

VITA

E. Thomas Sullivan  
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**ACADEMIC EXPERIENCE:**

2019 – Present      *PRESIDENT EMERITUS and PROFESSOR of POLITICAL SCIENCE*, The University of Vermont

2012 - 2019        *PRESIDENT*, The University of Vermont

2004 - 2012        *PROVOST and SENIOR VICE PRESIDENT*, University of Minnesota

2005 - 2012        *JULIUS E. DAVIS CHAIR IN LAW*, University of Minnesota

2002 - 2005        *IRVING YOUNGER PROFESSOR OF LAW*, University of Minnesota

1995 - 2002        *DEAN and WILLIAM S. PATTEE PROFESSOR OF LAW*, University of Minnesota

1989 - 1995        *DEAN and PROFESSOR OF LAW*, University of Arizona, Tucson

1984 - 1989        *PROFESSOR OF LAW*, Washington University, St. Louis

1985 - 1986        *ASSOCIATE DEAN and PROFESSOR OF LAW*, Washington University, St. Louis

1982 - 1984        *PROFESSOR OF LAW*, University of Missouri, Columbia

1979 - 1982        *ASSOCIATE PROFESSOR OF LAW*, University of Missouri, Columbia

**VISITING APPOINTMENTS:**

September 2019- May 2020      *VISITING FELLOW*, Clare Hall College; and *VISITING PROFESSOR OF LAW*, Faculty of Law, Cambridge University, England

Winter, 2012        *VISITING PROFESSOR OF LAW*, New York University

Summer, 1997  
Summer, 1991        *VISITING FELLOW*, Clare Hall College; and *VISITING PROFESSOR OF LAW*, Faculty of Law, Cambridge University, England

Fall, 2002            *VISITING PROFESSOR OF LAW*, University of California, Berkeley (Boalt Hall)

Summers  
1981, 1983           *VISITING PROFESSOR OF LAW*, Georgetown University Law Center, Washington, D.C.

**TEACHING EXPERIENCE:**

Antitrust, Government Regulation of Business, Civil Procedure, Complex Litigation, Trial Practice, Conflict of Laws, Pretrial Practice & Procedure, Constitutional Law.

## HONORS:

- Proclamation of Honor and Recognition, Vermont Legislature, House of Representatives, for distinguished leadership and accomplishments as President of the University of Vermont (2019)
- Robert A. Skiff Award for Improving Educational, Community, and Economic Opportunities (2019) From the Greater Burlington Industrial Corporation
- Honoree, New England Board of Higher Education (2019)
- University of Vermont Police Services Civilian Service Award (2019)
- Honoree, 2019 Vermont Council on World Affairs (June 2019)
- Distinguished Alumni Achievement Award, Indiana University School of Law (2016)
- American Bar Association's Robert J. Kutak Award (2015)
- Access Achievement Award, University of Minnesota (2011)
- Life Member, American Law Institute (2009)
- Life Fellow, American Bar Foundation (2009)
- Distinguished Honorary Alumnus Award, University of Arizona (May 2008)
- Tribute issue to Dean E. Thomas Sullivan, 88 Minnesota Law Review (2003)
- J. William Elwin, Jr. Award for leadership and contributions to law school development, ABA Section of Legal Education, May, 2003
- Symposium in honor of E. Thomas Sullivan: "Global Antitrust Law & Policy," University of Minnesota Law School (September 20-21, 2002). Proceedings published in the 48 Antitrust Bulletin, 299-1045 (2003) (3 vols.)
- Distinguished NonAlumnus Award, University of Missouri (2003)
- Stanley V. Kinyon Teacher of the Year Award for Excellence in Teaching, University of Minnesota Law School (2002)
- University of Arizona Distinguished Citizen Award (1996)
- University of Arizona Distinguished Service Award (1995)
- Fellow, American Bar Foundation (1994)
- Drake University Alumni Achievement Award (1989)
- American Law Institute (1984)
- Directory of American Scholars (1982)
- Order of Coif (1979)
- Visiting Fellow, Cambridge University, Clare Hall College, Sabbatical in residence (Fall 1995, invitation declined)
- Adjunct Fellow, Center for Study of American Business, Washington University (1989-96)
- Research Associate, Center for Study of American Business, Washington University (1986-89)
- USIA Faculty Exchange Grant awarded for Visiting Professorship, Sichuan University, Chengdu, PRC (Summer 1989, invitation declined)
- Research Grant, Center for Study of American Business, Washington University (Summer 1986)
- Research Grant, University of Missouri Law School Foundation (1980-84)
- Research Grant, Stinson, Mag & Fizzell (1982)

## PUBLICATIONS:

Books (12):

FREE SPEECH AND EXPRESSION: FIRST PRINCIPLES AND CURRENT DEBATES  
(with Len Niehoff) (Cambridge University Press, to be published in 2021)

ANTITRUST LAW, POLICY, AND PROCEDURE  
(with H. Hovenkamp, H. Shelanski and Christopher Leslie) (casebook)  
(8<sup>th</sup> edition, 2019, Carolina Academic Press) (8 editions, from 1984-2019)  
(Annual Supplements from 1985 to 2018)

TEACHER'S PROBLEM MANUAL FOR ANTITRUST LAW, POLICY AND  
PROCEDURE (with H. Hovenkamp) (7<sup>th</sup> edition, 2014, Lexis/Nexis) (7 editions,  
from 1984-2019)

UNDERSTANDING ANTITRUST AND ITS ECONOMIC IMPLICATIONS  
(with J. Harrison) (hornbook) (7<sup>th</sup> edition, 2019, Carolina Academic Press)  
(7 editions, from 1988-2019)

COMPLEX LITIGATION

(with Richard Freer, Brad Clary)  
(3<sup>rd</sup> edition, 2019, Carolina Academic Press) (3 editions from 2009-2019)  
2010, 2011, 2013, 2016, 2017 Supplements to COMPLEX LITIGATION

TEACHER'S MANUAL FOR COMPLEX LITIGATION

(with Richard Freer, Brad Clary) (3<sup>rd</sup> edition, 2019, Carolina Academic Press)

THE ARC OF DUE PROCESS IN AMERICAN CONSTITUTIONAL LAW

(with Toni Massaro) (2013, Oxford University Press)

PROPORTIONALITY PRINCIPLES IN AMERICAN LAW

(with Richard Frase) (2009, Oxford University Press)

-Translated into Japanese and published in Japan (2005)

PRIVATE ANTITRUST ACTIONS (with D. Floyd) (treatise) (1996, Little, Brown &  
Co.)

