall Distinguished Professor of Law, 2018–2020; Professor of Law, 2017–2018; Earle K. Shawe Professor of Law, 2014–2017; Visiting Professor of Law, May 2011–May 2012. Subjects: Civil Procedure, Advanced Civil Procedure, Federal Civil Litigation, Military Law.

The George Washington University School of Law. Visiting Professor of Law, Spring 2017 (Civil Procedure II).

Washington & Lee University School of Law. Associate Dean for Research & Frances Lewis Law Center Director, 2012–2014; Professor of Law, 2010–2014; Assoc. Professor of Law (Tenured) and Alumni Faculty Fellow, 2008–2010; Visiting Professor of Law, 2007–2008. Subjects: Civil Procedure; Federal Civil Litigation Seminar.

University of Richmond School of Law. Assoc. Prof. of Law, 2007–2008; Asst. Prof. of Law, 2004–2007. Subjects: Civil Procedure, Complex Litigation, Seminar in Advanced Civil Litigation, Admin. Law.

OTHER PROFESSIONAL EXPERIENCE

Major (Select), United States Army, Judge Advocate General's Corps (Reserve), 2015–Present. Assigned to the Government Appellate Division (GAD), briefing and arguing appeals on behalf of the Army.

Member, U.S. Judicial Conference Advisory Committee on Civil Rules, 2017–Present. By appointment of Chief Justice John Roberts, serving on committee that amends the Federal Rules of Civil Procedure.

Special Assistant U.S. Attorney, U.S. Attorney's Office, Western District of Virginia, 2009–2013. Area of Practice: Appellate.

Litigation Associate, *Shearman & Sterling*, Washington, D.C., 2002–2004. Area of Practice: Commercial Litigation.

Judicial Law Clerk, *The Honorable Judith W. Rogers, United States Court of Appeals for the District of Columbia Circuit*, 2001–2002.

Research Consultant, *British Home Office & London Borough of Southwark*, London, United Kingdom, 1997–1998. Developed local policy for the control of public drunkenness in South London neighborhood; conducted evaluation research of police diversity strategy funded by the British Home Office.

EDUCATION

Harvard Law School, Juris Doctor, 2001

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

London School of Economics, Master of Science, 1997

British Marshall Scholar

Degree awarded *With Distinction* in Criminal Justice Policy

Morehouse College, Bachelor of Arts, 1996

Degree awarded *Summa Cum Laude* in Political Science

Valedictorian

Phi Beta Kappa Society (Junior-Year Inductee)

BOOKS & BOOK CHAPTER

5 WRIGHT, MILLER & SPENCER, FEDERAL PRACTICE & PROCEDURE (4th ed. 2021).

CIVIL PROCEDURE: A CONTEMPORARY APPROACH, 6th ed. (Casebook) (West Academic 2021).

5A WRIGHT, MILLER & SPENCER, FEDERAL PRACTICE & PROCEDURE (4th ed. 2018).

WRIGHT, MILLER & SPENCER, 5–5C, 14C FEDERAL PRACTICE & PROCEDURE (2016–2023 SUPPLEMENTS).

ACING CIVIL PROCEDURE: A CHECKLIST APPROACH TO SOLVING PROCEDURAL PROBLEMS, 5th ed. (West Academic 2019).

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

Rule 4(k), Nationwide Personal Jurisdiction, and the Civil Rules Advisory Committee: Lessons from Attempted Reform, [73 ALA. L. REV. 607](#) (2022).

Pleading Conditions of the Mind Under Rule 9(b), [41 CARDOZO L. REV. 1015](#) (2020).

Out of the Quandary: Personal Jurisdiction Over Absent Class Member Claims Explained, [39 THE REVIEW OF LITIGATION 31](#) (2019).

The Territorial Reach of the Federal Courts, [71 FLORIDA L. REV. 979](#) (2019).

Substance, Procedure, and The Rules Enabling Act, [66 UCLA L. REV. 654](#) (2019).

Understanding the Department of Defense's Policy Regarding Transgender Servicemembers, [THE ARMY LAWYER, Feb. 2017](#).

Rationalizing Cost Allocation in Civil Discovery, [34 THE REVIEW OF LITIGATION 769](#) (2015).

