

## Walter A. Effross

Professor of Law (1999 - ) [Associate Professor (1995 - 99)]  
American University Washington College of Law  
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Washington, DC 20016  
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**COURSES TAUGHT:** Advanced Corporate Law: Corporate Governance; Corporate Bankruptcy;  
Business Associations; E-Commerce Law & Drafting; Negotiable Instruments;  
Sales and Secured Transactions

**EDUCATION:** Harvard Law School J.D. 1987  
Editor, *Journal on Legislation and Civil Rights/Civil Liberties Law Review*  
Princeton University  
A.B. *cum laude*- Philosophy 1984  
Winner, Freshman and Sophomore English Prizes

**BAR ADMISSION:** New Jersey, 1987; Washington, D.C., 1990

**PROFESSIONAL AWARDS:** Egon Guttman Casebook Award- March 2015  
Elizabeth Payne Cubberly Research Award- January 2005  
Emalee C. Godsey Scholar Award- March 1999  
American University Washington College of Law

Young Lawyer of the Year Award, June 1994  
Service to the Bar Award, May 1992  
New Jersey State Bar Association

### PROFESSIONAL ACTIVITIES:

Elected Member, American Law Institute, 2000-

Founder and Director, Program on Counseling Electronic Commerce Entrepreneurs,  
American University Washington College of Law, 2000-2002

Developed AE-Commerce Law & Drafting@ course, emphasizing the application of contract and license drafting techniques to reduce statutory, caselaw, technological, and cultural uncertainty in e-commerce-related agreements. (Taught course annually at WCL, 1997-)

Delivered Congressional Testimony on Electronic Commerce Issues  
Before House Science Committee=s Subcommittee on Technology- March 9, 1999  
Before House Commerce Committee=s Subcommittee on Telecommunications,  
Trade, and Consumer Protection- June 25, 1998

#### Editorial Advisory Board Member

Stanford Technology Law Review [Peer Reviewer], 2015-2016  
Internet Law Resource Center (formerly, Internet Law & Regulation), 1999-  
E-Commerce Law & Strategy, 1999-  
International Journal of Electronic Commerce, 1996-  
American Bankruptcy Institute Journal, 1995-2008  
Banking & Financial Services Policy Report, 2000-02  
Broadcast Law Report, 1999-2001  
E-Money, 1997-99  
Computer Law Strategist, 1994-99  
Multimedia and Web Strategist, 1998-99  
American Bar Association=s Business Law Today, 1994-97

#### Association of American Law Schools

Chair, Section on Commercial and Related Consumer Law, 1999-2000  
Chair, Section on Creditors= and Debtors= Rights, 1997-98  
Member, Section=s Executive Committee, 1998-99  
Member, Executive Committee, Section on Computers and the Law, 2000-2001  
Member, Executive Committee, Section on Agency, Partnership, Limited Liability  
Companies, and Unincorporated Associations, 2007-

Contributing Author, Collier on Bankruptcy (15<sup>th</sup> ed.), 1994-2002  
Contributing Author, Collier Bankruptcy Practice Guide, 1994-2002  
Co-author, New Jersey Bankruptcy Manual, 1993

Faculty, Eastern District of Pennsylvania Bankruptcy Conference, 1996-2009

#### District of Columbia Bar

Lecturer on contract law and intellectual property law, 1995-2005  
Member, Continuing Legal Education Committee, 1995-87, 1998-2000  
Advisor and Lecturer, Lawyer Practice Assistance Program, 1996

#### American University

Senate Research Committee, 1995-2000  
Board of Governors, American University Hillel, 1996-2000  
American University Hillel Liaison to Washington College of Law, 2000-

#### American University Washington College of Law

Board of Advisors, American University Law Review, 1997-  
Board of Advisors, American University Administrative Law Journal, 2002-  
Board of Advisors, American University Business Law Brief, 2003-2011  
Board of Advisors, American University Business Law Review, 2011-  
Advisor, Order of the Coif, Washington College of Law Chapter, 2004-

Harvard Law School

Harvard Law School Association Council, 1994-99  
Co-chair, Publications Committee, 1994-99

Trustee, New Jersey State Bar Foundation, 1994-95

Barrister and author, New Jersey Bankruptcy Inn of Court, 1994-95

Lecturer, author, and program developer, 1992-95  
New Jersey Institute for Continuing Legal Education

Lecturer, New Jersey Pro Bono Bankruptcy Project, 1994-95

Seton Hall University School of Law- Newark, NJ

Adjunct Professor- Advanced Seminar, AConsumer Bankruptcy,@ 1994  
Adjunct Professor- Commercial Law II (Commercial Paper), 1995  
Lecturer, Law Review Symposium on Information Superhighway, 1994  
Lecturer, Consumer Law Clinic, Center for Social Justice, 1994  
Chief Justice, Appellate Advocacy Oral Arguments, 1994

