Arthur D. Hellman
Professor of Law Emeritus
Distinguished Faculty Scholar
University of Pittsburgh
School of Law

Office Address:
University of Pittsburgh
School of Law
Pittsburgh, PA 15260
(412) 648-1340
E-mail: hellman@pitt.edu

Home Address:
5600 Munhall Road
Apartment 503
Pittsburgh, PA 15217
(412) 521-0756

Books and Monographs

FIRST AMENDMENT LAW: FREEDOM OF EXPRESSION AND FREEDOM OF RELIGION (Carolina Academic Press, Fourth Edition forthcoming 2018) (with William D. Araiza, Thomas E. Baker, and Ashutosh A. Bhagwat).

FEDERAL COURTS: CASES AND MATERIALS ON JUDICIAL FEDERALISM AND THE LAWYERING PROCESS (Carolina Academic Press, Fourth Edition 2017) (with David R. Stras, Ryan W. Scott, and F. Andrew Hessick).

FIRST AMENDMENT LAW: FREEDOM OF EXPRESSION AND FREEDOM OF RELIGION (LexisNexis, Third Edition 2014) (with William D. Araiza and Thomas E. Baker).

FEDERAL COURTS: CASES AND MATERIALS ON JUDICIAL FEDERALISM AND THE LAWYERING PROCESS (LexisNexis, Third Edition 2013) (with Lauren K. Robel and David R. Stras).

JUDICIAL CODE SUPPLEMENT, 2016 EDITION (LexisNexis 2016) (with Lauren K. Robel and David R. Stras). Previous editions published annually 2005-2015.

FIRST AMENDMENT LAW: FREEDOM OF EXPRESSION AND FREEDOM OF RELIGION, 2016 SUPPLEMENT (LexisNexis 2016) (with William D. Araiza and Thomas E. Baker). Supplements also published annually 2006 through 2015.

FEDERAL COURTS: CASES AND MATERIALS ON JUDICIAL FEDERALISM AND THE LAWYERING PROCESS, 2016 SUPPLEMENT (LexisNexis 2016) (with Lauren K. Robel). Supplements also published annually 2005 through 2015.

FIRST AMENDMENT LAW: FREEDOM OF EXPRESSION AND FREEDOM OF RELIGION (LexisNexis, Second Edition 2010) (with William D. Araiza and Thomas E. Baker).

FEDERAL COURTS: CASES AND MATERIALS ON JUDICIAL FEDERALISM AND THE LAWYERING PROCESS (LexisNexis, Second Edition 2009) (with Lauren K. Robel and David R. Stras).

FIRST AMENDMENT LAW: FREEDOM OF EXPRESSION AND FREEDOM OF RELIGION (LexisNexis 2006) (with William D. Araiza and Thomas E. Baker).

FEDERAL COURTS: CASES AND MATERIALS ON JUDICIAL FEDERALISM AND THE LAWYERING PROCESS (LexisNexis 2005) (with Lauren K. Robel).

THE FIRST AMENDMENT: CASES, MATERIALS AND PROBLEMS, 2005 SUPPLEMENT (LexisNexis 2005) (with Russell L. Weaver). Supplements also published in 2002, 2003, and 2004.

THE FIRST AMENDMENT: CASES, MATERIALS AND PROBLEMS (LexisNexis 2002) (with Russell L. Weaver).

UNRESOLVED INTERCIRCUIT CONFLICTS: THE NATURE AND SCOPE OF THE PROBLEM (Federal Judicial Center 1996) (supplementing Phase I report transmitted to Congress by the Chief Justice pursuant to Judicial Improvements Act of 1990).

RESTRUCTURING JUSTICE: THE INNOVATIONS OF THE NINTH CIRCUIT AND THE FUTURE OF THE FEDERAL COURTS (general editor and contributor) (Cornell University Press, 1990).

LAWS AGAINST MARIJUANA: THE PRICE WE PAY (University of Illinois Press, 1975).

Studies of Federal Judicial Ethics

Proposed Amendments to the Federal Judicial Misconduct Rules: Comments and Suggestions, U. of Pittsburgh Legal Studies Research Paper No. 2015-10, http://ssrn.com/abstract=2554596 (2014).

