

TESTIMONY OF CYRUS MEHRI
BEFORE THE COMMITTEE ON THE JUDICIARY
UNITED STATES SENATE

HEARING: BARRIERS TO JUSTICE:
EXAMINING EQUAL PAY FOR EQUAL WORK

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EXHIBIT 4

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Harvard Law Review, Harvard Legal Commentary.

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Publications

Books: Kevin M. Clermont, *Principles of Civil Procedure* (2005) [West's Concise Hornbook Series]

Robert C. Casad & Kevin M. Clermont, *Res Judicata: A Handbook on Its Theory, Doctrine, and Practice* (2001)

Kevin M. Clermont, *Civil Procedure: Territorial Jurisdiction and Venue* (1999) [Foundation's Turning Point Series]

Kevin M. Clermont, *Civil Procedure* [West's Black Letter Series]

Editions – 1st ed. 1982, 2d ed. 1988, 3d ed. 1993, 4th ed. 1995, 5th ed. 1999, 6th ed. 2001, 7th ed. 2004

Richard H. Field, Benjamin Kaplan & Kevin M. Clermont, *Materials for a Basic Course in Civil Procedure*

Editions – 4th ed. 1978, 5th ed. 1984, 6th ed. 1990, 7th ed. 1997, 8th ed. 2003, 9th ed. 2007

Supplements – 1979, 1980, 1981, 1982, 1983, 1986, 1987, 1988, 1989, 1991, 1992, 1993, 1994, 1995, 1996, 2000, 2001, 2002, 2005, 2006

Teacher's Manuals – 1979, 1984, 1990, 1998, 2005, 2007

Robert S. Summers, Kevin M. Clermont, Robert A. Hillman, Sheri Lynn

Johnson, John J. Barceló III & Doris Marie Provine, *Law: Its Nature, Functions, and Limits*

Edition—3d ed. 1986

Teacher's Manual—1986

Kevin M. Clermont (editor), *Federal Rules of Civil Procedure Booklet* [Foundation Press]

Editions—1978, 1980, 1982, 1983, 1984, 1986, 1987, 1988, 1989, 1990, 1991, 1992, 1993, 1994, 1995, 1996, 1997, 1998, 1999, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008

Kevin M. Clermont (editor), *Judicial Code and Rules of Procedure in the Federal Courts Booklet* [Foundation Press]

Editions—2002, 2003, 2004, 2005, 2006, 2007, 2008

John J. Barceló III & Kevin M. Clermont (editors), *A Global Law of Jurisdiction and Judgments: Lessons from The Hague* (2002)

Kevin M. Clermont (editor), *Civil Procedure Stories*

Editions—2004, 2008

Substantial

Articles: Kevin M. Clermont, *Litigation Realities Redux*, 84 *Notre Dame L. Rev.* (forthcoming 2009), adapted from *Litigation Realities Renewed*, *Academia Sinica* (forthcoming 2009)

Kevin M. Clermont & Stewart J. Schwab, *Employment Discrimination Plaintiffs in Federal Court: From Bad to Worse?*, 2 *Harv. L. & Pol'y Rev.* (forthcoming 2009)

Kevin M. Clermont, *The Story of Piper: Forum Matters*, in *Civil Procedure Stories* 199-231 (2d ed. 2008)

Kevin M. Clermont & Theodore Eisenberg, *CAFA Judicata: A Tale of Waste and Politics*, 156 *U. Pa. L. Rev.* 1553 (2008)

Kevin M. Clermont & Theodore Eisenberg, *Foreigners' Fate in America's Courts: Empirical Legal Research*, 1 *Academia Sinica L.J.* 237-82 (2007)

Kevin M. Clermont & Theodore Eisenberg, *Xenophilia or Xenophobia in U.S. Courts? Before and After 9/11*, 4 *J. Empirical Legal Stud.* 441-64 (2007)

Kevin M. Clermont, *Integrating Transnational Perspectives into Civil Procedure: What Not to Teach*, 56 *J. Legal Educ.* 524-38 (2007)

