

Christine Pedigo Bartholomew

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ACADEMIC APPOINTMENTS

University at Buffalo School of Law , Buffalo, New York	2006 – present
<i>Professor of Law</i> : Antitrust; Civil Procedure; and Evidence	2020 – present
<i>Associate Professor of Law</i> : Antitrust; Civil Procedure; and Evidence	2015 –2020
<i>Lecturer-in-Law (non-ladder)</i> : Legal Analysis, Writing, and Research	2009 – 2015
<i>Assistant Professor (non-ladder)</i> : Antitrust; Complex Civil Litigation; and Private Antitrust Suits	2006 – 2008

PUBLICATIONS

Books

LEGAL ARGUMENT: THE STRUCTURE AND EFFECTIVE LANGUAGE OF EFFECTIVE ADVOCACY (with James Gardner as Senior Co-Author) (Carolina Academic Press, 3rd ed. 2020).

Articles

Playing Nicely with Others, -- ANTITRUST L.J. -- (forthcoming 2022).

Antitrust in the Age of Class Action Reform, -- IND. L. J. -- (forthcoming 2022).

Ford's Underlying Controversy, 99 WASH. U. L. REV. 1175 (co-authored with Anya Bernstein) (2022), <http://ssrn.com/abstract=3920655>

Privilege and the Fight Against Corruption in the United States, in XLI JORNADAS INTERNACIONALES DE DERECHO PENAL, CRIMINAL CONTEMPORÁNEA Y CORRUPCIÓN: ¿EFECTIVIDAD DE LA PENA PRIVATIVA DE LA LIBERTAD? (U. Externado de Colombia) (9154 words, 2021) (translated into Spanish).

Antitrust Norms in the United States and Financial Corruption, in XLI JORNADAS INTERNACIONALES DE DERECHO PENAL, CRIMINAL CONTEMPORÁNEA Y CORRUPCIÓN: ¿EFECTIVIDAD DE LA PENA PRIVATIVA DE LA LIBERTAD? (U. Externado de Colombia) (9728 words, 2021) (translated into Spanish).

The Venue Shuffle: Forum Selection Clauses & ERISA, 66 UCLA L. REV. 862-910 (co-authored with James Wooten) (2019), <https://ssrn.com/abstract=3394587>

E-Notice, 68 DUKE L.J. 217-74 (2018), <https://dlj.law.duke.edu/article/e-notice-bartholomew-vol68-iss2/>

- Reviewed favorably in JOTWELL: THE JOURNAL OF THINGS WE LIKE (LOTS): Sergio Campos, *E-Notice and Comment on Due Process* (Sep. 23, 2019).

Exorcising the Clergy Privilege, 103 VIRG. L. REV. 1015-77 (2017), https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2930467

- Translated into Spanish and republished as *Exorcizando el Privilegio Clerical*, *Revista de Derecho Penal y Criminología*, REVISTA DE DERECHO PENAL Y CRIMINOLOGÍA, Revista del Instituto de Ciencias Penales y Crimonológicas de la Universidad Externado de Colombia (forthcoming 2020).

The Failed Superiority Experiment, 69 VAND. L. REV. 1295-1348 (2016),
<http://wp0.vanderbilt.edu/lawreview/2016/10/the-failed-superiority-experiment/>

Twiqbal in Context, 65 J. LEGAL EDUC. 744-771 (2016) (peer reviewed),
<http://jle.aals.org/home/vol65/iss4/4/>

Saving Charitable Settlements, 83 FORDHAM L. REV. 3241-3292 (2015),
http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2492539.

Redefining Prey and Predator in Class Actions, 80 BROOKLYN L. REV. 743-806 (2015),
http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2492540.

