

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

- Summary review in 11 California Lawyer 68 (1991)

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

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

MISSOURI APPELLATE PRACTICE AND EXTRAORDINARY REMEDIES
(coauthors) (3d ed. 1981, Supp. 1982, 1983, 1985, 1987)

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

LEAD ARTICLES:

The Everyday First Amendment, *Communications Lawyer* (ABA) (with Len Niehoff) Vol. 38,
No.1, (August 2022)

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

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

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

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

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

ESSAYS AND COMMENTARIES:

Health Care Reform in Vermont, Vermont Digger (January 2025)

Can Trump Be Kept Off The Vermont Primary Ballot This March?, Numerous newspapers in and outside of Vermont (September 7, 2023)

Relational Leadership, Trustee Magazine (January 2020)

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

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

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

Congress Wants to Weaken the Pell Program, Why It Huffington Post.com (June 9, 2015)

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

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

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

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

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

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

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

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

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

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

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

Syllabus (American Bar Association)

(Spring, 2003)

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

The Public University as a Public Good, Minnesota Law & Politics (Feb. 2003), www.lawandpolitics.com

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

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

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

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

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

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

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

BOARD MEMBERSHIPS:

- < Member, The Association of Governing Boards of Universities and Colleges (AGB) (2024-present)
- < Member, Shelburne Museum Board of Trustees, VT. (2022-present)
- < Member, University of Vermont Board of Trustees (2012-2019)
- < Member, American Bar Association (ABA) Section of Legal Education Accreditation Appeals Panel (2019-)
- < Member, NCAA Division 1 Infractions Committee (2019- 2022)
- < Vice Chair of the NCAA Division 1 Presidential Forum Steering Committee (2016-2018; member since 2015)
- < Member, Board of Directors of the Vermont Business Roundtable (2016-2019)
- < Member of the Executive Committee, University of Vermont Foundation (2012-2019)
- < Member, New England Board of Higher Education (July 2012-2019)
- < Chair, Board of Presidents of the America East Athletic Conference (June 2014-2016)
- < Member, The University of Vermont Board of Trustees (July 2012-2019)
- < Board of Directors, American Bar Foundation (2007-2012, 2013-2020); President (2020-2022) ; Secretary of Board (2016-18)
- < Executive Committee Member, Committee on Institutional Cooperation (CIC) (Big Ten Universities & University of Chicago), (2007-11)
- < National Council, Washington University in St. Louis (2006-2012)
- < Board of Trustees, University of Minnesota Foundation (2005-11) (Appointed by the Minnesota Board of Regents); Trustee Emeritus (2011-)
- < Editorial Advisory Board, Lexis Nexis (2005-07)
- < Board of Trustees, Drake University (2004-2012)
- < Public Member, American Board of Orthopaedic Surgery (2004-07)
- < Board of Trustees, National Association for Law Placement Foundation (2002-04)
- < Board of Advisors, Weisman Art Museum, University of Minnesota, (2001-04)
- < Board of Directors, Minnesota Partnership For Action Against Tobacco (Appointed by Attorney General) (2001-02)
- < National Board of Visitors, University of Arizona College of Law (1996-2012)
- < Board of Visitors, University of New Mexico Law School (1996-98)
- < Board of Directors, Legal Services of Eastern Missouri (1987-89)

PUBLIC SERVICE AND PROFESSIONAL ACTIVITIES:

- < Reporter, American Law Institute (ALI): Principles of the Law, Student Sexual Misconduct under Title IX, Procedural Frameworks for Higher Education Institutions (2021-2022)
- < Invited Lecture and Panel Discussion on Academic Freedom: The History and Future, 2022 National Conference on Legal Issues in Higher Education (October 18, 2022)
- <