- Kevin M. Clermont, *Reverse-Erie*, 82 Notre Dame L. Rev. 1-58 (2006)
- Kevin M. Clermont & John R.B. Palmer, *Exorbitant Jurisdiction*, 58 Me. L. Rev. 473-505 (2006)
- Kevin M. Clermont, *Jurisdictional Fact*, 91 Cornell L. Rev. 973-1020 (2006)
- Kevin M. Clermont, *The Role of Private International Law in the United States: Beating the Not-Quite-Dead Horse of Jurisdiction*, 2 CILE Studies: Private Law, Private International Law & Judicial Cooperation in the EU-US Relationship 75-114 (2005)
- Kevin M. Clermont & John R.B. Palmer, *French Article 14 Jurisdiction, Viewed from the United States*, in *De tous horizons: Mélanges Xavier Blanc-Jouvan* 473-97 (Société de Législation Comparée 2005)
- Kevin M. Clermont, *Common-Law Compulsory Counterclaim Rule: Creating Effective and Elegant Res Judicata Doctrine*, 79 Notre Dame L. Rev. 1745-60 (2004)
- Kevin M. Clermont, *Standards of Proof in Japan and the United States*, 37 Cornell Int'l L.J. 263-84 (2004), translated in 33 J. Japanese Inst. Int'l Bus. L. 611, 779 (2005), reprinted in *Theories of American Civil Procedure* 139 (Masahiko Omura & Koichi Miki eds. & trans., 2006)
- Kevin M. Clermont, *A Global Law of Jurisdiction and Judgments: Views from the United States and Japan*, 37 Cornell Int'l L.J. 1-26 (2004), translated in 33 J. Japanese Inst. Int'l Bus. L. 917, 1071 (2005), reprinted in *Theories of American Civil Procedure* 295 (Masahiko Omura & Koichi Miki eds. & trans., 2006)
- Kevin M. Clermont, *The Story of Piper: Fracturing the Foundation of Forum Non Conveniens*, in *Civil Procedure Stories* 193-216 (2004)
- Kevin M. Clermont & Stewart J. Schwab, *How Employment Discrimination Plaintiffs Fare in Federal Court*, 1 J. Empirical Legal Stud. 429-58 (2004)
- Kevin M. Clermont, Theodore Eisenberg & Stewart J. Schwab, *How Employment-Discrimination Plaintiffs Fare in the Federal Courts of Appeals*, 7 Employee Rts. & Emp. Pol'y J. 547-67 (2003)
- Kevin M. Clermont, *Foreword: Why Comparative Civil Procedure?*, to Kuo-Chang Huang, *Introducing Discovery into the Civil Law* ix-xxii (2003)
- Kevin M. Clermont, *Teaching Civil Procedure Through Its Top Ten Cases, Plus or Minus Two*, 47 St. Louis U. L.J. 111-25 (2003)

- Kevin M. Clermont & Theodore Eisenberg, Judge Harry Edwards: A Case in Point!, 80 Wash. U. L.Q. 1275-89 (2002)
- Kevin M. Clermont & Kuo-Chang Huang, Converting the Draft Hague Treaty into Domestic Jurisdictional Law, in A Global Law of Jurisdiction and Judgments: Lessons from The Hague 191-234 (2002)
- Kevin M. Clermont & Emily Sherwin, A Comparative Puzzle: Standards of Proof, in Law and Justice in a Multistate World 629-44 (James A.R. Nafziger & Symeon C. Symeonides eds., 2002)
- Kevin M. Clermont & Emily Sherwin, A Comparative View of the Standards of Proof, 50 Am. J. Comp. L. 243-75 (2002), translated in 47 China L.J. 117 (2002), and Kuo-Chang Huang, New Perspective of Civil Procedure Theory ch. 2 (2005)
- Kevin M. Clermont & Theodore Eisenberg, Litigation Realities, 88 Cornell L. Rev. 119-54 (2002)
- Kevin M. Clermont & Theodore Eisenberg, Plaintiffphobia in the Appellate Courts: Civil Rights Really Do Differ from Negotiable Instruments, 2002 U. Ill. L. Rev. 947-77
- Kevin M. Clermont & Theodore Eisenberg, Appeal from Jury or Judge Trial: Defendants' Advantage, 3 Am. L. & Econ. Rev. 125-64 (2001)
- Kevin M. Clermont & Theodore Eisenberg, Anti-Plaintiff Bias in the Federal Appellate Courts, 84 Judicature 128-34 (2000)
- Kevin M. Clermont, Jurisdictional Salvation and the Hague Treaty, 85 Cornell L. Rev. 89-133 (1999)
- Kevin M. Clermont & Theodore Eisenberg, Do Case Outcomes Really Reveal Anything About the Legal System? Win Rates and Removal Jurisdiction, 83 Cornell L. Rev. 581-607 (1998)
- Kevin M. Clermont & Theodore Eisenberg, Simplifying the Choice of Forum: A Reply, 75 Wash. U. L.Q. 1551-59 (1997)
- Kevin M. Clermont & Theodore Eisenberg, Xenophilia in American Courts, 109 Harv. L. Rev. 1120-43 (1996), translated in 25 Kokusai Syoji Hōmu 9 (1997)
- Theodore Eisenberg & Kevin M. Clermont, Trial by Jury or Judge: Which Is Speedier?, 79 Judicature 176-80, 199 (1996)
- Kevin M. Clermont & Theodore Eisenberg, Exorcising the Evil of Forum-Shopping, 80 Cornell L. Rev. 1507-35 (1995)
- Kevin M. Clermont & Theodore Eisenberg, Trial by Jury or Judge:

Transcending Empiricism, 77 Cornell L. Rev. 1124-77 (1992),
reprinted in Nat'l Trial Law., Jan. 1993, at 44, Mar. 1993, at 57,
May 1993, at 85

Kevin M. Clermont, Procedure's Magical Number Three: Psychological
Bases for Standards of Decision, 72 Cornell L. Rev. 1115-56 (1987)

Benjamin Kaplan & Kevin M. Clermont, Ordinary Proceedings in First
Instance: England and the United States, 16 Int'l Ency. Comp. L.
ch. 6 (1984)

Kevin M. Clermont, Restating Territorial Jurisdiction and Venue for
State and Federal Courts, 66 Cornell L. Rev. 411-63 (1981)

Kevin M. Clermont & John D. Currivan, Improving on the Contingent
Fee, 63 Cornell L. Rev. 529-639 (1978)

Selected Other

Writings: Clermont, Reading Skokie,

<http://www2.cali.org//autopublish/lessons/9000343/> (2007)

Clermont, Trial by Jury: Point/Counterpoint, Cornell L.F., Spring 2005,
at 10

Clermont, Civil Procedure Archaeology, in Civil Procedure Stories 1
(2008)

Clermont, An Introduction to the Hague Convention, in A Global Law
of Jurisdiction and Judgments: Lessons from The Hague 3 (2002)

Clermont, Justice en Nouvelle-France, Je Me Souviens, Fall 1999, at 5

Clermont & Clermont, Father and Daughter Genealogy, Je Me
Souviens, Spring 1997, at 11

Eisenberg & Clermont, Courts in Cyberspace, 46 J. Legal Educ. 94
(1996)

Eisenberg & Clermont, Empirical Legal Resources,
<http://empirical.law.cornell.edu/> (2002)

Clermont (contributor), The Oxford Companion to the Supreme Court
of the United States (K. Hall ed.-in-chief, 1992) (2d ed. 2005)

Clermont & Hillman, Why Law Teachers Should Teach
Undergraduates, 41 J. Legal Educ. 289 (1991)

Clermont, A Decade of "Curricular Reform," Cornell L.F., Mar. 1990,
at 7

Professor Clermont on Civil Procedure, Cornell L.F., Feb. 1989, at 10

Clermont, Surveying Work Product, 68 Cornell L. Rev. 755 (1983)

Clermont, A Tribute to Roger Cramton, Cornell L.F., June 1980, at 34

Clermont, Resolving the Law School's Biggest Problem, Cornell L.F.,
Feb. 1979, at 16

Pugh, Abt & Clermont, U.S. Tax Aspects of Acquisition of U.S.
Corporations by Canadian Corporations, in Tax and Other
Problems Across the U.S.-Canada Border 73 (1974)

Bonini, Clermont et al., Predicting the Shape of Intrusive Bodies from
Gravity Data: Crazy Mountains and Little Rocky Mountains,
Montana, 250 Transactions Soc'y Mining Eng'rs 167 (1971)

The Supreme Court, 1969 Term, 84 Harv. L. Rev. 30, 90-100 (1970)

Developments in the Law – Federal Habeas Corpus, 83 Harv. L. Rev.
1038, 1208-38, 1263-74 (1970)