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INTRODUCTION

This is the abridged version of my CV. The unabridged version, available [here](#), contains considerably more detail about my professional activities since entering academia.

ACADEMIC POSITIONS

University of Arkansas at Little Rock, William H. Bowen School of Law, Little Rock, AR (2004–present)

Professor of Law. Tenured: 2010.

Courses: Contracts I & II, Secured Transactions, and Jurisprudence.

Honors – Faculty Excellence Awards:

2010 Law School Faculty Excellence Award for Teaching
2014 Law School Faculty Excellence Award for Research
2021 Law School Faculty Excellence Award for Public Service
2022 Law School Faculty Excellence Award for Teaching
2022 **University** Faculty Excellence Award for Teaching

Only four faculty members in the history of the law school have won all three college-level awards for teaching, research, and service. And only three law school faculty members have ever won the university-level teaching award.

Honors – Graduation

2007 Graduation: Elected Faculty Honor Marshall by the graduating class
2008 Graduation: Elected Faculty Honor Announcer by the graduating class
2009 Graduation: Elected Faculty Honor Announcer by the graduating class
2010 Graduation: Elected Faculty Honor Announcer by the graduating class
2010 Graduation – December: Elected Faculty Honor Marshall by the graduating class
2011 Graduation: Elected Faculty Honor Announcer by the graduating class
2011 Graduation – December: Elected Faculty Honor Marshall by the graduating class
2012 Graduation: Elected Faculty Honor Announcer by the graduating class
2013 Graduation: Elected Faculty Honor Announcer by the graduating class
2013 Graduation – December: Elected Faculty Honor Marshall by the graduating class
2014 Graduation: Elected Faculty Honor Announcer by the graduating class
2015 Graduation – December: Elected Faculty Honor Marshall by the graduating class
2016 Graduation: Elected Faculty Honor Announcer by the graduating class
2016 Graduation – December: Elected Faculty Honor Marshall by the graduating class
2017 Graduation: Elected Faculty Honor Announcer by the graduating class
2017 Graduation – December: Elected Faculty Honor Marshall by the graduating class
2018 Graduation: Elected Faculty Honor Announcer by the graduating class
2018 Graduation – December: Elected Faculty Honor Announcer by the graduating class
2019 Graduation: Elected Faculty Honor Announcer by the graduating class
2019 Graduation – December: Elected Faculty Honor Announcer by the graduating class
2021 Graduation: Elected Faculty Honor Announcer by the graduating class
2021 Graduation – December: Elected Faculty Honor Announcer by the graduating class

2022 Graduation – December: Elected Faculty Honor Marshall by the graduating class

Honors – Miscellaneous

2016-2017 Student Bar Association Advisor Award of Appreciation

2020-2021 We HEART Faculty Award (voted on by the law school student body)

NON-ACADEMIC POSITIONS (for additional details, see the end of this document)

Freeborn & Peters, Chicago, IL, Associate, Litigation Practice Group (2000–2004).

Mayer Brown, Chicago, IL, Associate, Litigation Practice Group (1997–2000).

The Honorable Suzanne B. Conlon, United States District Court, Chicago, IL, Judicial Clerk (1996–1997).

EDUCATION

New York University School of Law, New York, NY

J.D., *magna cum laude*, May 1996

Honors: Order of the Coif

NEW YORK UNIVERSITY REVIEW OF LAW AND SOCIAL CHANGE, Legal Theory
Editor

American Jurisprudence Award, Property

Hamilton College, Clinton, NY

B.A., *summa cum laude*, in Philosophy and Government, May 1993

Honors: *Phi Beta Kappa*

Randall J. Harris Prize Scholarship in Philosophy
(awarded to the outstanding Junior in the department)

Squires Prize in Philosophy
(awarded to the outstanding Senior in the department)

Departmental Honors in Philosophy
Dean's List (earned every semester)

SCHOLARLY PUBLICATIONS – OVERVIEW (Details regarding each piece are set forth below).

PROBLEMS IN CONTRACT LAW: CASES AND MATERIALS (2023 10th ed.), with Charles L. Knapp, Nathan M. Crystal, Harry G. Prince, and Danielle Kie Hart.

The Contract Interpretation Policy Debate: A Primer, 26 STANFORD JOURNAL OF LAW, BUSINESS & FINANCE 222-293 (2021), available [here](#).

Contract Interpretation and the Parol Evidence Rule: Toward Conceptual Clarification, 24 CHAPMAN LAW REVIEW 89-243 (2020), available [here](#) and [here](#).

Contract Interpretation Enforcement Costs: An Empirical Study of Textualism Versus Contextualism Conducted Via the West Key Number System, 47 HOFSTRA LAW REVIEW 1011-1101 (2019), available [here](#).

Using the West Key Number System as a Data Collection and Coding Device for Empirical Legal Scholarship: Demonstrating the Method via a Study of Contract Interpretation, 34 JOURNAL OF LAW AND COMMERCE 203-324 (2016), available [here](#).

A Case for Grade Inflation in Legal Education, 47 UNIVERSITY OF SAN FRANCISCO LAW REVIEW 487-570 (2013), available [here](#).

In Defense of Mandatory Curves, 34 UNIVERSITY OF ARKANSAS AT LITTLE ROCK LAW REVIEW 253-336 (2012), available [here](#).

Overlooking Tort Claimants' Best Interests: Non-Debtor Releases in Asbestos Bankruptcies, 78 UNIVERSITY OF MISSOURI AT KANSAS CITY LAW REVIEW 1-100 (2009), available [here](#).

Hiding in Plain View: A Neglected Supreme Court Decision Resolves the Debate Over Non-Debtor Releases in Chapter 11 Reorganizations, 23 EMORY BANKRUPTCY DEVELOPMENTS JOURNAL 13-138 (2006), available [here](#).

Purposes for which Depositions May be Taken in a Pending Action, in 10 ILLINOIS PRACTICE (CIVIL DISCOVERY) 62-81 (Kinsler, Grenig & Nale eds., 2000) (chapter 2 of this volume), available [here](#).

Where Depositions May be Taken, in 10 ILLINOIS PRACTICE (CIVIL DISCOVERY) 82-90 (Kinsler, Grenig & Nale eds., 2000) (chapter 3 of this volume), available [here](#).

Compelling Appearance of Deponent, in 10 ILLINOIS PRACTICE (CIVIL DISCOVERY) 91-114 (Kinsler, Grenig & Nale eds., 2000) (chapter 4 of this volume), available [here](#).

SCHOLARLY WORKS IN PROGRESS

Further Thoughts on Grade Standardization and Grade Inflation

A General Theory of Bankruptcy Equitable Powers

SHORTER SCHOLARLY PUBLICATIONS

Corrective Justice, Reparations, and Race-Based Affirmative Action, THE ARKANSAS JOURNAL OF SOCIAL CHANGE AND PUBLIC SERVICE (July 15, 2015), available [here](#) and [here](#).

Foreword—A Student Symposium on National Federation of Independent Business v. Sebelius, 35 UNIVERSITY OF ARKANSAS AT LITTLE ROCK LAW REVIEW 539-542 (2014), available [here](#).

Breach of implied duty of good faith and fair dealing (§ 1.5, pp. 1-20 to 1-22), in ARKANSAS DEBTOR/CREDITOR RELATIONS HANDBOOK (Kevin P. Keech ed., 4th ed., 2012), available [here](#).

Res Judicata, in ENCYCLOPEDIA OF AMERICAN LAW 367-369 (David Schultz ed., 2002), available [here](#).

Statute of Limitations, in ENCYCLOPEDIA OF AMERICAN LAW 414-415 (David Schultz ed., 2002), available [here](#).

Subpoena, in ENCYCLOPEDIA OF AMERICAN LAW 422-423 (David Schultz ed., 2002), available [here](#).

NEWSPAPER, MAGAZINE, AND WEBSITE PUBLICATIONS

Improving Arkansas' constitutional structure, Ark. Dem. Gaz., Oct. 30, 2022, at 3H, available [here](#) and [here](#).

Not from thin air: Abortions rights' constitutional basis, Ark. Dem. Gaz., May 20, 2022, at 7B, available [here](#) and [here](#).

Constitutionally, the right to abortion isn't something made of nothing, Chi. Trib., Mar. 21, 2022, at 10, available [here](#) and [here](#).

Overriding rights: Allow businesses to require vaccines, Ark. Dem. Gaz., Oct. 7, 2021, at 7B, available [here](#).

Time to eliminate sovereign immunity, Ark. Dem. Gaz., Apr. 18, 2021, at 2H, available [here](#) and [here](#) (and discussed extensively at Instapundit [here](#)).

Say no to a terrible new tax, Ark. Dem. Gaz., Oct. 4, 2020, at 2H, available [here](#) and [here](#).

Thoughts Regarding Bostock v. Clayton County, the U.S. Supreme Court Decision Holding that Title VII Prohibits Discrimination Based on Sexual Orientation and Transgender Status, ContractsProfBlog, June 22-26, 2020, available [here](#) (Part I), [here](#) (Part II), [here](#) (Part III), [here](#) (Part IV), and [here](#) (Part V).

Professors Fight to Save Free Speech on Campus and Academic Freedom in Arkansas (with Rob Steinbuch), The James G. Martin Center for Academic Renewal, Jul. 12, 2019, available [here](#) and [here](#).

Cited in Sara Dillon, *On Academic Tenure and Democracy: The Politics of Knowledge*, 52 UIC J. MARSHALL L. REV. 937, 957 n.116 (2019)

On the Kentucky Derby disqualification, Ark. Dem. Gaz., May 12, 2019, at 2H, available [here](#) and [here](#).

Cited in Chad G. Marzen, *Disqualification in Horse Racing*, 98 OR. L. REV. 547, 549 n.14 (2020).

Good riddance to Issue 1 (with Jerry Cox), Ark. Dem. Gaz., Oct. 21, 2018, at 2H, available [here](#) and [here](#) (opposing a tort reform ballot referendum in Arkansas).

Cited in Spencer G. Dougherty, Comment, *Unbuckling the Seat Belt Defense in Arkansas*, 73 ARK L. REV. 121, 123 n.15 (2019).

The tragedy and nobility of #MeToo, Ark. Dem. Gaz., Jun. 3, 2018, at 2H, available [here](#) and [here](#).

Free Speech on Campus and Academic Freedom Under Attack in Arkansas (with Rob Steinbuch), The James G. Martin Center for Academic Renewal, Nov. 21, 2017, available [here](#) and [here](#).

An Awful Policy: UA proposal guts academic freedom (with Rob Steinbuch), Ark. Dem. Gaz., Nov. 9, 2017, available [here](#) and [here](#).

Mark Friedman Written Interview of Joshua Silverstein, *Joshua Silverstein on the Importance of Pro Bono Work in the Legal System*, Ark. Business., Oct. 27, 2017, available [here](#) and [here](#).

Death Penalty might indeed be unconstitutional, Ark. Dem. Gaz., Mar. 19, 2017, at 3H, available [here](#).

Public choice theory and the I-30 project (with Chris Johnson), Ark. Dem. Gaz., Oct. 16, 2016, at 2H, available [here](#).

Retain the Cantrell Road/I-30 Interchange (with Chris Johnson), Ark. Dem. Gaz., Jul. 17, 2016, at 2H, available [here](#).

Fulfilling the Enlightenment dream, Ark. Dem. Gaz., Jul. 5, 2015, at 2H (discusses the historical importance of the Supreme Court's decision establishing a constitutional right to same-sex marriage), available [here](#) and [here](#).

Law Schools Should Inflate Grades, Ark. Dem. Gaz., Oct. 6, 2013, at 3H, available [here](#); published along with George H. Leef, *The problem with grade inflation*, Ark. Dem. Gaz., Oct. 6, 2013, at 3H, available [here](#).

Unlocking Gridlock: Filibuster reform key to problem, Ark. Dem. Gaz., Jan. 18, 2013, at 9B, available [here](#).

SOCIAL MEDIA AND BLOG POSTS

I sometimes post commentary on law, public policy, and politics on my two blogs (both of which can be reached via my personal website [here](#)) and/or on Facebook. Various examples are set forth below.

The Overturning of Roe v. Wade. July 3, 2022. See [here](#) (blog) or [here](#) (Facebook).

Some Thoughts on the Texas Heartbeat Act (Texas Senate Bill Eight). Sep. 6, 2021. See [here](#) (blog) or [here](#) (Facebook).

Justice Ginsburg: Some Brief Thoughts on Her Passing. Sep. 19, 2020. See [here](#) (Facebook).

Thoughts Regarding Bostock v. Clayton County, the U.S. Supreme Court Decision Holding that Title VII Prohibits Discrimination Based on Sexual Orientation and Transgender Status. Jun. 22, 2020. See [here](#) (Facebook).

Why Elizabeth Warren Failed as a Presidential Candidate. Mar 7, 2020. See [here](#) (Facebook).

The Supreme Court Political Gerrymandering Cases: A Legal and Political Disaster. Jun. 28, 2019. See [here](#) (Facebook).

Comments on the Kentucky Derby Disqualification. May 5, 2019. See [here](#) (Facebook).

Eight Reasons to Support Clarke Tucker for Congress. Oct. 30, 2018. See [here](#) (Facebook).

Additional Thoughts Regarding the Supreme Court Nomination of Judge Kavanaugh. Sep. 28, 2018. See [here](#) (Facebook).

Thoughts Regarding the Supreme Court Nomination of Judge Kavanaugh. Sep 13, 2018. See [here](#) (Facebook).

Proposed Constitutional Amendment to Eliminate Sovereign Immunity. Aug. 12, 2018. See [here](#) (Facebook).

Proposed Constitutional Amendment to Eliminate Sovereign Immunity. July 9, 2018. See [here](#) (Facebook).

Myth: Overturning Roe Will Return Abortion to the States. Reality: Overturning Roe Will Return Abortion to the Democratic Organs of Government at the State and the Federal Level. Jul. 3, 2018. See [here](#) (Facebook).

Thoughts Regarding Recent Supreme Court Decisions and Justice Kennedy's Retirement. Jun. 27, 2018. See [here](#) (Facebook).

Please, Pretty Please Republicans, Please Get Rid of the Filibuster. Apr. 3, 2017. See [here](#) (Facebook).

Thoughts on the Nomination of Judge Gorsuch to the Supreme Court. Feb. 9, 2017. See [here](#) (Facebook).

Thoughts on Election 2016. Dec. 30, 2016. See [here](#) (blog) or [here](#) (Facebook).

On Justice Scalia's Death. Feb. 13, 2016. See [here](#) (Facebook).

Frustration with the Structure of the Republican Debates. Sep. 17, 2015. See [here](#) (Facebook).

Kim Davis, Same-Sex Marriage, and Religious Accommodation. Sep. 13, 2015. See [here](#) (Facebook).

Same-Sex Marriage vs. Polygamy. Jul. 1, 2015. See [here](#) (Facebook).

Brief Thoughts on Obergefell, the Same-Sex Marriage Case. June 26, 2015. See [here](#) (blog) or [here](#) (Facebook).

Analysis of King v. Burwell – The Obamacare Tax Subsidies Case. June 26, 2015. See [here](#) (blog) or [here](#) (Facebook).

Thoughts on SCOTUS Oral Argument in Same-Sex Marriage Case. Apr. 30, 2015. See [here](#) (Facebook).

Thoughts on the Hobby Lobby Case. Jul. 14, 2014. See [here](#) (blog).

SCHOLARLY PUBLICATIONS – DETAILED

PROBLEMS IN CONTRACT LAW: CASES AND MATERIALS (2023 10th ed.), with Charles L. Knapp, Nathan M. Crystal, Harry G. Prince, and Danielle Kie Hart.

I joined this book for the tenth edition. *Problems in Contract Law* is one of the leading contracts casebooks and has the largest market share of any such book.

***The Contract Interpretation Policy Debate: A Primer*, 26 STANFORD JOURNAL OF LAW, BUSINESS & FINANCE 222-293 (2021), available [here](#).**

Abstract: Contract interpretation is one of the most significant areas of commercial law. As a result, there is an extensive academic and judicial debate over the optimal method for construing agreements. Throughout this exchange, scholars and courts have advanced a wide array of conceptual, theoretical, and empirical arguments in support of the two primary schools of interpretation—textualism and contextualism—as well as various hybrid positions. This Essay is intended to serve as a primer on those arguments.

Summary of Contributions to the Literature. While other sources have presented useful surveys of the interpretation debate, the current piece makes three significant contributions. First, it is broader in scope than existing overviews. Second, the paper provides critical elaboration and clarification regarding many arguments presented in the case law and academic literature. And third, it is written in language that is more accessible to non-specialist audiences.

Publication Information. Stanford Law School was ranked 2nd in U.S. News when my article was accepted for publication. And according to the Washington & Lee University citation rankings, the Stanford Journal of Law, Business & Finance was ranked 282nd out of over 1500 journals at that time.

Citation History. The following authorities have cited *The Contract Interpretation Policy Debate*.

7 NEW JERSEY PLEADING & PRACTICE FORMS Ch. 61 Summary (Sep. 2021 Update) (citing my article once).

Joseph v. City of Atwater, 290 Cal. Rptr. 3d. 141, 146 (Cal. Ct. App. 2022) (citing my article once).

Appellant's Reply Brief at 5, 2022 WL 1063854, Plyley v. Renovating Specialists, Inc., N. B309457 (Cal. Ct. App. 2d Dist. Mar. 21, 2022) (quoting my article once).

Download History. *The Contract Interpretation Policy Debate* has been downloaded from SSRN 153 times. The article made the following SSRN Top Ten Download Lists in February of 2021:

ERN: Economics of Contract: Theory
ERN: Microeconomics: Asymmetric & Private Information
ERP: Contracts
ERP: Contract Interpretation
LSN: Contract Litigation, Arbitration, & Dispute Resolution
LSN: Electronic Shopping & Internet Issues
LSN: Formation of Contracts
LSN: Law & Economics: Private Law
LSN: Law & Society: Private Law – Contracts
LSN: Other Issues Involving the Sale of Goods or Services to Consumers

In addition, *The Contract Interpretation Policy Debate* has been downloaded 450 times from the Bowen Law Repository.

***Contract Interpretation and the Parol Evidence Rule: Toward Conceptual Clarification*, 24 CHAPMAN LAW REVIEW 89-243 (2020), available [here](#) and [here](#).**

Abstract. Contract interpretation is one of the most important topics in commercial law. Unfortunately, the law of interpretation is extraordinarily convoluted. In essentially every American state, the jurisprudence is riddled with inconsistency and ambiguity. This causes multiple problems. Contracting parties are forced to expend additional resources when negotiating and drafting agreements. Disputes over contractual meaning are more likely to end up in litigation. And courts make a greater number of errors in the interpretive process. Together, these impacts result in significant unfairness and undermine economic efficiency. Efforts to remedy the doctrinal incoherence are thus warranted. The goal of this Article is to clarify various legal concepts and principles that play a critical role in the interpretation caselaw and secondary literature. By untying some of the knots that entangle contract interpretation and the parol evidence rule, the Article will aid judges, lawyers, and professors in addressing interpretive issues in the contexts of adjudication, contract drafting, scholarship, and teaching. This Article addresses the following seven issues: (1) the two types of latent ambiguity; (2) the many definitions of “parol evidence”; (3) the stages of contract interpretation; (4) determining whether a court is using textualism or contextualism; (5) contextualism and the ambiguity determination; (6) the circumstances in which contract interpretation raises a jury question; and (7) contextualism and the parol evidence rule.

Summary of Contributions to the Literature. The abstract identifies the contributions my article

makes. All I will add here is that the article sets forth a definitive treatment of most of the issues addressed, as is suggested by the length of the piece.

Publication Information. The Chapman University, Dale E. Fowler School of Law, was ranked 111th in U.S. News when my article was accepted for publication. And according to the Washington & Lee University citation rankings, the Chapman Law Review was ranked 123rd out of over 1500 journals at that time.

Citation History. The following authorities have cited *Toward Conceptual Clarification*.

1 HAWKLAND UCC SERIES § 2-202 (citing my article once).

Karen Chen, *Catching Up to a New Normal: The Effects of Shifting Industry Standards on Contract Interpretation*, 90 FORDHAM L. REV. 2839, 2845 nn.36-37, 38-39 (2022) (citing or quoting my article 4 times).

