

CASSANDRA (“ANDRA”) BURKE ROBERTSON

Case Western Reserve University School of Law

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ACADEMIC EMPLOYMENT

CASE WESTERN RESERVE UNIVERSITY SCHOOL OF LAW. Cleveland, Ohio.

John Deaver Drinko—*BakerHostetler Professor of Law*, 2017-present

Laura B. Chisolm Distinguished Research Scholar, 2015-2017

Director, Center for Professional Ethics, September 2014-present

Professor, July 1, 2013-present,

Associate Professor, 2010-2013

Assistant Professor, 2007-2010

Courses:

Civil Procedure; Transnational Litigation; Professional Responsibility; Remedies;
Secured Transactions (UCC Article 9); Conflict of Laws.

Awards:

CWRU School of Law Distinguished Research Award, 2015, 2019

CWRU Mather Spotlight Prize for Women’s Scholarship, 2011

Teacher of the Year (voted by the graduating class), 2017

1L Professor of the Year (voted by the 1L class), 2009-10; 2017-18

Law Alumni Association Distinguished Teacher Award, 2020

APPOINTMENTS

UNIFORM LAW COMMISSION.

Commissioner from Ohio (by gubernatorial appointment, 2017-present).

Chair, Study Committee on the Third-Party Financing of Litigation;

Member, Study Committee on the Garnishment of Wages in Bank Accounts;

Member, Drafting Committee on the Management of Funds Raised Through
Crowdfunding Efforts;

Member, Ethics Working Group.

COMMISSION ON THE RULES OF PRACTICE AND PROCEDURE IN OHIO COURTS.

Member (by Ohio Supreme Court appointment, 2021-present).

OTHER LEGAL AND PROFESSIONAL EMPLOYMENT

SUPREME COURT OF TEXAS. Austin, Texas.

Staff Attorney to: Justice Phil Johnson, 2005-07; Justice Michael H. Schneider, 2004.

OFFICE OF THE ATTORNEY GENERAL OF TEXAS. Austin, Texas.

Assistant Solicitor General, 2003-04

SUPREME COURT OF TEXAS. Austin, Texas.

Law Clerk to Chief Justice Thomas R. Phillips, 2002-03

TEXAS LEGISLATIVE BUDGET BOARD. Austin, Texas.

Budget Analyst and Fiscal Note Coordinator, 1996-99

PUBLICATIONS

BOOKS AND CHAPTERS

BALDWIN'S OHIO PRACTICE: CIVIL PRACTICE vols. 1 & 2 (West supp. 2020).

Legal Advice for Marijuana Business Entities in MARIJUANA FEDERALISM (Jonathan Adler ed.) (2020).

PROFESSIONAL RESPONSIBILITY IN THE LIFE OF THE LAWYER, 2d ed. (West 2015) (with Carl A. Pierce, Judy M. Cornett, Alex B. Long, and Paula Schaefer).

LAW REVIEW ARTICLES

Professional Speech at Scale, 55 UC DAVIS L. REV. (with Sharona Hoffman, forthcoming 2022).

Inalienable Citizenship, N.C. L. REV. (with Irina Manta, forthcoming 2021).

Litigating Citizenship, 73 VAND. L. REV. 757 (2020) (with Irina D. Manta).

A New State Registration Act: Legislating A Longer Arm for Personal Jurisdiction, 57 HARV. J. LEGIS. 377 (2020) (with Charles W. "Rocky" Rhodes).

(Un)Civil Denaturalization, 94 N.Y.U. L. REV. 402 (2019) (with Irina D. Manta).

- cited by *United States v. Eguilos*, 383 F. Supp. 3d 1014 (E.D. Cal. 2019).

Judicial Impartiality in a Partisan Era, 70 FLA. L. REV. 739 (2018).

Invisible Error, 50 CONN. L. REV. 161 (2017).

- cited by *Phornsavanh v. State*, 481 P.3d 1145 (Alaska Ct. App. 2021).

Secret Jurisdiction, 65 EMORY L.J. 1313 (2016) (with Irina D. Manta).

Online Reputation Management in Attorney Regulation, 29 GEO. J. LEGAL ETHICS 97 (2016).

