

MARK C. NILES
Curriculum Vitae

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Bar Admissions:

Maryland
United States Supreme Court
United States Courts of Appeals for the
First, Fourth, Fifth, Eighth, Ninth, Tenth
and Eleventh Circuits

EDUCATION

STANFORD LAW SCHOOL, J.D. 1991

Black Law Students Association
Coalition for Diversified Faculty (Spring 1991)
Research Assistant for Professor Charles Lawrence (Fall 1989 and 1990) (Assisted
in preparation of "If He Hollers Let Him Go: Regulating Racist Speech on Campus"
published in 1990 in Duke Law Journal)
Independent Research with Professor John Hart Ely on Ninth Amendment
Jurisprudence (Fall 1989 and Spring 1990)
Teaching Asst. for Undergraduate Civil Rights and Civil Liberties Class (Spring 1991)

WESLEYAN UNIVERSITY, B.A. 1988 (History and Philosophy)

Senior Essay on racism in industrial unions (comparing the treatment of Chinese
workers in the cigar industry in California to that of African-American workers in the
meat-packing industry in St. Louis and Chicago)
Resident Advisor, Fall 1986, Spring 1987
Student Assembly, Spring 1987
Varsity Baseball, Spring 1986
Teaching Assistant in American Working Class History course, Spring 1987
Teaching Assistant in Education of the Urban Poor course, Fall 1986
Trainer and Coordinator for "Eight to Eight" campus peer counseling service, 1986-
1988

PROFESSIONAL EXPERIENCE

August 1998- Present: American University, Washington College of Law
Professor of Law and Associate Dean for Academic Affairs

Teaching and Research Areas: Civil Procedure, Administrative Law, Governmental Liability, Law and Popular Culture, Federal Courts, Constitutional Theory. Committee Service: Pro Bono Committee (1998), Appointments Committee (1999-2001, 2003-2006), Admissions Committee (2002), Special Projects Committee (2004-2006).

Developed new courses in Governmental Tort Liability, focusing on the Federal Tort Claims Act, Section 1983 and *Bivens*; and Law and Popular Culture, focusing on the image of law depicted in modern popular film, television, fiction, and journalism.

**May 2001- 2003:
April 2003 - Present**

**Assistant Reporter, Maryland Civil Pattern Jury Instructions
Reporter, Maryland Civil Pattern Jury Instructions**

Working with members of the Maryland Bar Associations Jury Instructions Committee to review recent Maryland state jurisprudence and update the model jury instructions in all civil law matters, and revise edit and update the attached scholarly commentary.

Sept. 1994 - Aug. 1988:

**United States Department of Justice, Washington, DC
Attorney, Civil Division Appellate Staff**

Represented the United States government, its agencies, and officials in appellate litigation before federal and state courts of appeals. Job responsibilities included drafting appellate briefs, oral argument before courts of appeals, and drafting briefs in conjunction with the Office of the Solicitor General for submission to the Supreme Court.

Sept. 1992 - Aug. 1994:

**Hogan & Hartson, Washington, DC
Litigation Associate**

Researched and drafted pleadings and discovery documents, completed four month rotation in firm's pro bono department including evaluation of employee interview process relating to potential employment discrimination action.

Aug. 1991 - Aug. 1992:

**The Hon. Francis J. Murnaghan
Clerk, U.S. Court of Appeals, Fourth Circuit**

Researched and assisted in the drafting opinions and other orders.

SCHOLARLY PUBLICATIONS

Law Review Article: **Punctuated Equilibrium: A Model for Administrative Evolution** (Draft).

Law Review Article: **“Screening the Law: Ideology and Law in American Popular Culture** (with Naomi Mezey), 28 Columbia Journal of Law and the Arts 91 (2005) (Draft).

Law Review Article: **“Nothing But Mischief”: The Federal Tort Claims Act and The Scope of Discretionary Immunity,**” 54 Administrative Law Review 1276 (2002).

Law Review Article: **“On the Hijacking of Airplanes (And Agencies): The FAA, ‘Agency Capture,’ and Airline Security,”** 10 American University Journal of Gender and Social Policy 381 (2002).

Law Review Essay: **“Clarence Thomas the First Ten Years: Looking for Consistency,”** 10 American University Journal of Gender and Social Policy 327 (2002)

Moderated Panel Discussion, reprinted in: **“Bush v. Gore Revisited”** 13 Cardozo Studies in Law and Literature 1 (2001)

Law Review Article: **“Ninth Amendment Adjudication: An Alternative To Substantive Due Process Analysis of Personal Autonomy Rights”** 48 U.C. L.A. Law Review 85 (2000)

SPEECHES AND PRESENTATIONS

Keynote Speaker, Fourth Annual Martin Luther King, Jr. Birthday Commemoration at Washington College of Law (January 2003)

Panelist for Program on Law and Government’s Preview of Supreme Court Term (Fall 2003, 2002, 2001)

Panelist for “Clarence Thomas After Ten Years” program at Washington College of Law (February 2001)

Organized and moderated panel discussion on “The Prime Time Election: From Courtroom to Newsroom” at Washington College of Law (February 2000)

Presentation of article “Nothing But Mischief: The Discretionary Function Exception and the Balancing of Federal Liability and Immunity” at Southeastern AALS Conference, Annual Meeting Program, Young Scholars Workshop, Session #5 (August 2000)

Presentation to International Personnel Managers Association, Montgomery County Chapter, on “Individual Liability of Federal Government Employees.” (March 2000)

Presentation to visiting Argentinian judges on the “Culture of Courts: Internal and External” for WCL’s program on Judicial Administration: The U.S. Model (Spring 1999)

Presentation to visiting Armenian judges on the American Civil Justice System (Spring 1999)

Moderated a panel on voting and representational rights for residents of the District of Columbia as part of a program organized by the Program on Law and Government and

Professor Jamin Raskin titled: "Is The A Constitutional Right to Vote and Be Represented? - The Case of the District of Columbia." (Fall 1998)