The Forms Had A Function: Rule 84 and the Appendix of Forms as Guardians of the Liberal Ethos in Civil Procedure, [15 NEVADA LAW JOURNAL 1113](#) (2015).

Supporting and Promoting Scholarly Life in Turbulent Times, 31 *TOURO L. REV.* 25 (2015).

Pleading & Access to Justice: A Response to Twiqbal Apologists, [60 UCLA 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 WASH. & 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. 822](#) (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).

Iqbal and the Slide Toward Restrictive Procedure, [14 LEWIS & CLARK L. REV. 185](#) (2010).

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

Pleading Civil Rights Claims in the Post-Conley Era, [52 HOWARD L.J. 99](#) (2008).

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

Anti-Federalist Procedure, [64 WASH. & 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).

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 (and subsequent reports). London: Prepared for the London Borough of Southwark Grants & Community Safety Unit by The London School of Economics and South Bank University (2003) (cited heavily in goo.gl/gzjLLd).

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), at <http://scholarlycommons.law.wlu.edu/wlufac/198/>.

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

COMMENTARY

[Making the Path to a Law Degree More Accessible for Everyone](#), BLOOMBERG LAW, Oct. 31, 2022.

[Higher ed has faults — but don't ignore its utility](#), THE HILL, Sept. 19, 2022.

[Law Schools Must Do More to Retain First-Generation Students](#), BLOOMBERG LAW, Feb. 15, 2022 (with Charleigh Kondas).

[Calls to Eliminate Bar Exams Are Premature](#), BLOOMBERG LAW, Aug. 3, 2021.

[Law Schools, Law Firms Must Share Responsibility for Diversity](#), BLOOMBERG LAW, July 21, 2021.

[We must restore Americans' faith in our federal bench](#), THE HILL, Nov. 20, 2020.

[How college leaders can help restore civil discourse after the election](#), INSIDE HIGHER EDUCATION, Nov. 3, 2020 (with Katherine Rowe).

Those who can vote are duty-bound to do so, THE VIRGINIAN PILOT, Oct. 24, 2020.

Yearning for an Independent Federal Judiciary, NEWSWEEK, Sept. 30, 2020.

Abortion case may not overturn Roe, but could effectively nullify it, THE HILL, Mar. 5, 2020.

Justices make the tough—but right—call in crossborder shooting case, THE HILL, Feb. 28, 2020.

First, we'll neuter all the judges, THE HILL, Feb. 14, 2020.

A Father's Lament, NATIONAL LAW JOURNAL, Sept. 29, 2017.

Chief Justice John Roberts and the Loss of Access to Justice, [THE RICHMOND TIMES DISPATCH](#), Jan. 14, 2016 (op-ed).

SELECTED PRESENTATIONS (most recent five years)

Speaker, *Budgets & Fundraising*, American Bar Association New Deans' Workshop, St. Louis, Missouri, July 19, 2022.

Speaker, *Institutional Priorities, Budgeting & Financial Management for Deans*, Promoting Diversity in Law School Leadership Workshop, Villanova Law School, Oct. 29, 2021.

Speaker, *Advice for New Law School Deans*, American Bar Association New Deans' Workshop, June 15, 2021.

Panelist, *Personal Jurisdiction Update*, Alabama Law Review Symposium: Ten Years of the Supreme Court's Personal Jurisdiction Revival, March 5, 2021.

Faculty Workshop, Harvard Law School, *Pleading Conditions of the Mind Under Rule 9(b)*, Feb. 27, 2020.

Faculty Workshop, University of Chicago School of Law, *The Territorial Reach of Federal Courts*, Jan. 14, 2020.

Instructor, 80th Training Command Legal Assets Workshop, *Best Practices for Separation Boards: A Case Study*, November 23, 2019 (Fort Knox, Kentucky)

Panelist, *Rulemaking Responses to Iqbal*, Cardozo Law Review Symposium: Ten Years after *Iqbal*, March 15, 2019.

Faculty Workshop, Boston University School of Law, *The Territorial Reach of Federal Courts*, Feb. 14, 2019.