- < Co-Chair, Working Committee of the American Bar Association / American Association of Law Schools on Students Loans and Debt (2014-2019)
- < Consultant, SUNY/Buffalo Law School (Spring 2012)
- < Consultant, Emory University School of Law (March 2011)
- < Chair, Association of American Universities (AAU), Committee on Diversity (2010-2012)
- < Consultant, United States Senate Judiciary Committee on the Confirmation of Solicitor General Elena Kagan to the United States Supreme Court, (Summer 2010) (by invitation of Senator Amy Klobuchar)
- < Member, Accreditation Review Team, University of Michigan, (March 2010)
- < Co-Chair, United States District Court Selection Committee (for Senator Amy Klobuchar) (Summer 2009)
- < Consultant, United State Senate Judiciary Committee on the Confirmation of Judge Sonia Sotomayor to the United States Supreme Court (Summer 2009) (by invitation of Senator Amy Klobuchar)
- < Chair, Peer Review Committee, City University of Hong Kong, School of Law (Dec. 2008)
- < Co-Chair, Committee on Institutional Cooperation (Big Ten Universities & University of Chicago) Economic Development Summit on Midwest Economy (June 26, 27, 2008)
- < Consultant, United States Senate Commerce Committee (Delta/NWA merger) (Spring 2008) (by invitation of Senator Amy Klobuchar)
- < Chair, Advisory Committee to Review the Minnesota Code of Judicial Conduct (Appointed by Minnesota Supreme Court) (Spring 2007)
- < Consultant, University of California, Irvine, on the formation of a new law school (2007)
- < Manuscript Reviewer, University of Chicago Press (2006)
- < Manuscript Reviewer, University of Michigan Press (2006)
- < Chair, ABA Section of Legal Education Rules Revision Committee (2004-05)
- < Chair, ABA Section of Legal Education Nominations Committee (2004-05)
- < Chair, Advisory Committee on Code of Judicial Conduct (Appointed by Minnesota Supreme Court) (December, 2003)
- < Special Counsel, State of Minnesota (Appointed by Attorney General and Chief Justice of the Minnesota Supreme Court to investigate illegal political contributions) (July, 2003)
- < Moderator, Affirmative Action in Law School Admissions: What Directions After Grutter v. Bollinger? (ABA Annual Meeting) (August, 2003)
- < Manuscript Reviewer, Hon. John Brown Award for Excellence in Legal Writing (presented at ABA Annual Meeting) (August 2003)
- < Member, Review Committee on General Counsel of the University, University of Minnesota (2001-02)
- < -02)
- < Chair, Task Force on Accreditation Process, ABA Section of Legal Education (2001-2002)
- < Chair, Task Force on Long Range Planning and Strategic Objectives, ABA Section of Legal Education (2000-01)
- < -)
- < Chair, ABA Section (and Council) of Legal Education and Admission to the Bar (2002-03)
- < Chair-Elect, ABA Section (and Council) of Legal Education and Admission to the Bar (2001-02)
- < Co-Chair, ABA Section of Legal Education and Admission to the Bar Self Study and Strategic Plan (2000).
- < Member, AALS Nominating Committee (1999-2000)
- < Consultant, Collins v. Dairy Queen, 59 F.Supp. 2d 1312 (M.D. Ga. 1999)
- < Consultant, University of Oklahoma School of Law (May-August, 1999)
- < Chair, ABA Conference on Law School Development, Santa Fe, N.M. (May 1999)
- < Consultant, University of North Carolina School of Law (April 1998)
- < Consultant, American Law Institute, Federal Judicial Code Revision Project (1996-98)
- < Consultant, University of Maryland School of Law (December, 1994)
- < Consultant, U.S. Senate Judiciary Committee on the Confirmation Hearings of Judge Ruth Bader Ginsburg to the U.S. Supreme Court (Summer, 1993)
- < Consultant, Indiana University School of Law Decanal Review (June, 1993)