Appellant's Reply Brief at 3-4, 2022 WL 1063854, Plyley v. Renovating Specialists, Inc., N. B309457 (Cal. Ct. App. 2d Dist. Mar. 21, 2022) (citing or quoting my article three times).

Download History. *Toward Conceptual Clarification* has been downloaded from SSRN 110 times. The article made the following SSRN Top Ten Download List in June, July, and August of 2021:

LSN: Contracts and Commercial Law
LSN: Contract Litigation, Arbitration, & Dispute Resolution
LSN: Evidence & Evidentiary Procedure
LSN: Law & Economics: Private Law
LSN: Law & Economics
LSN: Law & Society: Private Law
LSN: Law & Society: Private Law – Contracts

In addition, *Toward Conceptual Clarification* has been downloaded 602 times from the Bowen Law Repository.

***Contract Interpretation Enforcement Costs: An Empirical Study of Textualism Versus Contextualism Conducted Via the West Key Number System*, 47 HOFSTRA LAW REVIEW 1011-1101 (2019), available [here](#).**

Abstract: This Article sets forth an empirical study of a central issue in the judicial and academic debate over the optimal method of contract interpretation: Whether “textualism” or “contextualism” best minimizes contract enforcement costs. The study measured enforcement costs in twelve ways. Under each of those measures, there was no statistically significant difference in the level of interpretation litigation between textualist and contextualist regimes. Accordingly, the study finds no support for either the textualist hypothesis that contextualism has higher enforcement costs or the contextualist counter-hypothesis that textualism has higher enforcement costs. The study herein was conducted via the West Key Number System. It is the second study of contract interpretation enforcement costs that I have completed employing that tool. In a prior article, I presented the first study and discussed how to use the Key Number System for empirical research generally. This paper expands on the analysis of the Key Number System from the earlier article. It also addresses how the complexity and confusion in the interpretation caselaw create challenges for empirical work concerning contract interpretation.

Summary of Contributions to the Literature. The abstract identifies several of the contributions my article makes. Here I elaborate briefly on those contributions and identify some others. In the article, I discuss four potential follow-up studies to my original project. Of these four studies, only one

proved feasible—the study completed for this piece. The decisive problem for two of the projects was that the contract interpretation caselaw is too convoluted to classify the requisite number of states as either textualist or contextualist. The third uncompleted study suffered from critical logistical and technical challenges. The article addresses these feasibility issues in detail, providing critical guidance to other scholars regarding both (1) how to employ the Key Number System in empirical research, and (2) how the complexity and confusion in the contract interpretation caselaw create challenges for empirical work involving that subject. In addition, my discussion of the latter problem makes several novel contributions to our understanding of the law of interpretation and includes the first comprehensive statutory analysis of certain aspects of the Uniform Commercial Code.

Publication Information. The Hofstra University, Maurice A. Deane School of Law, was ranked 100th in U.S. News when my article was accepted for publication. And according to the Washington & Lee University citation rankings, the Hofstra Law Review was ranked 130th out of over 1500 journals at that time.

Citation History. The following authorities have cited *Using the West Key Number System*.

Aditi Bagchi, *Risk-Averse Contract Interpretation*, 82 LAW & CONTEMP. PROBS. 1, 8 n.22 (2019) (citing my article once).

2A SUTHERLAND STATUTORY CONSTRUCTION § 47.7 (2019) (citing my article once).

Shaanan Coney & David A. Hoffman, *Transactional Scripts in Contract Stacks*, 105 MINN. L. REV. 319, 380 n.273 (2020) (citing my article once).

Jasmine Abdel-Khalik, *Visual Appropriation Art, Transformativeness, and Fungibility*, 48 AIPLA QUARTERLY J. 171, 214 n.318 (2020) (citing my article once).

Curtis E.A. Karnow, *Litigating California Contracts*, 17 HASTINGS BUS. L. J. 165, 176 n.45 (2021) (citing my article once).

Howard O. Hunter, MODERN LAW OF CONTRACTS §10.19 (Mar. 2022 Update) (citing my article once).

Download History. *Contract Interpretation Enforcement Costs* has been downloaded from SSRN 56 times. The article made the following SSRN Top Ten Download Lists in June and July of 2019:

LSN: Legal Information & Academic Disciplines
LSN: Legal Information Economics
LSN: Legal Information Scholarship
LSN: Regulation of Contracting Private Parties.
Legal Information & Technology eJournal

In addition, *Contract Interpretation Enforcement Costs* has been downloaded 204 times from the Bowen Law Repository.

***Using the West Key Number System as a Data Collection and Coding Device for Empirical Legal Scholarship: Demonstrating the Method via a Study of Contract Interpretation*, 34 JOURNAL OF LAW AND COMMERCE 203-324 (2016), available [here](#).**

Abstract. Empirical research is an increasingly important type of legal scholarship. Such research generally requires the collection and coding of large quantities of data. These tasks pose critical challenges for legal scholars. Most crucially, they are often resource-intensive. The primary purpose of this article is to explain how researchers can use the West Key Number System to

dramatically streamline the process of data collection and coding. The article accomplishes this, in part, through a demonstration: it employs the Key Number System to conduct an empirical study of contract interpretation. Contract interpretation is one of the most significant areas of commercial law. And the subject has received considerable scholarly attention during the last decade. Virtually all academic work in this field is doctrinal or theoretical. But numerous contract interpretation issues cry out for empirical investigation. The secondary purpose of this article is to test one of the central claims in the judicial and academic debate over the optimal method of contract interpretation—the claim that the “contextualist” approach to interpretation results in more litigation over the meaning of contracts than does the “textualist” approach. The results of the study set forth below are inconsistent with that thesis. By thirteen of fourteen measures, there was no statistically significant difference in the amount of interpretation litigation between textualist and contextualist regimes. And for the fourteenth measure, while there was a statistically significant difference, the result was the opposite of that predicted by textualist theory: there was more litigation under textualism.

Summary of Contributions to the Literature. The abstract identifies several of the contributions my article makes. Here I elaborate briefly on some of those contributions. The article sets forth the first thorough assessment of the role the Key Number System can play in empirical research. This assessment includes (1) a survey of the literature employing the Key Number System for empirical work, and (2) a comprehensive analysis of the methodological issues surrounding the use of the Key Number System as a collection and coding device. No author had ever done either. The article also carefully reviews the textualist and contextualist approaches to contract interpretation and the policy justifications underlying each. The most important part of this section is my description of the debate over which approach causes more litigation. I carefully synthesize the arguments on both sides and present the most detailed discussion of this issue ever set forth in the academic literature or caselaw. Finally, the empirical study itself is highly original, both in method and aim. Indeed, it is the only empirical study to address whether one of the approaches to contract interpretation causes more litigation than the other.

Publication Information. The University of Pittsburgh School of Law, which publishes the *Journal of Law and Commerce*, was ranked 78th in U.S. News when my article was accepted for publication. And according to the Washington & Lee University citation rankings, the *Journal of Law and Commerce* was ranked 646th out of over 1600 journals at that time.

Citation History. The following authorities have cited *Using the West Key Number System*.

David B. Ratterman, *Codification of Trade Custom and Usage as a Viable Supplement to Construction Contracts*, 11 J. AM. COLL. CONSTRUCTION LAWYERS 1, 15 n.42, 23 n.74 (2014) (citing my article twice) (referring to my article as “an impressive empirical study of the diverse application of ‘textualism’ and ‘contextualism’ to contract interpretation across the United States”).

Shahar Lifshitz & Elad Finkelstein, *A Hermeneutic Perspective on the Interpretation of Contracts*, 54 AM. BUS. L. J. 519, 520 n.2, 521 n.8., 546 n.33 (2017) (citing or quoting my article three times).

Uri Benoliel, *The Interpretation of Commercial Contracts: An Empirical Study*, 69 ALA. L. REV. 469, 470 n.2, 471 n.4, 477 n.50, 478 n.51, 479 n.68, 486 n.116 (2017) (citing or quoting my article six times).

Wayne A. Logan, *False Messiah: The Sixth Amendment Revolution that Wasn't*, 50 TEX. TECH L. REV. 153, 157 n.28 (2017) (citing my article once).

Nicholas F. Stump, *Mountain Resistance: Appalachian Civil Disobedience in Critical Legal Research Modeled Law Reform*, 41 ENVIRONS ENVTL. L. & POL'Y. J. 69, 82 n.56 (2017) (citing

my article once).

Michael O. Eshleman, *A History of the Digests*, 110 LAW. LIB. J. 235, 255 n.207 (2018) (citing my article once).

Robert A. Hillman, *The Supreme Court's Application of "Ordinary Contract Principles" to the Issue of the Duration of Retiree Healthcare Benefits: Perpetuating the Interpretation/Gap-Filling Quagmire*, 32 ABA J. LAB. EMP. L. 299, 311 n. 118, 312 n.122 (2017) (citing my article twice).

Robert A. Hillman, *Article 2 of the UCC: Some Thoughts on Success or Failure in the Twenty-First Century*, 23 BARRY L. REV. 165, 175 & nn.63-66, 172 & nn.72-75 (2018) (citing or quoting my article eight times) (referring to my article as setting forth "[a]n excellent summary of the arguments and of additional related issues" concerning the debate over contract interpretation).

Uri Benoliel, *The Course of Performance Doctrine in Commercial Contracts: An Empirical Analysis*, 68 DePaul L. Rev. 1, 20 n.100 (2018) (citing my article once).

Alex Zhang & James Hart, *Sustainable and Open Access to Valuable Legal Research Information: A New Framework*, 111 LAW. LIBR. J. 229, 240 n.52 (2019) (citing my article once).

Uri Benoliel, *The Impossibility Doctrine in Commercial Contracts: An Empirical Analysis*, 85 BROOK L. REV. 393, 410 n.94 (2019) (citing my article once).

Uri Benoliel, *Contract Interpretation Revisited: The Case of Severability Clauses*, 3 BUS. & FIN. L. REV. 90, 91 nn. 2 & 3, 99 nn.44 & 45, 106 n.88 (2019) (quoting my article five times).

Francine S. Romero, *Before the Federal Rights Revolution: The Impact of Northern State Civil Rights Laws in the First Half of the Twentieth Century*, 43 SOCIAL SCIENCE HISTORY 345, 352 n.5 (2019) (citing my article once).

Nancy J. White, *The Contract Interpretation Two-Step: Step One, Ambiguity Determination and Step Two, the Battle of the Two Reasonable Meanings*, 21 JOURNAL OF MANAGEMENT POLICY AND PRACTICE 10, 12, 21 (2020) (citing my article once).

Judith M. Stinson, *Preemptive Dicta: The Problem Created by Judicial Efficiency*, 54 Loy. L.A. L. Rev. 587, 616 n.193 (2021) (citing my article once).

Uri Benoliel, *Formalism Versus Anti-Formalism in Contract Law: An Empirical Study*, 90 UMKC L. Rev. 253, 256 n.23 (2021) (citing my article once).

David Pritchard, *The Social Foundations of Defamation in Trial Court: Why Cases Begin and How They End*, 27 Comm. L. & Pol'y 128, 140 n.92 (2022) (citing my article once).

Download History. *Using the West Key Number System* has been downloaded from SSRN 109 times. The article made SSRN's Top Ten Download List for "ERN: Economics of Contract." In addition, *Using the West Key Number System* has been downloaded 1044 times from the Bowen Law Repository.

***A Case for Grade Inflation in Legal Education*, 47 UNIVERSITY OF SAN FRANCISCO LAW REVIEW 487-570 (2013), available [here](#).**

Abstract. This Article contends that every American law school ought to substantially eliminate C

grades by setting its good academic standing grade point average at the B- level. Grading systems that require or encourage law professors to award a significant number of C marks are flawed for two reasons. First, low grades damage students' placement prospects. Employers frequently consider a job candidate's absolute GPA in making hiring decisions. If a school systematically assigns inferior grades, its students are at an unfair disadvantage when competing for employment with students from institutions that award mostly A's and B's. Second, marks in the C range injure students psychologically. Students perceive C's as a sign of failure. Accordingly, when they receive such grades, their stress level is exacerbated in unhealthy ways. This psychological harm is both intrinsically problematic and compromises the educational process. Substantially eliminating C grades will bring about critical improvements in both the fairness of the job market and the mental well-being of our students. These benefits outweigh any problems that might be caused or aggravated by inflated grades. C marks virtually always denote unsatisfactory work in American graduate education. Law schools are the primary exception to this convention. It is time we adopted the practice followed by the rest of the academy.

Summary of Contributions to the Literature. While legal academics have written numerous articles about assessment and grading in legal education, no one had written a piece focusing on the *level* of grades awarded in law schools until the publication of *A Case for Grade Inflation in Legal Education*. Thus, most of the article contains data and arguments never before presented in the literature. For example, the article begins with comprehensive surveys of grading practices in graduate schools generally and law schools specifically. Such surveys had never been done for either subject. Thus, the section contains numerous original contributions, including the first narrative and statistical breakdowns of law school grading practices by U.S. News tier. In addition, the section that sets forth the psychological argument for grade inflation includes data compilations and comparisons never before presented.

Publication Information. The University of San Francisco School of Law was ranked 99th in U.S. News when my article was accepted for publication. And according to the Washington & Lee University citation rankings, the San Francisco Law Review was ranked 153rd out of over 1600 journals at that time.

Citation History. The following authorities cited *A Case for Grade Inflation in Legal Education*.

Aaron L. Nielson, *The Future of Federal Law Clerk Hiring*, 98 MARQ. L. REV. 181, 212 n.146 (2014) (quoting my article once).

Recent Cases and Commentary, 43 J.L. EDUC. 268, 268-69 (2014) (setting forth a one-paragraph summary of my article).

Pacific Lutheran University and SEIU, Local 925, 361 N.L.R.B. 157, 39 n.22 (N.L.R.B. Dec. 16, 2014) (Johnson, Mem., dissenting) (quoting my article once).

Christopher W. Holiman, Comment, *Leaving No Law Student Left Behind: Learning to Learn in the Age of No Child Left Behind*, 58 HOW. L.J. 195, 220 nn.177 & 180, 223 n.207 (2014) (quoting my article twice and citing it a third time).

Susan D. Landrum, *Drawing Inspiration from the Flipped Classroom Model: An Integrated Approach to Academic Support for the Academically Underprepared Law Student*, 53 DUQ. L. REV. 245, 255 n.44 (2015) (quoting my article once).

Andrew M. Perlman, *A Behavioral Theory of Legal Ethics*, 90 IND. L. J. 1639, 1669 n.182 (2015) (citing my article once).

Judith Welch Wegner, *Contemplating Competence: Three Meditations*, 50 VAL. U. L. REV. 675, 710 n. 172 (2016) (citing my article once).

Martha Kanter & Grace Dodier, *Discarding the Fiction of the Practice-Ready Law Graduate to Reclaim Law as a Profession*, 17 T.M. COOLEY J. PRAC. & CLINICAL L. 265, 274 n.37 (2016) (quoting my article once).

Samuel P. Engel, *The Economics of Law School: Employment Prospects and Market Inefficiencies*, 87 MISS. L.J. 501, 542 nn. 80 & 83, 544 n. 88 (2018) (citing or quoting my article four times).

Download History. *A Case for Grade Inflation in Legal Education* has been downloaded from SSRN 845 times. The article made the following SSRN Top Ten Download Lists in April and May of 2013 (with the article's place on the list in parenthesis).

Journal of Legal Education eJournal (2nd)
Journal of Philosophy of Law eJournal (1st)
Journal of Law & Society: The Legal Profession eJournal (3rd)
Law Educator: Courses, Materials & Teaching eJournal (1st)
Legal Scholarship Network: Legal Education (2nd)
Philosophy Research Network: Legal Theory, Policies & Practices, Law & Society (1st)
Humanities Network (5th)
Law & Society eJournals—All (10th)
Philosophy Research Network (5th)
Philosophy Research Network Subject Matter eJournals—All (5th)

In addition, *A Case for Grade Inflation in Legal Education* has been downloaded 1294 times from the Bowen Law Repository.

Media Attention. *A Case for Grade Inflation* received significant media attention locally, nationally, and even internationally. Set forth below is a selected list of media appearances with article and posting titles omitted. Source names are hyperlinked if the posting is still available online.

[American Bar Association Journal](#), May 15, 2013: Online Article & 208 Comments

***A Case for Grade Inflation in Legal Education* was the number one story at the ABA's website for the week of May 11 through May 17, 2013. The number two story was Justice Ruth Bader Ginsburg's public comments that the Supreme Court should have decided *Roe v. Wade* differently.

[Above the Law](#) Blog, May 13, 2013: Posting & 136 Comments

American Law School Reform Blog, May 12, 2013: Posting

[American Society of Employers](#), May 15, 2013: Quick Hits Blog Posting

Arkansas Democrat Gazette, Oct. 6, 2013, Perspectives Section: Published an editorial by George Leef of The John William Pope Center for Higher Education Policy criticizing my article and my response. Leef's piece is available [here](#). Mine is available [here](#).

[AutoAdmit](#), Law School Admissions Blog, May 17, 2013: Posting & 3 Comments

[Best Practices for Legal Education Blog](#), May 18, 2013: Posting & 2 Comments

[Business Insider](#), May 15, 2013: Online Article & 17 Comments

[Business Insider – Australia](#), May 16, 2013: Online Article

[The Careerist](#), Sep. 23, 2013: Posting & 5 Comments

[Economic Policy Journal Blog](#), May 15, 2013: Posting & 4 Comments

[Education Law Prof Blog](#), May 9, 2013: Posting

[Geobeats](#), 1 minute, 10 second news video summarizing the article (posted on YouTube and

AOL).

[Hacker News](#) Discussion Forum, May 13, 2013: 10 Comments (9th rated story for the week out of thousands).

[hawglawblawg](#), May 15, 2013: Posting (transcript of an interview I did; 9 standard pages)

[JD Underground](#) Discussion Forum, May 13, 2013: 37 Comments

[JD Oasis.com Blog](#), May 14, 2013: Posting

Law School Admissions Blog, May 15, 2013: Posting

Law School Scam Blog, May 15, 2013: Posting

[Lawyerist](#) Blog, May 25, 2013: Posting

[Legal Ethics Forum](#), May 16, 2013: Posting & 2 Comments

MSN News, May 15, 2013, Article & 351 Comments

[National Association of Scholars Blog](#), Sep. 18, 2013: Posting & 2 Comments

[National Review Online](#), Sep. 18, 2013: Posting

[Quora](#) Q&A Forum, May 12, 2013: Posting & 1 Comment

[Reddit](#) News Forum, May 13, 2013: Posting & 49 Comments

[RechtenStudie](#) (German Blog), May 16, 2013: Posting

[TaxProfBlog](#), May 10, 2013: Posting & 24 Comments

[TaxProfBlog](#), May 14, 2013: Posting & 3 Comments

[TaxProfBlog](#), Sep. 20, 2013: Posting & 1 Comment

[TaxProfBlog](#), Oct. 11, 2013: Posting

[Tennessee Bar Association Website](#), May 15, 2013: Posting

[tru.TV](#) (formerly Court TV) Blog, May 16, 2013: Posting

Twitter, May 2013: 37 Tweets regarding the article

[The Volokh Conspiracy](#), May 12, 2013: Posting

[The Volokh Conspiracy](#), Sep. 19, 2013: Posting

[The Volokh Conspiracy](#), Oct. 9, 2013: Posting

[The Wall Street Journal Online](#), May 10, 2013: Article & 2 Comments

[The Wall Street Journal Online](#), May 14, 2013: Article

***In Defense of Mandatory Curves*, 34 UNIVERSITY OF ARKANSAS AT LITTLE ROCK LAW REVIEW 253-336 (2012), available [here](#).**

Abstract. This article sets forth the first comprehensive defense of mandatory curves. It begins with a case study of one law school. That institution lacked formal grade normalization policies during the period of the case study. As a result, the school suffered from dramatic grade disparities. This article contains a list and statistical analysis of the most significant disparities. The statistical analysis supports the conclusion that the grade disparities were caused by differences in teacher grading philosophy, and not by student merit or any other factor. Next, this article presents several arguments in favor of mandatory curves. The most crucial is that grade variances that flow from differences in professor grading philosophy are grossly unfair to students. A second important defense of forced curves is that grade disparities distort the process of course selection, inducing students to register for classes based on the grading practices of the professor rather than on substantive concerns, such as topical importance, career relevancy, and skill development. The article then responds to the eight most significant and common objections to mandatory curves. Several of these objections are deeply problematic, such as the contention that curves prevent professors from awarding students the grades they deserve. Others have some merit, such as the

argument that mandatory curves encourage excessive competition among students. But the latter set of criticisms ultimately does not undercut the case for curves, principally because mandatory curves are the lesser evil. For example, the competition objection fails because the significant grade disparities that frequently result in the absence of a curve probably cause more competition than mandatory curves do. And even if forced curves do increase competition, the unfairness of grade disparities flowing from differences in professor grading philosophy is the more pressing concern. Finally, the article ends with a discussion of some issues regarding the structure and scope of mandatory curves, including the applicability of curves to smaller classes, seminars, and clinics.

