

Thomas Orin Main

William S. Boyd Professor of Law
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Academic Positions

Williams S. Boyd School of Law, University of Nevada, Las Vegas

William S. Boyd Professor of Law, 2012-Present

Administrative Position: Associate Dean for Faculty Development and Research (2013-2015)

Teaching Awards: Professor of the Year (many times)

Major Law School Service: Faculty Appointments (chair); Promotion and Tenure (chair); Curriculum (chair); ABA/AALS Accreditation; Dean Search; Faculty Enrichment (chair); Teaching/Technology Committee (chair); Alumni Board Faculty Liaison

Major University Service: Law School Liaison for Faculty and Staff Development Campaign; Honors College; Provost Search

Courses Taught: Civil Procedure; Alternative Dispute Resolution; Complex Litigation; Conflict of Laws; Evidence; Federal Courts; Property; Remedies

University of the Pacific McGeorge School of Law

Professor of Law, 2000-2012

Administrative Position: Associate Dean for Faculty Scholarship (2007-2009)

Scholarship Awards: John G. Sprankling Faculty Scholarship Award

Teaching Awards: Professor of the Year (many times); University's Podesto Award for Excellence in Teaching

Major Law School Service: Faculty Appointments (chair); Judicial Clerkships (chair); Employment, Promotion and Tenure (chair); Teaching Methods (chair); Dean Search; ABA/AALS Self-Study; Orientation; Strategic Planning (chair); Development Advisory (chair); Post-Tenure Review (co-chair); Faculty Development (chair); Order of the Coif (president); Alumni Board (faculty liaison)

Major University Service: Presidential Search

Courses Taught: Civil Procedure; Complex Litigation; Comparative Law; Conflict of Laws; Federal Courts; Negotiable Instruments; Remedies; and Transnational Litigation

University of Illinois Chicago School of Law

Visiting Professor of Law (Spring and Fall 2021)

Queen Mary, University of London

Visiting Professor of Law (Summer 2007)

August 1, 2025

University of California, Davis, King Hall School of Law
Visiting Professor of Law (Fall 2006)
Faculty, International Commercial Law LL.M. Program (Summer 2007-2011)

Benjamin N. Cardozo School of Law, Yeshiva University, New York, New York
Visiting Professor of Law (Summer 2006)

Florida State University College of Law, Tallahassee, Florida
Visiting Professor of Law (Fall 2005)

Universitat Salzburg Law Faculty, Salzburg, Austria
Visiting Professor of Law, (Summer 2004, Summer 2007)

Appellate Clerkship

United States Court of Appeals for the Third Circuit
Law Clerk to Ruggero J. Aldisert, 1994-1996

Publications

Books:

Remedies (Foundation casebook series) (co-author with William Tabb and Rachel Janutis), Eighth Edition (2024); Seventh Edition (2021); Sixth Edition (2016)

Civil Procedure: Doctrine, Practice and Context (Aspen casebook series) (co-author with Stephen N. Subrin, Martha L. Minow, Mark S. Brodin, and Alexandra D. Lahav), Seventh Edition (2024); Sixth Edition (2020); Fifth Edition (2016); Fourth Edition (2012); Third Edition (2008); Second Edition (2004); First Edition (2000)

Federal Rules of Civil Procedure with Resources for Study (Aspen), published annually 2004-2025.

Learning Conflict of Laws (West Academic casebook series) (co-author with Stephen McCaffrey), Second Edition (2025); First Edition (2018)

Transnational Litigation in Comparative Perspective: Theory and Application (Oxford University Press casebook series 2009) (co-author with Stephen C. McCaffrey)

Global Issues in Civil Procedure: Cases and Materials (West Publishing 2006)

Other Major Works:

Shadow of Doubt: Burdens of Proof and the Architecture of Adjudication in Comparative Perspective, in *The Evolving State of American Exceptionalism* (2026) (forthcoming)

