

RICHARD L. HEPPNER JR.

ASSISTANT PROFESSOR OF LAW, THOMAS R. KLINE SCHOOL OF LAW OF DUQUESNE UNIVERSITY

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EDUCATION

Harvard Law School – J.D. *cum laude* 2008

Activities: *Harvard Journal of Law and Technology*, Notes & Comments Editor; *Unbound*, Editor; Teaching Fellow, Constitutional History, Prof. Morton Horwitz; Berkman Center for Internet and Society Clinical Program; Mather House, Non-Resident Tutor

Tufts University – M.A. and Ph.D. in English Literature 1996, 2003

Dissertation: *Dominance and Dissolution: Discourses of Subjectivity in British Modernist Literature*

Kenyon College – B.A. *magna cum laude* in English with Honors 1995

Theses: “Old English Poetical Forms in James Joyce’s *Ulysses*” (critical);
Eardstapa (The Wanderer), a novella (creative)

ACADEMIC APPOINTMENT

Thomas R. Kline School of Law of Duquesne University

Assistant Professor 2018 – present

Visiting Assistant Professor 2017 – 2018

Courses: Civil Procedure I & II; Federal Courts; Pretrial Civil Litigation Simulation; Antitrust; Introduction to Legal Education, the Lives of Lawyers, and the Legal Profession (undergraduate)

Research: civil procedure; appellate procedure; federal courts; law and literature; law and interpretation

Service: Institutional Review Board (2022-23); Creative Teaching Award Committee (2021-23); Law School Admissions Committee Chair (2019-21, 2022-23); Law School Curriculum Committee (2020-22); Law School Student Support Committee (2022-23); Organizer and host, Race, Poverty, & Democracy lecture series (2020-21); Law School Academic Status Committee (2019-20); Law School Facilities Committee (2017-18); Law School Policies Committee (2017-18)

Honors: John G. Rangos Sr. Prize for pedagogical innovation (2022 new applicant, 2023 advancing applicant); certified in online teaching and learning

PUBLICATIONS

Rooted: Metaphors and Judicial Philosophy in Artis v. District of Columbia, 56 INDIANA L. REV. 329 (March 2023).

Let the Right Ones In: The Supreme Court's Changing Approach to Justiciability, 61 DUQ. L. REV. 79 (Winter 2023).

Appealing Compelled Disclosures in Discovery that Threaten First Amendment Rights, 70 KANSAS L. REV. 101 (March 2022).

How to Raise Disagreements with Senior Attorneys, ABA TYL 26.2, Winter 2022, at 6.

Conceptualizing Appealability: Resisting the Supreme Court's Categorical Imperative, 55 TULSA L. REV. 395 (2020).

Statutory Damages and Standing after Spokeo v. Robins, 9 CONLAWNOW 125 (2018).

"Federal Court Certification of State Law Questions" *Third Circuit Appellate Practices Manual* (PBI Press Third Edition, 2016) (with Kim Watterson).

"*Navigating the Amendments to the Federal Rules of Civil Procedure*" *The Legal Intelligencer*, December 21, 2016.

"*Understanding Standing After Spokeo v. Robins*" *The Legal Intelligencer*, June 22, 2016.

"Judicial Factfinding on Appeal: Seeking Clarity in an Information Age" *Cert-worthy – DRI – The Voice of The Defense Bar*, April 22, 2016 (with James Martin, Colin Wrabley, Patrick Yingling).

"*Making Sense of Class Actions After Braun and Dukes*" *The Legal Intelligencer*, February 11, 2015 (with Kim Watterson).

"*Minimizing the Potential Risks of Multiparty Arbitration*" *The Legal Intelligencer*, January 29, 2014 (with Kim Watterson).

"*Who Says When Litigation Waives the Right to Arbitrate?*" *Law360*, January 16, 2014.

"*6th Circ. Gives Courts Say On Classwide Arbitrability*" *Law360*, December 18, 2013 (with Kim Watterson).

"*Third Circuit Grapples With Privilege and Appellate Jurisdiction*" *The Legal Intelligencer*, March 20, 2013 (with Colin Wrabley, Aditya Nagarajan).

"*Revised Removal Statutes – Possibilities, Pitfalls: Part 1*" *Law360*, February 3, 2012 (with Colin Wrabley).

Policy Disagreements with the United States Sentencing Guidelines: A Welcome Expansion of Judicial Discretion or the Beginning of the End of the Sentencing Guidelines? 50 DUQ. L. REV. 5 (2012) (with Hon. Thomas M. Hardiman).

“Mrs. Dalloway’s Invitation.” VIRGINIA WOOLF MISCELLANY Vol. 65, Spring 2004.

PRESENTATIONS

“Jurisdiction... The Game?” Mon River Colloquium, Duquesne University School of Law (April 21, 2023).

“Figurative Language in the Supreme Court’s ‘History and Tradition’ Approach to Constitutional Rights” 2023 Modern Language Association Annual Convention, San Francisco, CA (virtual) (January 6, 2023).

“Drafting Effective Motions & Briefs for Summary Judgment” CLE Presentation, American Bar Association (virtual) (December 1, 2022).

