

PROMOTION RECOMMENDATION
The University of Michigan
Law School

Maureen S. Carroll, assistant professor of law, Law School, is recommended for promotion to professor of law, with tenure, Law School.

Academic Degrees:

J.D.	2009	UCLA School of Law, Los Angeles, CA
B.S.E.	1998	Princeton University, Princeton, NJ

Professional Record

2016-Present	Assistant Professor, Law School, University of Michigan
2013-2016	Bernard A. & Lenore S. Greenberg Law Review Fellow, UCLA School of Law

Summary of Evaluation

Teaching: Professor Carroll has taught three classes at Michigan: Civil Procedure, a required first-year course; Complex Litigation, an elective course for second and third years that is considered important for students interested in litigation careers; and a specialized seminar on Sexual Orientation, Gender Identity, and Law. Across the board, her teaching has been highly successful. In their written evaluations and interviews, students raved about Professor Carroll's teaching and availability to students, frequently commenting to the effect that Professor Carroll is "the best professor of my law school career thus far and the best teacher I've ever had" and describing her as an "incredible educator" who teaches with "grace and intelligence" and with "a fantastic understanding of pedagogy." The Law School student body selected Professor Carroll to receive the L. Hart Wright Teaching Award for excellence in teaching, the school's highest teaching award, in 2018. Law School colleagues who have witnessed her teaching have found her to be clear, effective, pedagogically innovative, and highly empathetic toward her students. Professor Carroll is already one of the very best teachers at Michigan Law.

Research: Professor Carroll's scholarship falls generally into the category of civil procedure and, more specifically, covers two broad sets of issues. The first concerns certification of class actions for injunctive or declaratory (i.e., non-monetary) relief. Professor Carroll's work focuses particularly on the effects of class certification rules on injunctive civil rights claims, often criticizing the federal courts' treatment of civil rights class actions. Her articles persuasively build a case that courts have failed to understand the important differences between class actions seeking monetary relief and those seeking injunctive or declaratory relief, and encourages courts to be more willing to certify injunctive and declaratory relief claims. The second area concerns judicial interpretation and application of federal fee-shifting statutes (statutes permitting prevailing plaintiffs to recover their attorney's fees from the defendant), also mostly in the civil rights litigation context. Professor Carroll shows that the law governing fee-shifting is a rather muddled morass that often undermines Congress's goal of providing full compensation to the victims of civil rights violations. In both of these areas, Professor Carroll's scholarship has made her a central voice in ongoing academic discourse over class actions, attorney's fees, and civil rights.

Recent and Significant Scholarship:

The Central Tensions of Statutory Fee *Shifting* (work-in-progress)

Civil Rights, Access to Counsel, and Injunctive Class Actions in the United States, in Cambridge International Handbook of Class Actions (Brian Fitzpatrick & Randall Thomas eds.) (forthcoming 2020)

Civil Procedure and Economic Inequality, 69 *DePaul Law Review* 269 (2020) (invited contribution to the Twenty-Fifth Annual Clifford Symposium on Tort Law and Social Policy)

Fee-Shifting Statutes and Compensation for Risk, 95 *Indiana Law Journal* 1021 (2020)

Class Actions, Indivisibility, and Rule 23(b)(2), 99 *Boston University Law Review* 59 (2019)

Class Action Myopia, 65 *Duke Law Journal* 843 (2016)

Aggregation for Me, but Not for Thee: The Rise of Common Claims in Non-Class Litigation, 36 *Cardozo Law Review* 2017 (2015)

Service: Professor Carroll's service record is outstanding. Within the Law School, she has served effectively on governance committees, including this year on the Advisory Board on Race and Racism, which is tackling a number of difficult and sensitive questions. She has also played a significant role in counselling students interested in public service careers, and giving advice and assistance to several student organizations. In the wider university, she has also provided willing service, for example by appearing on a panel at the Osher Lifelong Learning Institute. Outside the university, she has played a leading role in various professional and academic organizations, contributed to *amicus curiae* briefs, spoken to federal judges, and spoken at conferences around the country.