Death by Daubert: The Continued Attack on Antitrust, 35 CARDOZO L. REV. 2147-2198 (2014),
<http://cardozolawreviewcom.fatcow.com/volume-35-issue-6.html>

Time: An Empirical Analysis of Law Students Time Management Deficiencies, 81 U. CIN. L. REV. 897-952 (2013), <http://scholarship.law.uc.edu/uclr/vol81/iss3/3/>

Normalizing Trepidation & Anxiety, 48 DUQ. L. REV. 349-383 (2010) (co-authored with Johanna Oreskovic), <http://www.duq.edu/academics/schools/law/academic-programs/legal-research-and-writing-program/2009-conference/law-review>

Chapters

Daubert Motions for Class Certification vs. Proceedings on the Merits, in ANTITRUST DAUBERT HANDBOOK (ABA Antitrust Section) (13,708 words, forthcoming 2021).

Damages and Injunctive Relief, in CALIFORNIA ANTITRUST & UNFAIR COMPETITION LAW, VOL. I AND II, 493-536 (State Bar of California, 2008) (contributing author).

Essays

A Post Minimum Contacts World, JOTWELL (April 4, 2022) (reviewing Patrick J. Borchers, *Ford Motor Co. v. Montana Eighth Judicial District Court and “Corporate Tag Jurisdiction” in the Pennoyer Era*, 72 CASE W. RES. L. REV. 45 (2021)), <https://courtslaw.jotwell.com/a-post-minimum-contacts-world/>

The Reality of Class-Action Appeals, JOTWELL (January 27, 2021) (reviewing Bryan Lammon, *An Empirical Study of Class-Action Appeals* (2020), available at SSRN), <https://courtslaw.jotwell.com/the-reality-of-class-action-appeals/>.

The Catholic Church is Tightening Rules on Reporting Sexual Abuse—But Not Swearing Off Its Legal Privilege to Keep Secrets, THE CONVERSATION (May 22, 2019), (republished in 17 publications including Salon, SF Gate, Christian Today, and Connecticut Post).

- Cited in *The Catholic Church Sex Abuse Crisis: 4 Essential Reads*, THE CONVERSATION (Oct. 7, 2021), <https://theconversation.com/the-catholic-church-sex-abuse-crisis-4-essential-reads-169442>

The Empathy, Client-Orientated Lawyer Exercise, AALS TEACHING METHOD SECTION NEWSLETTER (Spring 2014).

My New Year's Resolution, AALS SECTION ON LEGAL WRITING, REASONING, AND RESEARCH NEWSLETTER (Fall 2013).

For the Love of the Case File, THE SECOND DRAFT: J. LEGAL WRITING INST. (April 2011).

The Portrayal of the Legal System in Young Adult Literature, 2 DAVIS J. OF JUV. L. & POL'Y 17-19 (1998).

AWARDS

- Chancellor's Award for Excellence in Teaching (2021)
- Mid-Atlantic Conference Academic Consortium, Outstanding Faculty Award for Student Success Institutional Winner (2021)
- Received the Law School's only teaching award, the Faculty Award, by vote of the graduating class (2021, 2020, 2019, 2018, and 2014)
- Jacob B. Hyman Distinguished Professor Award, by vote of the Black Law Students Association and the Latin American Law Students Association of the University at Buffalo School of Law (April 2018)
- Semifinalist, Antitrust Writing Awards & Rankings for *Death by Daubert* (2014), by vote of the Institute of Competition Law (composed of scholars and practitioners asked to select the top antitrust journal articles of the year)

PROFESSIONAL EXPERIENCE

Finkelstein Thompson LLP (managing attorney)

May 2004 – March 2008

Managing attorney for San Francisco branch office of DC-based law firm specializing in antitrust and consumer law. Extensive experience drafting and arguing variety of motions, covering all phases of class action litigation, including demurrers, motions to dismiss, discovery motions, motions for summary judgment, motions for class certification, and motions for preliminary and final approval in high profile, nationwide class actions. Participated in all aspects of discovery, including drafting discovery motions, managing large-scale electronic document reviews, and taking depositions. Extensive experience with pre-filing investigations and post-settlement procedures. Served as co-lead counsel and on executive committees in numerous consumer and antitrust cases.