Summary of Contributions to the Literature. The abstract identifies several of the contributions my article makes. Here I elaborate briefly on some of those contributions. First, *In Defense of Mandatory Curves* sets forth an extensive list of the grade disparities at the school I studied. It is the first piece to present such a list. Second, the type of statistical analysis I used to analyze the grade variations at the school had never been used before in this context. Third, my piece is the first to respond to the criticisms of mandatory curves set forth in the *Carnegie Report* and *Best Practices for Legal Education*. Fourth, *In Defense of Mandatory Curves* is the first article to thoroughly address the applicability of mandatory curves to small classes, seminars, and clinics.

Publication Information. According to the Washington & Lee University citation rankings, the UA Little Rock Law Review was ranked 572nd out of over 1600 journals at the time my article was accepted for publication.

Citation History. The following articles have cited *In Defense of Mandatory Curves*.

Eli Wald, *Looking Beyond Gender: Women's Experiences at Law School*, 48 TULSA L. REV. 27, 43 n.42 (2012) (citing my article once).

Christopher W. Holiman, Comment, *Leaving No Law Student Left Behind: Learning to Learn in the Age of No Child Left Behind*, 58 HOW. L.J. 195, 220 n.182 (2014) (citing my article once).

Adam Lamparello & Charles MacLean, *A Proposal to the ABA: Integrating Legal Writing and Experiential Learning Into Required Six-Semester Curriculum that Trains Students in Core Competencies, 'Soft' Skills, and Real-World Judgment*, 43 CAP. U. L. REV. 59, 109 n.148 (2015) (citing my article once).

Barbara Glessner Fines, *An Institutional Culture of Assessment for Student Learning* 415, 422 n.2, in BUILDING ON BEST PRACTICES: TRANSFORMING LEGAL EDUCATION IN A CHANGING WORLD (Deborah Maranville, Lisa Radtke Bliss, Carolyn Wilkes Kaas & Antoinette Sedillo Lopez eds., 2015) (citing my article once).

Judith Welch Wegner, *Contemplating Competence: Three Meditations*, 50 VAL. U. L. REV. 675, 710 n. 172 (2016) (citing my article once).

Michael Kaufman, *Social Justice and the American Law School Today: Since We Are Made For Love*, 40 SEATTLE U. L. REV. 1187, 1193 n. 25 (2017) (citing my article once).

Margaret Ryznar & Yvonne M. Dutton, *Lighting a Fire: The Power of Intrinsic Motivation in Online Teaching*, 70 SYRACUSE L. REV. 73, 79 n.19 (2020) (quoting my article once).

L. Danielle Tully, *What Law Schools Should Leave Behind*, 2022 Utah L. Rev. 837, 864 n.155, 867 n.170, 869 n.183 (2022) (citing my article three times).

Download History. *In Defense of Mandatory Curves* has been downloaded from SSRN 186 times. The article made the following SSRN's Top Ten Download Lists in January and February of 2012.

Education Law eJournal
LSN: Education Law: College & Graduate Education
LSN: Education Law: Primary & Secondary Education
Law Educator: Courses, Materials & Teaching eJournal
Legal Ethics & Professional Responsibility eJournal

In addition, *In Defense of Mandatory Curves* has been downloaded 223 times from the Bowen Law Repository.

***Overlooking Tort Claimants' Best Interests: Non-Debtor Releases in Asbestos Bankruptcies*, 78 UNIVERSITY OF MISSOURI AT KANSAS CITY LAW REVIEW 1-100 (2009)**, available [here](#).

Abstract. The asbestos crisis has spawned the development of extraordinary new remedies. One of the most dramatic and controversial is known as a “non-debtor release,” a bankruptcy order extinguishing claims against a party who has not itself filed for bankruptcy. Also known as a “third-party release,” this form of relief first found acceptance in early asbestos insolvencies. Since that time, Congress has passed a statute—§ 524(g) of the Bankruptcy Code—that expressly authorizes non-debtor releases in asbestos reorganizations. Powerful remedies are subject to abuse, and third-party releases are no exception. In this article, I argue that bankruptcy courts and litigants have overlooked critical limits on non-debtor releases—limits contained in both § 524(g) and other provisions of the Code. The most important restriction is this: Under the best interest of creditors test set forth in § 1129(a)(7) of the Code, it is permissible to extinguish the liabilities of a third party over the objection of claimants only when the plan of reorganization promises payment in full on the released claims.

Summary of Contributions to the Literature. *Overlooking Tort Claimants' Best Interests* is the first significant article to address asbestos non-debtor releases and makes two major contributions to the literature. First, this piece presents a thorough summary of the issues surrounding asbestos releases. Many of these issues had never even been identified, let alone addressed, prior to my article. Second, I set forth arguments intended to resolve all of the important issues concerning asbestos releases. In particular, the article focuses on a number of limitations on asbestos non-debtor releases that courts and litigants have universally ignored. Because these limits were not respected in past cases, more than one million tort claimants have been deprived of their legal rights.

Publication Information. According to the Washington and Lee University citation rankings, the UMKC Law Review was ranked 212th out of over 1200 journals at the time *Overlooking Tort Claimants' Best Interests* was accepted for publication. *Overlooking Tort Claimants' Best Interests* was the lead article in Volume 78 of the journal.

Citation History—Courts. The following case cited *Overlooking Tort Claimants' Best Interests*.

Pace v. A.I.G., Inc., No. 08 C 945, 2010 WL 1325657, *6 (N.D. Ill. Mar. 30, 2010) (citing my article once).

Citation History—Secondary Sources. The following secondary sources have cited *Overlooking Tort Claimants' Best Interests*.

LLOYD DIXON ET AL, RAND INST. FOR CIVIL JUSTICE, ASBESTOS BANKRUPTCY TRUSTS 7 n.12 (2010) (citing my article once), available [here](#).

George W. Kuney, *Nondebtor Releases and Travelers v. Bailey: A Circuit Split that is Likely to Remain*, 2010 NORTON ANN. SURV. BANKR. L. 5, 204 n.15 (citing my article once).

DAVID L. FAIGMAN ET AL, 3 MODERN SCIENTIFIC EVIDENCE: THE LAW AND SCIENCE OF

EXPERT TESTIMONY § 26.1, n.19 (2010-11 ed.) (citing my article once) (note that subsequent editions of this publication have cited my article in the same manner).

Jason R. Bent, *An Incentive-Based Approach to Regulating Workplace Chemicals*, 73 OHIO ST. L.J. 1389, 1402 & n.79 (2012) (citing my article once).

Patrick M. Birney, *Section 363 Sales Orders: May Sales Be Made Free and Clear of Successor Liability Claims?*, 22 J. BANKR. L. & PRAC. 477, 493 nn.72-75 (2013) (citing or quoting my article four times).

MASS TORTS IN EUROPE: CASES AND REFLECTIONS 255, 259 (William H. van Boom & Gerhard Wagner eds., 2014) (citing my article twice).

Ben H. Logan, *A New Millennium of Article III Analysis: Which Court—a Bankruptcy Court or a District Court—Must Decide Whether to Confirm a Plan that Contains a Nonconsensual Third-Party Release? (Part I)*, 37 No. 12 BANKR. LAW LETTER 1, 28-29 nn.126-127 (2017) (citing or quoting my article twice).

Alia Kadri, Note and Comment, *Settling the Opioid Crisis: A Prescription for Judicial Review of the Opiate Multidistrict Litigation Settlement*, 51 U. TOL. L. REV. 93, 105 n.112 (2019) (quoting my article once).

Michael Dore, 2 LAW OF TOXIC TORTS, § 20:13.20, at __ n.43.98 (2021) (quoting my article once).

Lindsey D. Simon, *Bankruptcy Grifters*, 131 YALE L.J. 1154, 1165 n.44, 1167 n.56, 1169 nn.68 & 70, 1172 n.84, 1173 n.98, 1176 n.115 (2022) (quoting or otherwise citing my article seven times).

Ralph Brubaker, *Mandatory Aggregation of Mass Tort Litigation in Bankruptcy*, 131 YALE L.J. FORUM 960, 966 n.19 (2022) (citing my article once).

Caleb Downs, Note, *Without Exception? The Ninth Circuit's Evolving Stance on Nondebtor Releases in Chapter 11 Reorganizations*, 95 S. Cal. L. Rev. 953, 956, 968-69 (2022) (citing or quoting my article 4 times).

Citation History—Briefs. The following briefs have cited *Overlooking Tort Claimants' Best Interests*.

Brief of Appellees-Respondents at 51-52, 2011 WL 4587586, *Wagner v. Bondex Int'l, Inc.*, No. WD72474 (Mo. Ct. App. Aug. 25, 2011) (citing my article twice).

Conocophillips Company's Appellant's Brief at 44, 2014 WL 641392, *Conocophillips Co. v. Noble Energy, Inc.*, No. 14-13-00884-CV (Tex. App. Feb. 12, 2014) (citing my article once).

Appellant's Opening Brief and Appendix Volume I at 23, 2014 WL 1315274, *In re Caribbean Petroleum Corp.*, No. 13-4415 (3rd Cir. Mar. 24, 2014) (quoting my article once).

Petition for Writ of *Certiorari* at 15, 2014 WL 9910689, *In re Caribbean Petroleum Corp.*, No. 14-731 (U.S. S. Ct. Dec. 17, 2014) (quoting my article once).

Download History. *Overlooking Tort Claimants' Best Interests* has been downloaded from SSRN 136 times. The article made SSRN's Top Ten Download List for "Torts and Products Liability Law." In addition, *Overlooking Tort Claimants' Best Interests* has been downloaded 1486 times from the Bowen Law Repository.

Hiding in Plain View: A Neglected Supreme Court Decision Resolves the Debate Over Non-Debtor Releases in Chapter 11 Reorganizations, 23 EMORY BANKRUPTCY DEVELOPMENTS JOURNAL 13-138 (2006), available [here](#).

Excerpted in ROUNDTABLE VIEWPOINTS: BUSINESS LAW 547-561 (M. Neil Browne & Nancy K. Kubasek eds., 2009).

Abstract. This Article presents a novel resolution of a long-standing circuit split on an issue of critical significance to bankruptcy and tort law: whether bankruptcy courts may extinguish liabilities of parties that have not filed for bankruptcy. Such “non-debtor releases” are similar in effect to a bankruptcy discharge and have become particularly common in both mass tort disputes and general insolvencies adjudicated through the bankruptcy process. In this Article, I illustrate how an overlooked Supreme Court decision—*United States v. Energy Resources*, 495 U.S. 545 (1990)—offers crucial support for the pro-release position. *Energy Resources* demonstrates that the bankruptcy courts’ “general equitable power” allows them to extinguish claims against non-debtors and that such relief is not forbidden by any specific provision in the Bankruptcy Code.

Summary of Contributions to the Literature. *Hiding in Plain View* is the first comprehensive analysis of non-debtor releases. The paper makes three critical contributions to the literature. First, although more than a dozen articles were published on non-debtor releases prior to mine, none presented a thorough outline of the split in the case law. *Hiding in Plain View* fills that void. Second, my piece is the first to address *all* of the legal issues concerning the validity of non-debtor releases. And third, *Hiding in Plain View* offers novel bases for resolving the four most important issues pertaining to non-debtor releases. In particular, I discovered a Supreme Court case, ignored by all other authorities, that contained crucial guidance on the question of the propriety of non-debtor releases. Using that case, I developed arguments that resolve the four central issues concerning releases. In short, *Hiding in Plain View* provides a thorough primer on non-debtor releases and comprehensively addresses the legitimacy of this form of relief under the Bankruptcy Code.

Publication Information. The Emory Bankruptcy Developments Journal is one of the leading bankruptcy publications. According to the Washington and Lee University citation rankings, the journal was ranked 393rd out of over 1200 publications at the time *Hiding in Plain View* was accepted for publication. *Hiding in Plain View* was the lead article in Volume 23, Number 1 of the journal.

Citation History—Courts. The following cases have cited *Hiding in Plain View*.

In re Quigley Co., Inc., 437 B.R. 102, 145 (Bankr. S.D.N.Y. 2010) (quoting my article once).

In re Companies’ Creditors Arrangement Act, Court File No. 08-CL-7440, pp. 17-18, ¶¶ 80-82 (Ontario Superior Court of Justice, Jun. 5, 2008) (containing a three-paragraph discussion of my article).

In re Ephedra Products Liability Litigation, 04 MD 1598 (JSR), at _ n.6 (S.D.N.Y. Mar. 7, 2007) (quoting my article once).

In re Wool Growers Cent. Storage Co., 371 B.R. 768, 775 (Bankr. N.D. Tex. 2007) (quoting or otherwise citing my article five times).

In re. Kirwan Offices S.a.r.l., 592 B.R. 489, 504) (S.D.N.Y. 2018) (citing my article once).

Blixseth v. Credit Suisse, 961 F.3d 1074, 1082 n.4 (6th Cir. 2020) (citing my article once).

In re Boy Scouts of America and Delaware BSA, LLC, 642 B.R. 504, 666 n.718 (D. Del. 2022)

(quoting my article once).

Citation History—Secondary Sources. The following secondary sources have cited *Hiding in Plain View*.

Zachary A. Kramer, *Heterosexuality and Title VII*, 103 NW. L. REV. 205, 229 n. 161 (2009) (citing my article once).

Gerald F. Munitz, *Confirmation of a Chapter 11 Plan*, UNDERSTANDING THE BASICS OF BANKRUPTCY & REORGANIZATION 2007, 898 Practising Law Institute/Commercial Law and Practice Course Handbook Series 515 (PLI 2007) (citing my article once and calling it an “extensive” treatment of non-debtor releases) (note that subsequent editions of this publication have cited my article in the same manner).

STEVEN C. ALBERTY, 3 ADVISING SMALL BUSINESSES § 47:15 (2008) (citing my article once) (note that subsequent editions of this publication have cited my article in the same manner).

Patrick D. Fleming, *Credit Derivatives Can Create a Financial Incentive for Creditors to Destroy a Chapter 11 Debtor: Section 1126(e) and Section 105(a) Provide a Solution*, 17 AM. BANKR. INST. L. REV. 189, 211 n.122 (2009) (quoting my article once).

David Gray Carlson, *The Res Judicata Worth of Illegal Bankruptcy Reorganization Plans*, 82 TEMPLE L. REV. 351, 412 n.541 (2009) (citing my article once).

Michael C. Duff, *Labor Injunctions in Bankruptcy: The Norris-LaGuardia Firewall*, 2009 MICH. ST. L. REV. 669, 698 n.140 (2009) (citing my article once) (“For discussions bringing great clarity of exposition of these views, see Joshua M. Silverstein, *Hiding in Plain View* . . .”).

Jason Harris, *Charting the Limits of Insolvency Reorganization*, 32 SYDNEY LAW REVIEW 141, 156 n.68 (2010) (citing my article once).

Brendon Hansen, Note, *All That Glitters Isn’t Gold: Deciphering In re Knudsen’s Tax Allocation Methods Under 11 U.S.C. § 1222(A)(2)(A) for Chapter 12 Debtors*, 44 U.C. DAVIS L. REV. 651, 679 n.228 (2010) (citing my article once).

John M. Wunderlich, *Bankruptcy’s Protection for Non-Debtors from Securities Fraud Litigation*, 16 FORDHAM J. CORP. & FIN. L. 375 (2011). *See id.* at 422 n.255 (quoting my article once and citing it for another proposition); *id.* at 423 n.257 (discussing and citing my article once); *id.* at 423 n.259 (citing my article twice, including a quotation with the first cite and a discussion of my article with the second cite).

Elizabeth Gamble, Note, *Nondebtor Releases in Chapter 11 Reorganizations: A Limited Power*, 38 FORDHAM. URB. L. J. 821, 834 n.84, 837 n.109, 845 n.169, 851 n.204 (2011) (citing my article four times).

94 AM. JUR. PROOF OF FACTS 3d 1, p. 3 (Supp. 2011) (“Confirmation of Plan of Reorganization by Business Entity Under Section 1129 of the Bankruptcy Code”) (citing my article once) (included in subsequent supplements).

Ryan M. Murphy, *Shelter from the Storm: Examining Chapter 11 Releases for Directors, Officers, Committee Members, and Estate Professionals*, 20 J. BANKR. L. & PRAC. 601, 618 n.31 (2011) (citing my article once).

Dennis J. Connolly & Nadja Bailey, *Current Issues Relating to the Use of Structured Dismissal*

in Bankruptcy Cases, 2011 NORTON ANN. SURV. BANKR. L. 1, 14 n.54 (quoting my article once).

Matthew Bruckner, *The Virtue in Bankruptcy*, 45 LOY. U. CHI. L.J. 233, 263 n.164 (2013) (quoting my article once).

Chanel Van Dyke, Note, *The Invocation of § 105 to Bar the Enforcement of Springing Guaranties Triggered by Bankruptcy-Related Events*, 20 FORDHAM J. CORP. & FIN. L. 785 *passim* (2015) (quoting or citing my article twenty-eight times).

Eamonn O’Hagan, *On a “Related” Point: Rethinking Whether Bankruptcy Courts Can “Order” the Involuntary Release of Non-Debtor, Third-Party Claims*, 23 AM. BANKR. INST. L. REV. 531, 533 n.14, 534 n.18, 539 n.37 (2015) (citing my article three times, and including a parenthetical quotation with each citation).

Michael S. Etkin & Nicole M. Brown, *Third-Party Releases?—Not So Fast! Changing Trends and Heightened Scrutiny*, 29 ASSOCIATION OF INSOLVENCY AND RESTRUCTURING ADVISORS (AIRA) JOURNAL 22, 23 n.12 & n.14, 23 n.26 (2015) (citing my article three times).

Fouad Kurdi, *A Question of Power: Non-Consensual Third-Party Releases in Chapter 11 Plans*, 25 J. BANKR. L. & PRAC. 331, 344 n.31 (2016) (quoting my article once).

Ben H. Logan, *A New Millennium of Article III Analysis: Which Court—a Bankruptcy Court or a District Court—Must Decide Whether to Confirm a Plan that Contains a Nonconsensual Third-Party Release? (Part I)*, 37 No. 12 BANKR. LAW LETTER 1, 26 n.74, 26 n.86, 28 n.119, 28, n.123, 28 n.126 (2017) (citing or quoting my article five times).

Jack M. Dougherty, *Volatile Windfalls: Effects of Tax Cuts and Jobs Act for S-Corp Shareholders Warrant Strong Arm Power Limitation in Bankruptcy*, 36 EMORY BANKR. DEV. J. 299, 329 n.214 (2020) (citing my article once).

Zachary W. Singer, *The Impending In re Ditech Dispute: How Imposing Section 363(o) Disrupts Plan Sales and Undermines Consumer Protection*, 29 ABI LAW REVIEW 207, 219 n.81 (2021) (citing my article once).

Lindsey D. Simon, *Bankruptcy Grifters*, 131 YALE L.J. 1154, 1170 n.78 (2022) (citing my article once).

Ralph Brubaker, *Mandatory Aggregation of Mass Tort Litigation in Bankruptcy*, 131 YALE L.J. FORUM 960, 969 n.30, 976 n.72 (2022) (citing my article twice).

Ralph Brubaker, *Assessing the Legitimacy of the “Texas Two-Step Mass-Tort Bankruptcy*, 42 No. 8 BANKR. LAW LETTER 1, 21 n.120 (citing my article once).