External Reviewers:

Reviewer A: "I have a very favorable impression of Professor Carroll's scholarship. ... The topics she chooses are timely and important. ... Professor Carroll has a deep knowledge of her subjects. Her articles are carefully and extensively researched, and her arguments reflect a firm grasp of civil procedure and complex litigation doctrine, as well as a sensitivity to the relevant policy dimensions and an appreciation of practical litigation dynamics. She writes clearly. Her analysis of the issues is rigorous and nicely balanced. She doesn't overreach; she credits opposing arguments while making her own points in a convincing way. ... Professor Carroll is well on her way to developing a major reputation in the civil procedure and civil rights fields. ... I have no hesitation in saying that Professor Carroll 'has demonstrated substantial achievement as a scholar' and 'shows promise of future achievement.' ... I can say based on the three articles I read that, in my opinion, the quality of Carroll's scholarship would meet the tenure standards here at [my institution]."

Reviewer B: "[M]y conclusion is that Professor Carroll exceeds both the requirement of 'demonstrated substantial achievement' and 'promise of future achievement.' I expect that she will have a deep and wide influence on the field of civil procedure, and will be one of its leading scholars. ... [A]ll three pieces show the strengths that will continue to propel Professor Carroll to leadership in her field, especially her depth of knowledge, her facility with the vast interconnections between different parts of civil procedure, and her creativity in bringing this knowledge and facility to bear to solve pressing legal problems. ... In sum, I think Professor Carroll is an excellent legal scholar. ... In short, I think it is clear that Professor Carroll meets the

tenure standard that you have asked me to apply. Although I have not read the full body of Professor Carroll's work, based on what I have read, she would be a clear case for tenure at either of the law schools on which I have been on the faculty...."

Reviewer C: "In sum, I think this sub-set of Prof. Carroll's scholarship constitutes a useful contribution to the literature on class actions, tackling a number of issues of considerable contemporary interest, and adding new insights on the evolution of doctrine, particularly with regard to injunctive class actions. My own tastes call for a more empirically-informed analysis of many of the issues she is tackling, but as you know I am a minority voice in the legal academy. As traditional doctrinal analysis, hers is first-rate."

Reviewer D: "..., I...conclude that, on the whole, her writings satisfy Michigan's standards for tenure. In sum, Professor Carroll has an impressive body of scholarship. She has carved out areas of real expertise, including injunctive class actions and fee-shifting statutes. She is careful to present both sides of an argument, and her research is (on the whole) quite thorough. I believe that she satisfies Michigan's standards for tenure."

Reviewer E: "The two pieces that I read are well done. They are well written and well researched; the analysis is sound; her conclusions are persuasive. The [sic] demonstrate 'high intelligence, care and perception,' in the words of your tenure standards. ... They are value contributions, and scholars will cite them. ... [T]hese two articles should count positively in your overall evaluation of her work."

Reviewer F: "Prof. Carroll has already made a huge impression on the national community of civil procedure scholars. Her work gets cited regularly, she receives frequent invitations to high-profile conferences to present her work, and she has rendered meaningful assistance to lawyers litigating important civil rights cases. Prof. Carroll is already a leading academic light. She will continue to shine, and shine even more brightly, in the years to come. I recommend her for tenure without the slightest reservation."

Reviewer G: "Carroll strikes me as a plausible if not entirely obvious candidate for tenure. I would describe her work, with no pejorative implication, as a form of ordinary science. Using fairly standard forms of policy-inflected legal analysis, Carroll's work takes a hard look at a range of procedural issues and subjects them to trenchant and thoughtful criticism. Her criticisms are almost always well taken,... Her work thus 'collect[s], organiz[es], and analyz[es]' a substantial body of law, thereby contributing to arguments for legal change within the terms of your tenure standards. Her work is of 'high quality:' it's smart and well-informed and shows promise."

Reviewer H: "These three pieces mark Maureen Carroll as one of a small cohort of junior scholars who are writing at the highest level. It is rare to find a civil procedure scholar who can engage deeply with the rules, offer astute observations about the dynamics of civil litigation and the purposes of our litigation system, and also suggest concrete changes that would make our system more logical and just. Professor Carroll succeeds on all three fronts. ... I would vote enthusiastically vote in favor of tenure were she at [my institution]."

Summary of Recommendation:

Professor Carroll is an extraordinarily dedicated and effective teacher, one of the very best the law school has welcomed to its ranks. She has produced important work on civil procedure and civil rights and is well regarded among her peer group of legal scholars. Her service to the Law School and university has been above and beyond the call of duty—she is an extremely valuable member of our community. With the enthusiastic support of the Law School faculty, I am pleased to recommend Maureen S. Carroll for promotion to professor of law, with tenure, Law School.



Mark D. West
David A. Breach Dean of Law
Nippon Life Professor of Law
Law School

May 2021