

LAUREN GAILEY

Visiting Assistant Professor of Law
Thomas R. Kline School of Law of Duquesne University

232 Murray Pavilion, Hanley Hall, 600 Forbes Ave., Pittsburgh, PA 15282
GaileyL@duq.edu • (412) 396-1752

EDUCATION

- Duquesne University School of Law** 2014
J.D., *summa cum laude*
- Executive Articles Editor, *Duquesne Law Review* Vol. 52
 - Associate editor, *Juris*
 - Dean's Scholarship for Excellence (2013, full-tuition award for highest 2L GPA), James P. McArdle Memorial Scholarship (2012, full-tuition award for highest 1L GPA), Gretchen G. Donaldson Endowed Scholarship (2011, full-tuition award)
 - ALI Scholarship & Leadership Award
- University of Pittsburgh**, College of Business Administration, College of Arts and Sciences 2005
B.S.B.A. Marketing, *summa cum laude*
B.A. Communication and Rhetoric, *summa cum laude*

ACADEMIC APPOINTMENT

- Thomas R. Kline School of Law of Duquesne University** 2023–present
Visiting Assistant Professor of Law
- **Courses:**
 - Civil Procedure II
 - The First Amendment: Freedom of Expression in the Modern Age
 - Civil Procedure I (with Steven Baicker-McKee)
 - Appellate Practice and Procedure (with Hon. Maureen Lally-Green)
 - **Research:**
 - Constitutional law
 - First Amendment

PUBLICATIONS

- **Work in progress:**
 - Does the Press Get Special Rights? (for publication in 2024)
- **Law reviews, journals, and books:**
 - *Is the Exclusionary Rule a Prohibition-Era Relic?*, 117 MICH. L. REV. 1135 (2019) (with Hon. Thomas M. Hardiman)
 - *Thirty Years Too Long: Why the Michigan v. Long Presumption Should Be Rejected, and What Can Be Done To Replace It*, 53 DUQ. L. REV. 483 (2015)
 - "I'm Sorry" as Evidence? *Why the Federal Rules of Evidence Should Include a New Specialized Relevance Rule To Protect Physicians*, 82 DEF. COUNS. J. 172 (2015)
 - THE PENNSYLVANIA CONSTITUTION: A TREATISE ON RIGHTS AND LIBERTIES (Ken Gormley ed., Supp. 2014) (with Joy McNally)