Additional Antitrust Class Action Experience

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Berman DeValerio Pease Tabacco Burt & Pucillo
The Furth Firm

May 2003 – May 2004
June 2002 – May 2003

Bowles & Verna (associate)

Oct. 2000 – June 2002

Trial attorney in general civil litigation firm. Areas of practice included employment and insurance matters. Extensive courtroom experience, including multiple trials and arguing motions covering all phases of civil litigation.

University of California, Davis School of Law (teaching assistant)

Spring 2000

Reviewed and edited draft memoranda and briefs for first year legal writing course. Individually mentored students.

EDUCATION

University of California, Davis, School of Law, J.D. 2000 (top 15%)

Law Review, member

Journal of Juvenile Law & Policy, Editor-in-Chief

Moot Court

Extern to the Honorable Gerald E. Burrell, E.D. Cal. U.S. District Court (Summer 1998)

Civil Law Clerk: United States Attorney's Office, E.D. Cal. (Spring 2000)

San Francisco State University

B.A. in English Literature, Magna Cum Laude, 1997

Phi Beta Kappa

Worked 30-40 hours/week to underwrite college expenses

PRESENTATIONS, LECTURES, AND PANELS

“Playing Nicely with Others,” Antitrust Roundtable, Competition, Antitrust, Law & Innovation Forum (CALIF), Irvine, CA (Nov. 12, 2021).

“Private Antitrust Enforcement in the Wake of Procedural Reform,” 21st Annual Loyola Antitrust Colloquium, Institute for Antitrust Studies, Loyola University Chicago School of Law, Chicago, IL (Apr. 15-16, 2021).

“Collective Action and Competition in Business and Labor,” (moderator) Journal of Law and Political Economy: Developing the Field Workshop,” University at Buffalo School of Law, Buffalo, NY (Oct. 11-12, 2019).

“We Need to Talk: Child Victims Act Panel Discussion,” University at Buffalo School of Law, Buffalo, NY (Oct. 7, 2019).

“Antitrust Objectors and Settlements,” Third Annual Junior Faculty Works-In-Progress Conference, Chapman University Dale E. Fowler School of Law, Orange, CA (Sept. 19-21, 2019).

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“Privilege and the Fight Against Corruption in the United States” & “Antitrust Norms in the United States and Financial Corruption,” (key note speaker) Bogotá, Columbia, International Journal of Criminal Law, Contemporary Crime and Corruption: What’s the Effectiveness of Prison as Punishment? (Aug. 14-16, 2019).

“Understanding the Clergy Privilege,” 2019 UB Newman Center Bridge Lecture Series, University at Buffalo, Buffalo, NY (June 19, 2019).

“The Venue Shuffle,” Faculty Workshop, University of Akron School of Law, Akron, OH (Mar. 12, 2019).

“Deciphering Antitrust Settlements,” Antitrust Roundtable, Competition, Antitrust, Law & Innovation Forum (CALIF), Irvine, CA (Mar. 8, 2019).

“The Burden of Proof: A Town Hall on Sexual Assault & Law,” Buffalo, NY (Oct. 24, 2018).

“When the Patient Isn’t the One Who is Sick: How Procedural Changes in Antitrust Enforcement Stymie Healthcare Reform,” New Orleans, LA, ClassCrits X: Mobilizing for Resistance, Solidarity & Justice (Nov. 10-11, 2017).

“Exorcising the Clergy Privilege,” Excited Utterance Podcast (Sept. 18, 2017).

“*Twiqbal* in Context,” New York City, NY, AALS Teaching Methods Section Program (co-sponsored by the Civil Procedure Section), *The Pedagogy of Procedure: Using Civil Procedure to Showcase Innovative* (Jan. 8, 2016).

“The Failed Superiority Experiment,” Knoxville, TN, Class Crits VIII—Emerging Coalitions: Challenging the Structures of Inequality (Oct. 23-24, 2015).

“The Inferiority of Superiority,” Lexington, KY, University of Kentucky School of Law’s Developing Ideas Conference (May 19-20, 2015).

“Bridging the Gap,” SUNY Buffalo School of Law, Buffalo, NY (March 4, 2015).

