

THOMAS D. BARTON

Emeritus Professor of Law
California Western School of Law
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EDUCATION

Trinity Hall, Cambridge University, England
Ph.D., Law (1982)

Dissertation:

Justiciability: A Study of the Relationships of Problems and Adjudicative Procedures, subsequently published as *Justiciability: A Theory of Problem Solving*, 24 BOSTON COLLEGE LAW REVIEW 505 (1983).

Cornell Law School, Ithaca, New York
J.D. (1974)

Honors:

CORNELL LAW REVIEW Board of Editors
Gustavus Hill Robinson Medal for Moot Court Excellence
W.D.P. Carey Exhibition Prize for Legal Writing
AMERICAN JURISPRUDENCE Award in Equity
Winner, Cornell First Year Moot Court Competition
Co-winner, Cornell Third Year Moot Court Competition
Quarter Finalist, National Moot Court Regional Competition
Judge, Cornell University Hearing Panel
Class rank not disclosed; law review invitation by grades

Tulane University, New Orleans, Louisiana
B.A. (1971)

Honors:

Magna cum Laude, Phi Beta Kappa
Departmental Distinction (Political Science)
Tulane Scholars and Fellows Program
Phi Sigma Alpha (National Political Science Honorary)
Delta Alpha Pi (National German Language Honorary)
Junior Year Abroad, Nottingham University, England

RESEARCH GRANT AND REPORT

United States Patent and Trademark Office Study (2011-2012), MOU 2010-140-117, *Roundtable Program and Study on the Use of Alternative Dispute Resolution in IPR Litigation*, James M. Cooper and Thomas D. Barton, Principal Investigators. The outcome of the research is a submitted report: Thomas D. Barton and James M. Cooper, *Preventing and Resolving Intellectual Property Problems: Understanding and Using an Evolving System* (2012).

PUBLICATIONS AND SCHOLARLY ACTIVITY

• **BOOKS**

Thomas D. Barton and James M. Cooper, PROPIEDAD INTELECTUAL: COMO PREVENIR Y RESOLVER PROBLEMAS (LIBROTECNICA, 2105) [This is a Spanish language translation of USPTO Research Grant MOU 2010-140-117 Report].

PREVENTIVE LAW AND PROBLEM SOLVING: LAWYERING FOR THE FUTURE (Vandeplas Publishing, 2009).

BOOK CHAPTERS

Can Artificial Intelligence Save the Rule of Law ? LIQUID LEGAL : SUSTAINING THE RULE OF LAW (Kai Jacob, Dierk Shindler, Roger Strathausen, Bernhard Walzl, eds., Springer 2025)

Designing Legal Systems for an Algorithmic Society, LIQUID LEGAL : HUMANIZATION AND THE LAW (Kai Jacob, Dierk Shindler, Roger Strathausen, Bernhard Walzl, eds., Springer 2022)

Artificial Intelligence and Probability : Designing a Legal system to Prevent and Resolve Legal Problems, (LIQUID LEGAL II : DESIGNING TOMORROW’S LEGAL—A COMMON LEGAL PLATFORM (Kai Jacobs, Dierk Schindler, and Roger Strathausen, eds., Springer, 2020)

Reframing Contract Design : Integrating Business, Legal Design, and Technology Perspectives (Thomas D. Barton, Helena Haapio, Stefania Passera, and James G. Hazard) (RESEARCH HANDBOOK FOR CONTRACT DESIGN (Marcelo Corrales, Helena Haapio, and Mark Fenwick, eds., Edward Elgar 2020))

Legal Innovation in Contracting, and Beyond: Merging Design and Technology Tools for the Information Age (Thomas D. Barton, Helena Haapio, James G. Hazard, and Stefania Passera) in INNOVATION JURIDIQUE (Antoine Masson, ed. 2021)

Successful Contracts: Integrating Design and Technology (Thomas D. Barton, Helena Haapio, Stefania Passera, and James G. Hazard) in LEGAL TECH, SMART CONTRACTS AND BLOCKCHAIN (Marcelo Corrales, Mark Fenwick, Helena Haapio, eds. Springer, 2019)

Business-Friendly Contracting: How Simplification and Visualization Can Help Bring It to Practice (Helena Haapio and Thomas D. Barton) in LIQUID LEGAL: TRANSFORMING LEGAL INTO A BUSINESS SAVVY, INFORMATION ENABLED AND PERFORMANCE DRIVEN INDUSTRY (Kai Jacobs, Dierk Schindler, and Roger Strathausen, eds., Springer, 2017)

Collaborative Contracting as Proactive/Preventive Law, in PROACTIVE LAW IN A BUSINESS ENVIRONMENT (Gerlinde Berger-Walliser and Kim Ostergaard, eds., 2012).

A Paradigm Shift in Legal Thinking, in A PROACTIVE APPROACH TO CONTRACTING AND LAW 35–42 (Helena Haapio, ed., 2008).

