

LAUREN GAILEY

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

ACADEMIC APPOINTMENT

Thomas R. Kline School of Law of Duquesne University

2025–present

Assistant Professor of Law

- **Courses:**

- Constitutional Law I & II (2024–present)
- Pennsylvania Constitutional Law (2025–present)
- State Constitutional Law: The Role of State Courts and State Constitutions in Our American Legal System (2024–present, with Hon. Thomas Saylor)
- The First Amendment: Freedom of Expression in the Modern Age (2023–present)
- Appellate Practice and Procedure (2024–present; 2023, with Hon. Maureen Lally-Green)
- Civil Procedure II (2024); Civil Procedure I (2023, with Steven Baicker-McKee)

- **Research:**

- First Amendment/Press Clause/media law
- Federal constitutional law
- State constitutional law

EDUCATION

Duquesne University School of Law

2014

J.D., *summa cum laude*, Rank: 1 of 131

- Executive Articles Editor, *Duquesne Law Review* Vol. 52
- Dean's Scholarship for Excellence (2013, highest 2L GPA), James P. McArdle Memorial Scholarship (2012, highest 1L GPA), Gretchen G. Donaldson Endowed Scholarship (2011)
- 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*

PUBLICATIONS

- **Works in progress:**

- Salvaging *Sullivan*: Protecting the Press After Actual Malice

- **Law reviews, journals, and books:**

- *What Is the Press? A New Definition for a New Media Era*, 12 J. INT'L MEDIA & ENT. L. __ (2026)
- THE PENNSYLVANIA CONSTITUTION: A TREATISE ON RIGHTS AND LIBERTIES (Ken Gormley & Joy G. McNally eds., 2d ed. Supp. 2026) (with Joy McNally)
- *Does the Press Get Special Rights?*, 12 TEX. A&M L. REV. 1045 (2025)
- THE PENNSYLVANIA CONSTITUTION: A TREATISE ON RIGHTS AND LIBERTIES (Ken Gormley & Joy G. McNally eds., 2d ed. Supp. 2025) (with Joy McNally)
- *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 et al. eds., 1st ed. Supp. 2014) (with Joy McNally)
- **Journalistic articles:**
 - *Supreme Court Casts Doubt on States’ Efforts To Restrict Social Media Content Moderation*, WINSTON.COM (July 2, 2024) (with Linda Coberly et al.)
 - *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)
 - *In Defense of the Third Year: A Rebuttal to the President*, BENCHER, May–June 2014
- **Rules Committee memoranda:**
 - 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 Hon. Neil Gorsuch and Appellate Rules Advisory Committee re “Circuit split: Whether attorney’s fees are ‘costs on appeal’ under Appellate Rule 7” (July 28, 2017)
 - 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)
 - 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)

SELECTED PRESENTATIONS

- “Seditious Libel Redux,” 2026 *Faulkner Law Review* Civil Rights Symposium, Faulkner Law, Montgomery, AL (forthcoming Apr. 17, 2026)
- “The Sum of Their Fears: ‘History and Tradition’ Coming for the First Amendment?,” Symposium – *From 1776 to Today: The Evolution of Dissent in American Law*, Widener Commonwealth Law School, Harrisburg, PA (forthcoming Mar. 20, 2026)
- “What Is the Press?,” Symposium – *“Of the Press”: Revisiting the Rights and Responsibilities of Journalists on the World Stage*, Southwestern Law School, Los Angeles, CA (Nov. 14, 2025)
- “What Is the Press?,” Rocky Mountain Junior Scholars Forum, J. Reuben Clark Law School of Brigham Young University, Provo, UT (Oct. 17, 2025)

- “First Amendment Litigation,” *Elon Law Review Symposium – Breaking News: First Amendment on Trial*, Elon University School of Law, Greensboro, NC (Sept. 19, 2025)
- “Salvaging *Sullivan*,” Aspiring Free Speech Scholars Conference, Hoover Institution, Stanford University, Palo Alto, CA (Sept. 13, 2025)
- “Salvaging *Sullivan*,” SEALS Works-in-Progress Series: Constitutional Law, SEALS 2025 Annual Meeting, Amelia Island, FL (Aug. 1, 2025)
- “Roundtable: Biden and the Federal Judiciary,” Presidential Legacy Conference – *The Joe Biden Presidency: Legacy and Record*, University of Mount Union, Alliance, OH (Apr. 10, 2025)
- “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)
- “Supreme Court Review,” Dallas Assembly 2022 Spring Seminar, Washington, DC (Apr. 9, 2022)
- “HIV Impact Litigation,” Winston & Strawn summer program, virtual (July 30, 2020)

PROFESSIONAL EXPERIENCE

<p>Winston & Strawn LLP, Washington, DC <i>Of Counsel (2023–25), Associate (2018–23), Appellate & Critical Motions</i></p> <ul style="list-style-type: none"> • Briefed and argued 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 • Developed legal strategy and advised on complex issues of jurisdiction and procedure 	2018–25
<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>	2013–16
<p>Hon. Joy Flowers Conti (W.D. Pa.), Pittsburgh, PA <i>Judicial Extern</i></p>	2013
<p>Office of the U.S. Attorney (W.D. Pa.), Pittsburgh, PA <i>Legal Intern, Appellate Division and Criminal Division–Child Exploitation Section</i></p>	2012–13
<p>WPXI-TV/The Pittsburgh Cable News Channel, Pittsburgh, PA <i>Associate Producer, NightTalk; Production Specialist</i></p>	2006–11

PREVIOUS ACADEMIC EXPERIENCE

- Thomas R. Kline School of Law of Duquesne University** 2013–14, 2018, 2023–25
- Visiting Assistant Professor of Law (2023–25)
 - Adjunct professor, The First Amendment: Freedom of Expression in the Modern Age (2023)
 - Teaching assistant to Hon. Thomas Hardiman, Advanced Con Law: Current Issues (2018)
 - Research assistant to then-Dean Ken Gormley; Teaching assistant, Con Law I & II (2013–14)
- Chatham University, Pittsburgh, PA** 2023
- Adjunct professor, Constitutional Law I: U.S. Government Powers and Relationships

COURT ADMISSIONS

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

PROFESSIONAL AND COMMUNITY ASSOCIATIONS

- Carnegie Museum of Natural History Advisory Board (2025–present)
- Pittsburgh Symphony Orchestra Jack Heinz Advisory Board (2023–present), New Leadership Council (2019–23)
- Faculty advisor, American Constitution Society
- Allegheny County Bar Association Federal Court Council, 2022–25 term
- Winston & Strawn Pro Bono Committee
- Well-Being Week in Law 2021 Large Law Firm Advisory Board
- American Inns of Court, W. Edward Sell Inn (Pittsburgh, PA), 2012–16
- Pennsylvania Delegate to 2015 ABA Annual Meeting, Young Lawyers Division

OTHER INTERESTS

- Conversational Russian and Italian
- Former elite competitive figure skater