Tyranny of a Feather: Asymmetry in Civil Burdens of Proof, 75 *American University Law Review* __ (2025) (forthcoming)

The Mechanical Application of Rules, 60 *Willamette Law Review* __ (2024) (forthcoming)

The Elastics of Snap Removal: An Empirical Case Study of Textualism, 69 *Cleveland State Law Review* 289 (2021), (co-author with Jeffrey W. Stempel and David McClure)

Snap Removal: Concept, Cause, Cacophony, and Cure, 72 *Baylor Law Review* 423 (2020) (co-author with Jeffrey W. Stempel and David McClure)

Mediation: An Unlikely Villain, 34 *Ohio State Journal on Dispute Resolution* 537 (2019)

Arbitration, What Is It Good For?, 18 *Nevada Law Journal* 457 (2018)

Braking the Rules: Why State Courts Should Not Replicate Amendments to the Federal Rules of Civil Procedure, 67 *Case Western Reserve Law Review*, 501 (2016)

Procedural Constants: How Delay Aversion Shapes Reform, 15 *Nevada Law Journal* 1597 (2015)

The Fourth Era of American Civil Procedure, 162 *University of Pennsylvania Law Review* 1839 (2014) (co-author with Stephen N. Subrin)

The Word Commons and Foreign Laws, 46 *Cornell International Law Journal* 219 (2013)

The Procedural Foundation of Substantive Law, 87 *Washington University (St. Louis) Law Review* 801 (2010)

Judicial Discretion to Condition, 79 *Temple Law Review* 1075 (2006)

ADR: The New Equity, 74 *University of Cincinnati Law Review* 329 (2005)

The Integration of Law and Fact in an Uncharted Parallel Procedural Universe, 79 *Notre Dame Law Review* 1981 (2004) (co-author with Stephen N. Subrin)

Traditional Equity and Contemporary Procedure, 78 *Washington Law Review* 429 (2003)

Procedural Uniformity and the Exaggerated Role of Rules, 46 *Villanova Law Review* 311 (2001)

Shorter Works:

Our Passive-Aggressive Model of Civil Adjudication, 50 University of the Pacific Law Review 605 (2019)

Uniformity of State and Federal Procedure, 27 Nevada Lawyer 25 (2019)

Introduction to Magistrate Judge Symposium, 16 Nevada Law Journal 775 (2016) (co-author with Daniel W. Hamilton)

Introduction to Civil Procedure Symposium, 15 Nevada Law Journal 1091 (2015) (co-author with Jeffrey W. Stempel)

Civil Rulemaking in Nevada: Contemplating a New Standing Committee, 14 Nevada Law Journal 852 (2014)

Harmonization of Procedure: Theory and Practice, Book Review: KRAMER & RHEE, CIVIL LITIGATION IN A GLOBALISING WORLD (2012), 61 American Journal of Comparative Law 467 (2013)

Toward a Law of "Lovely Parting Gifts": Conditioning Forum Non Conveniens Dismissals, 18 Southwestern Journal of International Law 475 (2012)

On Teaching Conflicts and Why I Dislike Allstate Insurance v. Hague, 12 Nevada Law Journal 600 (2012)

Transnational Litigation: Report for the United States, International Association of Procedural Law Congress 2011, Heidelberg, Germany

Country Studies from Beyond the Divide in THE FUTURE OF CATEGORIES/CATEGORIES OF THE FUTURE (LexisNexis Butterworths 2009) (J. Walker, ed.)

Reconsidering Procedural Conformity Statutes, 35 Western State University Law Review 75 (2007) (symposium)

Report Regarding the Pacific McGeorge Workshop on Globalizing the Law School Curriculum, 19 Pacific McGeorge Global Business & Development Journal 1 (2005) (with co-authors)

An "Overwhelming Question" About Non-Formal Procedure, 3 Nevada Law Journal 388 (2002) (symposium)

California State Senate versus Enron Corp.: An Analysis of Legal Issues Involving the Power of Legislative Contempt, Prepared for the California State Senate (2001) (with J. Clark Kelso)

Student Learning Aids:

Remedies Questions and Answers (co-author with Rachel Janutis), Second Edition (2021)

Works in Progress

My current projects include the following.