The Rule and Non-Rule of Law, translated as *El Estado de Derecho y Su Ausencia*, in ESTADO DE DERECHO Y REFORMAS A LA JUSTICIA 215 (M. Riethmuller, trans., J. M. Cooper, R. Grote, M. I. Horvitz, & J. Stippel (eds., 2005).

- **ARTICLES**

Forty Years On, Practitioners, Parties, and Scholars Look Ahead, 24 DISPUTE RESOLUTION MAGAZINE 9 (2018) (Thomas D. Barton and James P. Groton)

From Visualization to Legal Design: A Collaborative and Creative Process (Gerlinde Berger-Walliser, Thomas D. Barton, and Helena Haapio, 54 AMERICAN BUSINESS LAW JOURNAL 347 (2017).

Re-designing Law and Lawyering for the Information Age, 30 NOTRE DAME JOURNAL OF LAW, ETHICS, AND PUBLIC POLICY 1 (2016)

Improving Contracts through Expanding Perspectives of Understanding, 52 CALIFORNIA WESTERN LAW REVIEW 33 (2015) (based on a 2013 Conference Proceedings paper)

Flexibility and Stability in Contracts (Thomas D. Barton, Helena Haapio, and Tatiana Borisova) 2 LAPLAND LAW REVIEW (2015) <http://urn.fi/URN:ISBN:978-952-484-799-5>, and <http://www.ulapland.fi/InEnglish/Units/Faculty-of-Law/Research/Lapland-Law-Review/Issues/Issue-2,-2015>)

Contract Flexibility through Trademarks: “Branded” Intellectual Property Licensing Practices (Nari Lee and Thomas D. Barton), 2 LAPLAND LAW REVIEW (2015) <http://urn.fi/URN:ISBN:978-952-484-799-5>, and <http://www.ulapland.fi/InEnglish/Units/Faculty-of-Law/Research/Lapland-Law-Review/Issues/Issue-2,-2015>)

Visualization: Seeing Contracts for What They Are, and What They Could Become (Thomas D. Barton, Gerlinde Berger-Walliser, and Helena Haapio) 19 JOURNAL OF LAW, BUSINESS & ETHICS 47 (2013)

Symposium Introduction: Advancing Intellectual Property Goals Through Prevention and Alternative Dispute Resolution (with James M. Cooper) 43 CALIFORNIA WESTERN INTERNATIONAL LAW JOURNAL 5 (2012).

Problem Solving and Prevention by General Jurisdiction Judges, 45 COURT REVIEW 116 (2010) (article invited by faculty editor).

Como Disenar un Sistema Procesal Civil (“Designing a System of Civil Procedure”), 7 DERECHO MAYOR 171 (2008).

Three Modes of Legal Problem Solving—and What to Do About Them in Legal Education, 43 CALIFORNIA WESTERN LAW REVIEW 389 (2007).

Thinking Preventively and Proactively, 49 SCANDINAVIAN STUDIES IN LAW 71 (2006).

Practicing Law Preventively and Proactively, 23 EUROLAWYER 12 (2005).

Preventive Law for Three-Dimensional Lawyers, 19 PREVENTIVE LAW REPORTER 29 (2001).

Preventive Law in the Corporate Environment, 25 DIRECTOR'S MONTHLY 16 (February, 2001).

Therapeutic Jurisprudence, Preventive Law, and Creative Problem Solving: An Essay on Harnessing Emotion and Human Connection, 5 PSYCHOLOGY, PUBLIC POLICY, AND LAW 921 (1999).

Creative Problem Solving and Human Rights, 26 ABA HUMAN RIGHTS 17 (1999).

Law and Science in the Enlightenment and Beyond, 13 SOCIAL EPISTEMOLOGY 99 (1999).

Creative Problem-Solving: Purpose, Meaning and Values, 34 CALIFORNIA WESTERN LAW REVIEW 273 (1998).

Troublesome Connections: The Law and Post-Enlightenment Culture, 47 EMORY LAW JOURNAL 163 (1998).

The Structure of Legal Systems, 37 AMERICAN JOURNAL OF JURISPRUDENCE 291 (1992).

The Prospects for a General Theory of Regulation, 46 WASHINGTON AND LEE LAW REVIEW 41 (1989).

Evaluating Alternative Institutions for Deciding Legal Policy Matters: Or, 'Why Do We Need Legal Institutions Anyway?' 1987 JAI RESEARCH ANNUALS ON LAW AND POLICY STUDIES.

Liberalism and Theories of Adjudication, 28 BOSTON COLLEGE LAW REVIEW 625 (1987).

Common Law and Its Substitutes: The Allocation of Social Problems Among Alternative Decisional Institutions, 63 NORTH CAROLINA LAW REVIEW 519 (1985).

Justiciability: A Theory of Judicial Problem-Solving, 24 BOSTON COLLEGE LAW REVIEW 505 (1983).

Affirmative Action: Making Decisions, 83 WEST VIRGINIA LAW REVIEW 47 (1980).

Fighting for Their Lives: The Applicability of the Fairness Doctrine to Violence in Children's Television Programming, 82 WEST VIRGINIA LAW REVIEW 285 (1979).