Jennifer Kellner, *To Release or Not to Release? An Examination of Nondebtor Releases in the Context of Complex Chapter 11 Bankruptcy Filings*, 3 CORP. & BUS. L. J. 281, 292-294 (2022) (citing or quoting my article twenty-two times).

Caleb Downs, Note, *Without Exception? The Ninth Circuit’s Evolving Stance on Nondebtor Releases in Chapter 11 Reorganizations*, 95 S. Cal. L. Rev. 953, 954, 956-58, 969-71, 985-87, 990 (2022) (citing or quoting my article 13 times).

Citation History—Briefs. The following briefs have cited *Hiding in Plain View*.

Respondents’ Brief at Tab 18, *Fowler v. Lindholm et al*, VID 627 of 2009 (Federal Court of

Australia 2009).

Petition for a Writ of *Certiorari* at 11, 2009 WL 2235817, *Ad Hoc Committee of Kenton County Bondholders v. Delta Air Lines*, No. 09-104 (U.S. S. Ct. July 22, 2009) (quoting my article once).

Debtors' Reply to the Acting United States Trustee's Objection to Confirmation of Debtors' Final Joint Plan of Reorganization 6 n.11, 2010 WL 5852327, *In re Black Gaming, LLC.*, No. BK-10-13301-BAM (Bankr. D. Nev. June 23, 2010) (quoting the bulk of one of my footnotes).

Objection of Michael L. Fitzgerald to Second Amended Chapter 11 Plan of Liquidation of Dewey & Leboeuf LLP at 12, 2013 WL 1099282, *In re Dewey & Leboeuf LLP*, No. 12-12321 (Bankr. S.D.N.Y. Feb. 13, 2013) (quoting my article once).

Limited Objection of WFBNA to Confirmation of Joint Chapter 11 Plan Proposed by Residential Capital, LLC and the Official Committee of Unsecured Creditors at 5, 2013 WL 6709226, *In re Residential Capital, LLC*, No. 12-12020-MG (Bankr. S.D.N.Y. Oct. 21, 2013) (quoting my article once).

Petition for a Writ of *Certiorari* at 28, 2015 WL 7252903, *Czyzewski v. Jevic Holding Corp.*, No. 15-649 (U.S. S. Ct. Nov. 16, 2015) (quoting my article once).

Petition for a Writ of *Certiorari* at 21, 2016 WL 4364109, *Ahuja v. Lightsquared Inc.*, No. 16-211 (U.S. S. Ct. Aug. 8, 2016) (citing my article once).

Brief for Petitioners at 54, 2016 WL 4524347, *Czyzewski v. Jevic Holding Corp.*, No. 15-649 (U.S. S. Ct. Aug. 26, 2016) (quoting my article once).

Brief of *Amicus Curiae* 34 States and the Dist. of Columbia at 27, 2016 WL 4709484, *Czyzewski v. Jevic Holding Corp.*, No. 15-649 (U.S. S. Ct. Sep. 2, 2016) (quoting my article once).

Opening Brief of Reorganized Debtors at 65, 2019 WL 1895675, *In re Millennium Lab Holdings II, LLC*, No. 18-3210 (3d Cir. Apr. 26, 2019).

Amicus Brief in Support of Appellants by Commissioners of the Am. Bankr. Inst.'s Comm'n to Study the Reform of Chapter 11 at 16 n.10, 2022 WL 603698, *In re Purdue Pharma L.P.*, No. 22-110-bk(L) (2d Cir. Feb. 18, 2022) (citing my article once).

Petition for Writ of *Certiorari* at 14 n.2, 2023 WL 144865, *Highland Capital, L.P. v. NexPoint Advisors, L.P.*, No. 22-631 (U.S. S. Ct. Jan. 5, 2023) (quoting my article once).

Download History. *Hiding in Plain View* has been downloaded from SSRN 217 times. The article made SSRN's Top Ten Download List for "Torts and Products Liability Law." In addition, *Hiding in Plain View* has been downloaded 413 times from the Bowen Law Repository.

Purposes for which Depositions May be Taken in a Pending Action, in 10 ILLINOIS PRACTICE (CIVIL DISCOVERY) 62-81 (Kinsler, Grenig & Nale eds., 2000) (chapter 2 of this volume), available [here](#).

Citation History. The following sources have cited *Purposes for which Depositions May be Taken in a Pending Action*.

Mark E. McNabola, *It's Time to Move Beyond Separate Discovery and Evidence Depositions in Illinois*, 92 ILL. BAR J. 344-46, 372 (July 2004) (citing or quoting my chapter seventeen

times).

Longstreet v. Cottrell, Inc., 871 N.E.2d 72, 78 (Ill. Ct. App. 2007) (citing my chapter once).

Where Depositions May be Taken, in 10 ILLINOIS PRACTICE (CIVIL DISCOVERY) 82-90 (Kinsler, Grenig & Nale eds., 2000) (chapter 3 of this volume), available [here](#).

Compelling Appearance of Deponent, in 10 ILLINOIS PRACTICE (CIVIL DISCOVERY) 91-114 (Kinsler, Grenig & Nale eds., 2000) (chapter 4 of this volume), available [here](#).

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Google Scholar Citations: 106. See [here](#).

PRESENTATIONS

“The Benefits of a Broad Education.” Speech. University of Arkansas at Little Rock Graduation. Dec. 17, 2022 (the winner of the university-wide teaching award delivers a short speech at the December graduation each year; I won the award in 2022).

“The Impact Dobbs v. Jackson Women’s Health Organization.” Panelist. Sponsored by the Pulaski Academy chapter of Amnesty International. Sep. 22, 2022.

“Roe, Dobbs, and the Past and Future of Abortion Rights.” Presentation. Sponsored by a nationwide business for its 1600 employees (250 attended). May 13, 2022.

“Legal Myth Busting: Breaking Down the ‘Myths’ that Surround the Practice of Business Law and Tax Law.” Panelist. Held at the University of Arkansas at Little Rock, William H. Bowen School of Law. Sponsored by Bowen Business & Tax Law Society. Mar. 15, 2021.

“Grading Essay Exams: Partial-Credit and other Point-Weighting Protocols – Parts 1, 2, and 3.” Presentations. Sponsored by the University of Arkansas at Little Rock, William H. Bowen School of Law Faculty Development Committee. Sep. 6, 2019 (Part 1), Sep. 27, 2019 (Part 2), and Oct. 18, 2019 (Part 3).

“Using the West Key Number System as a Data Collection and Coding Device for Empirical Legal Scholarship: Promises and Challenges.” Presentation. Southwestern Association of Law Libraries Annual Meeting. Held in Little Rock Arkansas. Apr. 15, 2019.

“Implementation of the 2018 Arkansas Ballot Issues Adopted by the People.” Presentation. Sponsored by the Arkansas Society of Association Executives. Held in Little Rock, Arkansas. Nov. 13, 2018.

“Conversation on Kavanaugh.” Panelist. Held at the University of Arkansas at Little Rock, William H. Bowen School of Law. Sponsored by the student chapter of The American Constitution Society. Oct. 8, 2018.

“The 2018 Arkansas Ballot Issues.” Presentation. Sponsored by the Arkansas Society of Association Executives. Held in Little Rock, Arkansas. Sep. 18, 2018.

“Are the Proposed Changes to the University of Arkansas Board Policies a Threat to Academic Freedom & Job Security?” Presentation. Held at the University of Arkansas for Medical Sciences (UAMS). Sponsored by the AAUP Chapter of UAMS. Mar. 13, 2018.

“The West Key Number System as a Data Collection and Coding Device for Empirical Legal Research:

Demonstrating the Method Via a Study of Contract Interpretation.” Presentation. University of Arkansas at Little Rock, William H. Bowen School of Law Alumni Continuing Legal Education Presentation. Held at Oaklawn Park, Hot Springs, Arkansas. Mar. 3, 2017.

“Bankruptcy Practice in Arkansas and Beyond.” Panelist. Held at the University of Arkansas at Little Rock, William H. Bowen School of Law. Sponsored by Bowen Business & Tax Law Society. Feb. 23, 2017.

“The Looming Disaster for Young Americans: What Should be Done to Fix Social Security and Medicare?” by Curtis Dubay, The Heritage Foundation. Commenter on Mr. Dubay’s presentation. Held at the University of Arkansas at Little Rock, William H. Bowen School of Law. Sponsored by the student chapter of The Federalist Society. Feb. 29, 2016.

“Grade Normalization and Grade Inflation in Legal Education (and Beyond).” Presentation. Held at the University of Arkansas at Little Rock. Sponsored by the UALR Academy for Teaching and Learning Excellence. Nov. 4, 2015.

“The Future of Affirmative Action,” by Professor Brian Fitzpatrick. Commenter on Professor Fitzpatrick’s presentation. Held at the University of Arkansas at Little Rock, William H. Bowen School of Law. Sponsored by the student chapter of The Federalist Society. Oct. 6, 2015.

“The West Key Number System as a Data Collection and Coding Device for Empirical Legal Research: Demonstrating the Method Via a Study of Contract Interpretation.” Presentation. 10th International Conference on Contracts. Held at the University of Nevada at Las Vegas, William S. Boyd School of Law. Feb. 27, 2015.

“On Triggering an Article V Amending Convention,” by Chancellor Michael Farris. Commenter on Chancellor Farris’s presentation. Held at the University of Arkansas at Little Rock, William H. Bowen School of Law. Sponsored by the student chapter of The Federalist Society. Oct. 2, 2014.

“Arkansas Gambling Law and History,” by Professor Ron Rychlak. Commenter on Professor Rychlak’s presentation. Held at the University of Arkansas at Little Rock, William H. Bowen School of Law. Sponsored by the student chapter of The Federalist Society. Mar. 5, 2014.

“An Empirical Study of Contract Interpretation.” Presentation. Sponsored by the University of Arkansas at Little Rock, William H. Bowen School of Law Faculty Development Committee. April 25, 2013.

“A Libertarian View of the Economic Crisis,” by Professor Stephen J. Ware. Commenter on Professor Ware’s Presentation. Held at the University of Arkansas at Little Rock, William H. Bowen School of Law. Sponsored by the student chapter of The Federalist Society. Feb. 6, 2012.

“The Case for a Mandatory, B+ Curve, Revisited.” Presentation. Sponsored by the University of Arkansas at Little Rock, William H. Bowen School of Law Faculty Development Committee. April 5, 2011.

“Constitutional Federalism: The Lost History of the 9th and 10th Amendments,” by Professor Kurt Lash. Commenter on Professor Lash’s Presentation. Held at the University of Arkansas at Little Rock, William H. Bowen School of Law. Sponsored by the student chapter of The Federalist Society. Jan. 24, 2011.

“The Case for a Mandatory, B+ Curve.” Presentation. Sponsored by the University of Arkansas at Fayetteville School of Law. Oct. 18, 2010.

“The Case for a Mandatory, B+ Curve.” Presentation. Sponsored by the University of Arkansas at

Little Rock, William H. Bowen School of Law Faculty Development Committee. April 28, 2010.

“Extinguishing Liabilities of Non-Debtors in Bankruptcy Proceedings: A Primer on Non-Debtor Releases.” Presentation. Sponsored by the Sebastian County Bar Association. Held in Fort Smith, AR. Nov. 16, 2009.

“The Role of Jurisprudence in the Civil Rights Concentration.” Presentation. Held at the University of Arkansas at Little Rock, William H. Bowen School of Law. Sponsored by the student chapter of the American Civil Liberties Union. Oct. 24, 2009.

“A General Theory of Bankruptcy Equitable Power.” Presentation. Sponsored by the Southeastern Association of Law Schools. Held in Palm Beach, FL. Aug. 4, 2009.

“The Power of Language: How Careful Contract Drafting Enables You to Avoid Default Rules and Satisfy Legal Requirements.” Presentation. Sponsored by the National Contract Management Association, Central Arkansas Chapter. Oct. 16, 2008.

“Death Penalty Forum.” Moderator. Held at the University of Arkansas at Little Rock, William H. Bowen School of Law. Sponsored by the student chapters of the Black Law Students Association, American Civil Liberties Union, and American Constitution Society. Nov. 20, 2007.

“A Forum on Immigration Law and Policy.” Moderator. Held at the University of Arkansas at Little Rock, William H. Bowen School of Law. Sponsored by the student chapter of The Federalist Society. Oct. 16, 2007.

“Introduction for Keynote Speaker Judge Joe Brown.” Presentation. Sponsored by the National Conference of Law Reviews. Held in Little Rock, AR. Mar. 24, 2007.

“Author Relations from the Author’s Perspective.” Panelist. Sponsored by the National Conference of Law Reviews. Held in Little Rock, AR. Mar. 22, 2007.

“A Conversation on the Constitution: Perspectives From ‘Active Liberty’ & ‘A Matter of Interpretation.’” Moderator with Professor Richard J. Peltz. Held at the University of Arkansas at Little Rock, William H. Bowen School of Law. Jointly Sponsored by the student chapters of The Federalist Society & American Constitution Society. Feb. 27, 2007.

“The Schiavo Case, Unenumerated Rights, and the Politicization of Constitutional Law.” Presentation. Sponsored by the Overton Inns of Court, Little Rock, Arkansas. Sep. 20, 2006.

“The Case for Living Constitutionalism.” Presentation. Sponsored by the University of Arkansas at Little Rock, William H. Bowen School of Law Faculty Development Committee. Apr. 18, 2006.

“A Debate on Constitutional Originalism.” Debater with Justice Stephen Markman (Michigan Supreme Court). Held at the University of Arkansas at Little Rock, William H Bowen School of Law. Jointly sponsored by the student chapters of The Federalist Society & the American Constitution Society. Feb. 23, 2006.

“The American Constitution Society and the Constitution in the 21st Century Project.” Presentation. Held at the University of Arkansas at Little Rock, William H. Bowen School of Law. Sponsored by the student chapter of the American Constitution Society. Sep. 22, 2005.

“Legal and Policy Issues Related to Obesity: the Use of Law to Address the Epidemic.” Moderator, Panel on Litigation. Jointly Sponsored by the law school and the University of Arkansas for Medical Sciences College of Public Health. Held at the University of Arkansas at Little Rock, William H. Bowen School of Law. May 6, 2005.

“A Balanced Discussion on the Unauthorized Practice of Law.” Panelist. Held at and sponsored by the Chicago Bar Association. Apr. 8, 2003.

TEACHING

Student Evaluations—2004-2007

From 2004 through 2007, the law school used an evaluation form that asked ten questions requiring the students to give a numerical response between 1 and 5, with 1 being the best and 5 the worst. The form reporting the results of the students’ answers lists the average response I received for each of the 10 numerical questions. Set forth below is a table that identifies the range of averages for each course and the rating I received for the 10th numerical question, which is generally considered to be the most important. The 10th question reads: “Considering that there are different styles and philosophies of teaching, I believe that this professor is an effective teacher.”

Course	Highest	Lowest	Question 10
Fall 2004, Contracts I	1.03	1.18	1.10
Fall 2004, Secured Transactions	1.00	1.00	1.00
Spring 2005, Contracts II (Day)	1.05	1.57	1.24
Spring 2005, Contracts II (Night)	1.14	1.52	1.42
Fall 2005, Contracts I	1.00	1.30	1.13
Fall 2005, Jurisprudence	1.00	2.40	2.00
Spring 2006, Contracts II	1.00	1.36	1.15
Spring 2006, Secured Transactions	1.05	1.64	1.23
Fall 2006, Contracts I	1.05	1.24	1.11
Fall 2006, Secured Transactions	1.04	1.43	1.17
Spring 2007, Contracts II	1.06	1.26	1.21
Spring 2007, Jurisprudence	1.00	1.31	1.10

Student Evaluations—2007-2019

In the fall of 2007, the law school adopted a new evaluation form. This form asks between 43 and 47 questions requiring the students to give a numerical response from 5 to 1, with 5 being the best and 1 the worst. The students also have an opportunity to provide written comments, though there are no specific questions requiring such comments. The results of the numerical responses are collected and organized to give the professor four general ratings: “(A) Progress on Relevant Objectives,” “(B) Excellent Teacher,” “(C) Excellent Course,” and “Summary Evaluation” (which is an average of the first three general ratings). The scores are presented in raw and adjusted form, with the adjusted score being the most reliable. The table set forth below identifies my adjusted score for each of the four general ratings in all of the classes I have taught.

Course	A.	B.	C.	Summary Evaluation
Fall 2007, Contracts I	4.7	5.0	4.7	4.8
Fall 2007, Jurisprudence	5.0	5.0	5.0	5.0
Spring 2008, Contracts II	4.8	4.9	4.9	4.9
Spring 2008, Secured Transactions	4.9	5.0	4.9	5.0
Fall 2008, Contracts I	4.6	5.0	4.8	4.8
Fall 2008, Jurisprudence	5.0	5.0	5.0	5.0
Spring 2009, Contracts II	4.7	4.9	4.8	4.8
Spring 2009, Secured Transactions	4.8	5.0	5.0	4.9
Fall 2009, Contracts I (Day)	5.0	5.0	5.0	5.0
Fall 2009, Contracts I (Night)	5.0	5.0	5.0	5.0
Spring 2010, Contracts II (Day)	5.0	5.0	5.0	5.0

Spring 2010, Contracts II (Night)	5.0	5.0	5.0	5.0
Fall 2010, Contracts I	4.8	5.0	4.7	4.9
Fall 2010, Jurisprudence	4.5	5.0	5.0	5.0
Spring 2011, Contracts II	4.7	5.0	4.9	4.8
Spring 2011, Secured Transactions	4.9	5.0	5.0	5.0
Fall 2011, Contracts I	5.0	5.0	5.0	5.0
Fall 2011, Secured Transactions	5.0	5.0	5.0	5.0
Spring 2012, Contracts II	4.8	5.0	5.0	5.0
Spring 2012, Jurisprudence	4.6	5.0	4.9	4.9
Spring 2013, Secured Transactions	4.8	5.0	5.0	5.0
Spring 2013, Jurisprudence	4.6	5.0	4.9	4.9
Fall 2013, Contracts I (Day)	4.8	5.0	4.8	4.9
Fall 2013, Contracts I (Night)	4.7	5.0	4.8	4.8
Spring 2014, Contracts II (Day)	4.9	5.0	4.8	4.9
Spring 2014, Contracts II (Night)	4.7	5.0	4.8	4.8
Fall 2014, Contracts I	5.0	5.0	5.0	5.0
Fall 2014, Secured Transactions	4.8	5.0	5.0	4.9
Spring 2015, Contracts II	5.0	5.0	5.0	5.0
Spring 2015, Jurisprudence	5.0	5.0	5.0	5.0
Fall 2015, Contracts I	4.7	5.0	4.8	4.8
Fall 2015, Jurisprudence	4.8	5.0	4.9	5.0
Spring 2016, Contracts II	4.5	5.0	5.0	4.8
Spring 2016, Secured Transactions	5.0	5.0	5.0	5.0
Fall 2016, Contracts I	5.0	5.0	5.0	5.0
Fall 2016, Secured Transactions	4.7	5.0	5.0	4.9
Spring 2017, Contracts II	5.0	5.0	5.0	5.0
Spring 2017, Jurisprudence	4.9	5.0	5.0	5.0
Fall 2017, Contracts I	5.0	5.0	5.0	5.0
Fall 2017, Jurisprudence	4.9	4.9	4.9	4.9
Spring 2018, Contracts II	5.0	5.0	5.0	5.0
Spring 2018, Secured Transactions	4.7	5.0	5.0	4.9
Fall 2018, Contracts I	5.0	5.0	5.0	5.0
Fall 2018, Secured Transactions	4.7	5.0	4.9	4.9
Spring 2019, Contracts II	5.0	5.0	5.0	5.0
Spring 2019, Jurisprudence	4.7	4.9	5.0	4.9

Written Comments (Selected). Set forth below are selected written comments students submitted with their course evaluation forms that are representative of the type of written comments I have received with the course evaluation forms for every class I have ever taught.

“Professor Silverstein is amazing.” (Contracts II, Spring 2011.)

