

CURRICULUM VITAE
Steven F. Baicker-McKee

Duquesne University School of Law
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PROFESSIONAL PREPARATION AND EXPERIENCE

Education

1987	J.D. Board of Editors	College of William and Mary Marshall-Wythe School of Law William and Mary Law Review
1980	B.A.	Yale University

Work History

Academic Appointments

2012-Present Duquesne University, College of Law, Assistant Professor
Fall 2010 University of Toledo School of Law, Visiting Associate Professor
2009-2012 University of Pittsburgh, Adjunct Professor

Non-Academic Positions

1989-present Babst, Calland

2012-present Of Counsel in the Litigation Services Group. Practice includes areas and activities noted below.

1989-2012 Shareholder in the Litigation Services Group. Practice concentrated on toxic tort litigation, environmental litigation, natural resource and energy litigation, and a wide variety of complex commercial litigation. Tried cases across the country before federal, state, and agency tribunals.

Mediator and arbitrator in a variety of commercial disputes. Also mediated disputes in a variety of commercial and environmental contexts.

Served on Board of Directors and Operating Committee; Head of the Ethics Committee; Coordinator of Pro Bono Program.

1987-89 Law Clerk, United States District Court for the Western District of Pennsylvania, the Honorable Glenn E. Mencer.

1981-1983 Cabinet Maker, Charlottesville, Virginia

Membership in Professional Organizations

American Bar Association, Pennsylvania Bar Association (past co-chair and founder of the Toxic Torts Committee, past chair of the Civil Litigation Section), Allegheny County Bar Association

TEACHING

Courses

Civil Procedure and Drafting I and II
Energy Law
Pretrial Civil Litigation Simulation
Federal Practice Clinic
Energy and Environmental Law in a Comparative Context
Pleadings and Discovery Skills
Criminal Practice Simulation

Awards

Excellence in Teaching Award, 2015, voted by the student body

Other Activities Related to Teaching

Member of Duquesne University Creative Teaching Award Committee (2012-13; 2013-14)
Center for Teaching Excellence Workshops

SCHOLARSHIP

Books

Civil Procedure in Practice: Civil Discovery (with Janssen, J.), Carolina Academic Publishing, under contract.

Practicing Civil Discovery (with Janssen, J.), Carolina Academic Publishing, under contract.

Federal Civil Rules Handbook (with Janssen, W. & Corr, J.), Thompson Reuters, Twenty-fifth Edition, 2017. The text of the *Handbook* is also adopted as Volume 12B of Wright and Miller, *Federal Practice and Procedure*, West Publishing. I wrote the portion discussing Rules 26-53 and 77-86. [Note: the *Handbook* has published annually since 1993 and I have been involved since its inception.]

Learning Civil Procedure, Second Edition (with Stempel, J., *et al.*), West Academic Publishing, 2015. I wrote the Study Guide and the chapters titled Basic Joinder, The Scope of Discovery, Discovery Techniques, and Enforcing Discovery Rights. Note: *Learning Civil Procedure* is under contract for a third edition, which will be published for the 2017-18 academic year.

A Student's Guide to the Federal Rules of Civil Procedure (with Janssen, W.), West Academic Publishing, Twenty-First Edition, 2017. I wrote the portion discussing Rules 13-23, 26-53, and 77-86. [Note: the *Student's Guide* has published annually since 1997 and I have been involved since its inception.]

Mastering Multiple Choice For Federal Civil Procedure MBE Bar Prep And 1L Exam Prep (with Janssen, W.), West Academic Publishing, 2014. I wrote the Intro/Study Guide and one half of the multiple-choice questions and analysis.

Book Chapters

Federal Civil Litigation, a chapter in: *US Rechtspraxis – Praxishandbuch Zivil- und Strafrecht*, Verlag Walter de Gruyter GmbH (2017)

Discovery: Legal Aspects, a chapter in: *International Encyclopedia of the Social & Behavioral Sciences*, 2nd edition, Vol 6. Oxford: Elsevier, pp. 516–522. This encyclopedia won the PROSE award for Excellence in Reference Works and for Multivolume Reference - Humanities & Social Sciences and was the number 1 most accessed Major Reference Work on ScienceDirect in 2015

Environmental Regulation and Litigation, a chapter in: *Environmental Forensics for Persistent Organic Pollutants* (with Wolfson, T., *et al.*) Elsevier, 2014. I wrote the portion on toxic tort litigation in the United States.

Rewriting the e-Discovery Rules—The 2006 Amendments, a chapter in: *Instant Awareness: An Immediate Look at the Legal, Governmental, and Economic Ramifications of the Amendments to the Federal Rules of Civil Procedure and Electronic Discovery*, (2008), Thomson/Aspatore

Articles

Baicker-McKee, S., *The Excited Utterance Paradox*, accepted for publication in Volume 41 of the Seattle University Law Review, 2017

Baicker-McKee, S., *Mountain or Molehill*, accepted for publication in the Duquesne Law Review, 2017

Baicker-McKee, S., *Ch-Ch-Ch-Ch Changes, Turn and Face the Strange ... 2015 Amendments to the FRCP*, Pennsylvania Bar Association Federal Practice Committee Newsletter, First Quarter 2016

Baicker-McKee, S., *Reconceptualizing Managerial Judges*, 65 AM. U. L. REV. 353 (2015).