- **BOOK REVIEWS, COMMENTARY, SYMPOSIA INTRODUCTIONS, BLOGS**

Interview/Dialogue, *Expert's Opinion Report*, INFORMATION TECHNOLOGY CASE AND APPLICATION RESEARCH, Thomas D. Barton being interviewed by Mahesh S. Raisinghani, published March 26, 2018

Editorial, *Contracting for Innovation and Innovative Contracts: An Overview and Introduction to the Special Issue* (Thomas D. Barton, Gerlinde Berger-Walliser & Helena Haapio), 2 JOURNAL OF STRATEGIC CONTRACTING AND NEGOTIATION __ (2017).

Blog, GPC [Global Pound Conference] *Voting Trends: Strong Preferences For Prevention And Non-adjudicative Processes*, <https://blog.globalpoundconference.org/2017/01/13/gpc-voting-trends-strong-preferences-for-prevention-and-non-adjudicative-processes/>

Flexibility in Contracting: Introduction, 2 LAPLAND LAW REVIEW (2015) <http://urn.fi/URN:ISBN:978-952-484-799-5>, and <http://www.ulapland.fi/InEnglish/Units/Faculty-of-Law/Research/Lapland-Law-Review/Issues/Issue-2,-2015>)

The Lawyer as Preventive Legal Health Care Provider, CALIFORNIA BAR JOURNAL (August, 2013), <http://calbarjournal.com/August2013/Opinion/ThomasDBarton.aspx>

Collaborative Divorce: A Model of Effective Problem Solving and Prevention, (reviewing the book COLLABORATIVE DIVORCE HANDBOOK by Forrest S. Mosten), in the online journal of HARVARD NEGOTIATION LAW REVIEW (www.HNLR.org), December 28, 2009.

Contributor, *Contracting Excellence* e-zine published by IACCM (International Association for Contracts and Commercial Management) “Leadership and Strategy” issue, February, 2009. <http://www.iaccm.com/contractingexcellence.php?id=85>

Feathered and Unfeathered Hope: The Legal Fiction of Lowell B. Komie, 31 LEGAL STUDIES FORUM 933 (2007).

Preventive Law: A Methodology for Preventing Problems, published in program book *New Vistas in Dispute Resolution*, 2002 ABA Section of Dispute Resolution Annual Meeting (adapted from previous publication in 19 PREVENTIVE LAW REPORTER)

‘*Conceiving the Lawyer as Creative Problem Solver:*’ Introduction, 34 CALIFORNIA WESTERN LAW REVIEW 267 (1998).

Reflections on CONFESSIONS OF A CRIMINAL LAWYER, 21 LEGAL STUDIES FORUM 279 (1997).

Violence and the Collapse of Imagination, a review of Wendy Kaminer, IT'S ALL THE RAGE: CRIME AND CULTURE, 81 IOWA LAW REVIEW 1249 (1996).

Reclaiming Law Talk, a review of Mary Ann Glendon, *RIGHTS TALK: THE IMPOVERISHMENT OF POLITICAL DISCOURSE*, 81 CALIFORNIA LAW REVIEW 803 (1993).

Finding Self Within the Physical Universe: A Review of L. Weinreb's NATURAL LAW AND JUSTICE, 39 JOURNAL OF LEGAL EDUCATION 121 (1989).

Expectations, Institutions, and Meanings: A Review of Niklas Luhmann, A SOCIOLOGICAL THEORY OF LAW," 74 CALIFORNIA LAW REVIEW 1805 (1986).

Mythology as Method: A Review of Smith and Weisstub, THE WESTERN IDEA OF LAW, 10 AMERICAN LEGAL STUDIES ASSOCIATION FORUM 137 (1986).

Fears and Conflicts: A Review of Gottfried Dietze, LIBERALISM PROPER AND PROPER LIBERALISM, 37 STANFORD LAW REVIEW 1425 (1985) (invited review from student editor).

Legal Anthropology and Economic Analysis: A Review of Katherine Newman's LAW AND ECONOMIC ORGANIZATION and Richard Posner's A Theory of Primitive Society, 80 NORTHWESTERN UNIVERSITY LAW REVIEW 476 (1985).

Why Does Law Exist? 8 AMERICAN LEGAL STUDIES FORUM 359 (1984).

'The Constitution of the Bureaucratic State:' A Response to Professor Tushnet, 86 WEST VIRGINIA LAW REVIEW 1120 (1984).

'The Adversary System--Who Needs It?' A Response, 6 AMERICAN LEGAL STUDIES FORUM 18 (1982).

• CONFERENCE PROCEEDINGS CHAPTERS

Stefania Passera, Helena Haapio, and Thomas D. Barton, *Innovating Contract Practices: Merging Contract Design with Information Design*, in PROCEEDINGS OF THE 2013 IACCM ACADEMIC FORUM ON INTEGRATING LAW AND CONTRACT MANAGEMENT: PROACTIVE, PREVENTIVE, AND STRATEGIC APPROACHES (2013).