- cited by *People v. Isaac*, No. 15PDJ099, 2016 WL 6124510 (Colo. O.P.D.J. Sept. 22, 2016).

Toward a New Equilibrium in Personal Jurisdiction, 48 UC DAVIS L. REV. 207 (2014) (with Charles W. “Rocky” Rhodes).

- cited by *Senne v. Kansas City Royals Baseball Corp.*, 105 F. Supp. 3d 981 (N.D. Cal. 2015);
- cited by *Bristol-Myers Squibb Co. v. Superior Court*, 377 P.3d 874 (Cal. 2016) (Werdegar, J., dissenting), rev'd sub nom. *Bristol-Myers Squibb Co. v. Superior Court of California, San Francisco Cty.*, 137 S. Ct. 1773 (2017).

Private Ordering in the Market for Professional Services, 94 B.U. L. REV. 179 (2014).

- cited by *Cent. Kansas Med. Ctr. v. Hatesohl*, 425 P.3d 1253 (Kan. 2018).

The Right to Appeal, 91 N.C. L. REV. 1219 (2013).

- cited by *Garza v. Idaho*, 139 S. Ct. 738 (2019);
- *State v. Al Mutory*, 581 S.W.3d 741 (Tenn. 2019);
- *Nohalty v. Blairwood Apartments of Louisville*, 3:14-CV-00596-TBR, 2014 WL 5681496 (W.D. Ky. Nov. 4, 2014).

Due Process in the American Identity, 64 ALA. L. REV. 255 (2012).

The Inextricable Merits Problem in Personal Jurisdiction, 45 UC DAVIS L. REV. 1301 (2012).

Forum Non Conveniens and the Enforcement of Foreign Judgments, 111 COLUM. L. REV. 1444 (2011) (with Christopher A. Whytock).

- cited by *Espinoza v. Evergreen Helicopters, Inc.*, 376 P.3d 960, 984 (Or. 2016).

A Collaborative Model of Offshore Legal Outsourcing, 43 ARIZ. ST. L.J. 125 (2011).

Transnational Litigation and Institutional Choice, 51 B.C. L. REV. 1081 (2010)

- reprinted in *TRANSNATIONAL LITIGATION: A PRACTITIONER’S GUIDE* (Oxford Univ. Press, John Fellas ed.).

Judgment, Identity, and Independence, 42 CONN. L. REV. 1 (2009).

Judging Jury Verdicts, 83 TUL. L. REV. 157 (2008).

Appellate Review of Discovery Orders in Federal Court: A Suggested Approach for Handling Privilege Claims, 81 WASH. L. REV. 733 (2006).

SYMPOSIUM CONTRIBUTIONS AND SHORTER PIECES

How Should We License Lawyers?, 89 FORDHAM L. REV. 1295 (2021) (colloquium issue).

Ford's Jurisdictional Crossroads, 109 GEORGETOWN LJ ONLINE 102 (2020) (with Linda Sandstrom Simard and Charles W. "Rocky" Rhodes)

Ford's Hidden Fairness Defect, 106 CORNELL LAW REVIEW ONLINE 45 (2020) (with Linda Sandstrom Simard and Charles W. "Rocky" Rhodes)

Judicial Disqualification on Appeal, 53 AKRON L. REV. 573 (2020) (with Gregory Hilbert) (symposium issue).

Conspiracy and Complicity under the FCPA, 55 WILLAMETTE L. REV. 539 (2019) (symposium issue).

SCOTUS Sharply Limits Bivens Claims—and Hints at Further Retrenchment, ABA Section of Litigation: Civil Rights (2020).

A Long-Running Immigration Problem: The Government Sometimes Detains and Deports US Citizens, THE CONVERSATION, July 8, 2019 (with Irina D. Manta), <https://theconversation.com/a-long-running-immigration-problem-the-government-sometimes-detains-and-deports-us-citizens-119702>

Conflicts of Interest and Law-Firm Structure, 9 ST. MARY'S JOURNAL ON LEGAL MALPRACTICE & ETHICS 64 (2019) (symposium issue).

Due Process and Denaturalization, ABA Section of Litigation: Civil Rights (2019) (with Irina Manta).

