

# LAUREN GAILEY

Visiting Assistant Professor of Law  
Thomas R. Kline School of Law of Duquesne University

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## EDUCATION

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- Duquesne University School of Law** 2014  
J.D., *summa cum laude*, Rank: 1 of 131
- Executive Articles Editor, *Duquesne Law Review* Vol. 52
  - Dean's Scholarship for Excellence (2013, highest 2L GPA), James P. McArdle Memorial Scholarship (2012, highest 1L GPA), Gretchen G. Donaldson Endowed Scholarship (2011)
  - ALI Scholarship & Leadership Award
- University of Pittsburgh**, College of Business Administration, College of Arts and Sciences 2005  
B.S.B.A. Marketing, *summa cum laude*  
B.A. Communication and Rhetoric, *summa cum laude*

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## ACADEMIC APPOINTMENT

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- Thomas R. Kline School of Law of Duquesne University** 2023–present  
*Visiting Assistant Professor of Law*
- **Courses:**
    - Constitutional Law I & II (2024–25)
    - State Constitutional Law: The Role of State Courts and State Constitutions in Our American Legal System (2024, with Hon. Thomas Saylor)
    - The First Amendment: Freedom of Expression in the Modern Age (2025; 2024)
    - Appellate Practice and Procedure (2024; 2023, with Hon. Maureen Lally-Green)
    - Civil Procedure II (2024); Civil Procedure I (2023, with Steven Baicker-McKee)
  - **Research:**
    - Constitutional law
    - First Amendment/Press Clause

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## PUBLICATIONS

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- **Work in progress:**
  - Saving *Sullivan*: Protecting Press Defendants by Defining the Press
- **Law reviews, journals, and books:**
  - *Does the Press Get Special Rights?*, 12 TEX. A&M L. REV. \_\_\_\_ (2025)
  - THE PENNSYLVANIA CONSTITUTION: A TREATISE ON RIGHTS AND LIBERTIES (Ken Gormley & Joy G. McNally eds., 2d ed. Supp. 2025) (with Joy McNally)
  - *Is the Exclusionary Rule a Prohibition-Era Relic?*, 117 MICH. L. REV. 1135 (2019) (with Hon. Thomas M. Hardiman)
  - *Thirty Years Too Long: Why the Michigan v. Long Presumption Should Be Rejected, and What Can Be Done To Replace It*, 53 DUQ. L. REV. 483 (2015)
  - *"I'm Sorry" as Evidence? Why the Federal Rules of Evidence Should Include a New Specialized Relevance Rule To Protect Physicians*, 82 DEF. COUNS. J. 172 (2015)
  - THE PENNSYLVANIA CONSTITUTION: A TREATISE ON RIGHTS AND LIBERTIES (Ken Gormley et al. eds., 1st ed. Supp. 2014) (with Joy McNally)

• **Other publications:**

- *Supreme Court Casts Doubt on States’ Efforts To Restrict Social Media Content Moderation*, WINSTON.COM (July 2, 2024) (with Linda Coberly et al.)
- *Supreme Court Issues Decision Potentially Exposing Corporations to Jurisdiction Under State Registration Laws*, WINSTON.COM (June 28, 2023) (with Linda Coberly et al.)
- *Supreme Court: Emotional Distress Damages Not Available in Suits To Enforce the Rehabilitation Act or Affordable Care Act*, WINSTON.COM (May 3, 2022) (with Linda Coberly)
- *Supreme Court Rules on Federal Arbitration Act Jurisdiction: Federal Questions in Underlying Arbitration Provide No Basis for Federal Jurisdiction to Confirm or Vacate Arbitration Awards*, WINSTON.COM (Apr. 4, 2022) (with Andrew Tauber et al.)
- *“What Goes” for Personal Jurisdiction After Ford Motor Co.?*, WASH. LEGAL FOUND. LEGAL PULSE (July 13, 2021) (with Andrew Tauber)
- Memorandum to Civil Rules Advisory Committee re “Research on Rules Governing Jury Demands (Civil Rules 38, 39, and 81): Drafting History, Local and State Counterparts, and Decisions Involving Waiver of Jury Trial” (Aug. 11, 2017)
- Memorandum to Appellate Rules Advisory Committee re “Circuit split: Whether attorney’s fees are ‘costs on appeal’ under Appellate Rule 7” (July 28, 2017)
- Memorandum to Rule 30(b)(6) Subcommittee re “Surveys of (I) attorney literature pertaining to Fed. R. Civ. P. 30(b)(6); (II) case law on the issue of whether corporate deponents’ statements are ‘judicial admissions’; and (III) local and state procedural rules governing corporate depositions” (Mar. 30, 2017)
- Memorandum to Prof. Stephen E. Sachs, Appellate Rules Advisory Committee, re “Committee’s Examination of Collateral Order Doctrine Post-*Mohawk*” (Oct. 25, 2016)
- Memorandum to Rebecca A. Womeldorf, Secretary to the Standing Committee, re “Potential conflicts between federal rules and local rules due to amendments abolishing ‘three-day rule’” (Oct. 28, 2016)
- *Uber in Pennsylvania*, AT ISSUE, Fall 2015
- *In Defense of the Third Year: A Rebuttal to the President*, BENCHER, May–June 2014