Thomas D. Barton, *Improving Contracts Through Expanding Perspectives of Understanding*, in PROCEEDINGS OF THE 2013 IACCM ACADEMIC FORUM ON INTEGRATING LAW AND CONTRACT MANAGEMENT: PROACTIVE, PREVENTIVE AND STRATEGIC APPROACHES (2013).

Visualization: Seeing Contracts for What They Are and What They Could Become (Thomas D. Barton, Gerlinde Berger-Wallisier and Helena Haapio), in PROCEEDINGS OF THE 2011 IACCM ACADEMIC SYMPOSIUM ON CONTRACT AND COMMERCIAL MANAGEMENT 3–15 (2011).

• **OTHER SCHOLARLY ACTIVITY**

Board Member, JOURNAL OF STRATEGIC CONTRACTING AND NEGOTIATION (JSCAN) (2018—present)

Guest Co-editor of Symposium issue of JOURNAL OF STRATEGIC CONTRACTING AND NEGOTIATION (JSCAN) (2017).

Co-Chair, IACCM Americas Forum, Academic Forum, 2013

Board Member, JOURNAL OF TRUST RESEARCH (2011—present)

North American Representative, FLEXIBILITY IN CONTRACTING PROJECT, University of Eastern Finland, Joensuu, Finland (2011—present).

Co-Convenor (with James M. Cooper), U.S. Patent and Trademark Office Symposium on Trends in Alternative Dispute Resolution Concerning Intellectual Property Rights Litigation, California Western School of Law, March 8-9, 2012

Convenor and Organizer, Cross-Cutting Topic Panel “Preventing Legal Problems,” for AALS Annual Conference, January 6, 2012.

Co-conceived and convened conference, *Preventing and Solving Legal Problems Creatively*, California Western School of Law, San Diego, March 4-6, 2004.

Conceived and convened conference, *The Rule of Law: Creating an Effective Legal Environment for the Global Economy*, California Western School of Law, San Diego, November, 2002.

Co-producer, Video: *Preventive Voices: The Multi-Dimensional Lawyer*, 2002.

Creation of Website, www.preventivelawyer.org, July, 2001.

EMPLOYMENT AND PROFESSIONAL AFFILIATION

2021—Present: Professor Emeritus, California Western School of Law

1990—2021: Professor of Law, California Western School of Law.

2007—2016: Louis and Hermione Brown Professor of Law, California Western School of Law. Louis M. Brown is known as “the father of Preventive Law,” an approach to law and lawyering that I advocated in my writing and teaching.

1999–2021: Co-Director, CWSL Center for Creative Problem Solving.

1991–2001, and Winter Term 2010: Visiting Professor, Department of Sociology, University of California at San Diego.

1989--90: Law Clerk to Chief Judge James W. Meyers, Bankruptcy Court, Southern District of California.

1987--89: Roscoe P. Posten and Hale J. Posten Professor of Law, West Virginia University College of Law.

1986: Visiting Research Associate, Centre for Socio-legal Studies, Oxford University.

1984--87: Professor, West Virginia University College of Law.

1982--84: Associate Dean for Academic Affairs, West Virginia University College of Law

1978--84: Assistant and Associate Professor, West Virginia University College of Law.

1976--78 and 1981--82: Graduate Student, Faculty of Law, Trinity Hall, Cambridge University.

1974--76: Associate Attorney, Harris, Beach & Wilcox, Rochester, New York (Antitrust and Taxation Law).

PROFESSIONAL PRESENTATIONS

Keynote Speaker, *Contract Strategy for the Information Age*, CIEL International Congress on Legal Strategy, Santa Domingo, Dominican Republic, July 31, 2019. I also was part of a panel discussion the second day of this conference.

Presenter, *Artificial Intelligence and Probability as Techniques of Human Problem Solving*, 15th Annual Conference on Technology, Knowledge, and Society, Cosmo Caixa Barcelona, Spain, March 11, 2019

Presenter, *AI: The Design of Future Legal Systems*, 7th Annual Conference on Governance of Emerging Technologies, Arizona State University, Phoenix, Arizona, March 23, 2019

Keynote Speaker, *Challenges When Family Conflict Meet the Law: a Proactive Approach*, Joint Conference on Health Matters in Child Custody Conflicts, University of Lund and University of Stockholm, Sweden, November 12-13 2018

Workshop co-presenter (with Helena Haapio), *New Contract Genres*, IACCM Conference, Krakow, Poland, May 15, 2018

Presenter, *Legal Innovation in Contracting and Beyond: Merging Design and Technology Tools for the Information Age*, ESSEC Business School, Paris, Conference on Legal Innovation, March 27, 2018

Workshop Organizer and Presenter, *How Can We Design Contracts (or Regulations) to be More Understandable and Successful?* ESSEC Business School, Paris, Conference on Legal Innovation, March 27, 2018

Presenter, student organization at University of Paris II (Pantheon-Assas), *An Overview of Legal Design*, March 26, 2018

Moderator, Panel Discussion, Conference on AI: Real World Ethics Symposium, at CWSL, San Diego, February 17, 2018