When Judges Misbehave, Off the Bench, PITT LAW MAGAZINE, Fall 2014.

Impeaching a Federal Judge: Some Lessons from History, U. of Pittsburgh Legal Studies Research Paper No. 2014-37 (2014), https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2500786.

The Federal Judicial Conduct and Disability System: Unfinished Business for Congress and for the Judiciary, U. of Pittsburgh Legal Studies Research Paper No. 2014-19 (2013), https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2435287.

When Judges Are Accused: An Initial Look at the New Federal Judicial Misconduct Rules, 22 NOTRE DAME J. LAW, ETHICS & PUBLIC POLICY 325 (2008).

The Regulation of Judicial Ethics in the Federal System: A Peek Behind Closed Doors, 69 U. PITT. L. REV. 189 (2007).

Judges Judging Judges: The Federal Judicial Misconduct Statutes and the Breyer Committee Report, 21 JUSTICE SYSTEM JOURNAL 426 (2007).

Studies of Federal Jurisdiction

The "Fraudulent Joinder Prevention Act of 2016": A New Standard and a New Rationale for an Old Doctrine, THE FEDERALIST SOCIETY REVIEW, Vol. 17, at 34 (2016), U. of Pittsburgh Legal Studies Research Paper No. 2016-19, https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2812934.

Neutralizing the Stratagem of "Snap Removal": A Proposed Amendment to the Judicial Code, FEDERAL COURTS LAW REVIEW, Vol. 9, Issue 3, at 103, Summer 2016 (with Lonny Hoffman, Thomas D. Rowe, Jr., Joan E. Steinman and Georgene M. Vairo), U. of Pittsburgh Legal Studies Research Paper No. 2016-23, https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2821913.

A First Look at the Proposed "Fraudulent Joinder Prevention Act of 2015," U. of Pittsburgh Legal Studies Research Paper No. 2015-35, http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2669532.

Studies of the United States Supreme Court

Reining In the Supreme Court: Are Term Limits the Answer?, in REFORMING THE COURT: TERM LIMITS FOR SUPREME COURT JUSTICES (Roger C. Cramton and Paul D. Carrington eds.) (Carolina Academic Press 2006).

Never the Same River Twice: The Empirics and Epistemology of Intercircuit Conflicts, 63 U. PITT. L. REV. 81-157 (2001).

Light on a Darkling Plain: Intercircuit Conflicts in the Perspective of Time and Experience, 1998 SUPREME COURT REVIEW 247-302 (1999).

The Shrunken Docket of the Rehnquist Court, 1996 SUPREME COURT REVIEW 403-438 (1997).

By Precedent Unbound: The Nature and Extent of Unresolved Intercircuit Conflicts, 56 U. PITT. L. REV. 693-800 (1995).

Preserving the Essential Role of the Supreme Court: A Comment on Justice Rehnquist's Proposal, 14 FLA. ST. U.L. REV. 15-34 (1986).

Case Selection in the Burger Court: A Preliminary Inquiry, 60 NOTRE DAME L. REV. 947-1055 (1985).

The Proposed Intercircuit Tribunal: Do We Need It? Will It Work?, 11 HASTINGS CONST. L.Q. 375-456 (1984).

"Granted, Vacated, and Remanded": Shedding Light on a Dark Corner of Supreme Court Practice, 67 JUDICATURE 389-401 (1984).

The Supreme Court's Second Thoughts: Summary Reconsideration Orders and Denials of Review in Cases Held for Plenary Decisions, 11 HASTINGS CONST. L.Q. 5-41 (1983).

Error Correction, Lawmaking, and the Supreme Court's Exercise of Discretionary Review, 44 U. PITT. L. REV. 795-877 (1983).

The Supreme Court, the National Law, and the Selection of Cases for the Plenary Docket, 44 U. PITT. L. REV. 521-634 (1983).

Caseload, Conflicts, and Decisional Capacity: Does the Supreme Court Need Help?, 67 JUDICATURE 28-48 (1983).

