

JORDAN M. SINGER

New England Law | Boston
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ACADEMIC APPOINTMENTS

New England Law | Boston

Professor of Law and Advisor for the Litigation Concentration

Associate Professor of Law, 2013-15

Assistant Professor of Law, 2010-13

Courses 2021-22: Civil Procedure I/II, Civil Litigation Capstone, Patent Law, Patent Litigation

Other courses taught: Judging and the Judicial Process, Electronic Discovery and Digital

Evidence, Current Issues in Patent Law, Independent Study

Research interests: court organization and administration, federal courts, law and cognition, judicial process, judicial selection and evaluation, civil procedure, intellectual property

SCHOLARLY ARTICLES AND ESSAYS

The Federal Courts' Rulemaking Buffer, 60 WM. & MARY L. REV. 2239 (2019)

Judges on Demand: The Cognitive Case for Cameras in the Courtroom, 115 COLUM. L. REV. SIDEBAR 79 (2015)

Gossiping About Judges, 42 FLA. ST. U. L. REV. 427 (2015)

Bigger Isn't Always Better: An Analysis of Court Efficiency Using Hierarchical Linear Modeling, 34 PACE L. REV. 1169 (2014) (with Teresa A. Dalton)

Bench Presence 2014: An Updated Look at Federal District Court Productivity, 48 NEW ENG. L. REV. 565 (2014) (invited symposium submission) (with Hon. William G. Young)

Measuring Bench Presence: Federal District Judges in the Courtroom, 2008-2012, 118 PENN ST. L. REV. 243 (2013) (with Hon. William G. Young)

Bench Presence: Toward a More Complete Measure of Federal District Court Productivity, 118 PENN ST. L. REV. 55 (2013) (with Hon. William G. Young)

Meaningful Information, Meaningful Retention, 60 BUFF. L. REV. THE DOCKET 1 (2012)

The Mind of the Judicial Voter, 2011 MICH. ST. L. REV. 1443 (2012)

Proportionality's Cultural Foundation, 52 SANTA CLARA L. REV. 145 (2012)

Reinvigorating Pleadings, 87 DENV. U. L. REV. 245 (2010) (with Rebecca Love Kourlis and Natalie Knowlton)

Managing Toward the Goals of Rule 1, 2009 FED. CTS. L. REV. 4 (with Rebecca Love Kourlis)

A Judicial Evaluation Strategy for New York, 72 ALB. L. REV. 655 (2009) (with Rebecca Kourlis)

A Performance Evaluation Program for the Federal Judiciary, 86 DENV. U. L. REV. 7 (2008)
(with Rebecca Love Kourlis)

Knowing Is Half the Battle: A Proposal for Prospective Performance Evaluations in Judicial Elections, 29 U. ARK. LITTLE ROCK L. REV. 725 (2007)

BOOK CHAPTERS AND SHORTER PIECES

TAKING SIDES: CLASHING VIEWS ON LEGAL ISSUES (15th-17th eds.) (contributing editor)

Judicial Recall and Retention in the #MeToo Era, 55 CT. REV. 36 (2019) (invited symposium contribution)

Sticking to Their Principals (Review of Nuno Garoupa & Tom Ginsburg, *Judicial Reputation: A Comparative Theory*), 51 NEW ENG. L. REV. ON REMAND 27 (2017) (invited contribution)

Attorney Surveys of Judicial Performance: Impressionistic, Imperfect, Indispensable, 98 JUDICATURE 20 (2014) (invited symposium contribution)

Foreword: Productivity in Public Adjudication, 48 NEW ENG. L. REV. 445 (2014) (invited symposium contribution)

Not-So-Simple Justice (Review of Richard A. Posner, *Reflections on Judging*), 48 NEW ENG. L. REV. ON REMAND 47 (2014) (invited contribution)

New Report Establishes Principles for Improving the U.S. Civil Justice System, 93 JUDICATURE 121 (2009) (with Rebecca Love Kourlis and Paul C. Saunders)

Survey of Experienced Litigators Finds Serious Cracks in U.S. Civil Justice System, 92 JUDICATURE 78 (2008) (with Rebecca Love Kourlis and Paul C. Saunders)

Using Judicial Performance Evaluations to Promote Judicial Accountability, 90 JUDICATURE 200 (2007) (with Rebecca Love Kourlis)

WORKS IN PROGRESS

Minds Intertwined: The Cognitive Teamwork of Civil Rulemaking

This article explores cognition, information processing, and decision-making by the federal Advisory Committee on Civil Rules, grounded in a case study of the 2020 amendment to Federal Rule of Civil Procedure 30(b)(6).

Judicial Nomination Cascades

A judicial nomination cascade occurs when a court vacancy is filled by a sitting judge, thus creating another vacancy to be filled. This article explores the consequences of nomination cascades for court administration and policy.