“Redefining Prey and Predator in Class Actions,” Davis, CA, ClassCrits VII—Poverty, Precarity, and Work: Struggle and Solidarity in an Era of Permanent (?) Crisis (Nov. 14-15, 2014).

“Saving Charitable Settlements,” Syracuse, NY, Syracuse University College of Law Faculty Workshop (Nov. 6, 2014).

“*Time: An Empirical Analysis of Law Student Time Management Skills*” Grundy, VA, Appalachian Law School’s Faculty Development Workshop Series (Oct. 8, 2014).

“Past, Present, and Future of NYCAL,” Buffalo, NY, Civil Justice Symposium 2014: Recent Developments in Tort Law & Practice (Oct. 6, 2014) (moderator).

“Saving Charitable Settlements,” Topeka, KS, Washburn Junior Legal Writing Scholars Workshop (July 27-28, 2014).

“Redefining Prey and Predator in Class Actions,” Buffalo, NY, Vulnerability, Resilience, and Public Responsibility for Social and Economic Justice Conference (June 13-14, 2014).

“Finding Time,” Washington, D.C., American University College of Law’s Igniting Law Teaching Conference (April 4, 2014).

“Finding Time to Learn: An Empirical Analysis of 1L’s Time Management Deficiency,” Buffalo, NY ALWD Scholars Forum (June 22, 2012).

“Finding Time to Learn: An Empirical Analysis of 1L’s Time Management Deficiency,” Honolulu, HI, Law & Society Annual Meeting (June 7, 2012).

“Time Management for 1Ls,” SUNY Buffalo School of Law, Buffalo, NY (November 2010) (presentation now given annually in 1L orientation program).

“Normalizing Trepidation & Anxiety,” Pittsburgh, PA, Colonial Frontier Legal Writing Conference, Duquesne University (December 5, 2009).

AMICUS BRIEFS

TransUnion LLC v. Ramirez, No. 20-297 (U.S. 2021) (co-lead author of Brief of Complex Litigation Law Professors as Amici Curiae in Support of Respondent).

Robertson v. U.S. District Court, No. 18-1341 (U.S. 2019) (co-lead author of Brief of Amici Curiae Scholars in Support of Petition for Certiorari).

AFMS LLC v. United Parcel Services, Inc. & FedEx Corp., No. 17-1092 (U.S. 2018) (lead author of Brief of Amici Curiae Antitrust Law Professors in Support of Petition for Certiorari).

AFMS LLC v. United Parcel Services, Inc. & FedEx Corp., No. 15-55778 (9th Cir. 2017) (contributing author of Brief of Law Professors as Amicus Curiae in Support of Plaintiff-Appellant’s Petition for Rehearing or, In the Alternative, Rehearing *En Banc*).

PROFESSIONAL AFFILIATIONS

- American and California Bar Associations
- Admitted to practice law in the United States Court of Appeals for the Ninth Circuit, United States District Court for the Central District of California, the United States District Court for the Northern District of California, the United States District Court for the Eastern District of California, and in all California state courts

UNIVERSITY SERVICE

- Committee on Diversity, Equity, and Inclusion (2020-21, co-chair 2021)
- Advocacy Institute Board Member (2019-present)

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- Mitchell Lecture Committee (2019-present)
- Faculty-Student Engagement Committee (2019-2020)
- Faculty-Student Engagement Committee, Co-Chair (2018-2019)
- Committee on Committees (2018-2019; 2020-2021)
- Director of Law Review (2018-present)
- Academic Integrity Committee, Professional Schools Subcommittee (2016)
- Academic Integrity Committee (2016-2017)
- Director of Journals (2015-18)
- Chair, Law Journals Committee (2017)
- Curricular Innovation and Pedagogy Committee (chair 2016-17, co-chair 2020-present)
- Class Size Implementation Subcommittee (2015-16)
- Academic Support Implementation Subcommittee (2015-16)
- Faculty Senate (2014)
- Niagara Cup Moot Court Coach (2009, 2010, 2011, 2012)
- Desmond Moot Court Competition, Judge (2010-2013, 2019)
- Career Services Office Committee Member (2010-2016)
- Career Services Office, Judicial Externship Subcommittee Member (2009-present)
- LWR Fellow Orientation (2011)
- Moot Court Committee (2010-2016)
- Mugel Moot Court Competition, Judge (2014)