## **PRACTICE EXPERIENCE:**

1990 - 95 Associate; McCarter & English- Newark, NJ

1998 - 90 Associate; Lowenstein, Sandler, Kohl, Fisher & Boylan- Roseland, NJ

1987 - 88 Law Clerk for Justice Daniel J. O'Hern, Supreme Court of New Jersey

## **PUBLICATIONS AND PRESENTATIONS:**

### **Book**

*Corporate Governance: Principles and Practices* (Aspen)  
First edition, January 2010; Second edition, January 2013  
[Third edition now in preparation]

### **Video**

"Nine Approaches to the Business Associations Course," 9approachestoba.com (August 2016)

### **Book Chapters**

AStatute of Frauds, Notice, and the Parol Evidence Rule@B Chapter 10 (pages 345-363) in  
Paul R. Rice, *Electronic Evidence: Law and Practice* (ABA Press 2005)

AElusiveness and Evolution: Mass-Market Licenses Under Proposed U.C.C. Article 2B@  
in *Ethics and Electronic Information in the Twenty-First Century*

(Purdue University Press 1999)

ARemarks on the Report of the Consumer Electronic Payments Task Force@  
in International Monetary Fund, *Current Developments in Monetary and Financial Law*,  
*Vol. 1* (1999)

APaper Chase@ [essay on the television series], for *Prime Time Law: Fictional Television as  
Legal Narrative* (ed. Robert M. Jarvis and Paul R. Joseph- Carolina Academic Press, 1998)

### **Law Review Articles**

AOwning Enlightenment: Proprietary Spirituality in the >New Age= Marketplace@  
51 Buffalo Law Review 483-678 (Summer 2003)

ACommercial Profiles vs. Suspect Classifications: Preparing, Preventing, and Parrying Public  
and Private Profiling@  
Stanford Journal of Law and Technology (Spring 1999)

ALogos, Links, and Lending: Towards Standardized Privacy and Use Policies for Banking  
Web Sites@  
24 Ohio Northern University Law Review 747-768 (1999)

AThe Legal Architecture of Virtual Stores: World Wide Web Sites and the Uniform Commercial  
Code@  
34 San Diego Law Review 1263-1400 (Summer 1998)

ANotes on PKI and Digital Negotiability: Would the Cybercourier Carry Luggage?@  
38 Jurimetrics 385-395 (1998)  
(Law review of American Bar Association Section of Science and Technology)

AWithdrawal of the Reference: Rights, Rules and Remedies for Unwelcomed Web-Linking@  
49 South Carolina Law Review 651-693 (Spring 1998)

ACyber-Banking Gains CurrencyC And Interest: A Review of Thomas P. Vartanian, Robert H.  
Ledig & Lynn Bruneau, *21<sup>st</sup> Century Money, Banking & Commerce*@  
49 South Carolina Law Review 943-949 (Spring 1998)

ABright Lines or Blurry Labels?: Interpreting the >Fuzzy Logic= of Bankruptcy Law@  
6 American Bankruptcy Institute Law Review 141-176 (Spring 1998)

AHigh-Tech Heroes, Virtual Villains, and Jacked-In Justice: Visions of Law and Lawyers in  
Cyberpunk Science Fiction@

45 Buffalo Law Review 931-974 (1997)

APutting the Cards Before the Purse?: Distinctions, Differences, and Dilemmas in the Regulation of Stored Value Card Systems@  
65 University of Missouri-Kansas City Law Review 319-398 (1997)

APrivacy, Piracy, and Privatization: Fictional and Legal Approaches to the Electronic Future of Cash@  
46 American University Law Review 961- 965 (1997)

"Grammarians at the Gate: The Rehnquist Court's Evolving 'Plain Meaning' Approach to Bankruptcy Jurisprudence"  
23 Seton Hall Law Review 1636-1762 (1993)  
[Featured in "Worth Reading" column, National Law Journal, February 28, 1994- p.37]

"Turning Back the Tide of Director and Officer Liability"  
(with Theodore D. Moskowitz)  
23 Seton Hall Law Review 897-923  
June 1993  
[Featured in "Worth Reading" column, National Law Journal, September 6, 1993- p.18]  
[reprinted in National Insurance Law Review, Vol. 7, No. 1 (Spring 1994)]

"*Computer Associates v. Altai*: How Will the 'Golden Nugget' Test Pan Out?"  
19 Rutgers Computer and Technology Law Journal 1-89  
April 1993  
[Featured in "Literature Review" section of Jurimetrics Journal of Law, Science and Technology (ABA Section of Science and Technology), Spring 1994- p.354]

"*Deprizio's Honor*: Lenders, Insider Guarantors and the Prisoners' Dilemma"  
21 Seton Hall Law Review 774-799  
July 1991

### **Congressional Testimony**

Testified on electronic commerce before House Committee on Science=s Subcommittee on Technology  
Washington, DC - March 9, 1999

Testified on electronic commerce before the House Commerce Committee=s Subcommittee on Telecommunications, Trade, and Consumer Protection  
Washington, DC - June 25, 1998