- < Chair, Accreditation Reinspection Evaluation, ABA/AALS Inspection Visit (University of California Berkeley, Boalt Hall) (April, 1996)
- < Chair, Accreditation Reinspection Evaluation, ABA/AALS Inspection Visit (University of New Mexico) (April, 1993)
- < Chair, Accreditation Reinspection Evaluator, ABA/AALS Inspection Visit (University of Illinois) (November, 1989)
- < Chair, Accreditation Reinspection Evaluator, ABA/AALS Inspection Visit (University of Florida) (February, 1989)
- < Chair, Accreditation Reinspection Evaluator, ABA/AALS Inspection Visit (Case Western Reserve University) (April, 1988)
- < Member, Accreditation Reinspection Evaluator, ABA/AALS Inspection Visit (University of Nebraska) (April, 1983)
- < Hearing Commissioner, ABA Section of Legal Education and Admission to the Bar (New England Law School) (1980)
- < Member, American Arbitration Association (1985-)
- < Member, Steering Committee of Antitrust Section of the Bar Association of Metropolitan St. Louis (1985-89)
- < Faculty Coach, Washington University, Championship Team National Mock Trial Competition sponsored by American College of Trial Lawyers (1986)
- < Faculty Coach, Washington University, Midwest Regional Mock Trial Competition Championship Team (1985, 1986, 1987, 1988, and 1989)
- < Faculty Advisor, Missouri Law Review (1980-84; vols. 45-49); Missouri Journal of Dispute Resolution (1984, Inaugural Issue)
- < Member, Missouri Bar Law Schools Committee (1988-89)
- < Faculty Representative for Washington University, AALS House of Delegates (1985-87, 1989)

- < Chair, Deans' Council Development Committee, University of Arizona (1992-95)
- < Chair, Deans' Council Legislative Relations Committee, University of Arizona (1991-93)
- < Chair, Dean Search Committee, College of Education, University of Arizona (1991)
- < Member, University of Arizona Faculty Senate (1989-95)
- < Member, University of Arizona Task Force on Process to Review Academic Programs (1992-93)
- < Member, Decanal Five-Year Review Committee, College of Agriculture, University of Arizona (1992-93)
- < Member, Commission on the Status of Women, University of Arizona (1991-93)
- < Chair, Washington University Judicial Board (1988-89)

INVITED LECTURES, SPEECHES, AND SEMINARS:

- < Invited Speaker and Panelist, Association of Governing Boards of Universities and Colleges (AGB
(April 1-2, 2025)
- < Invited Speaker and Panelist, Association of Governing Boards of Universities and Colleges (AGB
Annual Trustee Meeting-
30, 2025)
- < Invited Speaker, Fletcher Free Library -
- <
- < From Core Values to Current Debates-Is There a Crisis of Understanding? (September 17, 2024)
- < Invited Speaker and Panelist, The October 7, 2023 Israeli-Palestinean War; Topics: Free Speech Rights,
Porportionality Principles, and The Just War Doctrine, The University of Vermont (December 2023)
- < Invited Speaker, American Bar Foundation (ABF) Faculty Workshop Book Launch on Fress Speech
Freedoms (August 4, 2022)
- < Invited Speaker, University of Vermont Annual National Conference on Legal Issues in Higher
Education: First Amendment Speech and Academic Freedom (2012-2022)
- < Invited Speaker, Impeachment: Constitutional Principles and Political Consequences, Cambridge
University (February 2020)
- < Invited Speaker, Speech and Expression under the First Amendment, Cambridge University (September
2019)
- < Invited Speaker, International Principles of Proportionality, Vermont Council on World Affairs (June,
2019)
- < Invited Speaker, Free Speech on Campus: When Should Universities Draw the Line? National
Constitution Center, Philadelphia (March 18, 2019)
- <
- < y Under Siege: What Eveyone
Needs to Know about the Constitution-
- <
- <
- < Loss of Civic Education in the
- < Invited Speaker, Southeastern Law Schools Annual Meeting (July 28, 2015)
- < Invited Participant, White House Summit on Higher Education (December 4, 2014)
- < Invited Speaker, On the Value of Strategic Planning , Shelburne Museum (September 19, 2014)
- < Invited Participant, White House Summit on Higher Education (January 16, 2014)
- < Invited Speaker, Association of American Law Schools, Presidential Program on Law School
Economics and Governance (January 5, 2014)
- < Invited
Annual Conference of Chief Justices and Conference of State Court Administrators (July 31, 2013)
- < Invited Lecturer, The James Patrick