Ten Years of Bench Presence

This article provides an updated look at federal “bench presence,” a measure of the time that trial judges spend adjudicating issues in open court. To be co-authored with Hon. William G. Young.

EDUCATION

Harvard Law School, J.D. 2000
Harvard International Law Journal, Deputy Editor-in-Chief
Harvard Journal on Legislation

Harvard College, A.B. 1997 *magna cum laude*
Joint degree in Government and Near Eastern Languages and Civilizations

SELECTED PRESENTATIONS, ROUNDTABLES, AND COLLOQUIA

Presenter, “The Cognitive Teamwork of Federal Civil Rulemaking,” Fifth Annual Civil Procedure Workshop, University of Texas School of Law, Austin, TX, October 25, 2019

Presenter, “The Vanishing Civil Courtroom,” Civil Jury Project Academic Roundtable, New York University School of Law, New York, NY, April 24, 2019

Presenter, “Federal Civil Rulemaking as a Strategic Buffer,” Third Annual Civil Procedure Workshop, University of Arizona Rogers College of Law, Tucson, AZ, October 6, 2017

Moderator, “Criminal Sanctions in Intellectual Property,” New England Journal of Criminal and Civil Confinement Spring 2015 Symposium, Boston, MA, April 7, 2015

Presenter, “Gossiping about Judges,” Conference on Legal Scholarship 4.0: Looking to the Future, Northeastern University School of Law, Boston, MA, March 14, 2014

Presenter, “Gossiping about Judges,” New England Regional Junior Faculty Scholarship Workshop, Boston, MA, February 7, 2014

Presenter, “Introducing Bench Presence,” New England Law Review Fall 2013 Symposium, Boston, MA, November 8, 2013

Presenter, “Gossiping about Judges,” Fourth Annual Southeastern Law Scholars Conference, Charleston, SC, October 5, 2013

Presenter, “Bench Presence: Toward a More Complete Measure of Judicial Productivity,” Law and Society Conference, Boston, MA, May 30, 2013

Panelist and Moderator, “Intellectual Property Law: Evolution and Reform” (with Richard Epstein and David Olson), New England Law | Boston, Boston, MA, March 15, 2013

Presenter, “Bench Presence: Toward a More Complete Measure of Judicial Productivity,” 2013 Northeast Regional Scholarship and Teaching Development Workshop, Albany Law School, Albany, NY, February 2, 2013

Moderator, “Crisis in the Judiciary,” New England Law Review Fall 2012 Symposium, Boston, MA, November 15, 2012

Presenter, “Bench Presence: Toward a More Complete Measure of Judicial Productivity,” Fifth Annual Junior Faculty Federal Courts Workshop, William & Mary Law School, Williamsburg, VA, October 26, 2012

Panelist, “Data Collection and Measuring Change: Scope, Methodology, and Administrative Challenges,” Institute for the Advancement of the American Legal System Third Civil Justice Reform Summit, Denver, CO, September 21, 2012

Presenter, “The Mind of the Judicial Voter,” Institute for the Advancement of the American Legal System Conference on Evaluating Appellate Judges, Denver, CO, August 11, 2011

Panelist, “The Future of Federal Judicial Nominations,” American Constitution Society Forum, Boston, MA, April 6, 2011

Presenter, “The Mind of the Judicial Voter,” New England Junior Faculty Spring 2011 Colloquium, Boston College Law School, Newton, MA, March 18, 2011

Presenter, “Open Courthouse: Beyond Websites, Transparency, and Public Access to the Courts,” Federal Judges’ Association Quadrennial Conference, Washington, DC, May 24, 2010

Panelist, “The Empirical Research: Overview of Satisfaction and Dissatisfaction with the Current System, and Suggestions for Change Raised by the Data,” Federal Advisory Committee on Civil Rules 2010 Litigation Review Conference, Duke Law School, Durham, NC, May 10, 2010

Presenter, “*Iqbal* Goggles and the Multiple Dimensions of Court Access,” Moving Forward for Justice Conference, University of Denver Sturm College of Law, Denver, CO, April 23, 2010

Presenter, “The U.S. Civil Justice System,” Brazilian Federal Judges Association (AJUFE) conference, Denver, CO, February 15, 2010

Presenter, “Making Judicial Accountability Fair and Affordable,” National Center for State Courts 2009 Court Technology Conference, Denver, CO, September 22, 2009

Presenter, “Worldwide Civil Procedural Reform: The Woolf Reforms,” Institute for the Advancement of the American Legal System Civil Rules Summit, Denver, CO, March 2, 2009

Panelist, “Can Judicial Performance Evaluations Improve Judicial Elections?,” University of Washington School of Law, Seattle, WA, November 21, 2008

Presenter, “Building a Civil Justice System for the Twenty-First Century,” University of Denver Sturm College of Law, Denver, CO, October 15, 2008

Presenter on federal caseload management study, Ninth Circuit Conference of Chief District Judges, Portland, OR, August 26, 2008