- 2005, 2001 and 1998 Supplement to PRIVATE ANTITRUST ACTIONS

THE POLITICAL ECONOMY OF THE SHERMAN ACT: THE FIRST ONE  
HUNDRED YEARS (1991, Oxford University Press)

- Summary review in 105 Harvard Law Review 1433 (1992)

- Reviewed in 26 George Washington Journal of International Law & Economics 469  
(1992)

- Reviewed in 17 Queen's Law Journal 505 (1992)

- Summary review in 24 New York University Journal of International Law and Politics  
1049 (1992)

- Summary review in 11 California Lawyer 68 (1991)

PUBLIC POLICY TOWARDS CORPORATE TAKEOVERS (M. Weidenbaum, editor)  
(1988, Rutgers University Press - Transaction Books)

FEDERAL LAND USE LAW (with D. Mandelker and J. Gerard). (1986, West  
Publishing/Clark Boardman & Co.) (15 eds. from 1986 through 2002)

MISSOURI APPELLATE PRACTICE AND EXTRAORDINARY REMEDIES

(coauthors) (3d ed. 1981, Supp. 1982, 1983, 1985, 1987)

**MONOGRAPH:** NONPRICE PREDATION UNDER SECTION 2 OF THE SHERMAN ACT. (Editor and  
Project Director) (ABA, 1991)

**LEAD ARTICLES:**

The Transformation of the Legal Profession and Legal Education, 43 Indiana Law Review 145 (2013)

Due Process Exceptionalism, Irish Jurist (Nov. 2011) (Centennial Anniversary issue, solicited lead article) (with Toni Massaro)

The Roberts Antitrust Court: A Transformative Beginning, 52 Antitrust Bulletin 435 (2007) (with Daniel Gifford)

The Doctrine of Proportionality in the Time of War, 16 Minnesota Journal of International Law 457 (2007)

The Supreme Court and Private Law: The Vanishing Importance of Securities and Antitrust, 53 Emory Law Journal 1571 (2004) (with Robert Thompson)

- Reprinted in 47 Corporate Practice Commentator 461 (2005)

Global Trade Law: Present at the Creation, 13 Minn. J. of Global Trade 199 (2004)

Judicial Sovereignty: The Legacy of the Rehnquist Court, 20 Constitutional Commentary 171 (2004)

Comparing Antitrust Remedies in the U.S. and E.U.: Advancing a Standard of Proportionality, 48 Antitrust Bulletin 377 (2003) (symposium issue)

The Jurisprudence of Antitrust Divestiture: The Path Less Traveled, 86 Minnesota Law Review 565 (2002)

“Harmonizing Global Merger Standards” in *The Political Economy of International Trade Law*, 248 (Cambridge University Press, 2002)

The History of Antitrust Divestiture: Empirical Lessons for Microsoft, 70 U.S. Law Week 2019 (July 10, 2001)

Antitrust Regulation of Land Use: Federalism’s Triumph Over Competition, The Last Fifty Years, 3 Washington University Journal of Law and Policy 473 (2000) (symposium issue)

The Confluence of Antitrust and Intellectual Property at the New Century, 1 Minnesota Intellectual Property Review 1 (2000), <http://www.mipr.umn.edu>

Can International Antitrust Be Saved For the Post-Boeing Merger World? 45 Antitrust Bulletin 55 (2000) (March 27, 2003) (with D. Gifford)

Why the NCAA Does Not Exploit College Athletes, 8 Margin 61 (Fall 1992) (with R. McKenzie)

Does the NCAA Exploit College Athletes? An Economic and Legal Analysis, 32 Antitrust Bulletin 373-400 (1987) (with R. McKenzie)

- Excerpt in ECONOMICS (2d edition, 1989, Houghton Mifflin, Inc.) by McKenzie, Kamersden & Nardinelli

The Antitrust Division As A Regulatory Agency: An Enforcement Policy In Transition, 64 Washington University Law Quarterly 997-1055 (1986)

The Antitrust Division As A Market Regulator, Center for the Study of American Business, Washington University (December 1986)

- Reviewed in National Journal (December 13, 1986)

The FTC's Deceptive Advertising Policy: A Legal and Economic Analysis, 64 Oregon Law Review 593-635 (1986) (with B. Marks)

- Reprinted in 36 Law Review Digest 19 (1987)

- Reprinted in 10 Advertising Law Anthology (1986)

The AT&T Settlement: Legal Summary, Economic Analysis and Marketing Implications, 49 Journal of Marketing 127 (1985) (with B. Enis)

On Nonprice Competition: An Economic and Marketing Analysis, 45 University of Pittsburgh Law Review 402-33 (1984)

Contribution and Claim Reduction in Antitrust Litigation: A Legislative Analysis, 20 Harvard Journal on Legislation 397-440 (1983) (with D. Polden)

The Economic Jurisprudence of the Burger Court's Antitrust Policy: The First Thirteen Years, 58 Notre Dame Law Review 1-60 (1982)

First Amendment Defenses in Antitrust Litigation, 46 Missouri Law Review 517-77 (1981)

- Reprinted in Journal of Reprints for Antitrust Law and Economics 907 (1982)

New Perspectives in Antitrust Litigation: Toward a Right of Comparative Contribution, 1980 University of Illinois Law Review 389-424

- Reprinted in Corporate Counsel's Annual (Matthew Bender, 1981)

Pendent Jurisdiction: The Impact of Hagans and Moor, 7 Indiana Law Review 925-62 (1974)