Instructor, 80th Training Command Legal Assets Workshop, *Fiscal & Contract Law Update*, January 26, 2019 (Fort Lee, Virginia).

Faculty Workshop, Kansas University School of Law, *The Territorial Reach of Federal Courts*, Oct. 5, 2018.

Speaker, Occupational Safety and Health Review Commission Judicial Conference, *Developments in Civil Procedure*, September 13, 2018.

Speaker, *The Uniformed Services Employment and Re-Employment Act*, 80th Training Command, September 8, 2018.

Speaker, *The Law of Armed Conflict & Detainee Operations*, 80th Training Command, Dec. 3, 2017.

Panelist, U.S. Army JAG Corps Worldwide CLE, *The Future of the JAG Corps*, Sept. 21, 2017.

AWARDS & FELLOWSHIPS

William R. Rakes Leadership in Education Award, 2022

Virginia Business's 2020 & 2021 Power 500 Lists

Army Reserve Components Achievement Medal, 2022

Army Commendation Medal, 2019

Atlantic Coastal Conference (ACC) Academic Leaders Network Fellow, 2018–2019

Army Achievement Medal, 2016, 2017

The National Defense Service Medal, 2015

Law Alumni Faculty Fellowship for Scholarship, Washington & Lee Univ., 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

PROFESSIONAL AND OTHER ASSOCIATIONS & ACTIVITIES

Chair, Fourth Circuit Merit Selection Panel, Federal Public Defender for the Western Dist. of Virginia

Chair, British Marshall Scholarship Selection Committee (Washington, D.C.)

Ambassador's Advisory Council, British Ambassador to the United States

Chair, Nat'l Conference of Bar Examiners Civil Procedure MBE Question Drafting Cmte.
 Member, American Law Institute (elected 2013)
 Member, West Academic Publishing's Law School Advisory Board
 Member, Board of Trustees, Southeastern Association of Law Schools
 National Association of Corporate Directors (NACD)
 Fellow, Royal Society for Arts, Manufactures and Commerce (RSA)
 Chair, Archons of Charlottesville Foundation
 American Bar Association Accreditation Site Visit Team, 2015
 Virginia State Bar (VSB)

- Bar Council, At-Large Member, 2014–2020
- VSB Special Committee on the Future of Law Practice, 2014–2018
- VSB Bench-Bar Relations Committee, 2014–2017
- Chair, VSB Section on the Education of Lawyers, 2010–2014
- Member, Military Law Section

Virginia Bar Association (VBA)

- Law School Representative, Board of Governors, 2015–2017
- VBA Civil Litigation Section Council 2010–Present
- Boyd-Graves Conference (advisory group focused on Virginia civil procedure reform)
- Chair, B-G Committee for Study of Dollar-Based Provisions in the Virginia Code (2009)

Permanent Member, Fourth Circuit Judicial Conference
 Board of Directors, Virginia Poverty Law Center, 2017–2019
 Board of Directors, Piedmont Court Appointed Special Advocates (CASA), 2012–2018;
 Secretary of the Board, 2015–2018; Finance Committee, 2012–2017
 Board of Directors of the Association of Marshall Scholars, 2007–2017; Vice President,
 2012–2014; Chair, Governance Committee, 2007–2018
 Governance Committee, Board of Directors, International School of Charlottesville, 2013
 John Marshall Chapter, American Inns of Court, 2007–2012
 Finance Council, Incarnation Catholic Church, Charlottesville, VA, 2009–2011
 Board of Directors, Comfort Zone Camp, 2007–2011
 Vice President, Board of Directors, Girl Scouts Commonwealth Council of Va., 2005–2007
 Supreme Court of Virginia Court Records Privacy Task Force, 2006
 Phi Beta Kappa (junior-year inductee)
 Omega Psi Phi Fraternity
 Sigma Pi Phi Fraternity
 Cosmos Club (a private social club for men and women distinguished in science, literature
 and the arts, a learned profession, or public service)

BAR ADMISSIONS

Virginia State Bar, 2001
 District of Columbia Bar, 2002
 United States Court of Appeals for the Armed Forces, 2021
 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
 United States Court of Appeals for the Armed Forces, 2021

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