Panelist and Moderator, “Evaluating Evaluation Programs” and “Evaluating Judicial Candidates,” IAALS 2008 Judicial Performance Evaluation Conference, Denver, CO, August 5-6, 2008

Presenter on federal caseload management study, Ninth Circuit Case Management Committee, Phoenix, AZ, May 12, 2008

Presenter, “The Effectiveness of Judicial Performance Evaluation Programs: Views from the Bench,” Western Social Science Association Annual Conference, Denver, CO, April 25, 2008

Panelist, “Judicial Performance Evaluation,” National Association of Administrative Law Judges Annual Meeting, Washington, DC, October 19, 2007

LEGISLATIVE TESTIMONY

Testimony on SB 08-54 (judicial performance evaluation) before the Colorado House Judiciary Committee, April 9, 2008, and before the Colorado Senate Judiciary Committee, Feb. 4, 2008

Testimony on SB 105 (judicial performance evaluation) before the Utah Senate Standing Committee on the Judiciary, January 25, 2008

Testimony on the principles and practices of judicial performance evaluation before the Utah Judicial Retention Task Force, October 1, 2007

OP-EDS AND MEDIA APPEARANCES

Marie Albiges, *Pa. could become a national outlier it how it elects appellate judges. Here's why experts are worried*, Spotlight PA, Jan. 27, 2021 (quoted)

Kevin Beaty, *Denver's 2020 Ballot: How to Pick All Those Judges*, Denverite, Oct. 8, 2020 (quoted)

In search of a muscular judiciary, The Hill, Jan. 8, 2020

Chris Villani, *BigLaw Forced Arbitration Expected to Survive Amid #MeToo*, Law360, Apr. 19, 2019 (quoted)

Citizens lose when partisans play politics with the federal judiciary, The Hill, Mar. 20, 2019

Drew Broach, *Wendy Vitter, with one exception, might have what it takes to be a federal judge*, NOLA.com | Times-Picayune, Jan. 27, 2019 (quoted)

Jo Craven McGinty, *The Data That Goes Into Judging Judges*, Wall Street Journal, Feb. 24, 2017 (quoted)

OTHER SCHOLARLY ACTIVITIES

Editor, New England Law | Boston Research Paper Series

Scholarly Blogging and Podcasting

- The Interdependent Third Branch (founder and permanent blogger)
- New England Law Professors (permanent blogger)
- JOTWELL: The Journal of Things We Like Lots
 - *Hail to the Chief Justice* (June 2018) (Reviewing Jeffrey Rosen, WILLIAM HOWARD TAFT (2018))
 - *The Machinery of Justice* (June 2020) (Reviewing Amnon Reichman et al., *From a Panacea to a Panopticon: The Use and Misuse of Technology in the Regulation of Judges*, 71 HASTINGS L.J. 589 (2020))
- Prawfsblawg (recurring guest blogger)
- IAALS Blog (recurring guest blogger)
- New England Law Review podcast (November 2013, January 2020)

Peer Reviewer

- SAGE Publications
- Wolters Kluwer Law & Business series
- Carolina Academic Press
- *Journal of Empirical Legal Studies*
- *Journal of Institutional Economics*

OTHER EXPERIENCE

Institute for the Advancement of the American Legal System, University of Denver, Denver, CO, 2006-10

Director of Research. Oversaw all substantive research and content issued by the Institute, focusing on aspects of civil procedure and process, judicial selection, and judicial performance evaluation. Supervised and managed research staff. Author of over a dozen Institute publications.

Goodwin Procter LLP, Boston, MA, 2001-06

Senior associate in litigation. Practice emphasized intellectual property and complex commercial litigation.

Justice Gregory Hobbs, Jr., Colorado Supreme Court, Denver, CO, 2000-01

Law Clerk.

PROFESSIONAL ASSOCIATIONS AND PUBLIC SERVICE POSITIONS

Licensed to practice in United States District Court for the District of Massachusetts (2001), Commonwealth of Massachusetts (2001), State of Colorado (2000)

Founder and Member, National Judicial Performance Evaluation Working Group

Chair, National JPE 2.0 Task Force

Member, Massachusetts Supreme Judicial Court Committee on Judicial Performance Evaluation

Member, Massachusetts Supreme Judicial Court Bar Admissions Curriculum Committee

Member, Academic Engagement Network

Academic Advisor, Civil Jury Project, NYU School of Law

Consultant, Institute for the Advancement of the American Legal System (2019-present)

Consultant, Missouri Bar Judicial Performance Review Committee (2019-20)

Consultant, Massachusetts Supreme Judicial Court Committee on Jury Selection (2015-16)

Consultant, New Hampshire Judicial Performance Evaluation Advisory Committee (2013)

Consultant, Suffolk (Mass.) Superior Court Business Litigation Session (2011-13)

Special Advisor, Colorado Bar Association Patent Litigation Committee (2009-10)