How Not to Help the Supreme Court, 69 A.B.A. J. 750-754 (1983).

The Supreme Court and Civil Rights: The Plenary Docket in the 1970's, 58 ORE. L. REV. 3-60 (1979).

The Business of the Supreme Court Under The Judiciary Act of 1925: The Plenary Docket in the 1970's, 91 HARV. L. REV. 1709-1803 (1978).

The Supreme Court and Statutory Law: The Plenary Docket in the 1970's, 40 U. PITT. L. REV. 1-45 (1978).

The Many Roles of the Supreme Court and the Constraints of Time and Caseload, 7 U. TOLEDO L. REV. 399-430 (1976) (with A. Leo Levin).

Studies of the Federal Courts of Appeals

Statement on "Bringing Justice Closer to the People: Examining Ideas for Restructuring the Ninth Circuit," U. of Pittsburgh Legal Studies Research Paper No. 2017-03, https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2938699.

"The Law of the Circuit" Revisited: What Rule for Majority Rule?, 32 SOUTHERN ILLINOIS U. L.J. 625 (2008).

Assessing Judgeship Needs in the Federal Courts of Appeals: Policy Choices and Process Concerns, 5 J. APP. PRAC. & PROCESS 239-270 (2003).

Chief Judge Procter Hug, Jr. and the Split That Didn't Happen, 3 NEVADA L.J. 13-20 (2002).

Getting It Right: Panel Error and the En Banc Process in the Ninth Circuit Court of Appeals, 34 U.C. DAVIS L. REV. 425-469 (2000).

The Unkindest Cut: The White Commission Proposal to Restructure the Ninth Circuit, 73 S. CAL. L. REV. 377-402 (2000).

Precedent, Predictability, and Federal Appellate Structure, 60 U. PITT. L. REV. 1029-1109 (1999).

Dividing the Ninth Circuit: An Idea Whose Time Has Not Yet Come, 57 MONT. L. REV. 261-290 (1996).

Breaking the Banc: The Common Law Process in the Large Appellate Court, 23 ARIZ. ST. L.J. 915-989 (1991) (with Foreword by Hon. William C. Canby, Judge, Ninth Circuit Court of Appeals).

Jumboism and Jurisprudence: The Theory and Practice of Precedent in the Large Appellate Court, 56 U. CHI. L. REV. 541-601 (1989).

Central Staff in Appellate Courts: The Experience of the Ninth Circuit, 68 CAL. L. REV. 937-1003 (1980).

Legal Problems of Dividing a State Between Federal Judicial Circuits, 122 U. PA. L. REV. 1188-1281 (1974).

Other Articles

Another Voice for the "Dialogue": Federal Courts as a Litigation Course, 53 ST. LOUIS U. L.J. 761 (2009) (symposium issue).

Justice O'Connor and "The Threat to Judicial Independence": The Cowgirl Who Cried Wolf?, 39 ARIZ. ST. L.J. 845 (2007).

The View from the Trenches: A Report on the Breakout Sessions at the 2005 National Conference on Appellate Justice, 8 J. APP. PRAC. & PROC. 141 (2006).

Sex, Drugs, and Democracy: Who's Afraid of Free Speech?, 41 BRANDEIS L.J. 417-445 (2003).

Judicial Activism: The Good, The Bad, and the Ugly, 21 MISS. COLL. L. REV. 253-265 (2002).

Deciding Who Decides: Understanding the Realities of Judicial Reform (Review Essay), 15 LAW & SOCIAL INQUIRY 343-361 (1990).

Foreword: Exploring the Mysteries of the Least Known Branch, 21 ARIZ. ST. L.J. 33-37 (1989).

Courting Disaster (Review Essay), 39 STAN. L. REV. 297-316 (1986).

Congressional Testimony

Bringing Justice Closer to the People: Examining Ideas for Restructuring the Ninth Circuit: Hearing Before the Subcommittee on Courts, Intellectual Property, and the Internet of the House Committee on the Judiciary, Washington, D.C., Mar. 16, 2017.