Co-Presenter (with Helena Haapio, Stefania Passera and James G. Hazard), *Integrating Legal Design and Technology for Successful Contracts*, University of Western Australia, Perth, Australia, Conference on Comic and Creative Contracts, December, 2017

Presenter, *Three Tenses of Law*, Universiti Teknologi MARA, Shah Alam, Malaysia, April 20, 2017

Presenter, *IP Globalization and ADR*, Islamic International University of Malaysia, Kuala Lumpur, Malaysia, April 19, 2017

Presenter, *Legal Pluralism*, University of Malaya, Kuala Lumpur, Malaysia, April 18, 2017

Presenter, in conjunction with United States Patent and Trademark Office, *Mediation Demonstration and Discussion*, National Association of Music Makers Conference, Anaheim, California, January 21, 2017

Presenter, *Improving Well-being While Safeguarding the Future: Goals, Markets, and Regulation of Pharmaceuticals*, Second International Conference on Consumer Policy in China, University of Macau, December 7, 2016.

Presenter, *ADR Alternatives and Progress*, Protecting Your IP Overseas: WIPO Services and Initiatives, USPTO/WIPO Joint Roadshow, San Diego, November 2, 2016

Moderator, Round Table Discussion, *Understanding Cross-Cultural Negotiations*, IACCM Americas Conference, 2016 San Diego, October 25, 2016

Moderator, Academic Forum, IACCM Americas Conference, 2016 San Diego, October 24, 2016

Presenter, *An Agenda for Contract Reform: Scaling Up Better Communication*, Academic Forum, IACCM Americas Conference, 2016 San Diego, October 24, 2016

Moderator, *Workshop on Contract Simplification: Crafting Simple Usable Contracts*, IACCM EMEA 2016 Conference Rome, Italy, May 8—11, 2016

Moderator, Round Table Discussion, *Understanding Cross-Cultural Negotiations*, IACCM EMEA 2016 Conference Rome, Italy, May 8—11, 2016

Presenter, various Universities in Shanghai, Wuhan, and Nanjing, China, April 2016 and December, 2015. I delivered speeches during two visits to these three cities in China. My speeches were either *IP Globalization and ADR* or *Three Tenses of Law*.

Presenter, *From Visualization to Legal Design: a Collaborative and Creative Process* (with Gerlinde Berger-Walliser), International Conference on Contract Simplification, organized by Swiss Re Centre for Global Dialogue, Zurich, Switzerland, March 29—31, 2016

Presenter, *Therapeutic Jurisprudence*, International Conference on Contract Simplification, organized by Swiss Re Centre for Global Dialogue, Zurich, Switzerland, March 29—31, 2016

Presenter, *Prevention and Alternative Dispute Resolution of Intellectual Property Problems*, Conference sponsored by United States Patent and Trademark Office: Roundtable for Judiciary on Intellectual Property Issues and Enforcement, Alexandria, Virginia (my presentation was remote, through video-conferencing technology), September 11, 2015.

Presenter, *The Past and Future of Preventive Law*, 4th International Conference on Therapeutic Jurisprudence, Auckland, New Zealand, September 3, 2015.

Presenter, *Information Age Technology and the Law: Advantages and Applications*, China Rule of Law Internet+Law International Forum, Beijing, China August 23, 2015.

Presenter, *The Rule of Law for the Information Age*, Eighth Global Studies Conference, Imperial College, London, England, July 21, 2015

Presenter, *Staying in Touch: Law and the Challenge of Cultural Change*, 34th International Congress on Law and Mental Health, Sigmund Freud University, Vienna, Austria July 15, 2015

Presenter, *ADR and Intellectual Property Rights*, Conference on Negotiating the Trans-Pacific Partnership, Catholica Universidad, Santiago, Chile, June 30, 2015.

Presenter, *Re-Designing Law and Lawyering for the Information Age*, Symposium on the Preventive and Positive Rules of Law, Ross School of Business, June 25-26, 2015, University of Michigan, Ann Arbor, Michigan.

Presenter, *Staying in Touch: Law and Cultural Change*, offered to the Faculty of Law and to a research group at the Lulea University of Technology, Lulea, Sweden, October 10, 2014

Presenter, *Government Ethics and Policies in Pharmaceuticals*, Cross-Strait Law Forum, Taipei, Taiwan, May 26, 2014. I also presented this paper at National Chung Hsing University Law Department, Taichung, Taiwan May 29, 2014

Co-presenter with James M. Cooper, *Prevention and Alternative Dispute Resolution of Intellectual Property Problems*, 9th Annual Meeting of the Advisory Committee on Enforcement, World Intellectual Property Organization, Geneva, Switzerland, March 5, 2014

Presenter, *Visualization*, KCON9: 9th Annual Conference on Contracts, St. Thomas University School of Law, Miami, Florida, February 21, 2014. I was the sole presenter on this talk, but the ideas and images were compiled through collaborations with Helena Haapio, Stefania Passera, and Gerlinde Berger-Wallister.

