

## **CAPRICE L. ROBERTS**

Associate Dean of Faculty Research & Development and Professor of Law  
West Virginia University College of Law  
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### **ACADEMIC APPOINTMENTS**

West Virginia University College of Law, Morgantown, West Virginia

Associate Dean of Faculty Research & Development (May 2008-present);  
Professor of Law (August 2007-present); Associate Professor (2002-2007),  
teaching courses in Contracts, Federal Courts, Remedies, Judicial Power &  
Restraint Seminar, and Postmodern Jurisprudence.

Washington & Lee University School of Law, Lexington, Virginia

Visiting Professor of Law (Fall 2007), taught Contracts.

University of North Carolina School of Law, Chapel Hill, North Carolina

Visiting Associate Professor of Law (Summer 2007), taught Remedies.

Brazilian Law, Business & Politics Program, Gertúlio Vargas Foundation, Rio de  
Janeiro, Brazil, & University of Vila Velha, Vitória, Brazil (WVU College of Law)

Professor of Law (Summer 2006), lectures on Comparative Role of Judges,  
Comparative Jurisprudence, Jurisdiction Stripping and Judicial  
Independence in the U.S., and Fear of Legal Colonialism.

### **LEGAL PRACTICE EXPERIENCE**

Skadden, Arps, Slate, Meagher & Flom LLP, Washington, D.C., 1999-2002

Associate, Litigation & Government Enforcement Group. Primarily  
conducted internal investigations involving the FBI, DOJ, and SEC.

### **JUDICIAL CLERKSHIPS**

Honorable Ronald Lee Gilman, Circuit Judge, United States Court of Appeals for  
the Sixth Circuit, 1998-1999

Honorable Julia Smith Gibbons, then-Chief Judge, United States District Court  
for the Western District of Tennessee, 1997-1998

## EDUCATION

Washington & Lee University School of Law, Lexington, Virginia  
Juris Doctor, *magna cum laude* (Top 10%), 1997

Honors: Order of the Coif; *Washington & Lee Law Review*, Lead Articles Editor; Hornbook Award for Highest Scholastic Average in First Year Class; Merit Scholarship; Award for Highest Grade in: Contracts, Advanced Contracts, Property, Remedies; Negotiation Competition, Regional Champion.

Rhodes College, Memphis, Tennessee  
Bachelor of Arts, *cum laude*, 1994  
Political Science Major/International Studies Minor

Honors & Activities: Phi Beta Kappa; Omicron Delta Kappa; 1991 & 1994 National Mock Trial Champion; Justice Abe Fortas Award for Excellence in Legal Studies; Honor Council and Student Government; Volunteer Reader for WYPL Radio Station.

American University, Washington, D.C.  
Washington Semester Program, 1993

Justice & Public Law Semester: Studied criminal and constitutional law; interned with People for the American Way.

Oxford University, St. John's College, Oxford, England  
British Studies Program, Summer 1991

Study of Renaissance Art History and Literature.

## PUBLICATIONS

### BOOKS

FEDERAL COURTS: CONTEXT, CASES, AND PROBLEMS (with Michael P. Allen and Michael Finch) (Aspen Publishers, Inc. 2009) (in press) (with accompanying TEACHER'S MANUAL).

REMEDIES: CASES AND MATERIALS (with Doug Rendleman) (West Group, 8th ed. forthcoming 2009) (with accompanying TEACHER'S MANUAL).

## LAW REVIEW ARTICLES

*Asymmetric World Jurisprudence*, 32 SEATTLE L. REV. 569 (2009).

*Restitutory Disgorgement as a Moral Compass of Breach of Contract*, 77 U. CINN. L. REV. 991 (2009).

*A Commonwealth of Perspective on Restitutory Disgorgement for Breach of Contract*, 65 WASH. & LEE L. REV. 945 (2008).

*Restitutory Disgorgement for Opportunistic Breach of Contract and Mitigation of Damages*, 42 LOY. L.A. L. REV. 131 (2008).

*“A Desert Grows Between Us” – The Sovereignty Paradox at the Intersection of Tribal and Federal Courts*, 65 WASH. & LEE L. REV. 347 (2008).

*In Search of Judicial Activism: Dangers in Quantifying the Qualitative*, 74 TENN. L. REV. 567 (2007).

*Ratios, (Ir)rationality & Civil Rights Punitive Awards*, 39 AKRON L. REV. 101 (2006); reprinted in PUNITIVE DAMAGES: NEW DIMENSIONS (M. N. Bhavani ed., Icfai Univ. Press 2008).

