

## Matthew Reid Krell

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### Scholarly Areas of Interest

Information exchange in the litigation process; comparative constitutionalism; the legal profession and legal ethics; employment law; civil procedure; empirical legal studies; litigation process.

### Appointments

August 2024-  
Visiting Assistant Professor of Law

Willamette University College of Law

August 2022-July 2024  
Visiting Assistant Professor of Law

Washburn University School of Law

August 2021-June 2022  
Visiting Assistant Professor of Political Science

Vassar College

August 2020-November 2021  
Lecturer of Law

The University of the West Indies, Cave Hill Campus

August 2019-May 2020  
Instructor of Political Science

The University of Alabama

January 2018-May 2018  
Adjunct Professor of Law

The University of Alabama School of Law

August 2015-August 2018  
Graduate Teaching Assistant (Instructor of Record)

The University of Alabama

### Education

Ph.D. in Political Science, University of Alabama, Tuscaloosa, Alabama. May 2019.

Dissertation: "Litigants and Law: Determinants of Litigation Outcomes."

J.D., University of Alabama School of Law, Tuscaloosa, Alabama. May 2009.

Editor in Chief, *Alabama Civil Rights & Civil Liberties Law Review*; Best Paper (Constitutional Law, Business Organizations, Damages); Law Clerk, Service Employees International Union; Law Clerk, Civil Air Patrol; Research Assistant, Prof. Bill Brewbaker; Judicial Extern, The Hon. John Ott (N.D. Ala.)

B.A. in International Affairs, The George Washington University, Washington, D.C. May 2004.

Institute for Qualitative and Multi-Method Research Summer School, Syracuse University, Syracuse, New York. June 2021.

Certificate of Excellence in Teaching and Learning, Washburn University, Topeka, Kansas. April 2024.

Certificate of Excellence in Inclusive Teaching, Washburn University, Topeka, Kansas. April 2024.

## **Judicial Clerkship**

Hanan Melcer, Deputy President, Supreme Court of Israel. 2018-19.

## **Publications**

### ***Peer-Reviewed***

Wofford, C.B. and **Krell, M.R.** “Who Asked You? The (Dis-)Use of Litigant Frames in Questions Presented” (2024) *Political Science Quarterly* 139(1): 39-57.

**Krell, M.R.** “Intervention Unnecessary: Bar Associations as Public Participants in Administrative Rulemaking” (2017) *Journal of Public Affairs* 17(3): 1-10.

**Krell, M.R.** “Fear-Driven Donations: Campaign Contributions as Mechanisms for Entrenching White Supremacy” (2016) *Social Science Quarterly* 97(5): 1119-1129.

### ***Law Reviews***

**Krell, M.R.** “Consuming the Hangover: Legal Change and Litigant Choice” (2023) *Loyola Law Review* 69(2): 395-470.

**Krell, M.R.** “Judging as Soccer: Jurisprudence, Legisprudence, and Metaphor” (2018) *Elon Law Review* 10(1): 125-163.

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**Krell, M.R.** “Tenure is Dead, Long Live Student Recommendations: On Adapting Goldman’s Principles to Other Arenas” (2017) *The Green Bag 2d* 20(3): 293-296.

**Krell, M.R.** "The Ivory Tower Under Siege: A Constitutional Basis for Academic Freedom" (2011) *George Mason University Civil Rights Law Journal* 21(2): 501-540.

**Krell, M.R.** “Raising the Bar: Public Interest Lawyering in the Supreme Court” (2010) *Journal of the Legal Profession* 34(2): 275-306.

### ***Book Chapters***

**Krell, M.R.** “The Role of the U.S. Constitution Overseas,” in *The Constitution in Five Minutes* (David Klein and Joseph Smith, eds.) (April 2023)

### ***Other Publications***

**Krell, M.R.** “Introducing the *Law and Courts Venues Dataset*” (Dec. 2022) *Law and Courts Newsletter* 32(2): 15-17.

**Krell, M.R.** “Book Review, *Law and Legitimacy in the U.S. Supreme Court*” (2022) *Law and Politics Book Review* 31(2): 14-16.