Presenter, *Improving Contracts through Expanding Perspectives of Understanding*, IACCM Academic Forum, Phoenix Arizona, October 8, 2013. I was also a co-organizer of this 2013 Academic Forum of the IACCM Americas Conference, October 8, 2013, Phoenix Arizona (with Gerlinde Berger-Walliser). We were responsible for assessing and accepting for oral presentation at the conference and/or publication of papers submitted for this conference; and I acted as moderator of the event.

Presentation, "Capturing Human Consent through Collaborative Contracts" International Academy of Law & Mental Health 2013 Congress, Amsterdam, July 16, 2013.

Presentation, "Prevention and Alternative Dispute Resolution of Intellectual Property Problems in the United States," Conference on Specialized Intellectual Property Courts, co-sponsored by the United States Patent and Trademark Office and the International Institute for Intellectual Property, January 18, 2012.

Presentation, "Understanding and Overcoming the Obstacles to Prevention in Law Teaching," AALS Annual Conference, Washington, D.C., January 6, 2012.

Presentation, "Collaborative Contracts: Making Contracts Better rather than Smarter," Proactive Law Conference: Proactive Law in a Global Business Perspective, Copenhagen Business School, December 1, 2011.

Presentation, "Preventive Law: Applications to Government Corruption," Catholica

Universidad of Argentina (Parana), August 20, 2011

Presentation, “ADR, Problem Solving Courts, and Preventive Law,” Catholica Universidad of Argentina (Parana), August 19, 2011

Presentation, “The Origins and Fundamentals of Preventive Law,” Osher Foundation, UCSD Extension, July 21, 2011

Presentation, “Preventive Law: Applications to Government Corruption and Army Human Rights Violations,” Catholica Universidad, La Paz, Bolivia July 19, 2011

Presentation, “ADR, Problem Solving Courts, and Preventive Law,” Catholica Universidad, La Paz, Bolivia July 18, 2011

Presentation, “ADR, Problem Solving Courts, and Preventive Law,” ENIR Foundation, Cocabamba, Bolivia, July 16, 2011

Presentation, “Problem Solving and ADR Reconsidered,” CEDEP, Asuncion, Paraguay July 13, 2011

Paper, “The Challenges and Opportunities of Legal Pluralism,” CILAS/CWSL Conference on Legal Pluralism in Latin America: Challenges and Comparative Perspectives, San Diego, California May 5, 2011

Presentation regarding STEPPS Course and Problem Solving at CWSL, Suffolk University College of Law, Boston, Massachusetts, April 11, 2011.

Presentation, “Welcoming Address,” Criminal Justice and Immigrants Conference, Santiago, Chile September 30, 2010

Paper, “Problem Solving and Prevention by General Jurisdiction Judges,” Conference on Non-Adversarial Justice, Melbourne, Australia, May, 2010. At this conference I also presented a Workshop on Preventive Law.

Presentation: “The Rule of Law in Bolivia,” Faculty of Law, Catholic University Bolivia, La Paz, Bolivia, 2010.

Presentation: “Consent, Power, and Trust in Contracting,” 1st European Proactive Law Symposium, ICN Business School, Nancy, France, October 14, 2009.

Presentation: “Preventive Law and Relational Contracts,” Americas Conference of IACCM (International Association of Commercial Contracts Managers), Orlando, Florida, April 23, 2009.

Presentation: “The Rule of Law: A Challenge of Understanding,” National University of Mexico, Mexico City, February 16, 2009.

Presentation: “Preventive Law and Legal Thinking,” address to the faculty of the University of Florida College of Law, Gainesville, Florida, November 14, 2008.

Presentation: “Looking Ahead: The Skills, Mentality, and Ethics of Preventive Law and Therapeutic Jurisprudence,” Conference on Justice and Policing in Diverse Societies, San Juan, Puerto Rico, June 11, 2008.

Presentation: “Beyond Good Faith: Contract Clauses that Build Strong Commercial Relationships,” Americas Conference of IACCM (International Association of Commercial Contracts Managers), Phoenix, Arizona April 9, 2008).

Presentation: Academic Symposium, Americas Conference on IACCM (International Association of Commercial Contracts Managers, Phoenix, Arizona April 7, 2008).

Presentation: Workshop on the Resolution of Cases, “Defamation and International Human Rights,” CEDEP, Asuncion, Paraguay July 19 and 20, 2007.

Presentation: Workshop on the Resolution of Cases, “Defamation and International Human Rights,” Universidad de Chile, Santiago, Chile, July 18, 2007.

Presentation: “Shaping Environments in an Individualistic Society: Slaying the Heroes?” 30th International Congress on Law and Mental Health, Padua, Italy, June 26, 2007.

Organizer and Moderator, Academic Panel, Commercial Contracting for Strategic Advantage Conference, Turku, Finland, June 16, 2007.

Presentation: “A Paradigm Shift in Legal Thinking,” Commercial Contracting for Strategic Advantage Conference, Turku, Finland, June 15, 2007.

Presentation: “Designing a System of Civil Procedure,” Conference on Civil Procedure Reform, Santiago, Chile, May 25, 2007.

Presentation: “Prevention Advising,” ABA-ADR Section Conference on Dispute Resolution, Washington, D.C., April 26, 2007.