An Examination of the Judicial Conduct and Disability System: Hearing Before the Subcommittee on Courts, Intellectual Property, and the Internet of the House Committee on the Judiciary, Washington, D.C., Apr. 25, 2013.

H.R. 5281, "Removal Clarification Act of 2010": Hearing Before the Subcommittee on Courts and Competition Policy of the House Committee on the Judiciary, Washington, D.C., May 25, 2010.

Examining the State of Judicial Recusals After Caperton v. A.T. Massey: Hearing Before the Subcommittee on Courts and Competition Policy of the House Committee on the Judiciary, Washington, D.C., Dec. 10, 2009.

To Consider the Impeachment of Samuel B. Kent of the Southern District of Texas: Hearing Before the Task Force on Judicial Impeachment of the House Committee on the Judiciary, Washington, D.C., June 3, 2009.

H. Res. 916, "Impeaching Manuel L. Real, judge of the United States District Court for the Central District of California, for high crimes and misdemeanors": Hearing Before the Subcommittee on Courts, the Internet and Intellectual Property of the U.S. House of Representatives Committee on the Judiciary, Washington, D.C., Sept. 21, 2006.

H.R. 5219, the "Judicial Transparency and Ethics Enhancement Act of 2006": Hearing Before the Subcommittee on Crime, Terrorism, and Homeland Security of the U.S. House of Representatives Committee on the Judiciary, Washington, D.C., June 29, 2006.

Federal Jurisdiction Clarification Act: Hearing Before the Subcommittee on Courts, the Internet and Intellectual Property of the U.S. House of Representatives Committee on the Judiciary, Washington, D.C., Nov. 15, 2005.

Holmes Group, the Federal Circuit, and the State of Patent Appeals: Hearing Before the Subcommittee on Courts, the Internet, and Intellectual Property of the U.S. House of Representatives Committee on the Judiciary, Washington, D.C., Mar. 17, 2005.

H.R. 3799, the "Constitution Restoration Act of 2004": Hearing Before the Subcommittee on Courts, the Internet, and Intellectual Property of the U.S. House of Representatives Committee on the Judiciary Washington, D.C., Sept. 13, 2004.

Ninth Circuit Court of Appeals Judgeship and Reorganization Act of 2003: Hearing Before the Subcommittee on Courts, the Internet, and Intellectual Property of the U.S. House of Representatives Committee on the Judiciary, Washington, D.C., Oct. 21, 2003.

The Federal Judiciary: Is There a Need for Additional Federal Judges? Hearing Before the Subcommittee on Courts, the Internet, and Intellectual Property of the U.S. House of Representatives Committee on the Judiciary, Washington, D.C., June 24, 2003.

Ninth Circuit Court of Appeals Reorganization Act of 2001: Hearing before the Subcommittee on Courts, the Internet, and Intellectual Property of the U.S. House of Representatives Committee on the Judiciary, Washington, D.C., July 23, 2002.

Unpublished Judicial Opinions: Hearing before the Subcommittee on Courts, the Internet, and Intellectual Property of the U.S. House of Representatives Committee on the Judiciary, Washington, D.C., June 27, 2002.

The Operations of Federal Judicial Misconduct and Recusal Statutes: Hearing before the Subcommittee on Courts, the Internet, and Intellectual Property of the U.S. House of Representatives Committee on the Judiciary, Washington, D.C., Nov. 29, 2001.

Final Report of the Commission on Structural Alternatives for Federal Courts of Appeals: Hearing before the Subcommittee on Courts and Intellectual Property of the U.S. House of Representatives Committee on the Judiciary, Washington, D.C., July 22, 1999.

Judicial Reform Act of 1997: Hearing before the Subcommittee on Courts and Intellectual Property of the U.S. House of Representatives Committee on the Judiciary, Washington, D.C., May 14, 1997.

Ninth Circuit Court of Appeals Reorganization Act of 1995: Hearing before the Judiciary Committee of the United States Senate, Washington, D.C., Sept. 13, 1995.