**Krell, M.R.** “One Weird Trick: Process as Outcome,” *i-Connect* (2021).

**Krell, M.R.** “Book Review, *The Political Value of Time*” (2019) *Law and Politics Book Review* 29(10): 122-126.

**Krell, M.R.** “Making a List, Checking it Twice: The Mississippi Rules of Appellate Procedure Year in Review (2013) *The Mississippi Lawyer* 45(3): 61-64.

### ***Under Review***

**Krell, M.R.** *The Politics of Procedure: Trial Courts, Litigants, and Law* (book proposal) (University of Chicago Press, Temple University Press, University of Virginia Press)

### ***Invited Talks***

“Secrets and Lies: The Myths of Judicial Decision-making,” Washburn CLE, June 2023

“The Ethics of Judicial Socializing,” Topeka Bar Association, June 2023

“Plaintiff Damages Pleadings: Institutions and Incentives,” University of Texas – Dallas, January 2022

“The Power of Jury Instructions: Evidence from EEOC Cases,” University of the West Indies, November 2020

### ***Conference Presentations***

**Krell, M.R.** “Plaintiff’s Damages Pleadings: Institutions and Incentives.” Accepted for presentation at the 2023 Conference on Empirical Legal Studies, Chicago, IL, October 2023.

**Krell, M.R.** “The Hangover: Legal Change and Litigant Choice.” Presented at the AALS Junior Federal Courts Workshop, Gainesville, Florida, December 2022.

**Krell, M.R.** “Jurisprudential Regime Theory and Litigant Selection,” Presented at the 2022 Annual Meeting of the Central States Law School Association, Topeka, Kansas, September 2022

**Krell, M.R.** “The Job Changes You: The Judicial Hierarchy and Senate Questioning,” Presented at at the 2022 Annual Meeting of the Law & Society Association, Lisbon, Portugal, July 2022

**Krell, M.R.** and Wofford, C.B. “Who Asked You? The (Dis)use of Litigant Framing in Certiorari,” Presented at the 2022 Annual Meeting of the Midwest Political Science Association, Chicago, Illinois, April 2022

**Krell, M.R.** “The Power of Jury Instructions: Evidence from EEOC Cases,” Presented at the Junior Law & Society Conference, University of Massachusetts, Amherst, October 2021

**Krell, M.R.** and Millard, M.C. “Identity and Integration: Brexit and the Hidden Utility of Identity.” Accepted for Presentation at the 2020 World Congress of the International Political Science Association, Lisbon, Portugal, July 2020 (cancelled due to COVID-19).

**Krell, M.R.** “Liberal Lawyers, Conservative Judges: Norms and Nominations.” Accepted for Presentation at the 2021 Annual Meeting of the Law and Society Association, Chicago, IL, May 2021.

**Krell, M.R.** “Repeat Players in Complex Litigation.” Accepted for presentation at the 2020 Annual Meeting of the Law and Society Association, Denver, CO, May 2020 (cancelled due to COVID-19).

**Krell, M.R.** “The Power of Jury Instructions: Evidence from EEOC Cases.” Presented at the 2019 Annual Meetings of the Law and Society Association and American Political Science Association, Washington, DC, June and September 2019.

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**Krell, M.R.** "Mixed Questions of Law and Fact: The Effect of Changing Legal Standards on Litigation Outcomes." Presented at the 2019 Institutions and Law-Making Conference, Emory Law School, Atlanta, GA, February 2019.

**Krell, M.R.** "District Court Decisionmaking and Motion Practice." Presented at the 2018 Annual Meeting of the American Political Science Association, Boston, MA, September 2018.

**Krell, M.R.** "Hitting for the Cycle: The Persistence of Early Wins in Litigation Outcomes," Presented at the 2018 Annual Meeting of the Law and Society Association, Toronto, ON, June 2018.