- < Program Chair, AALS Antitrust & Economic Regulation Section Annual Meeting: "Kodak: A Paradigm Shift Away From Chicago Analysis?" (January, 1993)
- < Invited Speaker, 1992 ABA Annual Meeting, Section on Legal Education: "Financing Legal Education in a Period of Scarce Resources" (August, 1992)
- < Invited Speaker, 1992 ABA Deans' Conference on Institutional Development: "Alumni Relations, Special Events and Successful Development" (June, 1992)
- < Program Chair, AALS Antitrust & Economic Regulation Section Annual Meeting: "Competition in International Markets - Developing Antitrust Rules in Foreign Countries" (January, 1992)
- < Invited Speaker, 1992 ABA Mid-Year Meeting, Annual Deans Workshop: "Managing the Faculty - The Dean's Role in Faculty Evaluations and Salary" (January, 1992)
- < Invited Speaker, AALS Faculty Recruitment Conference: "Perspectives On Beginning Law Teaching After An Established Career" (November, 1991)
- < Invited Speaker, 1991 National Association for Law Placement Annual Conference: "Determining Success in Career Services Programs" (June, 1991)
- < Invited Speaker, 1991 Arizona State Bar Convention: "Professionalism for Professionals: The Law School Viewpoint" (June, 1991)
- < Moderator, AALS Antitrust & Economic Regulation Section Annual Meeting: "The Economic and Litigation Techniques for Measuring Market Power" (January, 1991)
- < Invited Speaker, University of Arizona Faculty Lecture Series: "Antitrust And Trade Regulations in the 1990's: The Impact on Consumers" (November, 1990)
- < Presenter, Faculty Seminar: "Price Fixing in the Ivy League on Financial Aid, Tuition & Salaries," University of Arizona College of Law (February, 1993)
- < Presenter, Faculty Seminar: "The Political Economy of the Sherman Act," Arizona State University School of Law (April, 1990)
- < Moderator, Seminar: "The Transformation of the Legal Profession," 1990 Arizona State Bar Convention (June, 1990)
- < Presenter, Faculty Seminar: "Post-Modern Antitrust: The 1990s and Beyond," University of San Diego Law School (March, 1989)
- < Invited Speaker, 1988 Judicial Conference of the U.S. Court of Appeals for the Eighth Circuit: "Judicial Immunity: Are You At Risk?" (July, 1988)
- < Invited Speaker, 1988 ABA Annual Meeting, Toronto: "Antitrust And Trade Association Communications: Promoting Efficiency or Creating Restraints?" (August, 1988)
- < Presenter, 1987 Judicial Conference of the U.S. Court of Appeals for the Eighth Circuit, Bicentennial Committee (July, 1987)
- < Presenter, Antitrust Steering Committee of the Bar Association of Metropolitan St. Louis: "The Antitrust Division as a Market Regulator" (February, 1987)
- < Presenter, Conference on The Public Policy Towards Corporate Takeovers: "Is the Antitrust Division an Economic Regulator of Markets?" Center for Study of American Business, Washington University (November, 1986)
- < Invited Participant, Liberty Fund Conference: "Justice As Participation: Should Workers Be Given Managerial Rights?" St. Louis (September, 1986)
- < Presenter, Faculty Seminar: "Does the NCAA Exploit College Athletes? An Economic and Legal Analysis," Center In Political Economy, Washington University (February, 1986)
- < Invited Participant, Law and Economics Institute, Emory University (Summer, 1986)
- < Lecturer, The Soviet Union's Court System and the Procedural Process, Minsk, U.S.S.R. (American Lawyer Study Tour to U.S.S.R. July, 1985)
- < Lecturer, Soviet Contract Law and Commercial Arbitration, Leningrad, U.S.S.R. (American Lawyer Study Tour to U.S.S.R. July, 1985)
- < Lecturer, Tying And Exclusive Dealing Under the Justice Department's Vertical Guidelines, Corporate Counsel Institute, Bar Assoc. of Metropolitan St. Louis (April, 1985)
- < Lecturer, Law School CLE, Topic: The Fundamentals of Antitrust Practice and Current Developments (October, 1983)
- < Lecturer, Law School CLE, Topic: Current Developments in Discovery (April, 1981)
- < Lecturer, Law School CLE, Topic: Strategies in Using the New Discovery Rules (December, 1981)

Member, Young Lawyers Study Group, Department of Justice, Appointed by Assistant Attorney General Richard Thornburgh

Area of Concentration: Corporate and securities fraud cases and political corruption cases.

Served as prosecutor and trial counsel in four corporate fraud prosecutions, each involving sums of \$400,000 to 1 million dollars.

