

SUJA A. THOMAS
University of Illinois College of Law
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Champaign, Illinois 61820
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CURRENT POSITION

University of Illinois College of Law
Professor, August 2008 to present.

Teaching: Evidence, Employment Discrimination, Sport and the Law.

Law School Committees: Career Services (Chair).

OTHER TEACHING POSITIONS

Vanderbilt University Law School
Visiting Professor, January 2008-May 2008.

Teaching: Evidence, Employment Discrimination.

University of Cincinnati College of Law
Professor, September 2005 to July 2008.
Associate Professor, September 2003 to August 2005.
Assistant Professor, June 2000 to August 2003.

Teaching: Evidence, Employment Discrimination, Judicial Decision-making and the Role of the Jury, Sports and the Law.

Awards/Honors: Harold C. Schott Scholarship Award (2007) (recognizes outstanding research and scholarly achievement by a member of the law school faculty); Harold C. Schott Law Review Award (2007) (recognizes publication in top 16 law review); Goldman Prize for teaching excellence (2003); Selected by graduates to award hoods (2007, 2006, 2003).

Law School Committees: Academic Policy and Curriculum, Appointments, Committee on Committees (elected), Honor Council, Moot Court (advisor), Professional Development (chair), Reappointment, Promotion and Tenure (elected), Research and Development.

EDUCATION

New York University School of Law. Juris Doctorate, May, 1991.
Articles Editor, NEW YORK UNIVERSITY LAW REVIEW.
Mendes Hershman Prize for excellence in writing in the field of property law.
William Miller Memorial Award for outstanding scholarship in field of municipal law.
Leonard M. Henkin Prize for note on equal rights portion of 14th Amendment.

Northwestern University. Bachelor of Arts in Mathematics, June, 1988.

PUBLICATIONS

The Fallacy of Dispositive Procedure, 50 B.C. L. REV. 759 (2009).
http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1323484

Why Summary Judgment Is Still Unconstitutional: A Reply to Professors Brunet and Nelson, 93 IOWA L. REV. 1667 (2008).
http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1117636

The Unconstitutionality of Summary Judgment: A Status Report, 93 IOWA L. REV. 1613 (2008).
http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1117629

Why the Motion to Dismiss Is Now Unconstitutional, 92 MINN. L. REV. 1851 (2008).
http://papers.ssrn.com/abstract_id=1010062

Why Summary Judgment Is Unconstitutional, 93 VA. L. REV. 139 (2007).
http://papers.ssrn.com/sol3/papers.cfm?abstract_id=886363

Judicial Modesty and the Jury, 76 U. COLO. L. REV. 767 (2005).
http://papers.ssrn.com/sol3/papers.cfm?abstract_id=796774

The Seventh Amendment, Modern Procedure and the English Common Law, 82 WASH. U. L.Q. 687 (2004).
http://papers.ssrn.com/sol3/papers.cfm?abstract_id=525442

Re-examining the Constitutionality of Remittitur Under the Seventh Amendment, 64 OHIO ST. L.J. 731 (2003).
http://papers.ssrn.com/sol3/papers.cfm?abstract_id=467342

Note, *Efforts to Integrate Housing: The Legality of Mortgage-Incentive Programs*, 66 N.Y.U. L. REV. 940 (1991).

WORKING PAPERS

Frivolous Cases (working paper 2009).

In Suits At Common Law (working paper 2008).

The PSLRA's Seventh Amendment Problem (working paper 2007).
http://papers.ssrn.com/sol3/papers.cfm?abstract_id=968893

Why Liberals Should Embrace Originalism (working paper 2006).

SELECTED COURT CITATIONS

Terranova v. Torres, 603 F. Supp.2d 630 (S.D.N.Y. 2009) (Judge Young, sitting by designation, citing *Why Summary Judgment Is Unconstitutional* after stating “drawing of reasonable inferences and the evaluation of the reasonableness of the Officers' conduct are matters constitutionally for the jury. Evaluating such matters at the summary judgment stage has led at least one prominent critic to question the constitutionality of summary judgment.”).

Cook v. McPherson, 2008 WL 904736 (6th Cir. 2008) (Sixth Circuit citing *Why Summary Judgment Is Unconstitutional* and calling the historical analysis “interesting”).