Selected Presentations

Panel member, Spring 2017 meeting of American Academy of Appellate Lawyers, Boston, Mass., Apr. 9, 2017. Topic: "The Strategic Use of Amici."

Panel member, 2016 Federalist Society Lawyers Convention, Washington, D.C., Nov. 19, 2016. Topic: "Using Judicial Processes for Political Purposes" (Legal Education & Professional Responsibility Practice Group).

Speaker, Conference on "Are the Cases Out There? Scrutinizing the Supreme Court's Declining Docket," sponsored by the Center for Judicial Engagement of the Institute for Justice, Arlington, Va., Oct. 4, 2016.

Speaker at Spring Task Force Summit, American Legislative Exchange Council Civil Justice Task Force, Pittsburgh, May 2016. Topic: fraudulent joinder and federal removal jurisdiction.

Panel member, CLE program sponsored by Federal Court section of Allegheny County Bar Association, Pittsburgh, May 2016. Topic: Third Circuit Review.

Panel member, meeting of National College of Business Court Judges. Las Vegas, Nev., December 2015. Topic: minimal diversity and fraudulent joinder.

Panel member, Federalist Society 2008 National Lawyers Convention, Washington, D.C., Nov. 20, 2008. Topic: "The Disciplining of Federal Judges."

Conference Reporter, Steering Committee member, and speaker, 2005 National Conference on Appellate Justice, Washington, D.C., November 2005. Conference sponsors: Federal Judicial Center, National Center for State Courts, Institute for Judicial Administration, and American Academy of Appellate Lawyers.

Co-organizer (with Professor Stephen L. Wasby and Dean Toni Massaro) and speaker, Ninth Circuit Court of Appeals Conference, Tucson, Arizona, September 2005. Conference sponsor: University of Arizona James E. Rogers College of Law. Proceedings published at 48 ARIZ. L. REV. 221-367 (2006).

Speaker at program sponsored by Program in Public Law at Duke University Law School, Durham, NC, Apr. 9, 2005. Topic: "Should Life Tenure for Supreme Court Justices Be Reconsidered?"

Panel member, Socio Legal Studies Association Annual Conference, Glasgow, UK, April 2004. Topic: "Freedom of Expression Today."

Speaker at program on judicial selection sponsored by Mississippi College of Law, Jackson, Miss., Nov. 8, 2001. Topic: "Judicial Activism: The Good, the Bad, and the Ugly."

Speaker at program sponsored by Ninth Circuit Court of Appeals to honor former Chief Judge James R. Browning, San Francisco, CA, Sept. 21, 2001. Topic: "The Crucible of the Modern Ninth Circuit." Proceedings published at 63 MONT. L. REV. 251 (2002).

Panel member, program on "Crime and the Internet," Annual Meeting of the Southeastern Conference of the American Association of Law Schools, Hilton Head, S.C., July 20, 2001. Topic: "A First Amendment Perspective."

Panel member, program on "Justice System Reform: Moving Beyond the Quayle Report," Annual Meeting, American Judicature Society, San Francisco, Aug. 8, 1992.

Speaker at Ninth Circuit Judicial Conference, Anchorage, Alaska, June 1990. Topic: "Landmark Study of Ninth Circuit Innovations Previewed." (Remarks reported at 132 F.R.D. 110.)

Speaker at Ninth Circuit Judicial Conference, Coeur d'Alene, Idaho, August 1988. Topic: "Evaluation of Adjudication Changes."

Co-chairman and speaker, National Conference on Empirical Research in Judicial Administration, Tempe, Ariz., March 1988.

Panel member, Symposium on "Case Selection by the Supreme Court: Is There a Problem?" New York University School of Law, Nov. 1, 1986.

Panel member, program on "When Values Collide: Judicial Independence v. Judicial Elections," Annual Meeting, American Judicature Society, New York City, Aug. 9, 1986.

Faculty member, Practicing Law Institute program on Federal Appellate Practice, New York City, August 1984. Topic: "Case Selection in the United States Supreme Court."

Panel member, program on "Rx for an Overburdened Supreme Court: Is Relief in Sight?" Midyear Meeting, American Judicature Society (transcript of proceedings published in 67 JUDICATURE 394 (1983)).