Trump Administration Seeks to Strip More People Of Citizenship, THE CONVERSATION, Dec. 10, 2018 (with Irina D. Manta), <https://theconversation.com/trump-administration-seeks-to-strip-more-people-of-citizenship-104628>

How The Trump Foundation Could Undercut the Public Trust In Charitable Giving, THE CONVERSATION, June 21, 2018, <https://theconversation.com/how-the-trump-foundation-could-undercut-the-public-trust-in-charitable-giving-98529>

Competing State and Federal Proceedings, ABA Section of Litigation: Civil Rights (2018).

Government Information Leaks, ACADEMIC MINUTE, July 18, 2017, <https://www.insidehighered.com/quicktakes/2017/07/18/academic-minute-government-information-leaks>.

The Department of Justice's "Legal U-Turns": How the Administration Has Changed Its Positions on Appeal, ABA Section of Litigation: Civil Rights (2017).

SHORTER PIECES (continued)

Should Government Leaks Always Be Illegal?, OZY (2017), <http://www.ozy.com/pov/should-government-leaks-always-be-illegal/80271>.

When is a Leak Ethical? THE CONVERSATION (2017), reprinted by SALON.COM (http://www.salon.com/2017/06/18/when-is-a-leak-ethical_partner/) and others.

Arbitration and Prison Communications, ABA Section of Litigation: Civil Rights (2017).

What's the Point of an Ethics Course?, THE CONVERSATION (2017), reprinted by the SEATTLE POST-INTELLIGENCER (<http://www.seattlepi.com/news/article/What-s-the-point-of-an-ethics-course-11021439.php>) and others.

Why Banning Laptops from Airplane Cabins Doesn't Make Sense, THE CONVERSATION (2017) (with Irina D. Manta), reprinted by SCIENTIFIC AMERICAN (<https://www.scientificamerican.com/article/why-banning-laptops-from-airplane-cabins-doesn-t-make-sense/>) and others.

The Business of Personal Jurisdiction, 67 CWRU L. REV. 775 (2017) (with Charles W. "Rocky" Rhodes).

- cited by *Bates v. Triumph Engine Control Sys., LLC*, 2020 WL 1656213 (Conn. Super. Mar. 4, 2020).

Nationwide Injunctions, Immigration, and Civil Rights Litigation, ABA Section of Litigation: Civil Rights (2016).

Personal Jurisdiction in Legal Malpractice Litigation, 6 ST. MARY'S JOURNAL ON LEGAL MALPRACTICE & ETHICS 2 (2016) (symposium issue).

- cited by *Aetna, Inc. v. Whatley Kallas, LLP*, CV 18-2172, 2019 WL 1437916 (E.D. Pa. Mar. 29, 2019)

Challenging the No-Fly List: The Status of the Litigation after Five Years, ABA Section of Litigation: Civil Rights (2015) (with Irina D. Manta).

A Shifting Equilibrium: Personal Jurisdiction, Transnational Litigation, and the Problem of Nonparties, 19 LEWIS & CLARK L. REV. 643 (2015) (symposium issue, with Charles W. "Rocky" Rhodes).

Low Sanctions, High Costs: The Risk to Democratic Liberty, 66 FLA. L. REV. FORUM 31 (2015).

State Law Litigation of International Norms: Global Litigation, Local Judgment Enforcement, 108 ASIL PROCEEDINGS 439 (2015).

Regulating Electronic Legal Support across State and National Boundaries, 47 AKRON L. REV 37 (2014) (symposium issue).

SHORTER PIECES (continued)

Plame Affair, in *ENCYCLOPEDIA OF WHITE-COLLAR AND CORPORATE CRIME* (Salinger ed., Sage Pubs. 2d ed. 2013).

The Politicization of Judgment Enforcement, 45 *CASE W. RES. J. INT'L L.* 435 (2012) (symposium issue).

Forum Non Conveniens on Appeal: The Case for Interlocutory Review, 18 *SW. J. INT'L L.* 445 (2012) (symposium issue).

The Facebook Disruption: How Social Media May Transform Civil Litigation and Facilitate Access to Justice, 65 *ARK. L. REV.* 75 (2012) (symposium issue).