The Stockholm Conference: A Step Toward Global Environmental Cooperation and Involvement, 6 Indiana Law Review 267-81 (1973)

Student Voter Residency Requirements: An Unconstitutional Roadblock in Decay, 5 Indiana Law Review 385-403 (1972)

#### **ESSAYS AND COMMENTARIES:**

“Relational Leadership”, Trustee Magazine (January 2020)

Vermont by Degrees; Laying the Foundation for Greater Success in Higher Education, Rutland Herald (March 6, 2019)

An Uncommon Scholar and Citizen, in Festschrift in honor of Wolfgang Mieder (February, 2019)

Speech and Expression on Campus, Huffington Post.com (March 1, 2017)

Congress Wants to Weaken the Pell Program, Why It Shouldn't, Huffington Post.com (June 9, 2015)

The Arts on Campus as a Means to Appreciate the Meaning of Life, Vermont Quarterly (Summer 2015)

Research and Scholarship as Public Good, Vermont Quarterly (Spring 2015)

On The Value of Liberal Education, Vermont Quarterly (Fall 2014), Vermont Digger (November 17, 2014)

The NCAA Autonomy Scheme: Increased Costs for Higher Education, New England Journal of Higher Education and Tribune News Service and McClatchy News Service (October 2014)

For Faculty Free Speech, The Tide is Turning. Chronicle of Higher Education (October 4, 2014) (with Lawrence White).

This Dynamic Culture of Learning, The City, The River, The Bridge: Before and After the Minneapolis Bridge Collapse (University of Minnesota Press, 2011)

In Defense of War to Advance Peace: The Obama Paradox, HuffingtonPost.com (December 14, 2009) (with J. B. Atwood)

The Solution to "Too Big to Fail", MinnPost.com, (November 4, 2009)

Educational Excellence, Without Ivy, Business Week (January 14, 2008) (co-authors)

Universities As Places and Spaces of Imagination, The Minnesota Daily 11A (November 1, 2007)

Taking the Lead on Learning, The Minnesota Daily 9A (March 29, 2007)

University's Focus on Academics, St. Cloud Times (February 11, 2007 op-ed)

The Risks Posed by New Biomedical Technologies: How Do We Analyze and Regulate Risk? 13 Medical Ethics 5 (Fall 2006)

The Educated Citizen and the Role of the Public University Post 9/11, (Numerous newspapers, September 10, 2006 op-ed)

The Middle East Crisis: The Relevance of Proportionality, Minneapolis Star Tribune (August 6, 2006 op-ed) (with J. Brian Atwood)

Uncommon Dedication, Syllabus (American Bar Association) (Spring 2006)

Strategic Positioning, The Minnesota Daily (October 19, 2005)

The Value of Teaching in a Research University, The Minnesota Daily (October 13, 2005 op-ed)

Judicial Activism, From the Left or Right, Undercuts the Rule of Law, Baltimore Sun (September 6, 2005 op-ed)

Access to Excellence, St. Paul Pioneer Press (March 17, 2005 op-ed)

Protecting Community, The Minnesota Daily (November 10, 2004)

Settlement Respects Community Ideas, The Minnesota Daily (September 20, 2004)

Race Consciousness As A Public Good, Syllabus (American Bar Association) (Fall 2003)

Society's Gatekeepers: How Well Are We Doing? Syllabus (American Bar Association) (Spring, 2003)

Academic Self-Reflection, Syllabus (American Bar Association) (Winter, 2003)

The Public University as a Public Good, Minnesota Law & Politics (Feb. 2003), [www.lawandpolitics.com](http://www.lawandpolitics.com)

Faculty as Public Intellectuals, Syllabus (American Bar Association) (Fall, 2002)

Decanal Leadership: Managing Relationships, 31 U. of Toledo Law Review 749 (2000) (symposium issue)

Bright Judging: An Iron Range Legacy, 83 Minnesota Law Review 219 (1998)

The Heaney Jurisprudence: Judicial Valor and Civic Responsibility, 81 Minnesota Law Review 101 (1997)

Grand Philosophy; Great Persona, 37 Arizona Law Review 3 (1995)

Uncommon Vision, 71 Washington University Law Quarterly 1013 (1993)

Uncommon Character, 35 Arizona Law Review 8 (1993)

Price-Fixing in The Ivy League, Wall Street Journal (June 15, 1992)

The New Vertical Price-Fixing Stance, National Law Journal (September 17, 1990)

Antitrust Law: Is It Dead? National Law Journal 13 (October 3, 1988)

A New Role For The Antitrust Division, National Law Journal 13 (May 18, 1987)

Is The NCAA a Cartel?, National Law Journal 13 (May 5, 1986)

Merger Litigation Costs Are Too High, New York Journal of Commerce (December 29, 1986)

## **BOARD MEMBERSHIPS:**

- Member, American Bar Association (ABA) Section of Legal Education Accreditation Appeals Panel
- Member, NCAA Division 1 Infractions Committee (2019-)
- Vice Chair of the NCAA Division 1 Presidential Forum Steering Committee (2016-2018; member since 2015)
- Member, Board of Directors of the Vermont Business Roundtable (2016-2019)
- Member of the Executive Committee, University of Vermont Foundation (2012-2019)
- Member, New England Board of Higher Education (July 2012-2019)
- Chair, Board of Presidents of the America East Athletic Conference (June, 2014 to 2016)
- Member, The University of Vermont Board of Trustees (July 2012-2019)
- Board of Directors, American Bar Foundation (2007-2012, 2013- ); Vice President (2018-); Secretary of Board (2016-18)
- Executive Committee Member, Committee on Institutional Cooperation (CIC) (Big Ten Universities & University of Chicago), (2007-11)
- National Council, Washington University in St. Louis (2006-2012)
- Board of Trustees, University of Minnesota Foundation (2005-11) (Appointed by the Minnesota Board of Regents); Trustee Emeritus (2011- )
- Editorial Advisory Board, Lexis Nexis (2005-07)
- Board of Trustees, Drake University (2004-2012)
- Public Member, American Board of Orthopaedic Surgery (2004-07)
- Board of Trustees, National Association for Law Placement Foundation (2002-04)
- Board of Advisors, Weisman Art Museum, University of Minnesota, (2001-04)
- Board of Directors, Minnesota Partnership For Action Against Tobacco (Appointed by Attorney General) (2001-02)
- National Board of Visitors, University of Arizona College of Law (1996-2012)
- Board of Visitors, University of New Mexico Law School (1996-98)
- Board of Directors, Legal Services of Eastern Missouri (1987-89)