Baicker-McKee, S., *The Award of E-Discovery Costs to the Prevailing Party: An Analog Solution in a Digital World*, 63 CLE. ST. L. REV. 397 (2015)

Baicker-McKee, S., *Federal Litigator* (with Herr, D.), monthly publication reporting on federal court developments, Thomson Reuters, 2013-14

Baicker-McKee, S., *Supreme Court's Decision Clarifies Patent Infringement Jurisdiction*, *Jurist*, February 13, 2014

Baicker-McKee, S., *Water Sourcing and Wastewater Disposal: Two of the Least Worrisome Aspects of Marcellus Shale Development in Pennsylvania*, (with Garber, K. & Mosites, J.), *Duquesne Business Law Journal*

Baicker-McKee, S., *The Consumer Product Safety Improvement act of 2008: The Next Big Wave of Litigation*, *Civil Litigation Update*, Pennsylvania Bar Association, Volume 14, No. 4, Fall 2009.

Baicker-McKee, S., *Climate Change – Public Nuisance or Political Question?* (with Koehl, E.), *Civil Litigation Update*, Pennsylvania Bar Association, Volume 14, No. 2, Spring 2009.

Baicker-McKee, S., *Proving Causation in Toxic Tort Litigation* (with Dryer, S. & Helms, C.), *Civil Litigation Update*, Pennsylvania Bar Association, Volume 13, No. 3, Fall 2008.

Baicker-McKee, S., *Rewriting the Rule Book: The 2007 Amendments to the Federal Rules of Civil Procedure*, *Civil Litigation Update*, Pennsylvania Bar Association, Volume 12, No. 3, Fall 2007.

Baicker-McKee, S., *Western District Implements New Alternative Dispute Resolution Program*, (with Collier, S.), *Civil Litigation Update*, Pennsylvania Bar Association, Volume 11, No. 4, Fall 2006.

Baicker-McKee, S., *'Lone Pine' Orders and Their Effect on Toxic Tort Litigation* (with Legeza, A. & Wolfson, T.), *Civil Litigation Update*, Pennsylvania Bar Association, Volume 11, No. 4, Fall 2006.

Baicker-McKee, S., *Significant New Amendments to the Federal Rules of Civil Procedure Addressing Electronic Discovery*, *Civil Litigation Update*, Pennsylvania Bar Association, Volume 11, No. 3, Summer 2006

Baicker-McKee, S., *Data Quality and Risk Assessment* (with Wolfson, T.), *Civil Litigation Update*, Pennsylvania Bar Association, Volume 11, No. 3, Summer 2006

Baicker-McKee, S., *American Telephone & Telegraph Co. v. Compagnie Bruxelles Lambert: A New Line of Defense for Parent Corporations*, *Environmental Law Reporter*, 1997

Baicker-McKee, S., *Regents, University of California v. Doe*, *West's Legal News*, December 2, 1996

Baicker-McKee, S., *The Supreme Court to Determine the Scope of Eleventh Amendment Immunity*, *West's Legal News*, December 2, 1996

Baicker-McKee, S., *Caterpillar v. Lewis: Can Jurisdiction at the Time of Trial Cure Faulty Removal*, *West's Legal News*, November 11, 1996

Baicker-McKee, S., *Rule 30(b)(6) – Deposition of Party Representative: What Questions Should You Let Your Witness Answer?*, *West's Legal News*, September 9, 1996

Baicker-McKee, S., *Narrowing the Roads of Private Cost Recovery: Recent Developments Limiting the Recovery of Private Response Costs Under CERCLA §107*, (with others), *The Environmental Law Reporter*, Vol. XXV, No. 11, November, 1995

Baicker-McKee, S., *Suing the Federal Government Under CERCLA*, *The Environmental Law Reporter*

Baicker-McKee, S., *Violence in Athletics: A Judicial Approach*, *Entertainment & Sports Law Journal*, Fall 1986

Presentations

CLE and educational presentations since joining Duquesne:

“Recent Developments in Personal Jurisdiction,” Academy of Trial Lawyers (Roundtable including all of the sitting judges in the Western District of Pennsylvania, December 15, 2017

“Selective Comparison of Federal and State Rules, Procedures and Practices” (with Judge Joy Conti and Judge John Spataro), Pennsylvania Bar Association, Civil Litigation Section Retreat, March 24, 2017

“Mountain or Molehill” Thomson Reuters Webinar, November 14, 2016

“Much Ado About Nothing: An Empirical Analysis of the Initial Effects of the 2015 Amendments to the Federal Rules of Civil Procedure,” Pennsylvania Bar Association, Civil Litigation Section Retreat, April 9, 2016

“The Ethics of Experts,” The Wecht Institute, December 18, 2015

“Update on the 2015 Amendments to the Federal Rules of Civil Procedure,” Academy of Trial Lawyers, December 1, 2015