“Professor Silverstein consistently displays a great interest in his students and their progress beyond any other teacher I have seen. He exhibits great breadth of knowledge on the subject, and he has put forth a great effort in ensuring that his class time is spent productively. Beyond being a consummate professional with a highly admirable work ethic, Professor Silverstein is incredibly friendly and personable.” (Contracts II, Spring 2011.)

“Josh was the best instructor I ever had last semester. Nothing has changed. Josh continues to be the most dedicated, prepared and hard-working teacher that any of us have come across.” (Contracts II, Spring 2011.)

“Professor Silverstein is a phenomenal teacher – one of the very best I’ve ever had. His knowledge of the subject matter, enthusiasm, and preparation for class is truly outstanding.” (Contracts II, Spring 2011.)

“Awesome Prof. It is encouraging to have a prof. who you know really [cares]. As far as the [assignment] problems, I thought they were perfect. . . . You are awesome! We all adore you!” (Secured Transactions, Spring 2011.)

“[Y]ou are the best professor I’ve had in my three years here. Thank you.” (Secured Transactions, Spring 2011.)

“Silverstein is the best professor ever! He obviously practices his lesson plans in front of a mirror at 3 a.m. because he seems to be meticulously organized and have an uncanny ability to plan his lectures down to the second.” (Secured Transactions, Spring 2011.)

“Professor Silverstein is an excellent teacher – truly one of the best I have ever had. He has his presentations down to a science to promote maximum effectiveness in learning. All the work, his enthusiasm, and sense of humor make his lectures a pleasure. . . . Great course!” (Contracts I, Fall 2010.)

“Prof. Silverstein is one of, if not the best, instructor I have ever had. He is prepared for class, reads the class unbelievably well as to their understanding and answers questions in a way that defies misunderstanding. If I could go back and have Prof. Silverstein as an instructor in all classes I have ever taken, I would. Having this class was a tremendous gift.” (Contracts I, Fall 2010.)

“Professor Silverstein is a fantastic instructor.” (Jurisprudence, Fall 2010.)

Student Evaluations—2019-Present

In the fall of 2019, the law school adopted a new evaluation form. This form asks 12 questions. The critical rating under this form is percentage of positive responses. Set forth below is the overall positive rating for the questions relevant to my teaching in each course in which I was evaluated under the new form.

Course	Positive Response Rate
Fall 2020, Contracts I	88.6%
Fall 2020, Secured Transactions	94.0%
Spring 2021, Contracts II	92.9%
Spring 2021, Jurisprudence	95.6%
Fall 2021, Contracts I	98.5%
Fall 2021, Jurisprudence	100%
Spring 2022, Contracts II	99.6%
Spring 2022, Secured Transactions	95.7%
Fall 2022, Contracts I	96.7%
Fall 2022, Secured Transactions	99.0%

Student Notes, Comments, and Independent Studies

I have served as a faculty advisor to thirty-six students (one of them twice) writing notes or comments for the UA Little Rock Law Review or writing a paper for an independent study. Eleven of the twenty-seven law review notes and comments I advised have been published. They are listed immediately below.

Robert L. Jones, Note, *Constitutional Law – Direct Shipment of Alcohol – Well-Aged and Finally Uncorked: The Supreme Court Decides Whether the Twenty-First Amendment Grants States the Power to Avoid the Dormant Commerce Clause*. *Granholt v. Heald*, 125 S. Ct. 1885 (2005), 28 UNIVERSITY OF ARKANSAS AT LITTLE ROCK LAW REVIEW 483-518 (2006).

Christopher A. McNulty, Note, *Constitutional Law – Campaign Finance Law & The First Amendment – Can You See the Light?: Illuminating Precedent and Creating a New Tier of Judicial Scrutiny for Campaign Finance Laws*. Randall v. Sorrell, 126 S. Ct. 2479 (2006), 30 UNIVERSITY OF ARKANSAS AT LITTLE ROCK LAW REVIEW 149-177 (2007).

W. Taylor Marshall, Note, *Securities Law – The Securities Exchange Act of 1934 – ‘Round and ‘Round We Go: The Supreme Court Again Limits the Circumstances in Which Federal Courts May Hold Secondary Actors Liable Under Section 10(b) and SEC Rule 10b-5*. Stoneridge Investment Partners, LLC v. Scientific-Atlantic, Inc., 128 S. Ct. 761 (2008), 31 UNIVERSITY OF ARKANSAS AT LITTLE ROCK LAW REVIEW 197-243 (2008).

Amber Davis-Tanner, Note, *Antitrust Law – Affirmative Acts and Antitrust – The Need for a Consistent Tolling Standard in Cases of Fraudulent Concealment*, 33 UNIVERSITY OF ARKANSAS AT LITTLE ROCK LAW REVIEW 331-351 (2011).

Brandon Beam, Comment, *Untangling Jurisdiction and Contract Scope Issues with Intellectual Property Licenses*, 34 UNIVERSITY OF ARKANSAS AT LITTLE ROCK LAW REVIEW 391-420 (2012).

Victoria Malony, Note, *Employment Law—The Elusive Enforceability of Employment Covenants Not To Compete in Arkansas*, 34 UNIVERSITY OF ARKANSAS AT LITTLE ROCK LAW REVIEW 593-617 (2012).

Ryne Ballou, Note, *Civil Procedure—Be More Specific: Vague Precedents and the Different Standards by Which to Apply “Arises Out of or Relates to” in the Test for Specific Personal Jurisdiction*, 35 UNIVERSITY OF ARKANSAS AT LITTLE ROCK LAW REVIEW 663-690 (2013).

Ellen Howard, Student Symposium Piece, *Breaking Down the Supreme Court’s Spending Clause Ruling in NFIB v. Sebelius: A Huge Blow to the Federal Government or a Mere Bump in the Road?*, 35 UNIVERSITY OF ARKANSAS AT LITTLE ROCK LAW REVIEW 609-662 (2013).

Zachary Hale, Note, *Why Amending the Constitution to Overrule Citizens United is the Wrong Way to Fix Campaign Finance in the United States*, 39 UNIVERSITY OF ARKANSAS AT LITTLE ROCK LAW REVIEW, 616-637 (2017).

Elizabeth James, *Judicial Disqualification—Confusion, Clarification and Continued Considerations: A Closer Look at Arkansas’s Judicial Disqualification Rules in Light of Ferguson v. State*, 40 UNIVERSITY OF ARKANSAS AT LITTLE ROCK LAW REVIEW, 283-305 (2017)

Michael J. Berry, *Contract Law—Arkansas’s Un-American Approach to Attorney’s Fees for Breach of Contract*, 42 UNIVERSITY OF ARKANSAS AT LITTLE ROCK LAW REVIEW, 587-610 (2020)

LAW SCHOOL SERVICE (Selected)

Additional Service Honors

2016-2017 Student Bar Association Advisor Award of Appreciation

Nominated for the UALR Bowen School of Law Faculty Excellence Award for Public Service in 2006, 2013, 2014, 2015, 2019, and 2020.

Law School Committees

Promotion and Tenure Committee, Member, 2010-present.

Activities: From 2013 through 2015, I chaired two sub-committees charged with amending certain aspects of our promotion and tenure rules.

Curriculum Committee, Member, 2006-2012, 2017-2022.

Activities: In addition to my general participation in the activities of the committee, I personally researched and wrote a 51-page report (including 16 pages of data appendices) containing proposals to restructure grading at the law school in 2010. The report was entitled *Fairness in Grading: A Proposal to Restructure the Grades and Institute a Mandatory Curve at the Bowen Law School*. The proposals set forth in the report were adopted by the Curriculum Committee and subsequently adopted, in large part, by the full faculty. As part of the deliberation on the grading proposals, I (1) made two faculty development presentations regarding the proposals, (2) presented the proposals at a faculty meeting, (3) presented the proposals to the Student Bar Association, (4) wrote or edited several versions of the specific grade proposals as part of the Curriculum Committee's deliberations, (5) engaged in extensive discussions over the faculty listserv and in person with numerous members of the faculty, (6) made a presentation to full-time and adjunct faculty explaining how the implemented policy operates, (7) made a presentation to the student body explaining how the implemented policy operates, (8) assisted the Readmissions Committee with conforming amendments to the academic rules regarding readmissions, and (9) assisted the Associate Dean with conforming amendments to the academic rules reflecting the implementation of the grading policy.

Code of Student Conduct Committee, Faculty Justice or Faculty Investigator, 2004-2016; Chair, 2013-2016, Faculty Justice, 2020-2021; Chair, 2021-present.

Master of Science in Law Committee, Chair, 2014-2019.

Activities: As the sole active member of this committee, I researched and wrote a 22-page report detailing the structure of Master of Science in Law degree for the Bowen Law School. The recommendations in the report were adopted by the faculty in January, 2019. I also gathered significant materials in preparation for applying for approval with various university and accreditation bodies.

Readmissions Committee, Member, 2007-2010, 2011-2013.

Faculty Excellence Awards Committee, Chair, 2010-2011, 2022-23.

Dean's Advisory Committee, Member, 2015-2017.

Long-Range Planning Committee, Member, 2004-2006.

Activities: During my first year on the committee, we wrote a 43-page report entitled *Report and Recommendation of the Long-Range Planning Committee on the Preparation of Bowen Law Students for the Arkansas Bar Exam*. The report contained, among other items, a detailed statistical analysis of the factors correlating with bar passage by our graduates. In addition to the 43-page report, the committee prepared 123 pages of appendices with statistical and other information.

Career Support Committee, Member, 2016-2017.

Law Review

Proposed and Helped Organize a Student Symposium on the Supreme Court's Decision on the Affordable Care Act. After the Supreme Court ruled on the constitutionality of the Affordable Care Act, I proposed a student symposium on the decision. I recommended a series of topics and suggested that the papers all be published in a special edition of the UA Little Rock Law Review. The editorial board accepted my proposal. In addition, I provided editorial advice on the symposium as the various student articles were being prepared, including (1) serving as a faculty advisor for one of the student papers, (2) providing detailed comments for two other student papers, and (3) writing the Foreword to the symposium.

Student Organizations

Student Bar Association, Faculty Advisor, 2010-present.

Phi Alpha Delta (PAD), Faculty Advisor, 2005-present.

Young Democrats, Faculty Advisor, 2008-present.

Bowen Business and Tax Law Society, Faculty Advisor, 2016-present.

American Constitution Society, Faculty Advisor, 2005-2010 (organization defunct from 2010-2017); 2017-present.

Bowen Business Law Group, Faculty Advisor, 2009-2011 (organization ceased operations in 2011).

UNIVERSITY OF ARKANSAS AT LITTLE ROCK CAMPUS SERVICE (Selected)

UA-Little Rock All-Campus Committee

Faculty Senate, Senator representing the Law School, 2022-present.

Planning and Finance Committee, Member, 2022-present.

Tenure Committee, Member, 2018-present.

Provost Search Committee, Member, 2016-2017.

Faculty Research Committee, Member, 2010-2016.

Faculty Senate Ad Hoc Committee on Conflict of Interest, Member, 2012.

Conflict-of-Interest Working Group, Member, 2007-2008.

PROFESSIONAL AND COMMUNITY SERVICE (Selected)

Community and Professional Organizations

Citizen Advocacy Center, Elmhurst, IL, Member of the Board of Directors, 1999-present; Member of the Citizen Advisory Council, 1996-1999.

- Tenth Anniversary Gala Planning Committee (2003-2004).
- Fundraising Committee, Member (2009-present).
 - * Major Gifts Sub-Committee, Member (2017-present).

American Association of University Professors, Member, 2017-present.

American Bar Association, Member, 1997-present.

- Business Law Section, Member, 2004-present.
 - * Business Bankruptcy Committee, Member, 2004-present.
 - * Mass Torts and Environmental Claims Committee, Member, 2004-present.
- Section of Antitrust Law, Member, 2004-present.

American Constitution Society, Member, 2003-present.

Arkansas Bar Association, Little Rock, AR, Member, 2004-present.

- Academic advisor to the bar association on issues relating to the Uniform Commercial Code, 2016-present.
- Debtor/Creditor Section, Member, 2010-2016.
- Unauthorized Practice of Law Committee, Member, 2011-2013.
- Professional Ethics Committee, Member, 2006-2008.

Association of American Law Schools.

- Section Memberships: (1) Commercial and Related Consumer Law, (2) Constitutional Law, (3) Contracts, (4) Creditors' and Debtors' Rights, (5) Professional Responsibility, (6) Federal Courts, (7) Jurisprudence, and (8) Socioeconomics. 2004-present for all.

Arkansas Access to Justice Commission.

- Resource Development Committee, Member, 2020 to present.
 - Activities: Same as on Pro Bono Week Planning Committee, plus additional fundraising.
- Access to Justice Month Planning Committee, Member, 2019.
- Pro Bono Week Planning Committee, Member, 2018.
- Pro Bono Week Planning Committee, Member, 2017.
 - Selected Activities: (1) Bowen Law School representative on the committee; (2) organized "Just Jeans" fundraiser at the law school; (3) contacted numerous law firms regarding their potential participation in the "Just Jeans" fundraiser; (4) contacted multiple reporters in an effort to get them to run stories relating to Pro Bono Week; (5) conducted television and radio interviews for news stories regarding access to justice in Arkansas; (6) recruited other attorneys for television interviews for news stories referenced in prior list item; and (7) wrote an article for Arkansas Business regarding pro bono work and access to justice in Arkansas.
- Representing Hope Conference, Participant, May 29-30, 2012, Little Rock, Arkansas.
- The Promise of Justice Conference, Participant, Nov. 13, 2009, Little Rock, Arkansas.

Election Protection, Organizer/Election Monitor, 2004.

Chicago Bar Association, Chicago, IL, Unauthorized, Multidisciplinary, and Multijurisdictional Practice Committee. Chair (1998–2004); Vice-Chair (2004-05); Legislative Liaison (1997-1998).

- As chair, I ran or supervised all aspects of the committee's operations and ran the monthly meetings, including drafting and circulating detailed meeting notices, as well as inviting and organizing presentations by guest speakers.
- Part of the committee's mission is to investigate complaints of unauthorized legal practice. During my time as chair, I led, and performed most activities relating to, more than two dozen such investigations. This included interviewing witnesses, reviewing documents, and drafting letters.
- While chair, I led the reviews of multiple pieces of legislation and proposed Supreme Court rules relating to the unauthorized, multidisciplinary, and/or multijurisdictional practice of law.
 - * Drafted roughly a dozen letters or email memorandums containing detailed comments regarding the results of such reviews and the recommendations of the committee.
- While chair, I recommended and oversaw the restructuring and renaming of the committee to expand the scope of the committee's jurisdiction. Originally, the committee only addressed the unauthorized practice of law. The expansion added both multidisciplinary and multijurisdictional legal practice.

Pro Bono Legal Services (Selected)

Arkansas Attorney General Opinion Nos. 2012-083 & 2013-027. In 2012 and 2013, Arkansas State Representative Nate Bell requested legal opinions from the Arkansas General concerning the Arkansas Freedom of Information Act and the Family Educational Rights and Privacy Act. My colleague Rob Steinbuch and I co-authored three letters to the Arkansas Attorney General analyzing the legal issues addressed in Representative Bell's two opinion requests. The letters were 15, 19, and 4 single-spaced pages, respectively, and they set forth thorough factual and legal analysis of the issues for the benefit of the Attorney General and Representative Bell.

Todd v. Martin, Arkansas Supreme Court, No. 12-713, 2012 Ark. 367 (2012), and *Walmsley v. Martin*, Arkansas Supreme Court, No. 12-798, 2012 Ark. 370, 423 S.W.3d 587 (2012). I provided advice, analysis, and research to Wright, Lindsey & Jennings, LLP in the preparation of its brief filed with the Arkansas Supreme Court in these cases challenging the ballot sufficiency of Nancy Todd's Casino Initiative.

Wright v. Arkansas, Pulaski County Circuit Court, Case No. 60CV-13-2662, and *Jernigan v. Crane*, U.S. District Court for the Eastern District of Arkansas, Case No. 4:13-cv-00410 KGB. These cases were the legal challenges to Arkansas's ban on same-sex marriage. In 2013, I consulted with several private lawyers and public interest organizations regarding these cases. This work included (1) reviewing and commenting on pleadings, (2) drafting memos outlining legal strategies, and (3) e-mail and telephone discussions regarding legal strategy.

Buonaiuto v. Gibson, Pulaski County Circuit Court, Case No. 60CV-18-7758, Arkansas Supreme Court, No. CV-19-979, 2020 Ark. 352 (2020). This case was a legal challenge to the use of tax revenue for certain road construction by the Arkansas Department of Transportation. My work occurred in 2019 and 2020 and included (1) reviewing and commenting on pleadings and briefs, (2) legal research, (3) attending the trial, and (4) a moot court.

Miscellaneous. I have consulted on multiple other cases, but my involvement in those matters is confidential and so I am not able to identify the precise cases. My work included (1) reviewing, editing, and drafting pleadings and briefs, (2) legal research, and (3) formulating strategy and drafting strategy memos. In total, I have performed more than 550 hours of pro bono legal services

since 2012.

Amicus Briefs. I joined amicus briefs in the following cases.

Arkansas v. Cole, Arkansas Supreme Court, Case No. 10-00840, Brief of Amicus Curiae Arkansas Law School Deans and Professors (2012).

Morgan v. Sundance, Inc., United States Supreme Court, No. 21-328, Brief of *Amici Curiae* Law Professors in Support of Respondents (2022).

Proposed Legislation and Constitutional Amendments

2019 Arkansas Legislative Session Activity. During this legislative session I assisted with several bills. For example:

- In July of 2018, I drafted a proposed constitutional amendment that would abolish sovereign immunity in Arkansas.
- I drafted three proposed statutes and provided detailed feedback on a fourth proposed statute, all of which concerned free speech and/or academic freedom in the state of Arkansas. One of the statutes was adopted into law.
- On February 27, 2019, I testified before Senate Education Committee the committee regarding The Freedom of Contract in Higher Education Act, which I also helped to write.
- At the request of the Chief Legal Counsel of the Secretary of State's Office, I provided substantive and stylistic feedback on a bill intended to address the filing of fraudulent financing statements.

2021 Arkansas Legislative Session Activity. During this legislative session I assisted with numerous bills. For example:

- I updated my proposal to abolish sovereign immunity in Arkansas and worked with the Bureau of Legislative Research to convert the proposal into a properly formatted bill. I also testified in favor of the bill before the Senate Committee on State Agencies and Governmental Affairs.
- I drafted large the bulk of a bill to amend Arkansas's noncompete statute. The bill is being held over for further study in anticipation of the sponsors refiling the bill during the 2023 legislative session.
- I drafted bills to restructure the University of Arkansas Board of Trustees and to protect academic freedom in higher education.
- I provided substantive feedback and editing assistance with respect to multiple bills relating to the Arkansas FOIA, free speech for government employees, and free speech on university campuses.
- I drafted portions of a bill that barred most public sector unions. The bill was adopted into law.
- I participated in multiple meetings with legislators and other constituencies regarding many of the bills discussed above.
- I drafted an amendment to a bill regarding public sector unions. The language I wrote made

certain that the bill did not interfere with the legitimate speech and protest activities of public employees. The amendment was approved and incorporated into the bill, and the bill was ultimately enacted.

- I testified before (1) the Senate Committee on Education in defense of a free speech on campus bill, (2) the House Committee on State Agencies and Governmental Affairs against a proposed constitutional amendment to shift rulemaking authority from the Arkansas Supreme Court to the legislature, (3) the same House committee regarding a proposed constitutional amendment that would change the threshold for approval of constitutional amendments and initiated acts to 60% of the population from the current 50% plus one, (4) the Senate Committee on State Agencies and Governmental Affairs against a proposed constitutional amendment to shift rulemaking authority from the Arkansas Supreme Court to the legislature; and (5) the Senate Public Health, Welfare and Labor Committee regarding several bills that would bar employers from requiring employees and customers to be vaccinated against COVID-19 (see [here](#) for my testimony and [here](#) for the full hearing).

Worked with a Team of Bankruptcy Scholars on a Formulating and Drafting a Congressional Bill that to Abolish Non-Debtor Releases in Bankruptcy. This work took place in the spring and summer of 2021 and involved drafting, analysis, and research.

Law School Accreditation

Submitted Comments to ABA Task Force on the Future of Legal Education, April 10, 2013. I sent four, single-spaced pages of comments to the Task Force. The comments can be viewed [here](#).