## **PUBLIC SERVICE AND PROFESSIONAL ACTIVITIES:**

- Member, Accreditation Team, University of Iceland (February 2020)
- Adviser, American Law Institute's (ALI) Project on Sexual and Gender-Based Misconduct on Campus (2016- )
- Co-Chair, Working Committee of the American Bar Association / American Association of Law Schools on Students Loans and Debt (2014-2019)
- Consultant, SUNY/Buffalo Law School (Spring 2012)
- Consultant, Emory University School of Law (March 2011)
- Chair, Association of American Universities (AAU), Committee on Diversity (2010-2012)
- Consultant, United States Senate Judiciary Committee on the Confirmation of Solicitor General Elena Kagan to the United States Supreme Court, (Summer 2010) (by invitation of Senator Amy Klobuchar)
- Member, Accreditation Review Team, University of Michigan, (March 2010)
- Co-Chair, United States District Court Selection Committee (for Senator Amy Klobuchar) (Summer 2009)
- Consultant, United State Senate Judiciary Committee on the Confirmation of Judge Sonia Sotomayor to the United States Supreme Court (Summer 2009) (by invitation of Senator Amy Klobuchar)
- Chair, Peer Review Committee, City University of Hong Kong, School of Law (Dec. 2008)
- Co-Chair, Committee on Institutional Cooperation (Big Ten Universities & University of Chicago) Economic Development Summit on Midwest Economy (June 26, 27, 2008)
- Consultant, United States Senate Commerce Committee (Delta/NWA merger) (Spring 2008) (by invitation of Senator Amy Klobuchar)



- Chair, Advisory Committee to Review the Minnesota Code of Judicial Conduct (Appointed by Minnesota Supreme Court) (Spring 2007)
- Consultant, University of California, Irvine, on the formation of a new law school (2007)
- Manuscript Reviewer, University of Chicago Press (2006)
- Manuscript Reviewer, University of Michigan Press (2006)
- Chair, ABA Section of Legal Education Rules Revision Committee (2004-05)
- Chair, ABA Section of Legal Education Nominations Committee (2004-05)
- Chair, Advisory Committee on Code of Judicial Conduct (Appointed by Minnesota Supreme Court) (December, 2003)
- Special Counsel, State of Minnesota (Appointed by Attorney General to investigate illegal political contributions) (July, 2003)
- Moderator, Affirmative Action in Law School Admissions: What Directions After Grutter v. Bollinger? (ABA Annual Meeting) (August, 2003)
- Manuscript Reviewer, Hon. John Brown Award for Excellence in Legal Writing (presented at ABA Annual Meeting) (August 2003)
- Member, Review Committee on General Counsel of the University, University of Minnesota (2001-02)
- Consultant, Indiana University School of Law Dean's Search (2001-02)
- Chair, Task Force on Accreditation Process, ABA Section of Legal Education (2001-2002)
- Chair, Task Force on Long Range Planning and Strategic Objectives, ABA Section of Legal Education (2000-01)
- Member, ABA President's Commission on the Future of the Profession (2000- )
- Chair, ABA Section (and Council) of Legal Education and Admission to the Bar (2002-03)
- Chair-Elect, ABA Section (and Council) of Legal Education and Admission to the Bar (2001-02)
- Co-Chair, ABA Section of Legal Education and Admission to the Bar Self Study and Strategic Plan (2000).
- Member, AALS Nominating Committee (1999-2000)
- Consultant, Collins v. Dairy Queen, 59 F.Supp. 2d 1312 (M.D. Ga. 1999)
- Consultant, University of Oklahoma School of Law (May-August, 1999)
- Chair, ABA Conference on Law School Development, Santa Fe, N.M. (May 1999)
- Consultant, University of North Carolina School of Law (April 1998)
- Consultant, American Law Institute, Federal Judicial Code Revision Project (1996-98)
- Consultant, University of Maryland School of Law (December, 1994)
- Consultant, U.S. Senate Judiciary Committee on the Confirmation Hearings of Judge Ruth Bader Ginsburg to the U.S. Supreme Court (Summer, 1993)
- Consultant, Indiana University School of Law Decanal Review (June, 1993)
- Consultant, U.S. Senate Appropriations Subcommittee on the Treasury (Hearings on Proposed Merger Between Bank of America and Security Pacific Bank) (Fall, 1991)
- Consultant, American Law Institute, Complex Litigation Project (1988-93)
- Consultant, in NCAA v. Board of Regents of Oklahoma, 468 U.S. 85 (1984)
- Consultant, Attorney General, State of Missouri (1982-84, 87-89)
- Consultant, Missouri Supreme Court Rules Committee on Revision of Rule 81.06 (1982)
- Consultant, Department of Securities, State of Missouri (1980)
- Chair, ABA Section on Legal Education Development Committee (1998-00)
- Chair, State Bar of Arizona Taskforce on Elections (1993-95)
- Chair, ABA/AALS Joint Conference on Disability Issues (1994-95)
- Chair, AALS Antitrust & Economic Regulation Section (1991-93)
- Chair, AALS Special Committee on Legal Affairs (1991)
- Project Chair/Editor, ABA Antitrust Committee on Economics, Monograph on Nonprice Predation (1988-90)
- Manuscript Reviewer, University of Chicago Press (2003)
- Manuscript Reviewer, Oxford University Press (1991-95)
- Manuscript Reviewer, Little, Brown & Co. (1990-94)

