

PORTIA PEDRO

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RESEARCH STATEMENT

I study the ways in which racial subordination and the subordination of other marginalized groups manifest in civil procedure, remedies, and federal courts. My scholarship challenges the dominant understanding of these three areas of law as neutral and technocratic. Instead, I contend that civil procedure, remedies, and federal courts are sites where racial hierarchies, and hierarchies along other axes of identity, are embedded within law.

My current projects bring critical race theory, and other critical perspectives, to bear on civil procedure and remedies doctrine to understand how these areas of law contribute to the subordination of marginalized groups including people of color, Indigenous peoples, women, those who are LGBTQIA+, people with disabilities, immigrants, and religious minorities.

ACADEMIC APPOINTMENT

BOSTON UNIVERSITY SCHOOL OF LAW, 2018–present

Associate Professor

Courses Taught: Civil Procedure, Evidence, Remedies, Critical Civil Procedure

EDUCATION

YALE UNIVERSITY, Ph.D. in Law, 2023 (expected)

Committee: Professors William Eskridge, Jr. (chair), Margaret H. Lemos (Duke University School of Law), and Tracey Meares

Dissertation: *Essays on Civil Procedure* (three law review articles/substantial papers)

Teaching Assistant to Professor Tom Tyler, *Empirical Research Seminar*, Spring 2016

HARVARD LAW SCHOOL, J.D., 2009

Harvard Law Review, Vice President/Treasurer

Harvard Civil Rights-Civil Liberties Law Review, Editor

Harvard BlackLetter Law Journal, Editor

NAACP LDF Earl Warren Scholarship Recipient

Dewey & LeBoeuf Summer Fellowship

Vorenberg Equal Justice Summer Fellowship

Research Assistant to Professors Lani Guinier; Jon Hanson; Charles Ogletree

Teaching Assistant to Professor Charles Ogletree, *Criminal Law and Procedure*, Spring 2009

Black Law Students Association, Political Chair

Harvard Defenders

UNIVERSITY OF CALIFORNIA, LOS ANGELES, B.A. in International Development Studies, 2006

Dean's Honor List

Research Assistant to Professor Michael Stoll, Public Policy

PUBLICATIONS

A Prologue to Theorizing Procedural Subordination, 80 WASH. & LEE L. REV. (forthcoming 2024)

Impact Injunctions, 19 STAN. J. C.R. & C.L. (forthcoming 2023)

The Myth of the “Nationwide Injunction,” 84 OHIO ST. L.J. (forthcoming 2023)

with Brooke Coleman, Suzette Malveaux, & Elizabeth Porter, *A GUIDE TO CIVIL PROCEDURE: INTEGRATING CRITICAL LEGAL PERSPECTIVES* (NYU PRESS, 2022)

Forging Fortuity Against Procedural Retrenchment: Developing a Critical Race Theoretical Account of Civil Procedure, in *A GUIDE TO CIVIL PROCEDURE: INTEGRATING CRITICAL LEGAL PERSPECTIVES* (Brooke Coleman, Suzette Malveaux, Portia Pedro, & Elizabeth Porter, eds., 2022)

A Prelude to a Critical Race Perspective on Civil Procedure, 107 VA. L. REV. ONLINE 143 (2021) (contribution to *Reckoning and Reformation: Reflections and Legal Responses to Racial Subordination and Structural Marginalization* symposium) ([link](#))

Toward Establishing a Pre-Extinction Definition of “Nationwide Injunctions,” 91 U. COLO. L. REV. 847 (2020) (contribution to Byron R. White Center’s and the University of Colorado Law School’s 27th Annual Ira C. Rothgerber Constitutional Law Conference: National Injunctions Symposium)([link](#))

Stays, 106 CALIF. L. REV. 869 (2018) ([link](#))

Note, *Making Ballot Initiatives Work: Some Assembly Required*, 123 HARV. L. REV. 959 (2010) ([link](#))

Recent Case, *Ninth Circuit Considers Community’s Racial Tension with Police in Finding Illegal Seizure and Lack of Voluntary Consent.— United States v. Washington*, 490 F.3d 765 (9th Cir. 2007), 121 HARV. L. REV. 1669–76 (2008) ([link](#))

WORKS IN PROGRESS

Theorizing Procedural Subordination: A Critical Race Theoretical Account of Civil Procedure (manuscript in progress)

Remedial Retrenchment: Theorizing Remedial Subordination

The Chancellors’ New Clothes and the Government’s Coronation: The Case for Preserving Impact Injunctions

CLERKSHIP

UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT, Newark, NJ, 2010–2011
Law Clerk for the Honorable Joseph A. Greenaway, Jr.