• **Other publications:**

- *Supreme Court Issues Decision Potentially Exposing Corporations to Jurisdiction Under State Registration Laws*, WINSTON.COM (June 28, 2023) (with Linda Coberly et al.)
- *Supreme Court: Emotional Distress Damages Not Available in Suits To Enforce the Rehabilitation Act or Affordable Care Act*, WINSTON.COM (May 3, 2022) (with Linda Coberly)
- *Supreme Court Rules on Federal Arbitration Act Jurisdiction: Federal Questions in Underlying Arbitration Provide No Basis for Federal Jurisdiction to Confirm or Vacate Arbitration Awards*, WINSTON.COM (Apr. 4, 2022) (with Andrew Tauber et al.)
- *“What Goes” for Personal Jurisdiction After Ford Motor Co.?*, WASH. LEGAL FOUND. LEGAL PULSE (July 13, 2021) (with Andrew Tauber)
- Memorandum to Civil Rules Advisory Committee re “Research on Rules Governing Jury Demands (Civil Rules 38, 39, and 81): Drafting History, Local and State Counterparts, and Decisions Involving Waiver of Jury Trial” (Aug. 11, 2017)
- Memorandum to Appellate Rules Advisory Committee re “Circuit split: Whether attorney’s fees are ‘costs on appeal’ under Appellate Rule 7” (July 28, 2017), *in* AGENDA FOR FALL 2017 MEETING OF ADVISORY COMMITTEE ON APPELLATE RULES, NOVEMBER 9, 2017, at 227
- Memorandum to Rule 30(b)(6) Subcommittee re “Surveys of (I) attorney literature pertaining to Fed. R. Civ. P. 30(b)(6); (II) case law on the issue of whether corporate deponents’ statements are ‘judicial admissions’; and (III) local and state procedural rules governing corporate depositions” (Mar. 30, 2017), *in* AGENDA FOR MEETING OF ADVISORY COMMITTEE ON CIVIL RULES, APRIL 25–26, 2017, at 249
- Memorandum to Prof. Stephen E. Sachs, Appellate Rules Advisory Committee, re “Committee’s Examination of Collateral Order Doctrine Post-*Mohawk*” (Oct. 25, 2016)
- Memorandum to Rebecca A. Womeldorf, Secretary to the Standing Committee, re “Potential conflicts between federal rules and local rules due to amendments abolishing ‘three-day rule’” (Oct. 28, 2016)
- *Uber in Pennsylvania: Is It Allowed to Operate...and Can Municipalities Say No?*, AT ISSUE, Fall 2015
- *Railroad Accident Investigation, Litigation, and Regulation Update*, PA Bar Institute CLE (2015) (with John Goetz et al.)
- *In Defense of the Third Year: A Rebuttal to the President*, BENCHER, May–June 2014, *reprinted in* DUQUESNE LAWYER, Fall–Winter 2014, at 35
- *Rule 23 Class Actions and FLSA Collective Actions: Overview, Differences, and Third Circuit Developments*, Allegheny County Bar Association Federal Court Section CLE (2014) (with Rebekah Kcehowski et al.)
- *Combating “Modern Slavery”: Federal Prosecutors Zero in on Human Trafficking*, JURIS, Summer–Fall 2014
- *Zero Tolerance Policies: Schools’ Punishments Do Not Fit the Crimes*, JURIS, Summer–Fall 2014
- *Supreme Court Recap: No “Spring Break” for the Justices*, JURIS BLOG (Mar. 13, 2014)
- *Going Rogue? Part II: Why the Refusal of State Attorneys General To Defend Laws Is a Troubling Trend*, JURIS BLOG (Feb. 10, 2014)
- *Going Rogue? State Attorneys General Decline To Defend Same-Sex Marriage Bans*, JURIS BLOG (Feb. 6, 2014)
- *Ban the Box: Formerly Convicted Citizens Get a Second Chance*, JURIS, Winter–Spring 2014

- *Getting Published: Striving for the Byline*, JURIS, Spring 2013
- *Managing Triggers: Gun Access and the Mentally Ill*, JURIS, Winter 2013
- *U.S. Supreme Court 2012–2013 Term Begins*, JURIS BLOG (Oct. 10, 2011)

PRESENTATIONS

- “Does the Press Get Special Rights?,” Junior Scholars Conference, Northeastern University School of Law, Boston, MA (Mar. 2, 2024)
- “Hot Topics at Trial,” National Association of Criminal Defense Lawyers Fall 2023 Conference, Washington, DC (Oct. 20, 2023)
- “Walking the Talk: Well-Being Best Practices,” Winston & Strawn, virtual (May 5, 2022)
- “Supreme Court Review,” Dallas Assembly 2022 Spring Seminar, Washington, DC (Apr. 9, 2022)
- “ASM + Winston & Strawn Career Panel Workshop,” After School Matters, Chicago, IL (Oct. 26, 2021)
- “CEASE Pro Bono Program,” Winston & Strawn, virtual (July 29, 2021)
- “HIV Impact Litigation,” Winston & Strawn summer program, virtual (July 30, 2020)
- “Uber’s Expansion into Pennsylvania,” W. Edward Sell American Inn of Court, Pittsburgh, PA (Jan. 21, 2015) (with Ian Michel et al.)
- “Civil Rules Amendments Affecting E-discovery,” W. Edward Sell American Inn of Court, Pittsburgh, PA (Apr. 10, 2014) (with W. Scott Hardy et al.)
- “*United States v. Windsor*: Will DOMA Survive Supreme Court Review?,” Dean John J. Sciallo Continuing Legal Education Series, Duquesne Law (Apr. 20, 2013) (with Caroline Durbin et al.)
- *NightTalk*, The Pittsburgh Cable News Channel (2011–13)