In re Zyprexa Products Liability Litigation, 489 F. Supp.2d 230, 263 (E.D.N.Y. 2007) (Judge Weinstein citing *Why Summary Judgment Is Unconstitutional* for proposition that “[t]he increasing use of bench trials, Daubert hearings, summary judgments, and directed verdicts-as authorized by rules of practice and appellate courts-to limit jury fact finding and set aside verdicts poses a threat to the continued viability of the Seventh Amendment jury trial.”).

State v. Blackwell, 638 S.E.2d 452 (N.C. 2006) (North Carolina Supreme Court citing *The Seventh Amendment, Modern Procedure, and the English Common Law*).

University of Miami v. Wilson, 948 So.2d 774 (Fla. App. 3d Dist. 2006) (citing *Judicial Modesty and the Jury* regarding the “proper role of judges”).

McKissack v. Wal-Mart Stores, Inc., 2004 WL 212930, at *5 n.35 (W.D. Tex. Jan. 26, 2004) (Judge Furgeson citing *Re-examining the Constitutionality of Remittitur Under the Seventh Amendment* and stating "Professor Thomas[']s . . . caution [regarding the effective elimination of the jury trial right through remittitur] merits evaluation by the federal courts").

PRESENTATIONS

Frivolous Cases, Rising Stars: A New Generation of Scholars Looks at Civil Justice, 15th Annual Clifford Symposium on Tort Law and Social Policy, DePaul University College of Law, April 2009.

Does Summary Judgment Violate the Original Meaning of the Constitution, Center for the Study of Constitutional Originalism, University of San Diego School of Law, March 2009.

Why Summary Judgment Is Unconstitutional, California Employment Lawyers' Association, Los Angeles, California, January 2009.

Why Summary Judgment Is Unconstitutional, Retreat of Judges of the United States District Court for the Eastern District of Pennsylvania, Gettysburg, Pennsylvania, November 2008.

Why Summary Judgment Is Still Unconstitutional: A Reply to Professors Brunet and Nelson, Cardozo School of Law, April 2008.

Why Summary Judgment Is Still Unconstitutional: A Reply to Professors Brunet and Nelson and the Unconstitutionality of Summary Judgment: A Status Report, Symposium on Procedural Justice, University of Iowa College of Law Review, February 2008.

Why the Motion to Dismiss Is Now Unconstitutional, University of Illinois College of Law, February 2008.

Why the Motion to Dismiss Is Now Unconstitutional, Vanderbilt University Law School, February 2008.

Implementing Scholarship, AALS Open Source Program, AALS Annual Meeting, January 2008.

The Civil Jury: The Disregarded Constitutional Actor, Harold C. Schott Scholarship Award Lecture, University of Cincinnati College of Law, November 2008.
http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1029376

Why the Motion to Dismiss Is Now Unconstitutional, Northwestern University School of Law, October 2007.

Why Summary Judgment Is Unconstitutional, Cleveland Employment Lawyers' Association, Cleveland, Ohio, October 2007.

Why the Motion to Dismiss Is Now Unconstitutional, Florida State University College of Law, September 2007.

Why Summary Judgment Is Unconstitutional, California Employment Lawyers' Association, San Francisco, California, August 2007.

Why the Motion to Dismiss Could Be Unconstitutional, University of Cincinnati College of Law Faculty Scholarship Workshop, May 2007.

The PSLRA's Seventh Amendment Problem, The Ohio State University College of Law, April 2007.

Why Summary Judgment Is Unconstitutional, Massachusetts Employment Lawyers' Association, Boston, Massachusetts, March 2007.

Why Summary Judgment Is Unconstitutional, Seventh Circuit National Employment Lawyers' Association Conference, Chicago, Illinois, March 2007.

Why Summary Judgment Is Unconstitutional, University of Minnesota Law School, February 2007.

Why Summary Judgment Is Unconstitutional, Minnesota Employment Lawyers' Association, Minneapolis, Minnesota, February 2007.

Why Summary Judgment Is Unconstitutional, Metropolitan Washington Employment Lawyers' Association, Washington, D.C., January 2007.