Presentation: Panel on “Lawyers and Added Value: Brand Image, Reality, and Possibility” Conference of the International Association of Contract and Commitment Management, New Orleans, Louisiana, April 12, 2007.

Presentation: “Teaching Problem Solving and Prevention,” Annual Conference of the Southeastern Association of Law Schools, Palm Beach, Florida, July 21, 2006.

Presentation, “The Growth of ADR and Problem Solving Courts: Description and Understanding,” Universidad de Chile, Santiago, Chile, July 3, 2006.

Presentation, Ethics Panel, Third International Conference on Therapeutic Jurisprudence, Perth, Australia, June 8, 2006.

Presentation, Panel on Law School Teaching, Third International Conference on Therapeutic Jurisprudence, Perth, Australia, June 8, 2006.

Moderator, Academic Panel on Contracts Management, International Association of Commercial Contracts Managers, San Diego, California, April 29, 2006.

Presentation: “Preventive Law: Prospects for the Judiciary,” Annual Conference of the Southeastern Association of Law Schools, Hilton Head, South Carolina, July 22, 2005.

Presentation: “Diverted Legal Consciousness: Obstacles to the Regulation of Media Violence,” XXIX International Congress on Law & Mental Health, Paris, France, July 8, 2005.

Presentation: “A Framework for Understanding the Psychological and Cultural Assumptions in Procedures for Solving Problems,” XXIX International Congress on Law & Mental Health, Paris, France, July 6, 2005.

Presentation: “Earthquakes: Shaking Up Your Students’ Thinking,” Colloquium of the Lawyer as Problem Solver, ABA/ADR Section Meeting, Los Angeles, California, April 16, 2005.

Presentation: “The Fundamentals of Preventive Law,” Faculty of Law, Victoria University, Wellington, New Zealand, March 15, 2005.

Presentation, “The Rule of Law: A Challenge of Understanding,” Universidad de Chile, Santiago, Chile, May 10, 2004.

Presentation, “The Post-Liberal Rule of Law,” Universidad de los Andes, Santiago, Chile, May 7, 2004.

Presentation, “Lawyers as Creative Problems Solvers and Their Education,” Meiji Gakuin University, Tokyo, Japan, March 19, 2004.

Presentation, “Barriers to Creative Problem Solving: Culture and Mentality,” Conference on Preventing and Solving Legal Problems Creatively, California Western School of Law, San Diego, March 5, 2004.

Presentation, “The Cultural Roots of Alternative Perspectives and Alternative Justices,”

International Psychology and Law Conference, Edinburgh, Scotland July 11, 2003.

Presentations, “Preventive Law in Research,” and “Preventive Law in Teaching,” University of Lapland, Rovaniemi, Finland, May 15, 2003.

Presentation: “The Future of Law and Legal Practice,” Conference on Future Law, Lawyering, and Communication, Helsinki, Finland, May 12, 2003.

Presentations: “Introductory Overview,” and “Middle Eastern Cultural Perspective on the Rule of Law,” Conference entitled “The Rule of Law: Creating an Effective Legal Environment for the Global Economy,” California Western School of Law, San Diego, November 15, 2002.

Paper: “Preventive Law: A Methodology for Preventing Problems,” 2002 ABA Section of Dispute Resolution Annual Meeting, Seattle, Washington, April, 2002.

Presentation: “Integrating Problem Solving and Problem Prevention into an Existing Law School Curriculum,” St. Thomas University School of Law, Miami, Florida, March, 2002.

Presentation: “Preventive and Problem Solving Roles for Lawyers,” San Diego County Bar Association CLE, September 20, 2001.

Paper: “When Lawyers and the Legal System Confront Family Violence,” 6th International Conference on Family Violence, San Diego, California, September 11, 2001.

Paper, “The Comprehensive Law Movement: New Directions in Therapeutic Lawyering,” presented at Second International Conference on Therapeutic Jurisprudence, Cincinnati, Ohio, May 3, 2001.

Paper, “Harnessing Emotion and Human Connection in the Law,” presented to the Law, Culture, and Humanities Conference, Austin, Texas, March 10, 2001.

Paper, “Lawyers as Creative Problem Solvers” (with James M. Cooper) presented at New York University School of Law, New York City, New York, February 5, 2001.

Presentation, “The Future of Legal Education,” to PLANC Pre-Law Advisor Conference, San Diego, California, November 17, 2000.

Paper, “Creative Approaches to Lawyering: Preventive Law,” paper presented to Changing Face of Practice Conference, Baltimore, Maryland, October 13, 2000.

Paper, “Preventive Law: An Appropriate Technology for Exporting the Rule of Law,” 2000 Law and Society Annual Conference, Miami, Florida May 29, 2000.

Presentation, "Problem Framing," Consortium for Innovative Legal Education, Boston, Massachusetts, May 12, 2000.

Paper, "Order, Emotion and Therapeutic Jurisprudence," Psychology and Law International Conference (a joint meeting of the American Psychology-Law Society and the European Association of Psychology & Law), Dublin, Ireland July 6-9, 1999.