“Rooted: Lawmaking Metaphors and Judicial Philosophy” Law & Literature Discussion Group, Southeastern Association Law Schools 2022 Annual Conference, Sandestin, Florida (July 31, 2022).

“Rooted: Lawmaking Metaphors and Judicial Philosophy” Civil Procedure Works-in-Progress Series, Southeastern Association Law Schools 2022 Annual Conference, Sandestin, Florida (August 2, 2022).

“Lawmaking Metaphors in *Artis v. District of Columbia*” Law, Culture & the Humanities 2022 Conference, Emory University School of Law, (June 17, 2022).

“Immediate Appeals of Compelled Disclosures in Civil Discovery that Threaten First Amendment Rights” Civil Procedure Workshop Summer Works-In-Progress Series (virtual) (August 12, 2021).

“The Appealability of Discovery Orders That Implicate the First Amendment” Sixth Annual Civil Procedure Workshop, Northwestern Pritzker School of Law (virtual) (October 23, 2020).

“Third Circuit Appeals: Everything You Ever Wanted to Know” CLE Presentation, Allegheny County Bar Association (June 8, 2020).

“The Concept of Appealability: Resisting the Supreme Court’s Categorical Imperative” Junior Faculty Federal Courts Workshop, University of Arkansas School of Law, September 2019.

“Toward a Concept Model of ‘Finality for Appeal’” Junior Faculty Forum, University of Richmond School of Law, May 2019.

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“What We Talk About When We Talk About Law: Foregrounding Metaphors in Judicial Opinions” Mon River Colloquium, Duquesne University School of Law, March 2018.

“Statutory Damages and Standing after *Spokeo v. Robins*” The Constitution and Remedies Virtual Symposium, Center for Constitutional Law, University of Akron School of Law, November, 2017.

“Is Psychoanalysis a Modernist Science?” Panel Coordinator, North East MLA, 2004.

“‘Easter, 1916’ – ‘Remembering, Repeating, and Working-Through’” North East MLA, 2003 (earlier version presented at New Modernisms 3, Modernist Studies Association, 2001).

“Using Psychoanalysis as an Object of Study in Composition Classes” South Atlantic MLA, 2002.

“Modernism and as the Extreme” New Modernisms 4, Modernist Studies Association, 2002.

“T. S. Eliot’s Poetics: Free Verse and the Hysterical Woman” North East MLA, 2001.

“Wyndham Lewis’s *Tarr*: Sublimation, Suicide and the Escape from Art” “Escape” Conference, Harvard University, 2001.

“‘Some Astonishing Significance’: The Textual Desire in / of *Mrs. Dalloway*” Central New York Conference on Language and Literature, 2000.

“T.S. Eliot and the Subject of Criticism” Rocky Mountain MLA, 1999.

PROFESSIONAL EXPERIENCE

Reed Smith LLP, Pittsburgh, PA 2011 – 2018
Associate, Appellate Litigation.

Briefed and handled cases in federal and state appellate and supreme courts. Wrote dispositive motions in state and federal trial courts. Advised and represented clients in cases involving arbitration, conflicts of law, and preemption questions, including cases about financial regulation, employment, privacy, civil rights, antitrust, and free speech.

United States Court of Appeals for the Third Circuit 2010 – 2011
Law Clerk to Judge Thomas Hardiman.

United States District Court for the Western District of Pennsylvania 2009 – 2010
Law Clerk to Judge Nora Barry Fischer.

RICHARD L. HEPPNER JR.

Ropes & Gray LLP, Boston, MA
Associate, Litigation.

Summer 2007, 2008 – 2009

Office of the Federal Defender, Boston, MA
Legal Intern.

Summer 2006

PRIOR ACADEMIC EXPERIENCE

Slippery Rock University, Slippery Rock, PA 2003 – 2005
Instructor. “College Writing 1 and 2” and “Interpreting Literature” courses.

Allegheny College, Meadville, PA 2002 – 2003
Instructor. “Freshman Seminar” and “Reading Literature” courses.

Babson College, Wellesley, MA 2001 – 2002
Lecturer. “Rhetoric A and B” courses.

PROFESSIONAL SERVICE & AFFILIATIONS

Allegheny County Bar Association, Federal Courts Section
Chair of Civil Cases Committee, annual Third Circuit Review CLE (2019-23)

Association of American Law Schools:

Executive Committee, Section on Law and Interpretation
Member, Section on Antitrust and Economic Regulation
Member, Section on Civil Procedure
Member, Section on Federal Courts
Member, Section on Law and Humanities
Member, Section on New Law Professors

St. Edmund’s Academy, Board of Trustees (2016-23)

Higher Achievement Pittsburgh, Board (2016-20)

BAR & COURT ADMISSIONS

Pennsylvania

Massachusetts

U.S. District Court - Western District of Pennsylvania

U.S. Court of Appeals for the Third Circuit

U.S. Court of Appeals for the Ninth Circuit

U.S. Court of Appeals for the Eleventh Circuit

LANGUAGES & OTHER ACTIVITIES

Conversational French and basic Spanish; Board of Trustees, St. Edmund’s Academy;
Black Belt in Tang Soo Do.