- Member, Council of the ABA Section of Legal Education (1996-04)
- Member, ABA Section on Legal Education Development Committee (1993-99)
- Member, ABA Section on Legal Education National Commission on Law School Accreditation (1994-95) (Wahl Commission)
- Member, AALS Antitrust & Economic Regulation Section Executive Committee (1987-90)
- Member, AALS Committee on Accreditation (1985-88)
- Member, Legal Writing Committee, ABA Section of Legal Education and Admissions to the Bar (1987-93)
- Member, Board of Governors, State Bar of Arizona (1989-95)
- Member, Project Advisory Panel, Legal Education Committee, The Missouri Bar (oversaw revisions for Bar Publications) (1986-89)
- Member, Bicentennial Committee of the U.S. District Court (E.D. Mo.) (1987-89)
- Member, ABA Antitrust Committee on Economics (1982-95)
- Chair, Accreditation Reinspection Evaluation ABA/AALS Inspection Visit (University of California, Berkeley School of Law) (Fall 2016)
- Chair, Accreditation Reinspection Evaluation, ABA/AALS Inspection Visit (Harvard University Law School) (Spring 2012)
- Chair, Accreditation Reinspection Evaluation, ABA/AALS Inspection Visit (New York University Law School) (Nov 2009)
- Chair, Accreditation Reinspection Evaluation, ABA/AALS Inspection Visit (Stanford University Law School) (Nov 2008)
- Chair, Accreditation Reinspection Evaluation, ABA/AALS Inspection Visit (University of Pennsylvania Law School) (April, 2007)
- Chair, Accreditation Reinspection Evaluation, ABA/AALS Inspection Visit (University of Chicago) (April, 2005)
- Chair, Accreditation Reinspection Evaluation, ABA/AALS Inspection Visit (Yale University Law School) (February, 2004)
- Chair, Accreditation Reinspection Evaluation, ABA/AALS Inspection Visit (University of Virginia Law School) (October, 2002)
- Chair, Accreditation Reinspection Evaluation, ABA/AALS Inspection Visit (Stanford University Law School) (March, 2001)
- Chair, Accreditation Reinspection Evaluation, ABA/AALS Inspection Visit (Harvard University Law School) (April, 1998)
- Chair, Accreditation Reinspection Evaluation, ABA/AALS Inspection Visit (Columbia University Law School) (November, 1996)
- Chair, Accreditation Reinspection Evaluation, ABA/AALS Inspection Visit (University of California Berkeley, Boalt Hall) (April, 1996)
- Chair, Accreditation Reinspection Evaluation, ABA/AALS Inspection Visit (University of New Mexico) (April, 1993)
- Chair, Accreditation Reinspection Evaluator, ABA/AALS Inspection Visit (University of Illinois) (November, 1989)
- Chair, Accreditation Reinspection Evaluator, ABA/AALS Inspection Visit (University of Florida) (February, 1989)
- Chair, Accreditation Reinspection Evaluator, ABA/AALS Inspection Visit (Case Western Reserve University) (April, 1988)
- Member, Accreditation Reinspection Evaluator, ABA/AALS Inspection Visit (University of Nebraska) (April, 1983)
- Hearing Commissioner, ABA Section of Legal Education and Admission to the Bar (New England Law School) (1980)
- Member, American Arbitration Association (1985- )
- Member, Steering Committee of Antitrust Section of the Bar Association of Metropolitan St. Louis (1985-89)

- Faculty Coach, Washington University, Championship Team National Mock Trial Competition sponsored by American College of Trial Lawyers (1986)
- Faculty Coach, Washington University, Midwest Regional Mock Trial Competition Championship Team (1985, 1986, 1987, 1988, and 1989)
- Faculty Advisor, Missouri Law Review (1980-84; vols. 45-49); Missouri Journal of Dispute Resolution (1984, Inaugural Issue)
- Member, Missouri Bar Law Schools Committee (1988-89)
- Faculty Representative for Washington University, AALS House of Delegates (1985-87, 1989)

#### **UNIVERSITY SERVICE:**

- Co-Chair, Budget Advisory Committee, University of Minnesota (2010-11)
- Chair, Oversight Committee, University of Minnesota Foundation and Minnesota Medical Foundation (2006- )
- Trustee, University of Minnesota Foundation (2005-11); Trustee Emeritus (2011- )
- Member, President's Development Committee, University of Minnesota (1997-02, 2005-09)
- Senior Vice President and Provost, University of Minnesota (2004-12)
- Chair, Strategic Planning Committee, University of Minnesota (2004-11)
- Board of Advisors, Weisman Art Museum, University of Minnesota (2001-04)
- Co-Chair, Dean's Search Committee, University of Minnesota Medical School (2001-02)
- Member, Review Committee on General Counsel of the University, University of Minnesota (2001-02)
- Chair, Decanel Review Committee, College of Liberal Arts, University of Minnesota (December, 1999-February, 2000)
- Chair, President's Task Force on Booster Club Contributions to the Athletic Department, University of Minnesota (Fall, 1999)
- Chair, Deans' Council, University of Minnesota (1998-99)
- Vice Chair, Deans' Council, University of Minnesota (1997-98)
- Chair, Dean Search Committee, Humphrey Institute of Public Affairs, University of Minnesota (1997-98)
- Author, Revised Tenure and Post-Tenure Rules (Sullivan I & II), University of Minnesota (Fall, 1996)
- Member, Commission on Women, University of Minnesota (1996-98)
- Chair, Provost Advisory Committee on Teaching Effectiveness, University of Arizona (1993-94)
- Chair, Deans' Council Development Committee, University of Arizona (1992-95)
- Chair, Deans' Council Legislative Relations Committee, University of Arizona (1991-93)
- Chair, Dean Search Committee, College of Education, University of Arizona (1991)
- Member, University of Arizona Faculty Senate (1989-95)
- Member, University of Arizona Task Force on Process to Review Academic Programs (1992-93)
- Member, Decanal Five-Year Review Committee, College of Agriculture, University of Arizona (1992-93)
- Member, Commission on the Status of Women, University of Arizona (1991-93)
- Chair, Washington University Judicial Board (1988-89)