*Jurisdiction Stripping in Three Acts – A Three String Serenade*, 51 VILL. L. REV. 593 (2006).

*The Fox Guarding the Henhouse?: Recusal and the Procedural Void in the Court of Last Resort*, 57 RUTGERS L. REV. 107 (2004).

*Standing Committee on Discipline v. Yagman: Missing the Point of Ethical Restrictions on Attorney Criticism of the Judiciary*, 54 WASH. & LEE L. REV. 817 (1997).

## SCHOLARSHIP, TEACHING & SERVICE AWARDS

Significant Scholarship Award, West Virginia University College of Law (2007)

Significant Scholarship Award, West Virginia University College of Law (2006)

Outstanding Faculty Contribution, Vol. 108, West Virginia Law Review (2006)

Outstanding Faculty Contribution, Vol. 107, West Virginia Law Review (2005)

Professor of the Year, West Virginia University College of Law (2003-2004)

POLITICAL, COMMUNITY & ACADEMIC SERVICE

American Law Institute, Elected Member (2008-present)

United States Court of Appeals for the Fourth Circuit, Rules Advisory Committee Member (2007-present)

American Association of Law Schools, Remedies Section, Executive Committee Chair (2009-present); Chair Elect (2008-2009), Executive Committee Member (2007-present)

Southeastern Association of Law Schools, Mentor Committee Member (2007-present), Program Committee Member (2007-present), New Scholars Committee Member (2006-2007)

Computer-Assisted Legal Instruction ("CALI"), Editorial Board Member, focus Contracts and Remedies (2004-2006)

Democratic National Convention, Elected Obama Delegate, 1st Congressional District of West Virginia (2008)

West Virginia State Democratic Convention, Elected Delegate (2008)

Obama Legal Team for West Virginia Presidential Primary Election (2008)

Volunteer Lawyer for Obama-Biden Voter Protection (2008)

GOTV Precinct Captain for Precinct 4 in Morgantown, West Virginia (2008)

West Virginia University, Democratic Law Caucus, Faculty Advisor (2002-present)

West Virginia University, Member of multiple University and College of Law governance committees (2002-present)

Mountain State Bar Association (West Virginia's minority bar association), CLE Committee Member (2005-2006)

## ACADEMIC LECTURES & PRESENTATIONS

“Rights, Remedies, & Habeas Corpus – Legally Free But Actually Imprisoned,” Invited Discussant and Paper Presenter, Sixth Remedies Discussion Forum, University of Aix-Marseille, Aix-en-Provence, France (June 5-6, 2000)

“Asymmetric World Jurisprudence,” Invited Panelist, *Seattle Law Review* Symposium, “Alternative Judicial Visions, Seattle, Washington (April 16, 2009)

“Restitutionary Disgorgement as a Moral Compass of Breach of Contract,” Faculty Colloquium, Seattle University School of Law, Seattle, Washington (April 16, 2009)

“The Faces of Digital Entrepreneurship,” Panel Moderator, *West Virginia Law Review* Symposium, “Digital Entrepreneurship: Incentives and Legal Risks,” West Virginia University College of Law (March 27, 2009)

“Alternative Judicial Visions – Asymmetric World Jurisprudence,” Faculty Colloquium, St. Mary’s University School of Law, San Antonio, Texas (March 16, 2009)

“Restitutionary Disgorgement as a Moral Compass of Breach of Contract,” Faculty Colloquium, Capital University Law School, Columbus, Ohio (March 5, 2009)

“Stepping to the Mic: Hip Hop’s Expanding Voice in Social and Political Discourse,” Panel Moderator, Symposium, “The Evolution of Street Knowledge: Hip Hop’s Influence on Law and Culture,” West Virginia University College of Law (February 13, 2009)

“Comparative Perspectives—Pakistani Lawyers’ Movement Defending the Rule of Law and Justice,” Presenter, Constitution Day Celebration, West Virginia University College of Law (September 17, 2009)

“Roundtable: Alternative Visions of the Judicial Role,” Invited Paper Presenter, Southeastern Association of Law Schools Annual Meeting, Palm Beach, Florida (July 29, 2008)

“Restitutionary Disgorgement for Opportunistic Breach of Contract,” Presenter, Jackson Kelly PLLC, Charleston, West Virginia (June 17, 2008)

“Federalism and Same-Sex Marriage,” Invited Commentator, A Queer Definition of Equality: Exploring Major Issues in Sexual Orientation & the Law, Washington & Lee University School of Law, Lexington, Virginia (February 29, 2008)