PROFESSIONAL EXPERIENCE

- | | |
|---|---------------|
| <p>Winston & Strawn LLP, Washington, DC
 <i>Of Counsel (2023–), Associate (2018–23), Appellate & Critical Motions</i></p> <ul style="list-style-type: none"> • Brief and argue appeals and high-stakes motions in U.S. Supreme Court (<i>Macquarie v. Moab</i>, No. 22-1165) and state and federal trial and appellate courts • Develop legal strategy in the early stages of litigation and advise on complex issues of procedural law • Advise clients in matters raising issues of constitutional, administrative, tort, contract, sports, securities, patent, and antitrust law | 2018–present |
| <p>Hon. Thomas M. Hardiman (C.A.3), Pittsburgh, PA
 <i>Law Clerk</i></p> | 2017–18 |
| <p>Hon. Jeffrey S. Sutton (C.A.6) & Hon. David G. Campbell (D. Az.), Washington, DC
 <i>Law Clerk to the Chair of the Standing Committee on Rules of Practice and Procedure</i></p> <ul style="list-style-type: none"> • Drafted research memoranda and meeting minutes for Standing Committee (which Judges Sutton and Campbell consecutively chaired) and Advisory Committees on Appellate, Civil, Criminal, and Evidence Rules • Assisted in drafting and editing of Sixth Circuit and District of Arizona opinions and orders | 2016–17 |
| <p>Jones Day, Pittsburgh, PA
 <i>Business and Tort Litigation Associate (2014–16), Summer Associate (2013)</i></p> | 2013, 2014–16 |

Hon. Joy Flowers Conti (W.D. Pa.) , Pittsburgh, PA <i>Judicial Extern</i>	2013
Office of the U.S. Attorney (W.D. Pa.) , Pittsburgh, PA <i>Legal Intern, Appellate Division and Criminal Division–Child Exploitation Section</i>	2012–13
WPXI-TV/The Pittsburgh Cable News Channel , Pittsburgh, PA <i>Associate Producer, NightTalk; Production Specialist</i>	2006–11

PREVIOUS ACADEMIC EXPERIENCE

Chatham University , Pittsburgh, PA	2023
• Adjunct professor, “Constitutional Law I: U.S. Government Powers and Relationships”	
Thomas R. Kline School of Law of Duquesne University	2013–14, 2018, 2023
• Adjunct professor, “The First Amendment: Freedom of Expression in the Modern Age”	
• Teaching assistant, “Advanced Constitutional Law: Current Issues” (to Hon. Thomas Hardiman)	
• Research assistant to Dean Ken Gormley	

COURT ADMISSIONS

- Pennsylvania
- District of Columbia
- Supreme Court of the United States
- U.S. Courts of Appeals for the First, Second, Third, Fourth, Fifth, Seventh, Eighth, Ninth, Eleventh, D.C., and Federal Circuits
- U.S. District Courts for the Western District of Pennsylvania, District of Columbia, and Eastern District of Pennsylvania

PROFESSIONAL AND COMMUNITY ASSOCIATIONS

- American Bar Association
 - Pennsylvania Delegate to 2015 ABA Annual Meeting, Young Lawyers Division
- Allegheny County Bar Association
 - Federal Court Council, 2022–25 term
 - LGBT Rights Committee
- American Inns of Court, W. Edward Sell Inn (Pittsburgh, PA), 2012–16
- Winston & Strawn Pro Bono Committee
- Winston & Strawn DC Recruiting Committee
- Well-Being Week in Law 2021 Large Law Firm Advisory Board
- Pittsburgh Symphony Jack Heinz Advisory Board (2023–present), New Leadership Council (2019–23)

OTHER INTERESTS

- Patron, Carnegie Museum of Natural History Department of Vertebrate Paleontology
- Conversational Russian and Italian
- Former elite competitive figure skater