

A. Benjamin Spencer

Washington & Lee University School of Law
Lewis Hall, East Denny Circle
Lexington, VA 24450

540.458.8219 (phone)
540.458.8488 (fax)
SpencerB@wlu.edu

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

PROFESSIONAL EXPERIENCE

- 2007–Present **Washington & Lee University School of Law**, Lexington, Virginia
Professor of Law, July 2010–Present
Assoc. Professor of Law (Tenured) and Alumni Faculty Fellow, July 2009–June 2010
Visiting Professor of Law, 2007–2008
Subjects: Civil Procedure; Federal Civil Litigation Seminar
- 2009–Present **U.S. Attorney’s Office, Western District of Virginia**, Charlottesville, Virginia
Special Assistant U.S. Attorney
Area of Practice: Appellate
Representative Experience: Briefing and arguing cases on behalf of the Government in the Fourth Circuit in criminal and civil cases; advising the Government on various legal questions issues confronting federal prosecutors in the Western District of Virginia.
- 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

- 2002–2004 **Shearman & Sterling**, Washington, D.C.
 Associate
 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 **The Honorable Judith W. Rogers**, *United States Court of Appeals for the District of Columbia Circuit*, Washington, D.C.
 Law Clerk
- 1997–1998 **British Home Office & London Borough of Southwark**, London, United Kingdom
 Research Consultant
 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.

PUBLICATIONS

- The Restrictive Ethos in Civil Procedure*, 78 GEO. WASH. L. REV. 353 (2010).
- 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 LAW REVIEW 185 (2010) (Symposium on *Ashcroft v. Iqbal*).
- Understanding Pleading Doctrine*, 108 MICHIGAN LAW REVIEW 1 (2009).
- Pleading Civil Rights Claims in the Post-Conley Era*, 52 HOWARD LAW JOURNAL 99 (2008) (Symposium Issue entitled “Civil Rights and Civil Procedure: The Legacy of *Conley v. Gibson*”).
- Plausibility Pleading*, 49 BOSTON COLLEGE LAW REVIEW 431 (2008).
- CIVIL PROCEDURE: A CONTEMPORARY APPROACH, 2d ed. (Casebook) (Thomson West 2008).
- ACING CIVIL PROCEDURE: A CHECKLIST APPROACH TO SOLVING PROCEDURAL PROBLEMS, 2d. ed. (Thomson West, 2008).
- Anti-Federalist Procedure*, 64 WASHINGTON & LEE LAW REVIEW 233 (2007).
- Due Process and Punitive Damages: The Error of Federal Excessiveness Jurisprudence*, 79 SOUTHERN CALIFORNIA LAW REVIEW 1085 (2006).
- Jurisdiction to Adjudicate: A Revised Analysis*, 73 UNIVERSITY OF CHICAGO LAW REVIEW 617 (2006).
- Jurisdiction and the Internet: Returning to Traditional Principles to Analyze Network-Mediated Contacts*, 2006 UNIVERSITY OF ILLINOIS LAW REVIEW 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 LAW REVIEW 197 (2004).

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).

Antitrust and the Information Age: Section 2 Monopolization Analyses in the New Economy, 114 HARVARD LAW REVIEW 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 LAW REVIEW 627 (1999).

WORKS IN PROGRESS

Pleading Standards in State Courts after Iqbal, unpublished manuscript.

Supervisory Judging, unpublished manuscript.

ACADEMIC CONFERENCES, WORKSHOPS & PRESENTATIONS

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.

Faculty Workshop, *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”).

AWARDS & FELLOWSHIPS

Law School Award for Excellence in Scholarship, Washington & Lee University, 2009.

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*).

Marshall Scholar, 1996–1998.

LAW SCHOOL SERVICE

Washington & Lee:

Chair, Library Committee, 2009–Present

Law Center Committee, 2009–2010

University Board of Appeals, 2009–2010

Faculty Appointments Committee, 2008–Present

Academic Standards Committee, 2008–Present

Clerkship Committee, 2009–Present

Faculty Advisor, Black Law Students Association, 2007–Present

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

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)

West's Law School Advisory Board
Virginia Bar Association Civil Litigation Section Council (2010–Present)
Association of Marshall Scholars Board of Directors; Chair, AMS Governance & Nominating
Committee
Fellow, Royal Society for the Encouragement of Arts, Manufactures and Commerce (RSA)
Founder & Editor, *Federal Civil Practice Bulletin*, at <http://federalcivilpracticebulletin.blogspot.com/>
and *Split Circuits*, at <http://splitcircuits.blogspot.com> (legal web logs).
John Marshall Chapter, American Inns of Court
American Bar Association, Litigation Section
American Judicature Society
Finance Council, Incarnation Catholic Church, Charlottesville, Virginia
Comfort Zone Camp, Board of Directors
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
D.C. Bar Publications Committee, (2003–2004)

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

Last Updated 6.15.2010