AWARDS & HONORS

Peter Paul Career Development Professor, 2018–2021
Dean’s Service Award, 2018–2019

ACADEMIC SERVICE

BOSTON UNIVERSITY SCHOOL OF LAW

Dean's Service Award, 2018–2019

Faculty Workshops Committee member, 2018–2021, 2022–2023

Library Committee member, 2018–2020

Be Yourself Orientation co-facilitator of critical race theory session, 2018–2019

1L Career Day Litigation Panel moderator, Fall 2018, Fall 2019

Critical Legal Thought Discussion Group facilitator, Spring 2019

Muslim Law Students Association advisor, 2019–2021

*In Real Law (series for 1L students of color) speaker, Fall 2018,
Fall 2019, Fall 2020, Fall 2022*

Judicial Panel moderator (hosted by OutLaw, BLSA, WLA), Spring 2019

Critical Conversation on Civil Procedure facilitator, Fall 2019

Racism in the Public Interest Community workshop facilitator, Spring 2021

Public Interest Retreat speaker, Fall 2021

Managing Difficult Conversations in the Classroom workshop co-presenter (hosted by the Women of Color Collective and the Women's Law Association), Spring 2022

Boston University Summer Pre-Law Academy presenter, Summer 2022

Public Interest Committee member, 2022–2023

NATIONAL

AALS Remedies Section Chair-elect, January 2023–present

*The Journal of Things We Like (Lots) ("JOTWELL") Courts Law contributing editor,
2022–present*

AALS Civil Procedure Section Executive Committee member, Spring 2020–present

AALS Remedies Section Executive Committee member, Spring 2020–January 2023

Race & Civil Procedure Panel panelist at the Symposium Racial Bias, Disparities, and Oppression in the 1L Curriculum Symposium at Boston University School of Law, Feb. 28, 2020

Civil Procedure Critical Theory Lecture (with Abbe Gluck, hosted by Yale Law Women, the YALE JOURNAL OF LAW AND FEMINISM, Yale BLSA), Fall 2019

What is Critical Race Theory? workshop presenter (part of Harvard Law School's Critical Race Theory Conference), Spring 2021

Disrupting Civil Procedure presenter (workshop hosted by University of Pennsylvania Law Students for a Democratic Society), Fall 2021

Unpacking Civil Procedure panelist (panel hosted by University of Michigan Law National Lawyer's Guild), Fall 2021

SELECTED WORK EXPERIENCE

MAJOR EMPLOYMENT

GIBBONS P.C., Newark, NJ, 2012–2014

John J. Gibbons Fellow in Public Interest & Constitutional Law

Successfully argued, in briefs in *Garden State Equality v. Dow*, Docket No. 073328, 2013 N.J. LEXIS 1091 (N.J. Oct. 18, 2013), that New Jersey's refusal to allow same-sex couples to marry denied those couples equal protection of the laws after *United States v. Windsor*, 570 U.S. ___, 133 S. Ct. 2675 (2013). In *Hassan v. City of New York*, 804 F.3d 277 (3d Cir. 2015), successfully

opposed a motion to dismiss the equal protection claims of Muslim plaintiffs in New Jersey who were surveilled by the New York Police Department for their religious beliefs. Drafted briefs regarding issues such as attorney's fees, sentencing, K-12 education funding, child custody and visitation issues for LGBT parents.

DEBEVOISE & PLIMPTON LLP, New York, NY, 2009–2010, 2011–2012

Litigation Associate

Litigated *Amador v. Andrews*, 655 F.3d 89 (2d Cir. 2011), a putative class action arguing that sexual abuse of female inmates by prison guards constitutes cruel and unusual punishment under the Eighth Amendment. Drafted briefs for amici curiae, in *Debra H. v. Janice R.*, 14 N.Y.3d 576 (Ct. App. 2010), on behalf of an LGBT parent seeking visitation with her child from a prior relationship, and in support of petitioners before the Supreme Court in *Miller v. Alabama* and *Jackson v. Hobbs*, U.S. ____, 132 S. Ct. 2455 (2012), in which the Supreme Court held that mandatory sentences of life without parole for a juvenile are unconstitutional even for a homicide offense. Represented a client in a state court child custody trial. Prepared witnesses for, and participated in, interviews conducted by the U.S. Attorney's Office in the Southern District of New York.

UNITED STATES STUDENT ASSOCIATION, Washington, D.C., 2002–2004

Organizing Director

Developed congressional campaigns to advocate for college students during the reauthorization of the Higher Education Act and the appropriations process. Organized support for both the Development, Relief and Education for Minors Act (the "DREAM Act") and the Student Adjustment Act.

Foundation, Electoral Action Project Manager

Drafted project grant proposal and raised \$400,000 from foundations and individual donors. Hired and managed project staff and over twenty student vote organizers and recruited over 200 college campuses to register and mobilize students to vote. Designed materials to educate students about electoral issues including the Help America Vote Act, voting rights, and early voting.