#### **INVITED LECTURES, SPEECHES, AND SEMINARS:**

- Invited Speaker, Impeachment: Constitutional Principles and Political Consequences, Cambridge University (February 2020)
- Invited Speaker, Speech and Expression under the First Amendment, Cambridge University (September 2019)
- Invited Speaker, International Principles of Proportionality, Vermont Council on World Affairs (June, 2019)
- Invited Speaker, Free Speech on Campus: When Should Universities Draw the Line? National Constitution Center, Philadelphia (March 18, 2019)

- Invited Speaker, Bennington College (VT), Symposium on “Democracy Under Siege: What Everyone Needs to Know about the Constitution-The Free Speech Clause” (November 2018)
- Invited Speaker, Penn State University, “Speech and Expression on Campus: Exploring the First Amendment” (September 2017)
- Invited Speaker, Uniform Law Commission’s Annual Meeting, “On the Loss of Civic Education in the United States” (July 2016)
- Invited Speaker, Southeastern Law Schools Annual Meeting (July 28, 2015)
- Invited Participant, White House Summit on Higher Education (December 4, 2014)
- Invited Speaker, “On the Value of Strategic Planning”, Shelburne Museum (September 19, 2014)
- Invited Participant, White House Summit on Higher Education (January 16, 2014)
- Invited Speaker, Association of American Law Schools, Presidential Program on Law School Economics and Governance (January 5, 2014)
- Invited Speaker: “The Transformation of the Legal Profession, Law Schools, and the Judiciary” 2013 Annual Conference of Chief Justices and Conference of State Court Administrators (July 31, 2013)
- Invited Lecturer, The James Patrick White Lecture, Indiana University (April 3, 2012)
- Invited Speaker, The Next Generation of Antitrust Scholarship Conference, NYU School of Law (January 20, 2011)
- Invited Lecturer, The Seventh George McGovern Lecture: “Minnesota’s Global Legacy and Promise of Leadership in Food,” (Invitation by the U.S. Mission to the United Nations Agencies in Rome), Rome, Italy (October 8, 2010)
- Invited Lecturer: “Internalizing Universities in the United States,” John Cabot University, Rome, Italy (October 7, 2010)
- Keynote Speaker: “Leading, Managing, and Refocusing the Academy in light of Budget Constraints,” Iowa State University Faculty Senate Conference (April, 2010)
- Invited Speaker, American Bar Association’s Antitrust Annual Meeting (National Press Club): “Judicial Views of Courtroom Ethics,” Washington D.C. (April, 2010)
- Invited Speaker, Association of American Universities’ Annual Meeting: “Responding to Economic Crises Past and Present: Ramifications for the Next Generation” (September, 2009)
- Invited Speaker, ABA Law School Deans’ Meeting: “Thinking Strategically About How to Manage During a Time of Budget Retrenchment” (August, 2009)
- Invited Speaker, National Association of College and University Attorneys’ Annual Meeting: “Fighting for the Big Prize: Kid Gloves and Knockout Strategies for Winning and Avoiding Tenure Denial Litigation,” Toronto (June, 2009)
- Invited Speaker, Council of the Section of Legal Education of the ABA: “The Impact of the Economic Downturn on American Legal Education” (June, 2009)
- Invited Speaker, University of California, Berkeley, Dinner Remarks, Festschrift in Honor of Professor Philip Frickey (January, 2007)
- Invited Speaker, Association of American Law Schools’ Annual Meeting: “The Future of Public Law Schools” (January, 2007)
- Invited Keynote Speaker: “War on Terror: International and Interdisciplinary Perspectives,” Symposium, University of Minnesota Law School (November, 2006)
- Invited Speaker: “Transforming the University Through Strategic Planning,” National Consortium for Continuous Improvements in Higher Education and the American Council on Education, Washington D.C. (October, 2006)
- Invited Speaker, University of California, Irvine Conference on Recruiting International Students, National Security, and U.S. Immigration Policy (October, 2005)
- Invited Keynote Speaker, ABA Section of Legal Education Development Conference, Jackson Hole (June, 2005)
- Presenter, ABA Section of Legal Education, New Deans Workshop, Jackson Hole (June, 2005)
- Presenter, Faculty Seminar: “The Declining Role of Antitrust at the Supreme Court,” University of Minnesota Law School (April, 2004)
- Invited Lecturer, The Robert Endries Lecture, Syracuse University College of Law (October, 2003)