PROFESSIONAL SERVICE

- Association of Legal Writing Directors, Representative (2009-2011, 2013-2014)
- Journal of the Association of Legal Writing Directors, Peer Editor (2009-2012, 2014)
- International Law in Review Journal, Peer Editor (2009, 2011, 2013, 2014, 2017, 2018)
- AALS, Pink Ink Committee (2011)
- AALS, Website Committee (2012, 2013)
- Empire State Legal Writing Conference, Site Committee Chair (2012)
- Frederick Douglass Moot Court Competition, Memorial Grader (2009-2012)

GRANTS

ALWD Scholars Forum, Association of Legal Writing Directors, December 2011 (competitive grant for Law School to host a scholarship workshop in June 2012).

MEDIA COVERAGE AND APPEARANCES

- Interviewed for and quoted in, “Ask the Experts: Best No Credit Check Credit Cards,” wallethub.com (Apr. 12, 2022).
- Interviewed for and quoted in, “Suburban Parents are Going to Courtrooms to Get Their Kids Back in School, Buffalo News (Apr. 3, 2021).

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- Interviewed for and quoted in, “Legal Expert from UB Weighs in on Case Involving a Buffalo Man Who Stormed the Capital,” WIVB Buffalo News (Mar. 15, 2021).
- Interviewed for and quoted in, “Statues from Christ the King Seminary Went Missing, Only to Reappear for Sale at an Antique Store,” WKBW Buffalo (Feb. 26, 2021).
- Interview for and quoted in, “Douglas Jemal vows to make whole all couples that lost Hotel Henry wedding deposit,” Buffalo News (Feb. 22, 2021).
- Interviewed for and quoted in, “Local Developer Looking to Help Couples Who Lost Their Security Deposit at Hotel Henry,” WIVB Buffalo News (Feb. 22, 2021).
- Interviewed for and quoted in, “A Literal Child and His Mom Sue Nintendo Over ‘Joy-Con Drift,’” Wired (Oct. 4, 2020).
- Interviewed for and quoted in, “Class-action Lawsuit Targets Niagara Falls Hotel,” WKBW Buffalo News (Sept. 16, 2020).
- Interviewed for and quoted in, “Restaurants and Bars Serving Up Lawsuits Over Coronavirus Shutdowns,” WHAM Rochester News (Sept. 8, 2020).
- Quoted in, “Mujer Demanda a Una Iglesia Que Informó a la Policía de la Confesión que Hizo Su Esposo Sobre un Abuso Sexual,” CNN Estados Unidos (Jan. 20, 2020).
- Quoted in, “Mormon Lawsuit Could Change How Houses of Worship Report Abuse,” Religion News Service (Jan. 9, 2020).
- Interviewed for and quoted in, “Child Molester’s Wife Sues Mormon Church for \$9.5 million,” Oregon News (Jan. 8, 2020).
- Interviewed for and quoted in, “Speed Skater & Abuse Survivor Bridie Farrell Headlines UB Law Panel on Child Victims Act,” WBFO (Oct. 8, 2019).
- Interviewed for and quoted in, “UB Hosts Panel on Child Victims Act to Discuss Next Steps,” Spectrum News (Oct. 7, 2019).
- Interviewed for and quoted in, “Balance Transfer Credit Cards,” wallethub.com (Sep. 30, 2019).
- Interviewed for and quoted in, “Cloaked in Secrecy,” Green Bay Press Gazette (Aug. 21, 2019).