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**PRESENTATIONS**

- “Does the Press Get Special Rights?,” Junior Scholars Conference, Northeastern University School of Law, Boston, MA (Mar. 2, 2024)
- “Hot Topics at Trial,” National Association of Criminal Defense Lawyers Fall 2023 Conference, Washington, DC (Oct. 20, 2023)
- “Supreme Court Review,” Dallas Assembly 2022 Spring Seminar, Washington, DC (Apr. 9, 2022)
- “HIV Impact Litigation,” Winston & Strawn summer program, virtual (July 30, 2020)
- “Uber’s Expansion into Pennsylvania,” W. Edward Sell American Inn of Court, Pittsburgh, PA (Jan. 21, 2015) (with Ian Michel et al.)
- “Civil Rules Amendments Affecting E-discovery,” W. Edward Sell American Inn of Court, Pittsburgh, PA (Apr. 10, 2014) (with W. Scott Hardy et al.)
- “*United States v. Windsor*: Will DOMA Survive Supreme Court Review?,” Dean John J. Sciallo Continuing Legal Education Series, Duquesne Law (Apr. 20, 2013) (with Caroline Durbin et al.)

**PROFESSIONAL EXPERIENCE**

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- Winston & Strawn LLP**, Washington, DC 2018–25  
*Of Counsel (2023–), Associate (2018–23), Appellate & Critical Motions*
- Briefed and argued appeals and high-stakes motions in U.S. Supreme Court (*Macquarie v. Moab*, No. 22-1165) and state and federal trial and appellate courts
  - Developed legal strategy and advised on complex issues of jurisdiction and procedure
  - Advised clients in high-profile, high-stakes matters raising issues of constitutional, administrative, tort, contract, sports, securities, patent, and antitrust law
- Hon. Thomas M. Hardiman (C.A.3)**, Pittsburgh, PA 2017–18  
*Law Clerk*
- Hon. Jeffrey S. Sutton (C.A.6) & Hon. David G. Campbell (D. Az.)**, Washington, DC 2016–17  
*Law Clerk to the Chair of the Standing Committee on Rules of Practice and Procedure*
- Drafted research memoranda and meeting minutes for Standing Committee (which Judges Sutton and Campbell consecutively chaired) and Advisory Committees on Appellate, Civil, Criminal, and Evidence Rules
  - Assisted in drafting and editing of Sixth Circuit and District of Arizona opinions and orders
- Jones Day**, Pittsburgh, PA 2013–16  
*Business and Tort Litigation Associate (2014–16), Summer Associate (2013)*
- Hon. Joy Flowers Conti (W.D. Pa.)**, Pittsburgh, PA 2013  
*Judicial Extern*
- Office of the U.S. Attorney (W.D. Pa.)**, Pittsburgh, PA 2012–13  
*Legal Intern, Appellate Division and Criminal Division–Child Exploitation Section*
- WPXI-TV/The Pittsburgh Cable News Channel**, Pittsburgh, PA 2006–11  
*Associate Producer, NightTalk; Production Specialist*

**PREVIOUS ACADEMIC EXPERIENCE**

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- Chatham University**, Pittsburgh, PA 2023
- Adjunct professor, Constitutional Law I: U.S. Government Powers and Relationships
- Thomas R. Kline School of Law of Duquesne University** 2013–14, 2018, 2023
- Adjunct professor, The First Amendment: Freedom of Expression in the Modern Age
  - Teaching assistant, Advanced Constitutional Law: Current Issues (to Hon. Thomas Hardiman)
  - Research assistant to then-Dean Ken Gormley

**COURT ADMISSIONS**

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- Pennsylvania
- District of Columbia
- Supreme Court of the United States
- U.S. Courts of Appeals for the First, Second, Third, Fourth, Fifth, Sixth, Seventh, Eighth, Ninth, Eleventh, D.C., and Federal Circuits
- U.S. District Courts for the District of Columbia, Eastern District of Pennsylvania, and Western District of Pennsylvania

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**PROFESSIONAL AND COMMUNITY ASSOCIATIONS**

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- Allegheny County Bar Association Federal Court Council, 2022–25 term
- Winston & Strawn Pro Bono Committee
- Well-Being Week in Law 2021 Large Law Firm Advisory Board
- American Inns of Court, W. Edward Sell Inn (Pittsburgh, PA), 2012–16
- Pennsylvania Delegate to 2015 ABA Annual Meeting, Young Lawyers Division
- Pittsburgh Symphony Jack Heinz Advisory Board (2023–present), New Leadership Council (2019–23)

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**OTHER INTERESTS**

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- Patron, Carnegie Museum of Natural History Department of Vertebrate Paleontology
- Conversational Russian and Italian
- Former elite competitive figure skater