The Impact of Third-Party Financing on Transnational Litigation, 44 *CASE W. RES. J. INT'L L.* 159 (2012) (symposium issue).

Organizational Management of Conflicting Professional Identities, 43 *CASE W. RES. J. INT'L L.* 603 (2011) (symposium issue).

Beyond the Torture Memos: Perceptual Filters, Cultural Commitments, and Partisan Identity, 42 *CASE W. RES. J. INT'L L.* 389 (2009) (symposium issue).

Essay, *Judicial Pay*, in *ENCYCLOPEDIA OF THE SUPREME COURT OF THE UNITED STATES* (MacMillan Reference 2008).

Stable, Predictable, and Faithful to Precedent: The Value of Precedent in Uncertain Times, University of Texas 17th Annual Conference on State and Federal Appeals, June 2007 (co-authored with William Richard (Rick) Thompson, II).

Separating Snake Oil from Therapeutic Supplements: The Nexus between Litigation and Regulation in the Dietary Supplement Industry, 35 *U. TOL. L. REV.* 317 (2003).

Providing Access to the Future: How the Americans with Disabilities Act Can Remove Barriers in Cyberspace, 79 *DENV. U.L. REV.* 199 (2001) (student article).

Bringing the Camel into the Tent: State and Federal Power over Electricity Transmission, 49 *CLEV. ST. L. REV.* 71 (2001) (student article).

SELECTED PRESENTATIONS

"How Should We License Lawyers?," Colloquium on The Judicial Role in Professional Regulation, hosted by the Fordham Law Review and the Stein Center for Law and Ethics (October, 9, 2020).

"Lessons from Chernobyl: How Obedience Pressure Impacts Legal Service Providers and Clients," DRI Toxic Torts and Environmental Law Seminar (February 2020).

"Litigating Citizenship," Symposium on the Administration of Immigration, C. Boyden Gray Center for the Study of the Administrative State, Antonin Scalia Law School at George Mason University (October 2019).

"(Un)Civil Denaturalization," Hofstra Law School faculty colloquium (April 2019).

"Conspiracy and Complicity under the FCPA," Willamette Law Review on the Extraterritorial State (January 2019).

Commenter, Symposium on Gillian Hadfield's RULES FOR A FLAT WORLD: WHY HUMANS INVENTED LAW AND HOW TO REINVENT IT FOR A COMPLEX GLOBAL ECONOMY, Jacob Burns Center for Ethics in the Practice of Law at Benjamin N. Cardozo School of Law (October 30, 2017).

"Lien on Me: Updating the UCC," William J. O'Neill Great Lakes Regional Bankruptcy Institute (May 2017).

"Online Reputation Management for Lawyers," Burwig Panel on Professionalism, Case Western Reserve University School of Law (November 19, 2016).

"The Good, the Bad and the Ugly: Navigating the New World of Online Reviews," ABA Center for Professional Development, Panelist and Moderator (November 16, 2016).

"Ethical Resilience," Supreme Court of Ohio Student to Lawyer Symposium (October 21, 2016).

"The Business of Personal Jurisdiction," Symposium, "Business in the Roberts Court" Case Western Reserve University School of Law (September 23, 2016).

"What Is a Fair Trial? Keeping the Ball in the Fairway," National Foundation for Judicial Excellence, Annual Symposium (July 2016).

Federalist Society SCOTUScast on *Williams v. Pennsylvania*, June 13, 2016.

"Online Reputation Management," National Organization of Bar Counsel Mid-Year Meeting (February 2016).

"Secret Jurisdiction," Loyola University of Chicago Sixth Annual Constitutional Law Colloquium (November 2015).

PRESENTATIONS (continued)

Panel, "Privilege Issues in Insolvency Proceedings," CMBA-TMA Joint Program: Negotiating the Course of a Business Deal (October 15, 2015).

"The Law and Finance of Funding Higher Education," Case Downtown Lecture Series (May 20, 2015).

Panel, "Behind the Veil: Learning Teaching Techniques from the Best," Association of American Law Schools (AALS) annual conference (January 4, 2015).