- Interviewed for and quoted in, “Wisconsin Catholic Leaders Vow to Tell Truth on Abuse Priests, As Victims Call for State Investigation,” Green Bay Press Gazette (Aug. 20, 2019).
- Interviewed for and quoted in, “Should Clergy Be Required to Report Abusers Who Confess?” Mother Jones (Aug. 5, 2019).
- Interviewed for and quoted in, “Pope Decrees Bishops Must be Directly Accountable for Sex Abuse or Cover-Ups,” Reuters (May 9, 2019).
- Interviewed for and quoted in, “‘Clergy Privilege’ Study Shapes Proposed Law on Protecting Abused Children,” UB News Center (Apr. 25, 2019).
- Interviewed for and quoted in, “CARE Act to Require Clergy Members to Report Child Abuse,” Lancaster Bee (Mar. 20, 2019).
- Interviewed for and quoted in, “Wallace Introduces Law that Makes Clergy Mandatory Reporters of Sex Abuse,” Cheektowaga Chronicle (Mar. 15, 2019).
- Interviewed for and quoted in, “Proposal Requires Clergy to Report Child Abuse,” WKBW (Mar. 15, 2019).
- Interviewed for and quoted in, “Cheektowaga Democrat Wants Clergy to Be Legally Required to Report Child Abuse,” WGRZ (Mar. 15, 2019).
- Interviewed for and quoted in, “Wallace Proposed Clergy Required to Report Abuse,” WBEN (Mar. 15, 2019).
- Interviewed for and quoted in, “UB Law Professor Studies Clergy Privilege, Potential Impacts in Buffalo,” WIVB (Nov. 12, 2018).
- Interviewed for and quoted in, “Clergy recast ‘privilege’ for peers accused of sex abuse,” UBNOW (Nov. 8, 2018).
- Interviewed for and quoted in, “Will the Catholic Diocese Whistleblower Face Legal Ramifications?” Spectrum News (Oct. 30, 2018).
- Interviewed for and quoted in, “Local Law Professor Talks ‘Clergy Privilege’ Rule,” WIVB (Oct. 22, 2018).
- Interviewed by James Varney, The Washington Times (June 13, 2018).
- Interviewed by Jon Hill, Law 360 (May 23, 2018).
- Interviewed for and quoted in, “Credit Inquiries—Soft vs. Hard Inquiry & Score Impact,” wallethub.com (May 18, 2018).

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- Interviewed for and quoted in, “Opioid Lawsuits Are Stacking Up. Buy Will They Pay Off for NY Counties?,” North County Public Radio (Nov. 21, 2017).
- Interviewed for and quoted in, “Andreatta: Who Can Sue Weisner?,” Democrat & Chronicle (Jan. 29, 2016).
- Interviewed for and quoted in, “Court Ruling on Class Actions Seen as Pro-Consumer,” The Daily Record (Jan. 25, 2016).
- Interviewed for and quoted in, “UB law expert calls Supreme Court’s decision on class action lawsuits a ‘big win for consumers’,” UB Reporter (Jan. 20, 2016).
- Interviewed for and quoted in, “Comcast Plans to Nix Time Warner Cable Deal,” WGRZ (May 26, 2015).
- Interviewed for and quoted in, “The Most Common Debt Collection Scams and How to Avoid Them,” *cardhub.com* (May 7, 2015).
- Interview for and quoted in, “Charter Buys Time Warner Cable for \$55.5 Billion,” WGRZ (Apr. 23, 2015).
- Interviewed for and quoted in, “Federal Judge Rejects Preliminary NCAA Concussion Settlement,” USA Today (Dec. 18, 2014).
- Interviewed for and quoted in, “NFL Concussion Lawsuit Could Have Wide Impact on Other Athletes, says UB Expert on Class Action Litigation,” UB News Center (Oct. 2014).
- Interviewed for and quoted in, “Majority of Former NFL Players Accept League’s Concussion Settlement,” The Guardian (Oct. 15, 2014).
- Interviewed for and quoted in, “NFL Class Action Settlement May Affect Other Professional Athletes,” Time Warner Cable News, (Oct. 8, 2014).
- Interview for and quoted in, “NFL Concussion Lawsuit Could Have Wide Impact on Other Athletes,” UB Reporter (Oct. 6, 2014).
- Interviewed for and quoted in, “NFL Concussion Lawsuit Could Have Wide Impact on Other Athletes, says UB Expert on Class Action Litigation,” Health News Digest (Oct. 6, 2014).