Submitted Comments to the ABA Section on Legal Education Regarding Proposed Changes to ABA Standard 303(a)(3) regarding experiential education, January 2014. I researched and drafted a six-page letter to the Section. Four other members of the faculty added their names to the letter. The letter can be viewed [here](#).

Submitted Comments to the ABA Section on Legal Education Regarding Proposed Changes to ABA Standard 405 regarding tenure protection, January 2014. I researched and drafted a two-page letter to the Section. Ten other members of the faculty added their names to the letter. The letter can be viewed [here](#).

Submitted Comments to the ABA Section on Legal Education Regarding Proposed Changes to ABA Standard 403(a) regarding adjunct faculty, July 2017. I researched and drafted a three-page letter to the Section. Five other members of the faculty added their names to the letter. The letter can be viewed [here](#).

Media

Media Appearances. I have assisted reporters many times. This assistance has frequently led to my being quoted in print stories or appearing on television or radio broadcasts. Those stories and appearances are listed below.

Nancy Cole, *Robinson Pursues Removal of Judge*, Ark. Dem. Gaz., Jan. 2007.

Nancy Cole, *Suit on altered rice returns to state court*, Ark. Dem. Gaz., Oct. 11, 2007.

Nancy Cole, *Robinson pursues removal of judge*, Ark. Dem. Gaz., Dec. 6, 2007, at 1D & 6D.

Nancy Cole, *Riceland had ties to altered rice in '00*, Ark. Dem. Gaz., Aug. 21, 2008, at 2D & 6D.

Stacy Roberts, *Lindsey lists homes, truck, \$7,500 Dog*, Ark. Dem. Gaz., Mar. 20, 2010, at 2D.

KATV, Little Rock, Arkansas, ABC Television Affiliate, Mar. 23, 2010 (interviewed regarding the constitutionality of the individual mandate in the Affordable Care Act; excerpts of the interview were shown on the nightly news).

Ron Wolfe, *The Verdict is in: With these TV judges, who needs an attorney?*, Ark. Dem. Gaz., May 18, 2010, at 6E.

KTHV, Little Rock, Arkansas, CBS Television Affiliate, Aug. 15, 2011 (interviewed regarding the Eleventh Circuit's decision striking down the individual mandate in the Affordable Care Act; excerpts of the interview were shown on the nightly news at 6:00 and 10:00), available [here](#).

KUAR, Little Rock, Arkansas, NPR Affiliate, May 31, 2012 (interviewed regarding a speech in Arkansas by retired supreme court justice John Paul Stevens), available [here](#).

The Alice Stewart Show, Radio Station 96.5, Jun. 27, 2013 (ten-minute live interview with me and another guest regarding the Supreme Court's same-sex marriage decisions).

Sarah Wire, *Sovereign immunity of state faces court test*, Ark. Dem. Gaz., Jul. 3, 2013, at 5A.

Chris Bahn, *Trucker leader defends suit role*, Ark. Dem. Gaz., Aug. 31, 2013, at 1D-2D.

Mark Friedman, *Steve Clary Bankruptcy Case Remains Open*, Ark. Business., Nov. 18, 2013, available [here](#).

KTHV, Little Rock, Arkansas, CBS Television Affiliate, Feb. 26, 2014 (interviewed regarding the Texas District Court decision striking down Texas's ban on same-sex marriage; excerpts of the interview were shown on the nightly news).

John Magsam, *Bankrupt firm, formerly Allens, seeks shift to Chapter 7*, Ark. Dem. Gaz., Apr. 24, 2014, at 1D-2D.

KATV, Little Rock, Arkansas, ABC Television Affiliate, Apr. 25, 2014 (interviewed regarding the decision striking down Arkansas's voter ID law; excerpts of the interview were shown on the nightly news), available [here](#).

KTHV, Little Rock, Arkansas, CBS Affiliate, May 12, 2014 (interviewed regarding the decision striking down Arkansas's same-sex marriage ban; excerpts of the interview were shown on the nightly news at 5:00, 6:00, and 10:00), available [here](#).

KARK, Little Rock, Arkansas, NBC Affiliate, May 12, 2014 (interviewed regarding the decision striking down Arkansas's same-sex marriage ban; excerpts of the interview were shown on the nightly news at 5:00 and 6:00).

KLRT-TV, Little Rock, Arkansas, Fox Affiliate, May 12, 2014 (interviewed regarding the decision striking down Arkansas's same-sex marriage ban; excerpts of the interview were shown on the nightly news at 5:30 and 9:00).

KARN Radio, Little Rock, Arkansas, May 13, 2014 (interviewed live regarding the decision striking down Arkansas's same-sex marriage ban).

Sarah Campbell, *Same-sex marriage order disputed by 4 counties, attorney general's office*,

The Leader, May 14, 2014, at 4A (half the article is quotations and paraphrasing from my interview).

KTHV, Little Rock, Arkansas, CBS Affiliate, May 14, 2014 (interviewed regarding the Arkansas Supreme Court decision denying a stay and dismissing the appeal in the same-sex marriage case; excerpts of the interview were shown on the nightly news at 10:00).

KARN Radio, Little Rock, Arkansas, May 15, 2014 (interviewed live regarding the Arkansas Supreme Court decision denying a stay and dismissing the appeal in the same-sex marriage case).

KARN Radio, Little Rock, Arkansas, May 15, 2014 (recorded interview subsequently played over the air regarding continuing proceedings in the same-sex marriage case).

KTHV, Little Rock, Arkansas, CBS Affiliate, May 15, 2014 (interviewed regarding subsequent proceedings in the same-sex marriage case; excerpts of the interview were shown on the nightly news at 6:00, 6:30, and 10:00).

The Alice Stewart Show, Radio Station 96.5, May 16, 2014 (20-minute live interview regarding the Arkansas same-sex marriage case and the legal challenge to Arkansas's voter ID law).

The Alice Stewart Show, Radio Station 96.5, Jul. 1, 2014 (15-minute live interview regarding several United States Supreme Court decisions).

John Magsam, *In Allens case, law firms bill \$400,000*, Ark. Dem. Gaz., Jul. 27, 2014, at 1G & 8G.

Brian Fannery, *U.S. request delays sale of Hillshire*, Ark. Dem. Gaz., Aug. 14, 2014, at 1D.

Mark Friedman, *Lawsuit Hits Nerve for Former Friends Fighting Over Medical Fees Earned*, Ark. Business, Sep. 1, 2014, available [here](#)

Jack Weatherly, *Turner Grain's leader: Busted*, Ark. Dem. Gaz., Sep. 6, 2014, at 1A & 8A.

KARN Radio, Little Rock, Arkansas, Oct. 6, 2014 (recorded interview subsequently played over the air regarding the U.S. Supreme Court's denial of cert. in several same-sex marriage cases).

Spencer Williams, *No effect foreseen for state challenges*, Ark. Dem. Gaz., Oct. 7, 2014, at 5A.

KARN Radio, Little Rock, Arkansas, Oct. 7, 2014 (interviewed live regarding the U.S. Supreme Court's denial of cert. in several same-sex marriage cases).

KARN Radio, Little Rock, Arkansas, Oct. 16, 2014 (interviewed live regarding the Arkansas Supreme Court's striking down of the Arkansas voter I.D. law).

KARN Radio, Little Rock, Arkansas, Oct. 23, 2014 (interviewed live regarding the proceedings in various same-sex marriage cases).

KARN Radio, Little Rock, Arkansas, Nov. 11, 2014 (interviewed live regarding the Supreme Court granting cert. in a case concerning a legal challenge to the Affordable Care Act).

John Magsam, *Trustee in Allens case files lawsuit*, Ark. Dem. Gaz., Nov. 11, 2014, at 1D & 6D.

KARK, Little Rock, Arkansas, NBC Affiliate, Nov. 19, 2014 (interviewed regarding the oral arguments in two Arkansas same-sex marriage cases—one in the Arkansas Supreme Court and one in an Arkansas federal district court; excerpts of the interview were shown on the nightly news at 5:00).

KLRT-TV, Little Rock, Arkansas, Fox Affiliate, Nov. 19, 2014 (interviewed regarding the oral arguments in two Arkansas same-sex marriage cases—one in the Arkansas Supreme Court and one in an Arkansas federal district court; excerpts of the interview were shown on the nightly news at 5:30).

Spencer Williams, *2 courts to hear gay-nuptials ban*, Ark. Dem. Gaz., Nov. 20, 2014, at 2B.

KARN Radio, Little Rock, Arkansas, Nov. 20, 2014 (recorded interview subsequently played over the air regarding the oral arguments in two Arkansas same-sex marriage cases—one in the Arkansas Supreme Court and one in an Arkansas federal district court).

KARN Radio, Little Rock, Arkansas, Nov. 24, 2014 (interviewed live regarding the oral arguments in two Arkansas same-sex marriage cases—one in the Arkansas Supreme Court and one in an Arkansas federal district court).

KARN Radio, Little Rock, Arkansas, Nov. 25, 2014 (interviewed live regarding the federal district court ruling striking down Arkansas's same-sex marriage ban).

KTHV, Little Rock, Arkansas, CBS Affiliate, Nov. 25, 2014 (interviewed regarding the federal district court ruling striking down Arkansas's same-sex marriage ban; excerpts of the interview were shown on the nightly news at 10:00).

KARK, Little Rock, Arkansas, NBC Affiliate, Dec. 22, 2014 (interviewed regarding the two, pending Arkansas same-sex marriage cases—one in the Arkansas Supreme Court and one in an Arkansas federal district court; excerpts of the interview were shown on the nightly news at 5:00).

KLRT-TV, Little Rock, Arkansas, Fox Affiliate, Dec. 22, 2014 (interviewed regarding the two, pending Arkansas same-sex marriage cases—one in the Arkansas Supreme Court and one in an Arkansas federal district court; excerpts of the interview were shown on the nightly news at 5:30).

KARN Radio, Little Rock, Arkansas, Jan. 12, 2015 (recorded interview subsequently played over the air regarding the same-sex marriage case pending before the Arkansas Supreme Court).

KTHV, Little Rock, Arkansas, CBS Affiliate, Jan. 16, 2015 (interviewed regarding the U.S. Supreme Court granting cert. in the same-sex marriage cases; excerpts of the interview were discussed by the news anchor on the nightly news).

KARN Radio, Little Rock, Arkansas, Jan. 19, 2015 (recorded interview subsequently played over the air regarding the U.S. Supreme Court granting cert. in several same-sex marriage cases).

KARN Radio, Little Rock, Arkansas, Jan. 29, 2015 (interviewed live regarding the same-sex marriage cases pending before the U.S. and Arkansas Supreme Courts).

KARN Radio, Little Rock, Arkansas, Feb. 9, 2015 (interviewed live regarding the same-sex marriage case pending before the Arkansas Supreme Courts).

Glen Chase, *Trustee: Turner Grain is hopeless*, Ark. Dem. Gaz., Mar. 3, 2015, at 1D & 2D.

John Magsam, *3 Allens creditors hit a deal, take \$12M*, Ark. Dem. Gaz., Mar. 4, 2015, at 1D & 2D.

KARN Radio, Little Rock, Arkansas, Mar. 4, 2015 (interviewed live regarding a capital murder trial, the defendant's decision to represent himself, and the broader issue of *pro se* lawyering in criminal cases).

KARN Radio, Little Rock, Arkansas, Mar 9, 2015 (interviewed live regarding the same-sex marriage cases pending before the U.S. and Arkansas Supreme Courts).

KARN Radio, Little Rock, Arkansas, Mar. 19, 2015 (recorded interview subsequently played over the air regarding proposed amendments to the Arkansas Freedom of Information Act).

KARN Radio, Little Rock, Arkansas, Apr. 3, 2015 (interviewed live regarding the same-sex marriage cases pending before the U.S. and Arkansas Supreme Courts).

KARN Radio, Little Rock, Arkansas, Apr. 15, 2015 (interviewed live regarding the same-sex marriage cases pending before the U.S. and Arkansas Supreme Courts).

KARN Radio, Little Rock, Arkansas, Apr. 29, 2015 (interviewed live regarding the oral argument in the same-sex marriage case pending before the U.S. Supreme Court).

KARN Radio, Little Rock, Arkansas, May 8, 2015 (interviewed live regarding the same-sex marriage cases pending before the U.S. and Arkansas Supreme Courts).

KARN Radio, Little Rock, Arkansas, Jun. 9, 2015 (recorded interview subsequently played over the air regarding the validity of same-sex marriage licenses granted between the time of the initial trial court ruling striking down Arkansas's ban and the Arkansas Supreme Court's stay of that ruling).

KARN Radio, Little Rock, Arkansas, Jun. 10, 2015 (recorded interview subsequently played over the air regarding the validity of same-sex marriage licenses granted between the time of the initial trial court ruling striking down Arkansas's ban and the Arkansas Supreme Court's stay of that ruling).

KARN Radio, Little Rock, Arkansas, Jun. 10, 2015 (interviewed live regarding the validity of same-sex marriage licenses granted between the time of the initial trial court ruling striking down Arkansas's ban and the Arkansas Supreme Court's stay of that ruling).

KARN Radio, Little Rock, Arkansas, Jun. 11, 2015 (recorded interview subsequently played over the air regarding comments made by the Arkansas attorney general concerning the validity of same-sex marriage licenses discussed in the three immediately preceding interviews).

KARN Radio, Little Rock, Arkansas, Jun. 19, 2015 (interviewed live regarding the same-sex marriage cases pending before the Arkansas and United States Supreme Courts and the Affordable Care Act case pending before the United States Supreme Court).

KARN Radio, Little Rock, Arkansas, Jun. 25, 2015 (recorded interview subsequently played over the air regarding the U.S. Supreme Court's ruling in *King v. Burwell* that tax subsidies may be offered on the federal insurance exchanges).

KARN Radio, Little Rock, Arkansas, Jun. 26, 2015 (interviewed live regarding the U.S. Supreme Court's ruling in *King v. Burwell* that tax subsidies may be offered on the federal

insurance exchanges).

KARN Radio, Little Rock, Arkansas, Jun. 26, 2015 (interviewed live regarding the U.S. Supreme Court's ruling that there is a constitutional right to same-sex marriage).

KUAR Radio, Little Rock, Arkansas, Jun. 26, 2015 (recorded interview subsequently played over the air regarding the U.S. Supreme Court's ruling that there is a constitutional right to same-sex marriage).

KARN Radio, Little Rock, Arkansas, Jun. 30, 2015 (interviewed live regarding multiple U.S. Supreme Court rulings, including those on same-sex marriage, the death penalty, and the Clean Air Act).

KARN Radio, Little Rock, Arkansas, Aug. 18, 2015 (interviewed live regarding the retirement of Arkansas Supreme Court Chief Justice Hannah).

KARN Radio, Little Rock, Arkansas, Aug. 25, 2015 (recorded interview subsequently played over the air regarding the appointment of a new Chief Justice to the Arkansas Supreme court).

KARN Radio, Little Rock, Arkansas, Aug. 26, 2015 (interviewed live regarding the appointment of a new Chief Justice to the Arkansas Supreme court).

KARN Radio, Little Rock, Arkansas, Sep. 2, 2015 (recorded interviewed subsequently played over the air regarding an opinion issued by the Arkansas Attorney General concluding that local ordinances that prohibit discrimination on the basis of sexual orientation violate state law).

KARN Radio, Little Rock, Arkansas, Sep. 18, 2015 (interviewed live regarding the resolution of ethics complaints brought against the Arkansas Supreme Court in the Arkansas same-sex marriage litigation and whether the legal fight in Kentucky regarding religious accommodations for county clerks who do not wish to issue same-sex marriage licenses could be replicated in Arkansas).

KARN Radio, Little Rock, Arkansas, Oct. 6, 2015 (recorded interviewed subsequently played over the air regarding the Arkansas Attorney General filing an appeal with the United States Supreme Court seeking to overturn a lower court decision that invalidated an Arkansas statute that bars abortions twelve weeks after conception).

KARN Radio, Little Rock, Arkansas, Nov. 19, 2015 (interviewed live regarding whether Arkansas can stop the federal government from placing Syrian refugees in this state).

KARN Radio, Little Rock, Arkansas, Feb. 15, 2016 (interviewed live regarding the process for replacing Justice Scalia on the United States Supreme Court and the political and legal ramifications of the replacement).

KARN Radio, Little Rock, Arkansas, Feb. 24, 2016 (interviewed live regarding the process for replacing Justice Scalia on the United States Supreme Court and the political and legal ramifications of the replacement).

KTHV, Little Rock, Arkansas, CBS Television Affiliate, Feb. 25, 2016 (interviewed regarding wrongful convictions in the criminal justice system—why they occur and what is being done to correct for the problem; excerpts of the interview were shown on the nightly news at 6:00), available [here](#).

KARN Radio, Little Rock, Arkansas, Feb. 29, 2016 (recorded interviewed subsequently played

over the air regarding judicial elections generally and the campaigns in two races for the Arkansas Supreme Court specifically).

KARN Radio, Little Rock, Arkansas, Mar. 1, 2016 (interviewed live regarding judicial elections generally and the campaigns in two races for the Arkansas Supreme Court specifically).

Spencer Williams & Michael R. Wickline, *Hutchinson backs judicial races' end*, Ark. Dem. Gaz., Mar. 3, 2016, at 1A & 6A.

Spencer Williams, *38 states looking at 'dark money'*, Ark. Dem. Gaz., Mar. 5, 2016, at 1B & 7B.

KARN Radio, Little Rock, Arkansas, Mar. 16, 2016 (interviewed live regarding President Obama's appointment of Judge Merrick Garland to replace Justice Scalia on the United States Supreme Court).

KARN Radio, Little Rock, Arkansas, Mar. 16, 2016 (recorded interviewed subsequently played over the air regarding President Obama's appointment of Judge Merrick Garland to replace Justice Scalia on the United States Supreme Court).

KARN Radio, Little Rock, Arkansas, Apr. 1, 2016 (recorded interviewed subsequently played over the air regarding various issues concerning President Obama's nomination of Judge Merrick Garland to the United States Supreme Court).

KARN Radio, Little Rock, Arkansas, Apr. 18, 2016 (recorded interviewed subsequently played over the air regarding the legality of the governor of Arkansas using the line-item veto to strike the provision in a budget bill defunding the Arkansas Medicaid expansion).

KLRT-TV, Little Rock, Arkansas, Fox Affiliate, Apr. 28, 2016 (interviewed regarding a criminal case in which a murder suspect was released due to negligence by the prosecutor's office; excerpts of the interview were shown on the nightly news at 9:00 and 10:00).

KARN Radio, Little Rock, Arkansas, May 19, 2016 (recorded interviewed subsequently played over the air regarding the oral argument in the case pending before the Arkansas Supreme Court addressing whether the manufacturers of the drugs used in executions must be disclosed).

KARN Radio, Little Rock, Arkansas, Jun. 24, 2016 (interviewed live regarding the United States Supreme Court rulings on affirmative action and immigration).

Frank Lockwood, *School's affirmative action plan upheld*, Ark. Dem. Gaz., Jun. 24, 2016, at 3A.

KARN Radio, Little Rock, Arkansas, Jun. 29, 2016 (interviewed live regarding several United States Supreme Court rulings and possible future cases).

Caleb Taylor, *Friday News Roundup: Asa Free to Campaign, Anti-Gun BK Chief Sentenced*, The Arkansas Project, Jul. 22, 2016, available [here](#).

KLRT-TV, Little Rock, Arkansas, Fox Affiliate, Sep. 20, 2016 (interviewed regarding Facebook's decision to take down and then restore comments posted by Senator Jason Rapert concerning Muslims and terrorism; excerpts of the interview were shown on the nightly news at 9:00).

KARN Radio, Little Rock, Arkansas, Oct. 5, 2016 (interviewed live regarding the upcoming

United States Supreme Court term).

Stephen Steed, *Suits seek Turner payments' return*, Ark. Dem. Gaz., Oct. 8, 2016, at 1A & 5A.

KATV, Little Rock, Arkansas, ABC Affiliate, Oct. 13, 2016 (interviewed regarding two Arkansas Supreme Court decisions striking initiatives from the ballot; excerpts of the interview were shown on the nightly news).