"Toward a New Equilibrium in Personal Jurisdiction," Discussion Group: Procedural Hurdles and the Day in Court, Southeast Association of Law Schools (SEALs) conference (August 3, 2014).

Panel, "State Law Litigation of International Norms," American Society of International Law (ASIL) Annual Meeting and International Law Association (ILA) Biennial Conference (April 12, 2014).

"Trends in Student Loan Debt," St. Mary's University School of Law (Sept. 23, 2013).

"Conflicts of Interest in Legal Education," Professional Responsibility Panel, Southeast Association of Law Schools (SEALs) conference (August 4, 2013).

"Due Process in the American Identity," Law & Society Association Annual Meeting (June 2, 2013).

Panel, "Cross-Border (Multijurisdictional) Practice," Symposium: "Navigating the Practice of Law in the Wake of Ethics 20/20: Globalization, New Technologies, and What it Means to be a Lawyer in These Uncertain Times," University of Akron School of Law (April 5, 2013).

"The Right to Appeal," Central States Law Schools Associations 2012 Annual Conference (October 20, 2012).

"The Politicization of Judgment Enforcement," Frederick K. Cox International Law Center Symposium, "Presidential Power, Foreign Affairs, and the 2012 Election," Case Western Reserve University School of Law (September 27, 2012).

Moderator, International Litigation Panel, Southeast Association of Law Schools (SEALs) conference (July 29, 2012).

"A Constitutional Right to Appeal," New Scholars Panel, Southeast Association of Law Schools (SEALs) conference (July 30, 2012).

"Constitutionality of the Health Care Mandate," William K. Thomas Inn of Court (May 9, 2012).

"The Inextricable Merits Problem in Personal Jurisdiction," Florida State University College of Law (March 27, 2012).

Panel, "Judicial Discretion and Comity," Symposium: "Our Courts and the World: Transnational Litigation and Civil Procedure," Southwestern Law School (February 4, 2012).

"Recent Supreme Court Decisions Affecting Personal Jurisdiction Over Foreign Defendants," Cleveland Metropolitan Bar Association, International Law Section (December 14, 2011).

"Outsourcing and Offshoring Legal Services," Public Affairs Lunch, Case Western Reserve University (December 9, 2011).

Panel, "More than Just 'Likes' and 'Friends': The Impact of Social Media on Civil Litigation" University of Arkansas School of Law (November 4, 2011).

"The Inextricable Merits Problem in Personal Jurisdiction," University of Toledo School of Law (September 19, 2011).

Panel, "International Law in Domestic Courts," Symposium: International Law in Crisis, American Branch of the International Law Association Midwest Regional Conference (September 9, 2011).

Panel, "Comparative Lawyer Regulation: Overview and Hot Topics Including Conflicts of Interest and the Proposed Canadian Code of Ethics," The Association of Professional Responsibility Lawyers 2011 Annual Meeting (August 5, 2011).

Roundtable, "Evolution or Revolution? American Civil Procedure in the 21st Century," 2011 Southeastern Association of Law Schools Annual Conference (July 29, 2011).

"Forum Shoppers' Remorse," University of Pittsburgh School of Law (February 1, 2011).

"A Collaborative Model of Offshore Legal Outsourcing," Michigan State University School of Law (October 1, 2010).

"Theory and Practice in Offshore Legal Outsourcing," International Legal Ethics Conference IV (co-sponsored by the Stanford Center on the Legal Profession and the ABA Center for Professional Responsibility) (July 16, 2010).

"Offshore Legal Outsourcing," Ohio Legal Scholarship Workshop (June 25, 2010).

"Beyond the Torture Memos: Perceptual Filters, Cultural Commitments, and Partisan Identity," Law & Society Association Annual Meeting (May 27, 2010).

"Transnational Litigation and Institutional Choice," University of Maryland School of Law (March 11, 2010).

"The Hague Abduction Convention: Jurisdictional Deference and Precommitment," The Center for International Child Custody & Relocation, Cleveland OH (February 4, 2010).

"Transnational Access to Justice," University of Akron School of Law (November 12, 2009).

"Retrospective on *Jacobellis v. Ohio*," William K. Thomas Inn of Court (November 18, 2009).