(1) The Theology of Civil Procedure

This article, long in the making, offers a bold critique of American civil procedure through the lens of procedural theology. The article argues that American law treats procedural rules not as tools but as objects of faith—legitimizing them through mythic commitments to neutrality, universality, and legitimacy. It identifies ten “doctrines of procedural faith” that structure this belief system and reveals how each contributes to systemic distortion, procedural idolatry, and substantive injustice. The piece ultimately calls for a “procedural enlightenment”: a reformation grounded in transparency, functional honesty, and a renewed commitment to justice over ritual.

(2) The Design and Interaction of Dispute Resolution Systems

At the core of this research is an article titled *The Mediation Industrial Complex*. The analogy (to the Military Industrial Complex) is deliberately provocative, but is hardly an exaggeration. In the past four decades, an array of forces have conspired to produce waves of mediation reforms that point in only one direction: more mandatory mediation. Although the enterprise of mediation is dispersed and flat (and superficially benign), it has delivered results in the marketplace that could make Big Pharma and Big Oil envious. The mediation enterprise has essentially interjected a third lawyer (a mediator) into the resolution of most civil lawsuits. And even though the two adversarial lawyers now have more training in law and psychology and in Getting-to-Yes than their predecessors who settled cases without mediators, it is conventional wisdom that a third lawyer—a mediator (who, by the way, is typically an advocate on other days of the week)—adds something useful to the negotiation process. When I imagine the hypothetical fat-cats at Big Mediation plotting their next conquest, I envision them concocting a scheme to persuade transactional lawyers to add a mediator to every negotiation to help them reach better and more durable deals. To be clear, my quarrel here is not with mediation qua mediation, but rather with the pervasive thinking that mediation is a universal good and a silver bullet. Revealingly, in contemporary discourse, the mediation movement’s founders have become the principal skeptics and critics of the promiscuous use of mediation.

Education

Northeastern University School of Law, Boston, MA
J.D., 1994

Grinnell College, Grinnell, IA

B.A., Economics, 1991

Professional Experience

Consulting, Instruction

iLaw, BARBRI Legal Ed

Deep interest and experience in online instruction and course design

Consulting, Various law firms

Consultant on various matters of civil procedure, complex litigation, e-discovery, remedies, and conflict of laws

Kaplan/PMBR, New York, NY

Bar review lecturer on Federal Civil Procedure and Conflict of Laws, 2008-2010

Platinum Equity Holdings, Boston, MA (and Los Angeles, CA)

Associate General Counsel, 1998-2000

Hill & Barlow, A Professional Corporation, Boston, MA

Litigation Associate, 1996-1998

Professional Memberships and Activities

Member, Max Planck Institute's Comparative Procedural Law and Justice Project (invited 2020)

Member, State of Nevada Advisory Committee on Civil Rules (appointed by Nevada Supreme Court 2017)

American Law Institute (elected 2006)

International Association of Procedural Law (elected 2006)

AALS Civil Procedure Section (Executive Comm. 2008-2013; Chair 2011-2012)

Bar Admissions (inactive)

State of Nevada, 2013; Commonwealth of Massachusetts, 1994; U.S. District Court for the District of Massachusetts, 1997; U.S. District Court for the District of Rhode Island, 1998; U.S. Court of Appeals for the First Circuit, 1995; U.S. Court of Appeals for the Third Circuit, 1995; U.S. Court of Appeals for the Ninth Circuit, 1996

Social Media

Founder (2021) and Host, Civil Procedure Podcast (110,000+ total downloads)

Personal

Born: June 3, 1969, Houlton, Maine

Married to Paula J. (Moran/Keefe) Main

Two children: Melissa and Scott Keefe