“A Commonwealth of Perspective on Restitutionary Disgorgement for Breach of Contract,” Invited Speaker, Roundtable on Restitution and Unjust Enrichment in North America, Washington & Lee University School of Law, Lexington, Virginia (December 14, 2007)

“When Compensation Is Just Not Enough,” Panel Moderator, Second International Symposium on the Law of Remedies, Auckland, New Zealand (November 16, 2007)

“Looking Back and Moving Forward – A Recap of the Supreme Court’s 2006-2007 Term and a Preview of the 2007-2008 Term,” Invited Speaker on Detainee Jurisprudence, Hosted by American Constitution Society, Washington & Lee University School of Law, Lexington, Virginia (October 18, 2007)

“‘A Desert Grows Between Us’ – The Sovereignty Paradox at the Intersection of Tribal and Federal Courts,” Invited Commenter on Stephen McNeill’s Note (“In a Class by Themselves: A Proposal to Incorporate Tribal Courts into the Federal Court System without Compromising Their Unique Status as ‘Domestic Dependent Nations’”), *Washington & Lee Law Review* Notes Presentation Program, Lexington, Virginia (October 4, 2007)

“The Pending Restatement of Restitution,” Invited Paper Presenter, Southeastern Association of Law Schools Annual Meeting, Amelia Island, Florida (July 30, 2007)

“Restitutionary Disgorgement as the Moral Compass of Contract Breach,” Invited Discussant and Paper Presenter, Fifth Remedies Discussion Forum, Emory School of Law, Atlanta, Georgia (May 29-30, 2007)

“The Court, the Constitution, and the History of Ideas,” Commenter on Professor Scott Gerber’s Article, Ohio Legal Scholarship Workshop, Columbus, Ohio (January 27, 2007)

“Attacks on Our Courts: Justice O’Connor’s Warning,” Invited Panelist, Hosted by The Center for American Progress, The American Constitution Society for Law and Policy, and the Human Rights Campaign Foundation, Washington, D.C. (November 15, 2006)

“A Dialogue: Threats to Judicial Independence,” Presenter, Constitution Day Celebration, West Virginia University College of Law (September 18, 2006)

“The Many Faces of Judicial Activism,” Paper Presenter (“In Search of Judicial Activism”), Southeastern Association of Law Schools Annual Meeting, Palm Beach, Florida (July 17, 2006)

“Roadmap for Continued Collaboration in the Brave New World,” Panel Moderator and Organizer, *West Virginia Law Review* Symposium, “Brave New World – Developing the Legal Frontier in Light of Forensic and Biometric Advances,” West Virginia University College of Law (March 27-28, 2006)

“Judicial Confirmation Wars and the Future of the Supreme Court,” Panelist, 19th Institute on the Profession of Law, Rhodes College, Memphis, Tennessee (February 23-24, 2006)

“Ratios, (Ir)rationality & Civil Rights Punitive Awards,” Invited Discussant and Paper Presenter, ,” Fourth Remedies Discussion Forum, Louis D. Brandeis School of Law, Louisville, Kentucky (November 18-19, 2005)

“Emerging Trends in Tort Reform,” Lecturer, West Virginia Defense Trial Counsel Retreat, Shepherdstown, West Virginia (September 23, 2005)

“Supreme Court Judicial Nominations Process,” Lecturer and Panelist, “The Supreme Court: What’s at Stake” Public Discussion, Monongalia County Courthouse, Morgantown, West Virginia (September 14, 2005)

“Jurisdiction Stripping in Three Acts – A Three String Serenade,” Paper Presenter, Young Scholars’ Panel, Southeastern Association of Law Schools Annual Meeting, Hilton Head, South Carolina (July 19, 2005)

“Legal Scholarship & Gender Implications,” Lecturer, Women’s Studies Graduate Group, West Virginia University (March 8, 2005)

“The Fox Guarding the Henhouse?: Recusal and the Procedural Void in the Court of Last Resort,” Paper Presenter, Faculty Scholarship Presentation, West Virginia University College of Law (February 16, 2005)

“Choosing Our Judges: Present & Future,” Moderator and Presenter, Judicial Selection Panel, West Virginia University College of Law (January 19, 2005)

“Ramifications of the Patriot Act,” Discussion Moderator, West Virginia University College of Law (November 13, 2003)

#### BAR & COURT ADMISSIONS

United States Court of Appeals for the Fourth Circuit (2006)

District of Columbia (2000)  
Tennessee (1998)  
Georgia (1998)  
United States Court of Appeals for the Sixth Circuit (1998)

PROFESSIONAL ORGANIZATIONS

American Bar Association  
American Constitution Society  
Phi Alpha Delta

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