John Moritz, *Opinions vary on picking state justices*, Ark. Dem. Gaz., Oct. 16, 2016, at 1A & 10A.

KARN Radio, Little Rock, Arkansas, Oct. 31, 2016 (interviewed live regarding (1) the Supreme Court granting cert in a transgender school bathroom case, and (2) how the Supreme Court and the appointments process will function after the election).

KARN Radio, Little Rock, Arkansas, Nov. 16, 2016 (interviewed live regarding a proposal by the Arkansas Bar Association to change the selection of Arkansas Supreme Court justices from election to appointment).

Stephen Steed, *Take dispute to trial, judge tells Turner, Benton grain dealer*, Ark. Dem. Gaz., Nov. 18, 2016, at 1D & 4D.

KARN Radio, Little Rock, Arkansas, Nov. 28, 2016 (interviewed live regarding potential appointments by President-Elect Trump to the United States Supreme Court and lower federal courts and the legal impacts such appointments could have).

KARN Radio, Little Rock, Arkansas, Dec. 9, 2016 (interviewed live regarding an Arkansas Supreme Court decision holding that the state is not constitutionally required to include the names of a same-sex spouse on a birth certificate when the spouse is not biologically related to the child).

KARN Radio, Little Rock, Arkansas, Jan. 24, 2017 (interviewed live regarding the lawsuit against President Donald Trump under the emoluments clause and a voter I.D. case).

KARN Radio, Little Rock, Arkansas, Feb. 1, 2017 (interviewed live regarding the nomination of Judge Neil Gorsuch to the U.S. Supreme court).

Stephen Steed, *\$35,000 to settle Turner Grain Dispute*, Ark. Dem. Gaz., Feb. 8, 2017, at 2D.

KARN Radio, Little Rock, Arkansas, Feb. 8, 2017 (interviewed live regarding the legal challenges to President Trump's immigration executive order).

KARN Radio, Little Rock, Arkansas, Feb. 14, 2017 (interviewed live regarding the legal challenges to President Trump's immigration executive order and the nomination of Judge Neil Gorsuch to the U.S. Supreme court).

KARN Radio, Little Rock, Arkansas, Feb. 24, 2017 (interviewed live regarding the legal challenges to President Trump's immigration executive order and the Arkansas Supreme Court ruling striking down a local anti-discrimination ordinance because it violated state law).

KARN Radio, Little Rock, Arkansas, Mar. 7, 2017 (interviewed live regarding Trump's revised immigration executive order and the pending litigation regarding the use of bathrooms by transgendered persons).

Brandon Mulder & John Lynch, *2 convicts appeal to halt April injections*, Ark. Dem. Gaz.,

Mar. 30, 2017, at 1A & 7A.

KARN Radio, Little Rock, Arkansas, Apr. 10, 2017 (interviewed live regarding the confirmation of Justice Neil Gorsuch and his likely impact on the Supreme Court going forward).

KARN Radio, Little Rock, Arkansas, Apr. 17, 2017 (interviewed live regarding the litigation surrounding eight executions all scheduled to take place in an eleven-day period).

KARN Radio, Little Rock, Arkansas, Apr. 19, 2017 (interviewed live regarding the litigation surrounding eight executions all scheduled to take place in an eleven-day period).

KARN Radio, Little Rock, Arkansas, Apr. 24, 2017 (interviewed live regarding the litigation surrounding eight executions all scheduled to take place in an eleven-day period).

KARN Radio, Little Rock, Arkansas, Apr. 27, 2017 (interviewed live regarding the litigation surrounding eight executions all scheduled to take place in an eleven-day period).

KARN Radio, Little Rock, Arkansas, May 23, 2017 (interviewed live regarding the appointment of a special counsel to investigate ties between the Trump campaign and Russia).

KARN Radio, Little Rock, Arkansas, Jun. 1, 2017 (interviewed live regarding (1) the petition for certiorari from the Arkansas Supreme Court to the U.S. Supreme Court regarding the legal rights of same-sex couples to have their names placed on birth certificates, and (2) the ethics cross complaints between Arkansas trial judge Wendell Griffin and the justices of the Arkansas Supreme Court).

KARN Radio, Little Rock, Arkansas, Jun. 5, 2017 (interviewed live regarding the appeal to the United States Supreme Court by President Trump's administration seeking to overturn the lower court rulings blocking the travel ban).

KARN Radio, Little Rock, Arkansas, Jun. 13, 2017 (interviewed live regarding the Ninth Circuit ruling striking down President Trump's travel ban and the authority of President Trump to fire the special prosecutor in the Russia investigation).

KARN Radio, Little Rock, Arkansas, Jun. 21, 2017 (interviewed live regarding the Supreme Court's grant of cert. in a political gerrymandering case).

Frank E. Lockwood, *State gays win birth-certificate ruling*, Ark. Dem. Gaz., Jun. 27, 2017, at 1A & 7A.

Lisa Hammersly, *In ruling, rebuke of UA System trustee, 14 other lawyers an error*, Ark. Dem. Gaz., Jul. 26, 2017, at 1A & 2A.

KARN Radio, Little Rock, Arkansas, Aug. 7, 2017 (interviewed live regarding the convening of a grand jury in the special prosecutor's investigation of the Trump campaign's alleged connections with Russia).

KARN Radio, Little Rock, Arkansas, Sep. 22, 2017 (interviewed live regarding the lawsuit filed under the Arkansas Freedom of Information Act seeking the names of lethal injection drug manufacturers).

Mark Friedman, *Weird Case of Judges Being Sued*, Ark. Bus., Sep. 25, 2017, at 21.

KARN Radio, Little Rock, Arkansas, Sep. 28, 2017 (interviewed live regarding a lawsuit filed

in Arkansas state court arguing for the legalization of polygamy because it is allegedly indistinguishable from same-sex marriage).

KARN Radio, Little Rock, Arkansas, Oct. 17, 2017 (interviewed live regarding the statute of limitations and tort issues in the civil lawsuit filed over the murder of real estate broker Beverly Carter).

KATV, Little Rock, Arkansas, ABC Television Affiliate, Oct. 19, 2017 (interviewed regarding the shortage of lawyers in Arkansas and the impact on access to justice, especially in rural communities; excerpts of the interview were shown on the nightly news), available [here](#).

KARN Radio, Little Rock, Arkansas, Oct. 23, 2017 (interviewed live regarding the same-sex couple birth certificate litigation, another case, and Pro Bono Week).

Mark Friedman, *Arkansas Access to Justice Commission Pushes to Unbundle Legal Services*, Ark. Business., Oct. 23, 2017, at 19, available [here](#).

Max Brantley, *Tenure debate brewing at the University of Arkansas*, Ark. Times – Arkansas Blog, Oct. 24, 2017, available [here](#).

Caleb Taylor, *Academic Freedom at U of A, RIP?*, The Arkansas Project, Oct. 24, 2017, available [here](#).

Audrey Williams June, *U of Arkansas System Considers Changes to Ease Tenured-Faculty Firings*, The Chronicle of Higher Education, Oct. 26 2017, at A30 available [here](#).

KARN Radio, Little Rock, Arkansas, Oct. 31, 2017 (interviewed live regarding the charges brought against Paul Manafort and other former advisors to President Trump).

Jaime Adame, *Vote on faculty measure delayed*, Ark. Dem. Gaz., Oct. 31, 2017, 1B & 5B, available [here](#).

Nikita Vladimirov, *Profs blast proposal to weaken tenure at U of Arkansas*, Campus Reform, Oct. 31, 2017, available [here](#).

Rob Shimshock, *University of Arkansas Tenure Policy Could Make It Easier To Fire Conservative Profs*, The Daily Caller, Nov. 1, 2017, available [here](#).

KARN Radio, Little Rock, Arkansas, Nov. 2, 2017 (interviewed live regarding proposed changes to the tenure and academic freedom rules governing the University of Arkansas system).

Peter Bonilla, *Proposed University of Arkansas System policy spells trouble for academic freedom*, Foundation for Individual Rights in Education, Nov. 3, 2017, available [here](#).

Nikita Vladimirov, *School admits tenure policy 'limiting' to free speech*, Campus Reform, Nov. 6, 2017, available [here](#).

KARN Radio, Little Rock, Arkansas, Nov. 9, 2017 (interviewed live regarding one death penalty case and regarding the disclosure of the manufacturer of drugs used to perform capital punishments in Arkansas).

Aziza Musa, *UA System taking input on tenure policy changes*, Ark. Dem. Gaz., Nov. 10, 2017, at 1B & 2B, available [here](#).

Rob Shimshock, *University of Arkansas Profs Bash Proposal That Could Fire Profs For Not Being 'Cooperative'*, The Daily Caller, Nov. 12, 2017, available [here](#).

Lindsay Marchello, *Arkansas Universities Want to Be Able to Fire Professors Who Aren't Collegial*, Reason Magazine, Nov. 22, 2017, available [here](#).

Audrey Williams June, *When 'Collegiality' and Evaluating Faculty Collide*, The Chronicle of Higher Education, Nov. 22, 2017, available [here](#).

Marc Kilmer, *Quashing Speech at the University of Arkansas*, The Arkansas Project, Nov. 27 2017, available [here](#).

KARN Radio, Little Rock, Arkansas, Nov. 30, 2017 (interviewed live regarding the litigation over Arkansas's unconstitutional birth certificate laws).

KARN Radio, Little Rock, Arkansas, Dec. 4, 2017 (interviewed live regarding the guilty plea of Michael Flynn, the independent counsel law, and Presidential obstruction of justice).

Mark Friedman, *Attorney's Many Hats Complicate Trust Case*, Ark. Business, Dec. 4, 2017, at 1, 10-11, available [here](#).

KARN Radio, Little Rock, Arkansas, Dec. 6, 2017 (interviewed live regarding the oral argument before the U.S. Supreme Court in *Masterpiece Cakeshop v. Colorado*, the "same-sex wedding cakes" case).

Rob Shimshock, *An Arkansas Tenure Policy Proposal Could Make It Easier To Fire Conservative Professors*, The Daily Caller, Dec. 10, 2017, available [here](#).

Collen Flaherty, *Narrowing the Terms of Tenure*, Inside Higher Ed, Dec. 13, 2017, available [here](#).

KARN Radio, Little Rock, Arkansas, Jan. 5, 2018 (interviewed live regarding (1) whether the Supreme court will overrule its prior decisions on taxing purchases from out-of-state sellers, and (2) the Attorney General's decision to revoke the policy deprioritizing enforcement of the criminal law as to marijuana).

KARN Radio, Little Rock, Arkansas, Jan. 15, 2018 (interviewed live regarding the United States Supreme Court hearing a case regarding Ohio's process for removing voters from the voter rolls).

KARN Radio, Little Rock, Arkansas, Jan. 18, 2018 (interviewed live regarding various lawsuits over the constitutionality of state and local laws designed to limit panhandling in public places).

John Moritz, *3 court seats up for vote in May*, Ark. Dem. Gaz., Jan. 21, 2018, at 1B, 7B.

Max Brantley, *UALR law profs dispute argument for change in tenure rule*, Ark. Times – Arkansas Blog, Feb. 2, 2018, available [here](#).

Mary Zoeller, *Fire to University of Arkansas System: Do not adopt proposed board policy 405.1*, Foundation for Individual Rights in Education, Feb. 5, 2018, available [here](#).

KARN Radio, Little Rock, Arkansas, Feb. 6, 2018 (interviewed live regarding proposed changes to University of Arkansas System tenure and academic freedom rules).

KARK, Little Rock, Arkansas, NBC Affiliate, Feb. 8, 2018 (interviewed regarding proposed changes to University of Arkansas System tenure and academic freedom rules; excerpts of the interview were shown on the news at 4:00 and 6:00).

Collen Flaherty, *Posttenure Review or a Plan to Undercut Tenure?*, Inside Higher Ed, Feb. 27, 2018, available [here](#).

KARN Radio, Little Rock, Arkansas, Mar. 2, 2018 (interviewed live regarding the impact of the Arkansas Supreme Court's recent sovereign immunity decision on litigation relating to marijuana licensing and other issues).

KARN Radio, Little Rock, Arkansas, Mar. 7, 2018 (interviewed live regarding the impact of the Arkansas Supreme Court's recent sovereign immunity decision on litigation relating to educational funding and other issues).

Robbie Neiswanger, *Walmart, Dick's sued over gun-age policy*, Ark. Dem. Gaz., Mar. 7, 2018, at 2A.

KARN Radio, Little Rock, Arkansas, Mar. 16, 2018 (interviewed live regarding litigation over the awarding of licenses to grow medical marijuana in Arkansas).

Max Brantley, *Survey: UAMS faculty opposed to tenure change proposal*, Ark. Times – Arkansas Blog, Mar. 20, 2018, available [here](#).

KARN Radio, Little Rock, Arkansas, Mar. 27, 2018 (interviewed live regarding litigation over the awarding of licenses to grow medical marijuana in Arkansas).

Jaime Adame, *UA draft on tenure ready for trustees*, Ark. Dem. Gaz., Mar. 27, 2018, at 1A & 4A, available [here](#).

Mary Zoeller, *FIRE renews call to University of Arkansas System to reject proposed board policy*, Foundation for Individual Rights in Education, Mar. 27, 2018, available [here](#).

KUAR Radio, Little Rock, Arkansas, Mar. 29, 2018 (recorded interview subsequently played over the air regarding passage of the proposal to change the tenure and academic freedom rules that govern the University of Arkansas System).

Jaime Adame, *UA board adopts policy on faculty tenure, firing*, Ark., Dem. Gaz., Mar. 30, 2018, at 1A & 4A, available [here](#).

University of Arkansas Board Approves New Tenure Policy, U.S. News & World Report, Mar. 30, 2018, available [here](#).

Rob Shimshock, *Arkansas Profs Fear Getting Unfairly Fired Under New Policy*, The Daily Caller, Mar. 31, 2018, available [here](#).

Laura Beltz, *University of Arkansas System adopts revised board policy*, Foundation for Individual Rights in Education, Apr. 6, 2018, available [here](#).

KARN Radio, Little Rock, Arkansas, Apr. 11, 2018 (interviewed live regarding (1) mass tort litigation against the opioid manufacturers, particularly in Arkansas, (2) litigation over the awarding of licenses to grow medical marijuana in Arkansas), and (3) Mark Zuckerberg's congressional testimony regarding Facebook's privacy and advertising policies).

KARN Radio, Little Rock, Arkansas, Apr. 16, 2018 (interviewed live regarding (1) a lawsuit by a trial judge against the Arkansas Supreme Court alleging the high court improperly removed him from hearing death penalty cases, (2) litigation over the awarding of licenses to grow medical marijuana in Arkansas, and (3) an Arkansas Supreme Court case holding that the state legislature could not waive sovereign immunity via the Whistleblower Act).

KARN Radio Little Rock, Arkansas, Apr. 24, 2018 (interviewed live regarding the litigation over President Trump's travel ban pending before the United States Supreme Court).

KARN Radio, Little Rock, Arkansas, Apr. 30, 2018 (interviewed live regarding (1) the interrelationship of sovereign immunity and the educational adequacy litigation in Arkansas, and (2) a trial court ruling striking down the latest Arkansas voter ID law).

John Moritz, *Arkansas Supreme Court candidates see 'politics' differently*, Ark. Dem. Gaz., May 6, 2018, at 1A, 10A.

KARN Radio Little Rock, Arkansas, May 15, 2018 (interviewed live regarding the Supreme Court striking down as unconstitutional a federal statute mandating that states ban sports betting).

John Moritz, *New ad by group targets judge running for state's high court over tossed rape conviction*, Ark. Dem. Gaz., May 15, 2018, at 3A.

KARN Radio Little Rock, Arkansas, May 17, 2018 (interviewed live regarding a lawsuit challenging the Arkansas Attorney General's rejections of numerous proposed ballot initiatives).

KTHV, Little Rock, Arkansas, CBS Television Affiliate, May 18, 2018 (interviewed regarding a lawsuit challenging the Arkansas Attorney General's rejections of numerous proposed ballot initiatives; excerpts of the interview were shown on the nightly news at 5:00).

John Moritz, *Decision raises Goodson recusal questions*, Ark. Dem. Gaz., May 19, 2018, at 3A, available [here](#).

John Moritz, *Arkansas Supreme Court race forecast: Mud, money*, Ark. Dem. Gaz., May 24, 2018, at 1B, 7B, available [here](#).

Hunter Field, *Arkansas Supreme Court to hear dispute over medical marijuana rollout*, Ark. Dem. Gaz., Jun. 4, 2018, at 1A, 6A, available [here](#).

KARN Radio Little Rock, Arkansas, Jun. 5, 2018 (interviewed live regarding the U.S. Supreme Court ruling in the case regarding the bakery that refused to prepare a wedding cake for a same-sex couple).

Hunter Field, *Arkansas medical marijuana firms fight letter's secrecy*, Ark. Dem. Gaz., Jun. 7, 2018, at 1A, 5A, available [here](#).

Gwen Moritz, *RV Case Awards Defy Precedent, Appeal Says*, Ark. Business, Jun. 11, 2018, at 1, 10-11, available [here](#).

KARN Radio Little Rock, Arkansas, Jun. 18, 2018 (interviewed live regarding the New York AG suing the Trump Foundation and multiple pending U.S. Supreme Court cases).

Stephen Steed, *Turner Grain tangles keep court untying*, Ark. Dem. Gaz., Jun. 24, 2018, at 1G, 2G available [here](#).

KARN Radio Little Rock, Arkansas, Jun. 25, 2018 (interviewed live regarding the U.S. Supreme Court ruling granting states the power to collect taxes from out-of-state sellers and multiple other pending cases).

KARN Radio Little Rock, Arkansas, Jun. 27, 2018 (interviewed live regarding the U.S. Supreme Court ruling in the travel ban case and various other matters).

KARN Radio Little Rock, Arkansas, Jun. 28, 2018 (interviewed live regarding the retirement of Justice Anthony Kennedy).

KARK, Little Rock, Arkansas, NBC Affiliate, Jul. 8, 2018, *Family Wants Someone Held Accountable after Man Charged with Murder Walks* (interviewed regarding potential litigation against prosecuting attorneys for alleged prosecutorial misconduct), available [here](#).

KARK, Little Rock, Arkansas, NBC Affiliate & KLRT-TV, Little Rock, Arkansas, Fox Affiliate, Jul. 9, 2018 (interviewed regarding state sovereign immunity issues; excerpts of the interview were shown on the local NBC nightly news at 4:00 and 6:00 and the local Fox nightly news at 9:00; the story was then picked up by nearly a dozen other T.V. stations and news outlets throughout Arkansas and in both Louisiana and Missouri), available at [KARK](#) & [Fox16](#).

KARN Radio Little Rock, Arkansas, Jul. 10, 2018 (interviewed live regarding the nomination of Judge Brett Kavanaugh to replace Justice Anthony Kennedy on the U.S. Supreme Court).

KUAR Radio, Little Rock, Arkansas, Jul. 10, 2018 (recorded interview subsequently played over the air regarding the nomination of Judge Brett Kavanaugh to replace Justice Anthony Kennedy on the U.S. Supreme Court).

KDXE Radio, Little Rock, Arkansas, Jul. 18, 2018 (live hour-long interview regarding sovereign immunity, judicial elections, and various other legal issues).

KARN Radio Little Rock, Arkansas, Jul. 20, 2018 (interviewed live regarding the nature of impeachment under the U.S. Constitution).

Hunter Field, *Cannabis question: Is college a school?*, Ark. Dem. Gaz., Jul. 20, 2018, at 1A, 6A, available [here](#).

KARN Radio Little Rock, Arkansas, Sep. 6, 2018 (interviewed live regarding the Supreme Court confirmation hearing for Judge Brett Kavanaugh).

KARN Radio Little Rock, Arkansas, Sep. 10, 2018 (interviewed live regarding the Supreme Court confirmation hearing for Judge Brett Kavanaugh and a proposed amendment to the Arkansas Constitution that would cap damages in personal injury cases, limit attorney's fees in such cases, and shift court rulemaking authority from the state supreme court to the state legislature).

KARN Radio Little Rock, Arkansas, Sep. 18, 2018 (interviewed live regarding the litigation seeking to strike four ballot issues from the general election ballot in Arkansas).