**Krell, M.R.** "Motion Practice and Settlement Outcomes." Presented at the 2018 Annual Meeting of the Southern Political Science Association, New Orleans, LA, January 2018.

**Krell, M.R.** and Millard, M.C. "The Hidden Utility of Brexit." Presented at the 2017 Annual Meeting of the Midwest Political Science Association, Chicago, IL, April 2017.

**Krell, M.R.** "Clawback and Stickiness: The Effect of Injunction on Private-Party Regulatory Compliance." Presented at the 2017 Annual Meeting of the Midwest Political Science Association, Chicago, IL, April 2017; and the 2017 Annual Meeting of the Southern Political Science Association, New Orleans, LA, January 2017).

**Krell, M.R.** "The Sword and Shield of Pleading: Using Litigation to Limit Exposure." Presented at the 2017 Annual Meeting of the Southern Political Science Association, New Orleans, LA, January 2017.

**Krell, M.R.** "Fear and Loathing in the Judicial Process: Judicial Responses to Terrorism." Presented at the 2016 Graduate Conference on Public Law, University of Texas School of Law, Austin, TX, October 2016.

**Krell, M.R.** "Exotic Fauna and Guest Workers: Judicial Evidence of the Australian Construction of Race." Presented at the 2016 World Congress of the International Political Science Association, Poznan, Poland, July 2016.

**Krell, M.R.** "The Lash of the Clock: The Effect of Judicial Selection of Legal Standards on Litigant Choice." Presented at the 2016 Annual Meeting of the Law and Society Association, New Orleans, LA, June 2016.

**Krell, M.R.** “What You Bring to the Courthouse: Racial Context’s Effect on Federal Civil Jury Verdicts.” Presented at “The Present and Future of Civil Rights Movements: Race and Reform in 21<sup>st</sup> Century America,” Duke Law School, Durham, NC, November 2015.

**Krell, M.R.** “Intervention Unnecessary: Bar Associations Before Administrative Agencies.” Presented at the 2015 Annual Meeting of the Law & Society Association, Seattle, WA, May 2015.

**Krell, M.R.** “Twelve Men of Average Ignorance: Using Election Results to Predict Jury Verdicts.” Presented at the 2015 Annual Meeting of the Midwest Political Science Association, Chicago, IL, April 2015.

**Krell, M.R.** "Legitimizing Massive Resistance: Using 'Race-Neutral' Jurisprudence to Entrench White Supremacy." Presented at the 2015 Annual Meeting of the Southern Political Science Association, New Orleans, Louisiana, January 2015.

### ***Working Papers***

“The Power of Jury Instructions: Evidence from EEOC Cases”

“Plaintiff Pleading Practices: Institutions and Incentives”

"The Persistence of Litigation Victories, or Why Dockets Matter"

“The Job Changes You: Confirmation Hearings and the Judicial Hierarchy”

### ***Ongoing Research***

“Measuring Lawyer Quality: A Multiple Imputation Process”

“Gatekeeping the Profession: Do Bar Exams Test Competence?”

“State Capacity through Judicial Administration: The Curious Case of the West Indies Federation” (with Taneisha Means)

“Talk Amongst Yourselves: Building New Academic Units in Entrenched Bureaucracies”

### **Funded Grant Applications**

University of Alabama Travel Support Award, 2015, 2016, 2017, 2018

Department of Political Science Travel Support Award, 2015, 2016, 2017, 2018

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Capstone International Center Travel Support Award, 2016, 2018

“Black Post-Colonial and Anti-Colonial Jurisprudence in the West Indies: The Unique Case of the West Indies Federation” – Vassar College Research Fund (\$2300)

“Post-Colonial State Capacity in Judicial Administration: the Case of the West Indies Federation” – Washburn University Small Research Grant (\$2700)

“Jury Instructions Manuscript Editing” – Laura Bassi Scholarship Fund (\$250)

## **Teaching**

### **Courses Taught**

Undergraduate:

Introduction to American Politics

Comparative Politics

Political Science Methods

American Judicial System

Seminar on Litigation and Justice

Constitutional Law

Community-Engaged Learning: Interest Groups and Local Politics

Law:

Special Problems in Labor Law: Wage and Hour Law

Real Property I

Torts I

Administrative Law

Industrial Relations Law

Alternative Dispute Resolution

Jurisprudence

Civil Procedure II

Professional Responsibility

Constitutional Law II

Law and Politics

### **Courses Developed**

Undergraduate:

Law and Political Violence

Israeli Politics

Graduate:

American Judicial Politics

Comparative Judicial Politics

Administrative Regulation

## **Service**

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## **Institutional Service**

UWI: Coordinator, External Working Paper Speaker Series

UWI: Developer, Legal Skills Workshop Series

UWI: Final Disciplinary Committee

Vassar: Coordinator, Pre-Law Event, Fall 2021

Vassar: Sponsor, Community-Engaged Learning

Washburn: Faculty Sponsor, Washburn Rowing Club

Washburn: Community-Engaged Learning University Coordinating Committee

Washburn: Bonner Community Foundation Faculty Fellow

## **Disciplinary Service**

Reviewer: Routledge Publishing (Series on Commonwealth Caribbean Law); SAGE (Comparative Politics Textbooks); Intergovernmental Panel on Climate Change (Sixth Assessment Report); *Public Administration*; *Law and Politics Book Review*; *American Political Science Review*; National Science Foundation Law & Science Program; *American Politics Research*; *Legal Communication & Rhetoric*; *Public Opinion Quarterly*

Curator, *Law and Courts Venues Dataset*

Chair, Law & Society Association Dissertation Prize Committee (2022-23)

*Fundamental Liberties: A Casebook for Constitutional Law* (in progress)

## **Community Service**

Panel of Neutrals, FINRA

Remote Pro Bono Counsel, Hebrew Immigrant Aid Society

Supervising Attorney, Alternative Spring Break 2022: Name Change Clinic, Cecil C. Humphreys School of Law, University of Memphis

CLE Faculty, NBI-SEMS, "Litigating Cases in Mississippi From Start to Finish"

CLE Faculty, Washburn University School of Law, June 2023

## **Professional Experience**

### **Practice Experience**

Licensed to Practice Law: Mississippi, Alabama (inactive)

Admitted to Practice: 5th Cir., 6th Cir. 8th Cir., S.D. Ala., E.D. Ark., W.D. Ark., N.D. Miss., S.D. Miss., W.D. Tenn.

Reported cases:

*Orr v. City of Rogers, Arkansas*, 232 F. Supp. 3d 1052 (W.D. Ark. 2017)

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*Karlson v. Action Process Services & Private Investigations, LLC*, 860 F.3d 1089 (8th Cir. 2017)

*Hutton v. Maynard*, 812 F.3d 679 (8th Cir. 2016)

*Jones v. State*, 149 So. 3d 1060 (Miss Ct. App. 2014)

*Floyd-Gimon v. UAMS*, 716 F.3d 1141 (8th Cir. 2013)

*Shelton v. Arkansas DHS*, 677 F.3d 837 (8th Cir. 2012)

### **Other Experience and Honors**

Lex Arden Fikes Award, University of Alabama Department of Political Science, 2017

Graduate Council Fellow, The University of Alabama, 2014-2016, 2018-2019

Certificate in Public Interest Law, The University of Alabama School of Law, 2009

Law Clerk, Civil Air Patrol, 2008

Law Clerk, Service Employees International Union, 2007

Nominee, Edward S. Corwin Dissertation Award, 2020

### **Professional Associations**

American Political Science Association

Midwest Political Science Association

Southern Political Science Association

International Political Science Association

Law & Society Association

The Mississippi Bar

Alabama State Bar

The Bar Association for the Federal Fifth Circuit

Association of Professional Responsibility Lawyers

American Bar Association