Co-Instructor, "Commercial Contracts, The Practice of Law in England and the European Community," CILE Summer Program in conjunction with the College of Law of England and Wales, London, England, June 27–July 8, 1999.

Paper, "Law and Post-Enlightenment Culture," 1999 Law and Society Association Annual Conference, Chicago, Illinois, May 27-29, 1999.

Paper, "Using Creative Problem Solving to Connect Theoretical Perspectives in Law and Society," 1998 Law and Society Association Annual Conference, Aspen, Colorado, June 4-7, 1998.

Presentation, "The Meaning and Values of Creative Problem Solving," Stanford Law School, Palo Alto, California, November 16, 1998.

Paper, "Therapeutic Jurisprudence and Creative Problem-Solving," First Annual International Conference on Therapeutic Jurisprudence, Winchester, England, July, 1998.

Paper, "Violence and Imagination," Law and Society Association Annual Conference, St. Louis, Mo., June, 1997.

Moderator, Panel on Decriminalization of Drugs, UCSD Phi Alpha Delta, 1992.

Presentation, Conference on Governmental Deregulation and Re-regulation, Washington and Lee Law School, 1989.

Commentary before West Virginia Legislature Joint Education Committee, 1988.

"Post-Acceptance Buyer Remedies under the UCC," presentation to North Central West Virginia Legal Aid Society, 1988.

"The Value of Philosophy in Pre-Law Training," presentation sponsored by Philosophy Department, West Virginia University, 1988.

Presentation, "Evaluating Alternative Institutions for Deciding Legal Policy Matters," Law and Society Association Annual Conference, Washington, D.C., 1987.

"The Economics of Legal Anthropology," Seminar Presentation to Centre for Socio-Legal

Study, Wolfson College, Oxford University, 1986.

"The Ideology of Freedom of Contract," Speech Sponsored by National Lawyer's Guild, West Virginia University College of Law, 1984.

Consultant, West Virginia Elections Commission, 1979. In this capacity, was principle drafter of Regulations for the West Virginia State Campaign Financing Law. The Regulations were declared in force in January, 1980.

"Dworkin's Reverse Discrimination," Seminar Presentation, Cambridge University Faculty of Law, 1977.

COURSES TAUGHT

At Law Schools:

Current Courses: Contracts; Civil Procedure; Problem-Solving and Preventive Law Seminar; Cross-Cultural Problem Solving and Dispute Resolution.

Past Courses Offered: Professional Responsibility; Jurisprudence; Legal Anthropology; Comparative Rule of Law; Legal Values in Western Society; Law and Economics; Individual Federal Taxation; Corporate Federal Taxation; Energy, Technology, and Society.

At University of California, San Diego (Department of Sociology and Law & Society Program):

Loyalty and Law; Forms of Social Control; Sociology of Law; The Public Interest vs. Private Rights; Justices Remembered: Thurgood Marshall and Earl Warren; Judging and Punishing; and Immigration Law and Policy.

PROFESSIONAL RECOGNITION

Awarding of Endowed Professorship at California Western School of Law, 2007.

San Diego Transcript "Top Attorneys" Award, 2006.

CWSL First-Year Professor Award (bestowed by students), 2003-04.

Honorable Mention, CPR Award for Problem Solving, 2003. CPR is a national organization dedicated to Alternative Dispute Resolution. The Honorable Mention was jointly awarded

with Professor Katharine Rosenberry for curricular innovation in legal problem solving at California Western School of Law.

"Excellent" rating as Judicial Clerk, 1989.

Awarding of Endowed Professorship (one of two then available for permanent faculty members at West Virginia University College of Law), 1987.

Member, American Society of Political and Legal Philosophy, 1986–present.

Distinguished Young Men of America, 1982.

Fellow, National Endowment for the Humanities Summer Seminar, UCLA School of Law, 1980.

Professor of the Year Award, WVU College of Law, 1980.

SERVICE CONTRIBUTIONS

Many of my external service contributions have been lectures to professional groups concerning either the Rule of Law or Preventive Law. I have spoken to groups in Latin America about social governance through legal systems, and about reforms to those systems. I have also spoken to groups of lawyers, judges, or business professionals about avoiding legal problems and other conflicts through the ideas of Preventive Law. Many of those presentations are listed above under the heading of “Professional Presentations.”

Other external service contributions have included reviewing manuscripts for Oxford University Press and the journal Law and Society Review; participating annually in the Constitution Day presentations to primary and secondary schools; service on committees of the American Bar Association pertaining to the problem solving approach to lawyering; promotion and tenure reviewer of external faculty; and participation on the Law and Society Committee at the University of California, San Diego.

Especially significant service internal to CWSL includes chairing the Strategic Planning Committee; Resource Allocation Committee; member of STEPPS Planning Committee; UCSD Committee; frequent speaker at Orientation for incoming law students and presenter of mock law classes for applicants.

BAR ADMISSIONS

New York, 1975 (active); California, 1989 (inactive status).

REFERENCES

Available on Request.