KARN Radio Little Rock, Arkansas, Sep. 25, 2018 (interviewed live regarding (1) the ethics changes against the entire Arkansas Supreme Court over removing a trial court judge from death penalty cases, and (2) the Supreme Court confirmation process for Judge Kavanaugh).

KARN Radio Little Rock, Arkansas, Sep. 27, 2018 (interviewed live regarding the Supreme Court confirmation hearing for Judge Kavanaugh concerning various sexual assault

allegations).

KARN Radio Little Rock, Arkansas, Oct. 1, 2018 (interviewed live regarding the Supreme Court confirmation hearing for Judge Kavanaugh and the FBI investigation concerning various sexual assault allegations).

KARN Radio Little Rock, Arkansas, Oct. 8, 2018 (interviewed live regarding the Supreme Court confirmation of Judge Kavanaugh and the impact it will have going forward).

KARN Radio Little Rock, Arkansas, Oct. 23, 2018 (interviewed live regarding the litigation relating to five initiatives on the Arkansas ballot).

KARN Radio Little Rock, Arkansas, Oct. 29, 2018 (interviewed live regarding the case involving ethics charges against the entire Arkansas Supreme Court).

Frank E. Lockwood, *Hill, Boozman question Trump's plan to issue order on birthright citizenship*, Ark. Dem. Gaz., Oct. 31, 2018, at 3A, available [here](#).

KARN Radio Little Rock, Arkansas, Oct. 29, 2018 (interviewed live regarding President Trump's proposed executive order to end birthright citizenship).

KARN Radio Little Rock, Arkansas, Nov. 30, 2018 (interviewed live regarding the Mueller investigation and the guilty plea of Michael Cohen).

KARN Radio Little Rock, Arkansas, Dec. 18, 2018 (interviewed live regarding a federal court ruling striking down the Affordable Care Act as unconstitutional).

KARN Radio Little Rock, Arkansas, Jan. 25, 2019 (interviewed live regarding the Supreme Court lifting the stay in the case concerning the ban on transgender soldiers, the impact of Justice Ginsburg's health issues on her judicial service, and important upcoming Supreme Court cases).

KARN Radio Little Rock, Arkansas, Jan. 31, 2019 (interviewed live regarding three bills pending before the Arkansas state legislature concerning free speech on campus, ballot access for third parties, and a federal constitutional convention).

George Waldon, *Fraud Allegations Surround Schwyhart's Secret Holdings*, Ark. Business, Feb. 4, 2019, at 8, available [here](#).

KABF Radio Little Rock, Arkansas, Feb. 6, 2019 (recorded 20-minute interview played in full over the air concerning a proposed Arkansas senate resolution in favor of a federal constitutional convention under Article V of the U.S. Constitution), available [here](#).

KTHV, Little Rock, Arkansas, CBS Television Affiliate, Feb. 16, 2019 (interviewed regarding the problems with the Interstate 30 construction project; excerpts of the interview were shown on the nightly news at 10:00), see [here](#).

KARN Radio Little Rock, Arkansas, Feb. 20, 2019 (interviewed live regarding President Trump's declaration of an emergency at the border justifying building a border wall and the surrounding litigation).

KDXE Radio, Little Rock, Arkansas, Feb. 21, 2019 (live 30-minute interview regarding civil asset forfeiture, constitutional law, and academic freedom).
John Moritz, *Legislators renew efforts to change tort laws in state*, Ark. Dem. Gaz., Feb. 27, 2019, at 1A, 7A available [here](#).

KARN Radio Little Rock, Arkansas, March 29, 2019 (interviewed live regarding (1) the ruling declaring that Arkansas may not condition Medicaid coverage on a work requirement, and (2) the decision not to prosecute Jussie Smollett).

KARN Radio Little Rock, Arkansas, April 4, 2019 (interviewed live regarding the legal issues surrounding the potential congressional subpoena of the Mueller Report and the supporting documentation).

KARN Radio Little Rock, Arkansas, April 24, 2019 (interviewed live regarding (1) the legal issues surrounding the Mueller Report and various related investigations, and (2) the U.S. Supreme Court oral argument in the case regarding adding a citizenship question to the census).

John Magsam, *Court asked to wrest bankruptcy files*, Ark. Dem. Gaz., May 4, 2019, at 1D, 2D available [here](#).

KARN Radio Little Rock, Arkansas, May 6, 2019 (interviewed live regarding (1) the disqualification of Kentucky Derby winner Maximum Security and the related legal issues).

John Magsam, *Ex-exec objects to aspects of sale*, Ark. Dem. Gaz., May 11, 2019, at 1D, 4D, available [here](#).

KARN Radio Little Rock, Arkansas, May 30, 2019 (interviewed live regarding various legal and political issues surrounding the Mueller Report and other investigation of President Trump).

Jesse Stiller, *Prof calls new tenure policy 'Mao-ist attack on free speech'*, Campus Reform, June 7, 2019, available [here](#).

John Moritz, *Appeals court races biased, suit contends*, Ark. Dem. Gaz., June 12, 2019, at 1B, 6B, available [here](#).

KARN Radio Little Rock, Arkansas, June 19, 2019 (interviewed live regarding recent and upcoming decisions by the U.S. Supreme Court).

Ethan Berman, *Professors could lose tenure under new rules because they aren't nice enough: lawsuit*, The College Fix, June 20, 2019, available [here](#).

KARN Radio Little Rock, Arkansas, June 28, 2019 (interviewed live regarding recent and upcoming decisions by the U.S. Supreme Court, including the political gerrymandering and citizenship census question cases).

KATV, Little Rock, Arkansas, ABC Television Affiliate, July 2, 2019 (interviewed regarding the Supreme Court ruling in the citizenship census question case), available [here](#).

KDXE Radio, Little Rock, Arkansas, July 5, 2019 (live 80-minute interview regarding lawsuits filed over academic freedom at the University of Arkansas and the interstate 30 lane-widening construction project).

John Magsam, *Springdale board fights bankruptcy firm on property buyback*, Ark. Dem. Gaz., July 9, 2019, at 1D, 4D, available [here](#).

Mark Friedman, *Judge Finds Rivendell Destroyed Evidence*, Ark. Business, July 15, 2019, at 1, 8-9 available [here](#).

KARN Radio Little Rock, Arkansas, July 17, 2019 (interviewed live regarding the lawsuit filed by faculty at the University of Arkansas challenging rules that weaken tenure and academic freedom at the school).

John Magsam, *NanoMech seeking way out of exit deal with former CEO*, Ark. Dem. Gaz., Aug. 1, 2019, at 2D, available [here](#).

KDXE Radio, Little Rock, Arkansas, Aug. 3, 2019 (live 60-minute interview regarding Presidential primary debates and two Arkansas bills designed to enhance protections for freedom of speech).

Eric Besson & Andy Davis, *Lawsuit filed by 2 Arkansas nursing homes aimed at U.S. rule*, Ark. Dem. Gaz., Sep. 6, 2019, at 1A, 3A, available [here](#).

KARN Radio Little Rock, Arkansas, Sep. 9, 2019 (interviewed live regarding antitrust and consumer protection issues concerning Facebook, Google, and other tech giants).

KARN Radio Little Rock, Arkansas, Sep. 16, 2019 (interviewed live regarding the positive drug test of Triple Crown Winning horse Justify and various issues regarding the use of drugs in horse racing).

KARK, Little Rock, Arkansas, NBC Affiliate, Sep. 25, 2019 (interviewed live on the 4:00 news regarding the process for impeaching a President and the potential effects of impeachment on the 2020 Presidential campaign).

KARN Radio Little Rock, Arkansas, Oct. 3, 2019 (interviewed live regarding a new California law that permits NCAA athletes to sell their name, image, and likeness).

Daniel Fisher, *Should we 'settle in for a decade' of fighting in Purdue Pharma bankruptcy?*, Legal Newswire, Oct. 9, 2019, available [here](#).

KARN Radio Little Rock, Arkansas, Oct. 10, 2019 (interviewed live regarding (1) a Supreme Court case concerning whether Title VII restricts discrimination on the basis of sexual orientation, and (2) the ongoing impeachment investigation of President Trump).

John Magsam, *NanoMech pursues ex-CEO's payout*, Ark. Dem. Gaz., Oct. 16, 2019, at 4D, available [here](#).

KARN Radio Little Rock, Arkansas, Nov. 1, 2019 (interviewed live regarding the litigation surrounding the awarding of a casino license to Pope County, Arkansas).

KARN Radio, Little Rock, Arkansas, Nov. 13, 2019 (interviewed live regarding the Supreme Court oral argument in the DACA case and the upcoming impeachment hearings).

KARN Radio, Little Rock, Arkansas, Dec. 3, 2019 (interviewed live regarding the Supreme Court oral argument in a second amendment case and the process by which the Court decides matters).

KARN Radio, Little Rock, Arkansas, Dec. 11, 2019 (interviewed live regarding the articles of impeachment against President Trump).

KARN Radio, Little Rock, Arkansas, Dec. 13, 2019 (interviewed live regarding the judiciary committee deliberation on the Articles of Impeachment against President Trump).

KARN Radio, Little Rock, Arkansas, Dec. 19, 2019 (interviewed live regarding the House of

Representatives impeachment of President Trump).

KDXE Radio, Little Rock, Arkansas, Dec. 30, 2019 (live 60-minute interview regarding litigation over academic freedom in Arkansas, freedom of speech legislation, and various other legal issues).

KARN Radio, Little Rock, Arkansas, Jan. 14, 2020 (interviewed live regarding the Senate procedures for the impeachment trial of President Trump).

KARN Radio, Little Rock, Arkansas, Jan. 22, 2020 (interviewed live regarding the first stages of the impeachment trial of President Trump).

KARN Radio, Little Rock, Arkansas, Jan. 29, 2020 (interviewed live regarding the first and second stages of the impeachment trial of President Trump).

John Magsam, *At NanoMech's request, its bankruptcy is dismissed*, Ark. Dem. Gaz., May 28, 2020, at 1D, 4D available [here](#).

John Magsam, *Developer-case trustee selling legal claims*, Ark. Dem. Gaz., June 5, 2020, at 1D, 4D available [here](#).

KARN Radio, Little Rock, Arkansas, June 10, 2020 (interviewed live regarding various constitutional issues relating to the protests surrounding the death of George Floyd).

KARN Radio, Little Rock, Arkansas, June 16, 2020 (interviewed live regarding the Supreme Court decision ruling that sexual orientation and gender identity are protected classes under Title VII).

John Magsam, *Debtor: no intent to cheat creditors*, Ark. Dem. Gaz., June 25, 2020, at 1D, 2D available [here](#).

KDXE Radio, Little Rock, Arkansas, June 27, 2020 (live 60-minute interview regarding political diversity in higher education, affirmative action, the regulation of speech on social media, and constitutional interpretation).

KARN Radio, Little Rock, Arkansas, July 6, 2020 (interviewed live regarding recent and upcoming Supreme Court decisions, with a focus on the DACA case).

KARN Radio, Little Rock, Arkansas, July 13, 2020 (interviewed live regarding recent Supreme Court decisions, with a focus on the cases regarding the President's personal financial records).

KLRT-TV, Little Rock, Arkansas, Fox Affiliate, July 15, 2020 (interviewed regarding the arguments for and against eliminating sovereign immunity in the state of Arkansas), available [here](#).

KDXE Radio, Little Rock, Arkansas, Sep. 21, 2020 (live 30-minute interview regarding the death of Justice Ginsburg and the process for replacing her).

KATV-TV, Little Rock, Arkansas, ABC Affiliate, Sep. 21, 2020 (interviewed regarding the death of Justice Ginsburg and the process for replacing her).

KARN Radio, Little Rock, Arkansas, Sep. 28, 2020 (interviewed live regarding the death of Justice Ginsburg and the nomination of Judge Amy Coney Barrett to replace her).

KARN Radio, Little Rock, Arkansas, Oct. 6, 2020 (interviewed live regarding the upcoming

Supreme Court term).

KZNG Radio, Hot Springs, Arkansas, Oct. 14, 2020 (interviewed live regarding the Supreme Court confirmation hearing of Amy Coney Barrett and various issues of constitutional and statutory interpretation).

KARN Radio, Little Rock, Arkansas, Oct. 19, 2020 (interviewed live regarding the Supreme Court confirmation hearing for Amy Coney Barrett).

KARN Radio, Little Rock, Arkansas, Jan. 4, 2021 (interviewed live regarding the Presidential election litigation, the Electoral College certification, and upcoming Supreme Court cases).

KARN Radio, Little Rock, Arkansas, Feb. 9, 2021 (interviewed live regarding the second impeachment trial of former President Trump).

Mark Friedman, *Ex-Con in Fraud Case Takes the Fifth*, Ark. Business, Feb. 8, 2021, at 14, available [here](#).

KTHV, Little Rock, Arkansas, CBS Television Affiliate, Mar. 9, 2021 (interviewed regarding the constitutional issues concerning an Arkansas statute that bans abortion in nearly all cases; excerpts of the interview were shown on the nightly news at 10:00).

KZNG Radio, Hot Springs, Arkansas, Apr. 2, 2021 (interviewed live regarding the constitutionality of a proposed Arkansas statute that would exempt certain guns within the state from various federal laws and bar state and local employees from enforcing those federal laws).

KZNG Radio, Hot Springs, Arkansas, Apr. 16, 2021 (interviewed live regarding possible reforms to the United States Supreme court and the constitutionality of proposed Arkansas statutes that would exempt certain guns within the state from various federal laws and bar state and local employees from enforcing those federal laws).

Stephen Steed, *9 members taken from state plant board*, Ark. Dem. Gaz., Jun. 11, 2021, at 1D, 2D, available [here](#).

Frank E. Lockwood, *States readying laws as abortion gets court study*, Ark. Dem. Gaz., Jun. 21, 2021, at 1A, 12A, available [here](#).

KARN Radio, Little Rock, Arkansas, Jun. 23, 2021 (interviewed live regarding the Supreme Court decisions on the Affordable Care Act, religious freedom, and application of the antitrust laws to the NCAA).

KARN Radio, Little Rock, Arkansas, Sep. 22, 2021 (interviewed live regarding the Texas Heartbeat Act and early litigation regarding the law).

Teresa Moss, *Ex-Arkansas judge, who admitted giving leniency for sexual favors, cites judicial immunity from lawsuit*, Ark. Dem. Gaz., Oct. 25, 2021, at 1B, 3B, available [here](#).

Mark Friedman, *Unvaccinated Employees Sue Conway Regional*, Ark. Business, Nov. 15, 2021, at 20, available [here](#).

KTHV, Little Rock, Arkansas, CBS Television Affiliate, Dec. 10, 2021 (interviewed regarding abortion litigation pending in both state and federal court and potential Arkansas legislation concerning abortion rights; excerpts of the interview were shown on the nightly news at 5:00 & 6:00), available [here](#).

Mike Masterson, *ADL supports professor*, Ark. Dem. Gaz., Dec. 18, 2021, at 7B, available [here](#).

Connecticut Public Radio, Hartford Connecticut, Dec. 22, 2021 (interviewed live regarding the Purdue Pharma bankruptcy), available [here](#).

Neal Earley, *Redistrict appeal to wait, ACLU says*, Ark. Dem. Gaz., Feb. 19, 2022, at 1B, 8B, available [here](#).

Dale Ellis, *Notice of Appeal filed in vote-districting suit*, Ark. Dem. Gaz., Feb. 24, 2022, at 1A, 5A, available [here](#).

KARN Radio, Little Rock, Arkansas, May 10, 2022 (interviewed live regarding the leaked opinion overturning Roe v. Wade and related legal and political issues).

KATV, Little Rock, Arkansas, ABC Television Affiliate, July 8, 2022 (interviewed regarding President Biden's executive order on abortion rights issued after the overturning of Roe v. Wade; excerpts of the interview were shown on the nightly news at 5:00 and 6:00 on July 8 and then again on July 9), available [here](#).

Arkansas Week, AETN, Little Rock, Arkansas, July 8, 2022 (recorded interview regarding the major decisions of the 2021-2022 United States Supreme Court term), available [here](#).

KATV, Little Rock, Arkansas, ABC Television August 12, 2022 (interviewed regarding litigation and election procedures for a proposed marijuana state constitutional amendment; excerpts of the interview were shown on the nightly news at 10:00), available [here](#).

KDXE Radio, Little Rock, Arkansas, Aug. 18, 2022 (live 30-minute interview regarding a proposed Arkansas constitutional amendment to legalize recreational marijuana and the constitutional amendment process generally).

KDXE Radio, Little Rock, Arkansas, Sep. 30, 2022 (live 60-minute interview regarding various issues at my law school and diversity, equity, and inclusion in higher education generally).

BAR MEMBERSHIP

Illinois, 1996-present.

Arkansas, 2020-present.

OTHER PROFESSIONAL ACTIVITIES

Expert Witness Engagements

Hazziez v. City of Kansas City, Missouri et al, Case No. 1516-CV19083, Circuit Court of Jackson County, Missouri at Kansas City (designated by defendant Concentra Health Services, Inc. as an expert witness on contract interpretation regarding the cross claim filed by Kansas City against Concentra; researched and drafted a 34-page affidavit; 2017).

Meridian Creative Alliance, LLC, v. O'Reilly Automotive, Inc., Case No. 0931-CV08770, Circuit Court of Greene County, Missouri (designated by plaintiff Meridian Creative Alliance as an expert witness on contract interpretation and various other contract issues; 2018).

NON-ACADEMIC LEGAL POSITIONS

Freeborn & Peters, Chicago, IL, Associate, Litigation Practice Group (2000–2004).

Participated in all aspects of commercial litigation matters, including drafting trial and appellate briefs, taking and defending depositions, and working with fact and expert witnesses. Acted as senior managing attorney on several cases.

- Served as second chair for a nine-day jury trial involving multiple business tort and contract claims. Obtained a six-figure verdict for the client. Assisted with all elements of trial preparation. Drafted and argued all pre-trial motions, jury instructions, and motions for directed verdict and judgment notwithstanding the verdict.
- Served as one of two attorneys in charge of assisting a client with obtaining regulatory approval from the United States and Illinois for a three hundred million dollar transit project. Helped client successfully navigate environmental and historic preservation requirements contained in federal and state law.
- Managed a multimillion dollar financial fraud dispute from the pleading stage through written discovery. Supervised a team comprised of two junior associates, several paralegals, and three expert witness throughout the pleading and discovery process.
- Served as the senior associate on a nationwide antitrust class action. Managed numerous aspects of written discovery and motion practice. Drafted multiple motions, including a thirty-page motion to dismiss on personal jurisdiction grounds.

Mayer Brown, Chicago, IL, Associate, Litigation Practice Group (1997–2000), *Summer Associate* (Summer 1995).

Researched and drafted memoranda, motions, and briefs for commercial litigation matters at both the trial and appellate levels. Drafted pleadings and discovery requests and responses. Reviewed and analyzed documents. Interviewed witnesses. Drafted jury instructions. Argued motions.

- Coordinated and led the drafting of over three hundred pages of jury instructions for a complex antitrust and RICO trial. Wrote sections of successful directed verdict and evidentiary motions.
- Assisted with all aspects of an accounting malpractice lawsuit regarding the failure of an insurance company, including primary drafting of multiple summary judgment motions, interviewing the auditors and other witnesses, co-managing document discovery, and arguing discovery motions.
- Originated and developed critical argument for appellate brief in a four billion dollar bankruptcy case. This argument was expanded into one of the law review articles I published that is identified above.

The Honorable Suzanne B. Conlon, **United States District Court**, Chicago, IL, Judicial Clerk (1996–1997).

Researched and drafted judicial opinions resolving dispositive motions in employment discrimination, labor, habeas corpus, civil rights, and tax cases. Researched and drafted judicial opinions for evidentiary and discovery motions.

American Civil Liberties Union, Chicago, IL, *Public Interest Law Initiative Fellow* (Summer 1996)

Researched and drafted memoranda for civil rights matters. Reviewed and analyzed documents regarding the quality of services at state mental institutions.

Citizen Advocacy Center, Elmhurst, IL, *Summer Intern* (Summer 1994)

Researched campaign finance reform, term limits, voter initiatives, and referendums in Illinois on state and local levels. Researched and drafted a citizen pamphlet on home rule.