Speaker at Ninth Circuit Judicial Conference, Kauai, Hawaii, July 1983. Topic: "The Proposed Intercircuit Tribunal: A Non-Solution to a Non-Problem."

Other Professional Activities and Honors

Chair of Subcommittee on Legislation and member of Executive Council of the Pennsylvania Bar Association Federal Practice Committee.

Member, Executive Committee of the Professional Responsibility and Legal Education Practice Group of the Federalist Society.

Elected Fellow of the American Academy of Appellate Lawyers, 2005.

University of Pittsburgh Chancellor's Distinguished Research Award, 2002.

Member, Ninth Circuit Court of Appeals Evaluation Committee, 1999-2001 (appointed by Chief Judge Hug to 10-person committee whose mission was "to examine the existing policies, practices and administrative structure of the Ninth Circuit Court of Appeals, in order to make recommendations to its judges to improve the delivery of justice in the region it serves.").

Selected by Federal Judicial Center to design and conduct study of intercircuit conflicts requested by Congress in section 302 of the Judicial Improvements Act of 1990.

Chair, American Judicature Society Civil Justice Reform Committee.

Conferee, Summit on Civil Justice System Improvements, Washington, D.C., December 1993.

Reporter, National Workshop for Court of Appeals Judges, Washington, D.C., February 1993.

Reporter and Conferee, National Conference on Federal-State Judicial Relationships, Orlando, Fla., April 1992.

Fellow of the American Bar Foundation (elected 1988).

Member, Executive Drafting Committee, American Judicature Society Judicial Elections Project.

Member, Board of Directors, American Judicature Society, 1985-1989.

Member, President's Commission on Mental Health - Liaison Task Panel on Psychoactive Drug Use/Misuse, 1978.

Member, American Law Institute; Supreme Court Historical Society; American Judicature Society.

Editor of "Major Cases in First Amendment Law: Freedom of Speech, the Press, and Assembly (1984)" (University Publications of America 1986).

Admitted: Pennsylvania (1985), Supreme Court of the United States (1980), United States Court of Appeals for the Third Circuit (1976), United States Court of Appeals for the Ninth Circuit (1979).

Listed in WHO'S WHO IN AMERICA (since 44th ed.); WHO'S WHO IN AMERICAN LAW (since 4th ed.).

Employment History

University of Pittsburgh, Pittsburgh, PA. Professor of Law, 1980 - 2017. Sally Ann Semenko Endowed Chair, 2005 - 2017 (inaugural holder). Distinguished Faculty Scholar, 2001-2005 and 2017 - present. (Associate Professor, 1975-1980.) Courses taught: Federal Courts, First Amendment, Constitutional Law, Civil Procedure.

University of Pennsylvania School of Law, Philadelphia, PA. Visiting Associate Professor, Fall 1979.

United States Court of Appeals for the Ninth Circuit, San Francisco, CA. Supervising Staff Attorney, 1978-1979. Responsible for supervising work of 30 attorneys on court's central staff.

Commission on Revision of the Federal Court Appellate System, Washington, D.C. Deputy Executive Director, 1973-1975. Directed the Commission's research projects and drafted reports to Congress on the realignment of the federal judicial circuits and on the structure and internal procedures of the courts of appeals.

University of Illinois College of Law, Champaign, IL. Visiting Assistant Professor of Law, 1972-1973.

University of Connecticut School of Law, West Hartford, CT. Assistant Professor of Law, 1970-1972.

William Mitchell College of Law, St. Paul, MN. Assistant Professor of Law, 1967-1970.

Minnesota Supreme Court, St. Paul, MN. Law Clerk to Hon. James C. Otis, Associate Justice, 1966-1967.

Education

Yale Law School, J.D., 1966
Business Manager, Yale Law Journal
President, Yale Law School Film Society
Adviser, Moot Court and Barristers Union Programs

Harvard College, B.A., magna cum laude, 1963
Member, Editorial Board, Harvard *Crimson*
Editor in Chief, *Comment* (political magazine)