- Presenter, Faculty Seminar: “Toward a Proportionality Standard in Antitrust Remedies,” Syracuse University College of Law (October, 2003)
- Panelist: “Making the Case for Support of Legal Education,” ABA Section of Legal Education, Jackson Hole Development Conference (May, 2003)
- Invited Lecturer, Topic: On Comparative Antitrust and Competition Issues: University of Amsterdam, University of London (UCL), Uppsala University, University College Dublin, Tilburg University (April, 2003)
- Invited Lecturer, The Lewis Bernstein Memorial Lecture, St. John’s University School of Law, New York City (March, 2003)
- Commentator, Federalist Society Lecture: “Why The Antitrust Laws Should be Abolished,” by Dr. Robert Levy, University of Arizona College of Law (February, 2003)
- The Irving Younger Endowed Chair Lecture, University of Minnesota Law School (January, 2003)
- Invited Speaker, Indiana University School of Law, Distinguished Lecture Series: “The Future of Antitrust Law After *Microsoft*” (February, 2002)
- Invited Speaker, F. Hodge O’Neal Corporate and Securities Law Symposium, Washington University School of Law, St. Louis: “Multidisciplinary Practice” (February, 2002)
- Presenter, Faculty Seminar: “The *Microsoft* Settlement: The Consequences,” University of Minnesota Law School (November, 2001)
- Invited Speaker, 2001 ABA Deans’ Conference on Institutional Development: “Managing Crisis and Development” (June, 2001)
- Commentator, University of Minnesota Law School Conference on The Political Economy of International Trade Law: “Harmonizing Global Competition Policy” (September, 2000)
- Presenter, Academic Conference on International Competition and Intellectual Property, Fudan University in Shanghai, PRC (July, 2000)
- Invited Speaker, New Law Deans Workshop at Wake Forest University on Law School Development and Fundraising (June, 2000)
- Moderator, ABA Mid-Year Meeting: “The Impact of the Multidisciplinary Practice Proposal on Legal Education” (February, 2000)
- Invited Speaker, AALS Annual Meeting: “Institutional Responses to Increased Accountability in Higher Education” (January, 2000)
- Remarks, Memorial Address, Thirty-Fifth Hennepin County Bar Memorial Session (April 1999)
- Invited Speaker, AALS Section on Student Services Annual Meeting: “The Demographics: A Look at the Changing Face of Students” (January, 1999)
- Presenter, Faculty Seminar: “The Antitrust and Economic Issues Regarding the Microsoft Litigation,” University of Minnesota Law School (September, 1998)
- Invited Speaker, AALS Antitrust and Economic Regulation Section Annual Meeting: “The Regulatory Character of Modern Antitrust Policy” (January, 1998)
- Invited Speaker, Minnesota State Bar: “The Meaning of Professionalism” (September, 1997)
- Invited Speaker, 1997 ABA Deans’ Conference on Institutional Development: “How to Market a Capital Campaign” (June, 1997)
- Invited Speaker, 1997 ABA Deans’ Conference on Institutional Development: “Recruitment of Volunteers for A Capital Campaign” (June, 1997)
- Panelist: “On the Past, Present and Future of Legal Education,” Minnesota State Bar (June, 1997)
- Remarks, Conference on the Law and Economics of Federalism, Co-Sponsored by the Federal Reserve Bank and the University of Minnesota Law School (May, 1997)
- Invited Speaker, Federal Bar Association: “Antitrust Enforcement Trends in the Clinton Administration” (April, 1997)
- Panelist, Symposium on Teaching Ethics and the Legal Profession: “Perspectives on the Future of Legal Education,” Duke University Law School (November, 1995)
- Invited Speaker, Midwest Clinical Legal Education Conference: “The Changing Landscape of the Accreditation Process: Benefits and Risks for Clinicians” (October, 1995)
- Moderator, University of Arizona Philosophy of Law Symposium: “The Practice of Corrective Justice” (September, 1994)

- Invited Speaker, 1994 ABA Deans' Conference on Institutional Development: "Capital Campaigns: Planning and Preparation" (June, 1994)
- Moderator, Bill of Rights Film Festival, University of Arizona (May, 1994)
- Invited Speaker, CASE Conference at University of Denver: "Focusing Development on Alumni Relations" (March, 1994)
- Invited Speaker, Rotary Club of Yuma: "The Legal Implications of the NAFTA Agreement" (March, 1994)
- Invited Speaker, Arizona Trial Lawyers Association: "The Role of a Law School in a Legal Community" (February, 1994)
- Invited Speaker, Phoenix Seminar: "The Clinton Health Care Reform: The Antitrust Perspective" (January, 1994)
- Moderator, Phoenix Seminar: "The Clinton Health Care Reform" (January, 1994)
- Invited Speaker, Phoenix Rotary Club: "Hate Speech and First Amendment Rights on Campus" (October, 1993)
- Invited Speaker, 1993 National Association for Law Placement Annual Conference: "The Legal Employment Culture in the 1990's" (June, 1993)
- Invited Speaker, Arizona Women Lawyers Association: "The Feminization of the Legal Profession" (May, 1993)
- Invited Speaker, University Provost's Workshop on Promotion and Tenure (May, 1993)
- Program Chair, AALS Antitrust & Economic Regulation Section Annual Meeting: "Kodak: A Paradigm Shift Away From Chicago Analysis?" (January, 1993)
- Invited Speaker, 1992 ABA Annual Meeting, Section on Legal Education: "Financing Legal Education in a Period of Scarce Resources" (August, 1992)
- Invited Speaker, 1992 ABA Deans' Conference on Institutional Development: "Alumni Relations, Special Events and Successful Development" (June, 1992)
- Program Chair, AALS Antitrust & Economic Regulation Section Annual Meeting: "Competition in International Markets - Developing Antitrust Rules in Foreign Countries" (January, 1992)
- Invited Speaker, 1992 ABA Mid-Year Meeting, Annual Deans Workshop: "Managing the Faculty - The Dean's Role in Faculty Evaluations and Salary" (January, 1992)
- Invited Speaker, AALS Faculty Recruitment Conference: "Perspectives On Beginning Law Teaching After An Established Career" (November, 1991)
- Invited Speaker, 1991 National Association for Law Placement Annual Conference: "Determining Success in Career Services Programs" (June, 1991)
- Invited Speaker, 1991 Arizona State Bar Convention: "Professionalism for Professionals: The Law School Viewpoint" (June, 1991)
- Moderator, AALS Antitrust & Economic Regulation Section Annual Meeting: "The Economic and Litigation Techniques for Measuring Market Power" (January, 1991)
- Invited Speaker, University of Arizona Faculty Lecture Series: "Antitrust And Trade Regulations in the 1990's: The Impact on Consumers" (November, 1990)
- Presenter, Faculty Seminar: "Price Fixing in the Ivy League on Financial Aid, Tuition & Salaries," University of Arizona College of Law (February, 1993)
- Presenter, Faculty Seminar: "The Political Economy of the Sherman Act," Arizona State University School of Law (April, 1990)
- Moderator, Seminar: "The Transformation of the Legal Profession," 1990 Arizona State Bar Convention (June, 1990)
- Presenter, Faculty Seminar: "Post-Modern Antitrust: The 1990s and Beyond," University of San Diego Law School (March, 1989)
- Invited Speaker, 1988 Judicial Conference of the U.S. Court of Appeals for the Eighth Circuit: "Judicial Immunity: Are You At Risk?" (July, 1988)
- Invited Speaker, 1988 ABA Annual Meeting, Toronto: "Antitrust And Trade Association Communications: Promoting Efficiency or Creating Restraints?" (August, 1988)
- Presenter, 1987 Judicial Conference of the U.S. Court of Appeals for the Eighth Circuit, Bicentennial Committee (July, 1987)