Why Summary Judgment Is Unconstitutional, New York Law School, November 2006.

Why Summary Judgment Is Unconstitutional, Labor & Employment Law Symposium, Cincinnati, Ohio, October 2006.

Recasting Originalism, William Mitchell College of Law, October 2006.

Why Summary Judgment and Remittitur are Unconstitutional, Cincinnati Employment Lawyers' Association, September 2006.

Recasting Originalism, University of Cincinnati College of Law Faculty Scholarship Workshop, June 2006.

Federal Tort Reform and the Seventh Amendment, AALS Section on Civil Procedure Program: The Civil Jury in the Shadow of Tort Reform, AALS Annual Meeting, January 2006.

The Great Published/Unpublished Debate, Sixth Circuit Practice Institute, October 2005.

Is Summary Judgment Unconstitutional?, University of Kansas School of Law, September 2005.

Is Summary Judgment Unconstitutional?, University of Cincinnati College of Law Faculty Scholarship Workshop, May 2005.

The Judiciary, Separation of Powers and Judicial Review, University of Cincinnati College of Law Faculty Scholarship Workshop, May 2004.

The Construction of the Seventh Amendment, Boston College Law School, April 2004.

Re-examining the Constitutionality of Summary Judgment Under the Seventh Amendment, University of Florida College of Law, April 2003.

Re-examining Remittitur, Chicago-Kent School of Law, April 2002.

The Reduction of Jury Verdicts, University of Cincinnati College of Law Faculty Scholarship Workshop, July 2001.

Teachlaw website, AALS Annual Meeting, January 2001.

PRESS

Jerry Crimmins, Prof. Decries Summary Judgments, CHICAGO DAILY LAW BULLETIN, May 22, 2009 (discussing *The Fallacy of Dispositive Procedure* and *Why Summary Judgment Is Unconstitutional*).

Adam Liptak, Cases Keep Flowing In, But the Jury Pool is Idle, NEW YORK TIMES, April 30, 2007 (discussing *Why Summary Judgment Is Unconstitutional* and referring to argument as “perfectly plausible”).

<http://select.nytimes.com/2007/04/30/us/30bar.html?scp=15&sq=summary+judgment&st=nyt>

Suja A. Thomas, Summary Judgment: We Can Live Without It, NATIONAL LAW JOURNAL, April 10, 2006.

Suja A. Thomas, Studies of Drug Ratio Are Still Lacking, NEW YORK TIMES, July 4, 2004.

<http://query.nytimes.com/gst/fullpage.html?res=9B05EFD81F38F937A35754C0A9629C8B63&scp=3&sq=suja+thomas&st=nyt>

OTHER LEGAL EXPERIENCE

Private Practice, New York, New York.

Attorney, June 1999 to May 2000.

Represented employees and athletes, including an athlete in an international arbitration. See James C. McKinley Jr., *A Track Star's Burden; Proving Innocence Puts Focus on Drug-Test Rulings*, N.Y. TIMES, Aug. 31, 1999, at D1 (article regarding the international arbitration).

Adjunct Professor, Fordham University School of Law, January 1999-December 1999.

Weil, Gotshal & Manges, LLP., New York, New York.

Associate, September 1997 to June 1999.

Litigated a variety of cases, including on behalf of the Major League Soccer Players Association, National Football League Players Association and individual athletes.

Vladeck, Waldman, Elias & Engelhard, P.C., New York, New York.

Associate, August 1994 to August 1997.

Represented employees in all areas of employment law, including discrimination.

Cravath, Swaine & Moore, New York, New York.

Associate, November 1992 to August 1994.

Represented major corporations in litigation involving antitrust, contract, patent and securities matters. Drafted Supreme Court briefs in *Landgraf v. USI Film Prods.*, 511 U.S. 244 (1994) (argued retroactivity of 1991 Civil Rights Act).

U.S. District Court for the Northern District of Illinois, Chicago, Illinois.
Law Clerk for the Honorable John F. Grady, September 1991 to August 1992.

PROFESSIONAL AFFILIATIONS

Bar Admissions: New York
 Illinois
 U.S. District Court, Southern District of New York