"Transnational Access to Justice," Junior Faculty Federal Courts Conference, Michigan State University School of Law (October 23, 2009).

"Beyond the Torture Memos," Frederick K. Cox International Law Center Symposium, "After Guantanamo: The Way Forward: Four Roundtables on Reconciling National Security and the Rule of Law," Case Western Reserve University School of Law (September 11, 2009).

"Judgment, Identity, and Independence," Law & Society Association Annual Meeting (May 30, 2009).

"Identity Theory in Lawyering," Ohio Legal Scholarship Workshop (June 20, 2008).

"Judging Jury Verdicts" at Indiana University—Indianapolis Law School, Junior Scholars Exchange Workshop (January 28, 2008).

"The Numbers Crunch: Supreme Court Statistics and What They Mean for the Practitioner," for State Bar of Texas course Practice Before the Texas Supreme Court, April 2007.

"Texas Supreme Court Update," Texas Association of Appellate Court Attorneys Annual Conference, June 2006.

"Sample Issues/Points Presented," for State Bar of Texas course Practice Before the Texas Supreme Court, April 2005.

EDUCATION

THE UNIVERSITY OF TEXAS SCHOOL OF LAW. Austin, Texas.

J.D. with highest honors, May 2002

Townes-Rice scholarship (3 years, full tuition and stipend)

Order of the Coif

Chancellors

Articles Editor, *Texas Law Review*

THE UNIVERSITY OF TEXAS. Austin, Texas.

M.A., Middle Eastern Studies (1998)

M.P.Aff., LBJ School of Public Affairs (1998)

University Fellowship, 1993-94

Foreign Language Area Studies Fellowship (Arabic), 1994-95

UNIVERSITY OF WASHINGTON. Seattle, Washington.

B.A. in Political Science, August 1993, *magna cum laude*

Phi Beta Kappa

Study abroad in Cairo, Egypt (1992-93).

OTHER HONORS AND AWARDS

Case Western Reserve University Center for Innovation in Teaching and Education, Glennan Fellow, 2011-2012 (grant awarded to junior faculty for excellence in teaching and scholarship).

UCITE Learning Fellow, Case Western Reserve University, Spring 2008 (received grant to participate in semester-long seminar on teaching theory and methods).

First Place Winner, 2006 Bert W. Levit Essay Contest for Innovative Research and Writing on Lawyers' Professional Liability (sponsored by the ABA Standing Committee on Lawyers' Professional Liability and Long & Levit LLP).

INSTITUTIONAL SERVICE

Advisory Board member, University Center for Innovation in Teaching and Education (UCITE) (2014-2017; 2019-present).

Admissions Committee (Chair, 2016-17)

Appeals & Rules Committee (2011-14)

Appointments Committee (2008-11; 2018-19)

Budget Committee (2014-19; Chair, 2015-20)

Curriculum Committee (2007-08, 2013-14; 2017-18; 2020-21; Chair, 2014)

Case Western Reserve University Faculty Senate (2008-11)

Faculty Senate Finance Committee (2015-16)

Faculty Senate Library Committee (2012-14)

Faculty Senate Research Committee (2008-10)
Faculty Senate Bylaws Committee (2010-12)
Women's Law Association, Faculty Advisor (2008-15)
Niagara International Moot Court Team, Faculty Advisor (2008-13)
University Budget Committee (2017-20)
Promotion and Tenure Committee (Chair, 2020-21).

PROFESSIONAL AFFILIATIONS AND COMMUNITY SERVICE

Member, Texas Bar (Inactive)
Member, American Bar Association
Chair, Appellate Litigation Subcommittee, Civil Rights Litigation Committee - ABA Section of Litigation, 2014-present
Co-Chair, Civil Procedure Subcommittee, Civil Rights Litigation Committee - ABA Section of Litigation, 2012-14
Barrister, William K. Thomas Chapter of the American Inns of Court, 2009-12 (Program Co-Chair, 2010-11)
Associate, Robert W. Calvert Chapter of the American Inns of Court, 2003-05
Board Member, Maximum Accessible Housing of Ohio, 2016-present