“Navigating Yet Another Tsunami of Federal Civil Rules Changes,” Western District of Pennsylvania Judges and Court Staff, November 16, 2015, Thomson Reuters Webinar, November 1, 2015, Babst Calland, October 15, 2015, Academy of Trial Lawyers, December 12, 2014, Pennsylvania Bar Institute, December 10, 2014, Thomson Reuters Webinar, November 12, 2014

“It wasn’t my fault!,” Central States Law Schools Association 2015 Annual Scholarship Conference, October 9, 2015

Pennsylvania Rules of Appellate Procedure, Should Pennsylvania Adopt the Federal Model or Maintain its Independent Approach to Appellate Procedure?, Panel member with Supreme Court Justice Debra Todd and Court of Appeals Judge Michael Fisher, October 8, 2015

“Managerial Judges,” Three School Colloquium, April 17, 2015

“The Forensics of Fracking,” The Wecht Institute, September 2014

“The Award of E-Discovery Costs to the Prevailing Party: An Analog Solution in a Digital World,” Junior Faculty Exchange, Cleveland State School of Law, November 2013

“Lincoln on Professionalism,” Pennsylvania Bar Institute, May 2013

“Avoiding a Battle – When ADR is Appropriate and How to Make it More Effective” PBA Civil Litigation Section Retreat, April 2013

“Great Lakes Conference,” Panel Moderator, November 2012

Partial listing of numerous CLE presentations prior to joining Duquesne:

“New Pennsylvania Rule of Civil Procedure 207.1,” Pennsylvania Bar Institute

“Electronic Data Retention,” Pennsylvania Bar Association Annual Meeting

“Developing an Effective Electronic Discovery Response Plan,” American Corporate Counsel Association

“Update New Developments in Federal Procedure,” Pennsylvania Bar Institute

“Year 2000 - What Every Business Lawyer Needs to Know – And Nothing More,” Allegheny County Bar Association Annual Meeting

“Year 2000 For the Environmental Lawyer,” Pennsylvania Bar Institute, Environmental Law Forum

SERVICE

University, School, or Department Service

Committees:

Executive Committee, Faculty Senate (2016-present)
University TAPs Committee (2017-present)
CLE Committee (2012-13, 2013-14, 2014-15 (chair))
Self Study and Long Range Planning Committee (2012-16)
Student Publications Committee (2012-16)
Adjunct Faculty Committee (2013-14 (Chair), 2014-15 (chair))
Dean Evaluation Committee (2013-14)
Creative Teaching Award Committee (2012-14)
Admissions Committee (2014-present)
Long Range Planning and Outcomes Assessment Committee (2014-15)
Strategic Budget Committee (2014-15)
Study Abroad and Exchange Students Committee (2015-present, Chair)
Library and Information Resources Committee (2015-16, Chair)
Recruitment Committee (2015-present)

Other Law School Service:

Director, Ireland Program (2013-16)
Co-Director, China Program (2017)
Faculty liaison to the Mock Trial program (2014-15)
Faculty Advisor for *Joule* (the journal covering energy and environmental law topics) (2012-present)
Faculty Advisor for Energy and Mineral Law Society (2012-present)
Faculty Advisor for the Energy and Environmental Law Concentration (2012-present)

American Association of Law Schools Alternate University Representative (2015-16)

Guest Speaker in expert evidence class, and presenter to incoming students during Orientation, to third year students as part of the Capstone program, and to Law Review students on writing articles

Other Publications

Duquesne Law Students Take a Field Trip, Duquesne Alumni Magazine

Community Service

Member, Board of Directors, Pittsburgh Squash Association, and Tournament Director of the Pittsburgh Open, an annual international professional squash tournament

Member, Board of Directors, Regional Development Funding Corp.

Frequent commenter on legal issues for public media, including *The Tribune-Review* and *The Post-Gazette*

Extensive service in multiple youth sports organizations and other youth development and school organizations. Most recent involvement is with Urban Squash, a group that seeks to promote physical fitness and health, as well as motivation for success through athletic instruction and academic mentoring

Lead author for a national group of professors drafting and filing an *amicus brief* to the United States Court of Appeals for the Third Circuit regarding a federal civil procedure issue in *Hoffman v. Nordic Naturals, Inc.* Co-author of a Petition for Certiorari to the United States Supreme Court on the same issue

Professional Activities And Recognitions

Official Reporter for the Local Rules Committee for the United States District Court for the Western District of Pennsylvania

Planning Committee for the Bicentennial Celebration of the United States District Court for the Western District of Pennsylvania

Past Chair of the PBA Civil Litigation Section

Past Co-Chair of the Federal Practice Section of the PBA

Founder and Past Co-Chair of the Toxic Tort Committee of the PBA

Elected to the Academy of Trial Lawyers

Repeatedly recognized as one of the nation's top lawyers in The Best Lawyers of America® and as one of Pennsylvania's best lawyers in a survey published in Philadelphia magazine.

Chair of Subcommittee of the Federal Practice Committee preparing comments on proposed amendments to the Federal Rules of Civil Procedure