SHORT-TERM EMPLOYMENT & INTERNSHIPS

AMERICAN CIVIL LIBERTIES UNION RACIAL JUSTICE PROGRAM, New York, NY, 2008

Summer Law Clerk

NAACP LEGAL DEFENSE AND EDUCATIONAL FUND, INC., New York, NY, 2007

Summer Law Clerk

SELECTED PRESENTATIONS

A Guide to Civil Procedure – Integrating Critical Legal Perspectives

Civil Procedure Workshop, Roundtable, Cardozo Law School, New York, NY, May 20, 2022

Law and Society Global Meeting, Roundtable, ISCTE University Institute of Lisbon, Lisbon, Portugal, July 16, 2022

Aoki Center for Critical Race and Nation Studies and UC Davis School of Law's Committee on Diversity, Equity and Inclusion, UC Davis School of Law, (online), September 21, 2022

A Prologue to Theorizing Procedural Subordination & Theorizing Procedural Subordination: A Critical Race Theoretical Account of Civil Procedure

Civil Procedure Workshop, Works-in-Progress session (online), August 12, 2021

Civil Procedure Workshop, Cardozo Law School, New York, NY, May 20, 2022

Culp Colloquium, University of Chicago Law School, Chicago, IL, June 13, 2022

Lutie Lytle Workshop, Boston University School of Law, Boston, MA, June 25, 2022

Judicial Administration/Judicial Process Roundtable, Bolch Judicial Institute, Duke Law School, Durham, NC, December 8, 2022

A Prelude to a Critical Race Perspective on Civil Procedure; Forging Fortuity Against Procedural Retrenchment: Developing a Critical Race Theoretical Account of Civil Procedure

Symposium: Reckoning and Reformation: Reflections and Legal Responses to Racial Subordination and Structural Marginalization, December 5, 2020

Impact Injunctions: The Myth of the “Nationwide Injunction”

Southeastern Association of Law Schools Annual Conference, Limits on Remedial Discretion Discussion Group, Discussant, Boca Raton, FL, August 1, 2019

Eleventh Annual Junior Faculty Federal Courts Workshop, The University of Arkansas School of Law, Fayetteville, AR, September 6–7, 2019

Equality Law Scholars’ Forum, University of San Francisco Law School, San Francisco, CA, March 13–14, 2020 (selected)

AALS New Voices in Civil Rights Panel, Washington, DC, January 3, 2020

Culp Colloquium, Stanford Law School, Palo Alto, CA, June 8, 2020

Drexel’s Kline School of Law, Philadelphia, PA, August 25, 2022

Junior Faculty Federal Courts Workshop, University of Florida Levin College of Law, Gainesville, FL, December 2, 2022

The Chancellors’ New Clothes and the Government’s Coronation

Ira C. Rothgerber Jr. Conference on Constitutional Law, University of Colorado Law School, April 5, 2019

Culp Colloquium, Duke Law School, Durham, NC, May 16, 2019

Notre Dame Remedies Roundtable, Chicago, June 20, 2019

Lutie Lytle Workshop, Penn State Law, University Park, PA, June 21, 2019

Remedies Discussion Forum, Université Paris Dauphine PSL Research University, June 25, 2019

Procedural Identity and Unqualified Immunity

Fourth National People of Color Legal Scholarship Conference, American University Washington College of Law, Washington, DC, March 21–24, 2019

The First Annual Harvard Law School Critical Race Theory Conference, Scholars’ Roundtable, Harvard Law School, Cambridge, MA, April 12, 2019

Critical Guide to Civil Procedure Workshop, Boston University School of Law, Boston, MA, May 8, 2019

Annual Civil Procedure Workshop, The University of Texas at Austin School of Law, Austin, TX, October 25–26, 2019

Interim Procedural Equity for Duly-Enacted Law

Annual Civil Procedure Workshop, Stanford Law School, Palo Alto, CA, November 9–10, 2018

SALT Teaching Conference, Penn State Law, October 4–5, 2018

Tenth Annual Junior Faculty Federal Courts Workshop, The University of Oklahoma College of Law, Norman, OK, September 14–15, 2018

Lutie Lytle Workshop, SMU Dedman School of Law, Dallas, TX, July 14, 2018

Law & Society Association Annual Conference, Feminist Theory & Civil Procedure Roundtable, Toronto, Ontario, June 10, 2018

Shadow Procedure: When Equity Undermines Law

Boston College Junior Faculty Roundtable, Boston College Law School, February 15, 2019

Annual Civil Procedure Workshop, Plenary Session, University of Arizona James E. Rogers College of Law, Tucson, AZ, October 6–7, 2017

Culp Colloquium Emerging Scholars Conference, Duke Law School, Durham, NC, May 19, 2017

Stays: The Law-Free Zone of Civil Procedure

Southeastern Association of Law Schools Annual Conference, Prospective Law Teachers Workshop, Boca Raton, FL, August 2, 2017