- Presenter, Antitrust Steering Committee of the Bar Association of Metropolitan St. Louis: "The Antitrust Division as a Market Regulator" (February, 1987)
- Presenter, Conference on The Public Policy Towards Corporate Takeovers: "Is the Antitrust Division an Economic Regulator of Markets?" Center for Study of American Business, Washington University (November, 1986)
- Invited Participant, Liberty Fund Conference: "Justice As Participation: Should Workers Be Given Managerial Rights?" St. Louis (September, 1986)
- Presenter, Faculty Seminar: "Does the NCAA Exploit College Athletes? An Economic and Legal Analysis," Center In Political Economy, Washington University (February, 1986)
- Invited Participant, Law and Economics Institute, Emory University (Summer, 1986)
- Lecturer, The Soviet Union's Court System and the Procedural Process, Minsk, U.S.S.R. (American Lawyer Study Tour to U.S.S.R. July, 1985)
- Lecturer, Soviet Contract Law and Commercial Arbitration, Leningrad, U.S.S.R. (American Lawyer Study Tour to U.S.S.R. July, 1985)
- Lecturer, Tying And Exclusive Dealing Under the Justice Department's Vertical Guidelines, Corporate Counsel Institute, Bar Assoc. of Metropolitan St. Louis (April, 1985)
- Lecturer, Law School CLE, Topic: The Fundamentals of Antitrust Practice and Current Developments (October, 1983)
- Lecturer, Law School CLE, Topic: Current Developments in Discovery (April, 1981)
- Lecturer, Law School CLE, Topic: Strategies in Using the New Discovery Rules (December, 1981)
- Lecturer, Annual Survey of Law (Civil Procedure), Missouri Bar Annual Meeting (1983, 1988)
- Lecturer, Bar Review Courses (1980 to 2000)
- Lecturer, UMC Advanced Legal Preparation Session for Disadvantaged Law Students (1980-83)
- Lecturer, Honors College, University of Missouri, Economics Seminar, Topic: Antitrust Law & Economics: Before and After the Reagan Administration (November, 1982)
- Invited Speaker, Washington University Law Alumni Century Club: "Antitrust Developments and Football T.V. Contracts" (October, 1984)
- Invited Speaker, Litigation Department, Stinson, Mag & Fizzell (Kansas City), Topic: Procedure in Transition: Redefining the Lawyering Process (January, 1983)
- Invited Speaker, Indiana University School of Law: "Perspectives on the Importance of Law Reviews in Legal Education" (November, 1982)
- Faculty Participant, AALS Workshop on Role of Social Science in Legal Education and Scholarship, Washington, D.C. (November, 1984)
- Faculty Participant, National Institute of Trial Advocacy Training Session, University of California School of Law, Hastings (1979)
- Interview, National Public Radio on Nomination of Richard Thornburgh as U.S. Attorney General (January, 1989)
- Interviews, St. Louis Post-Dispatch (August, 1987) and National Public Radio (September, 1987) on litigation and jury issues involved in the longest jury trial in U.S. history (Dioxin case)
- Interview, Channel 2 T.V. (KTVI St. Louis) on Antitrust Issues Implicated by NFL Football (Spring, 1986)

#### **LEGAL EXPERIENCE:**

##### **AMICUS CURIAE BRIEFS, Co-Author**

2020	Oberlin College v. Gibson's Bakery, Ohio Court of Appeals
2018	United States v. Sanchez-Gomez, U.S. Supreme Court
2016	Teladoc, Inc. v. Texas Medical Board, U.S. Court of Appeals for the Fifth Circuit

- 2014 North Carolina State Board of Dental Examiners v. Federal Trade Commission, U.S. Supreme Court
- 1994 SCFGILC, Inc. v. Visa USA, Inc., 36F.3d 958 (10<sup>th</sup> Cir.)
- 1977 - 1979 SENIOR ASSOCIATE, Donovan Leisure Newton & Irvine, Washington D.C./New York City
- Primary emphasis on civil litigation in the federal courts and administrative agencies. Participated in multidistrict antitrust litigation in federal district courts and before the FTC in cases involving allegations of price fixing and shared monopoly, and class action determinations.
- Served as antitrust counsel to a national trade association and as counsel to a large medical device manufacturer on FDA regulatory and compliance procedures.
- Co-trial counsel in a seven month adjudicatory hearing before the FTC involving allegations of deceptive advertising and unfair trade practices which resulted in the most voluminous evidentiary record presented in an FTC deceptive advertising case. In re American Home Products Corp., 98 FTC 136-427 (1981).
- 1975 - 1977 TRIAL ATTORNEY, U.S. Department of Justice, Criminal Division, Fraud Section (Attorney General's Honor Graduate Program)
- Member, Young Lawyers Study Group, Department of Justice, Appointed by Assistant Attorney General Richard Thornburgh
- Area of Concentration: Corporate and securities cases.
- Served as trial counsel in four corporate fraud prosecutions, each involving sums of \$400,000 to 1 million dollars.
- Appointed Special trial counsel in United States v. Edward Gurney (M.D. Florida) by U.S. Attorney General Edward Levi (political corruption, bribery, and perjury case).
- Authored four appellate briefs and argued three before the United States Court of Appeals (citations available).
- Appointed Special Attorney in four federal judicial districts to investigate and present evidence before Grand Juries in corporate fraud related matters.
- Participant, U.S. Attorney General's Advocacy Institute.
- Participated in drafting one of the original versions of the Foreign Corrupt Practices Act of 1977, amending the Securities and Exchange Act of 1934.
- 1973 - 1975 LAW CLERK, Honorable Joe Eaton, U.S. District Court (S.D. Florida)

**BAR ADMISSIONS:**

Missouri  
 District of Columbia  
 State of Florida  
 State of Indiana  
 U.S. Supreme Court