## **Corporate Governance**

“Ethical and Fiduciary Issues for Social Entrepreneurs and Their Counsel”

Presentation at American University Business Law Review symposium,  
“Profits Plus Philanthropy: The Emerging Law of ‘Social Enterprises’”  
Washington, DC- April 18, 2012 (also panel moderator)

“Care and Loyalty 2012: The New Frontiers of Fiduciary Duty for Executives and Their Counsel”

Presentation and materials- for the Harvard Law School Association of New York  
New York City- March 14, 2012

“Conflicts, Contracts, Confidentiality, and Causes: How Lawyers Can Satisfy Their Ethical Responsibilities to (or as) Unincorporated Social Enterprises”

Presentation to the Association of American Law Schools Section on Agency,  
Partnership, Limited Liability Companies, and Unincorporated Associations  
Washington, DC- January 6, 2012

ADuties Not to Disclose, Dissent, or Disgrace: Cleaning Up After Leakers, Muddiers and Stainers Under the Restatement (Third) of Agency@

Paper presented at the program of the Section on Agency, Partnerships,  
Limited Liability Companies, and Unincorporated Associations

Association of American Law Schools Annual Meeting - New York, NY - January 2008

## **Electronic Commerce / Computer Law / Uniform Commercial Code**

“Building Blogs (and Law Firm Web Sites) Ethically and Effectively”

Washington Lawyer  
January 2014- p.31

Organizer and Moderator of, and Speaker at,

“Posts of Distinction: Starting, Sustaining, and Showcasing a Blog on Legal Policy Issues” Symposium  
Washington College of Law- September 12, 2013

Presented “Greetings and E- [But Not So-]licitations!: Disclosures, Disclaimers, and Designs of Ethical and Effective Law Blogs and Law Firm Web Sites”; and  
“Topics for Law Blogging: 125+ Suggestions”

AFour Proposals for Clarity in Online Contracting@ (presentation and materials)

AContracting by Shrinkwrap and Clickwrap@ (program materials)

Presentation at "E-Consumer Issues and Regulations in the Next Decade" program  
ABA Business Law Section Spring Meeting  
Washington, DC - March 16, 2007

"Fiduciary Duties, Secrecy, and Cybersecurity"  
Presentation at conference, "Emerging Issues in National and International Security"  
American University Washington College of Law- March 20, 2006

"Dispelling 'Initial Interest' and Other Confusion Concerning Trademark Infringement  
by Search Engines"  
Presentation and materials for Pike & Fischer (Bureau of National Affairs)  
Teleconference, "The Emerging Law of Search Engines: Are Your Trademarks,  
Copyrights & Privacy at Risk?"  
March 15, 2006

"Ten Ways to Protect Intellectual Property When Drafting E-Commerce Agreements"  
Presentation and materials for the District of Columbia Bar Continuing Legal  
Education Program, co-sponsored by the D.C. Bar Intellectual Property Law  
Section and the Computer and Telecommunications Law Section  
Washington, DC- September 20, 2005  
Washington, DC- November 3, 2004

"50 Tips for Ethical and Effective Web Sites for Lawyers and Law Firms"  
Presentation and materials for District of Columbia Bar Continuing Legal  
Education Program, co-sponsored by the D.C. Bar Administrative Law and  
Agency Practice Section; Computer and Telecommunications Law Section; Courts,  
Lawyers and the Administration of Justice Section; Intellectual Property Law  
Section; and Labor and Employment Law Section  
Washington, DC - February 9, 2005  
Washington, DC- January 18, 2006

"Thwarting Ethical Violations With Web Site Disclaimers"  
Washington Lawyer magazine February 2005

Moderator, "Bursting the Bubble on Internet Pop-Up Ads?" Panel Discussion  
District of Columbia Bar- Intellectual Property Law Section  
Washington, DC- February 18, 2004

"Themes, Memes, and Metaphors of E-Commerce: A Half-Baked Dozen"  
Organizer of, and presenter at, "The Law of Cyberspace" plenary session of the  
Federal Judges Association Quadrennial Meeting  
Pentagon City, VA- May 7, 2001

Emerging Issues in Click-Wrap Contracting@  
Presentation at Practising Law Institute Seminar, Solving the Legal Issues Affecting  
B2B Transactions@  
Washington, DC- April 23, 2001

Moderator, Panel on Privacy: What You Should and Shouldn't Do With Sensitive e-Data@  
2001 BNA Public Policy Forum: Cybersecurity & Privacy  
Washington, DC- April 4, 2001

Initiator, Organizer, and Moderator of Symposium, Online, Offshore and Cross-Border:  
Regulating Global E-Commerce@ (a joint presentation of the WCL Program on  
Counseling Electronic Commerce Entrepreneurs and the American University Law  
Review), with panels on Cross-Border E-Commerce@ and Current Issues in Global  
E-Commerce and Strategies on How to Break Into the Field@  
Washington College of Law- March 30, 2001

Open Secrets@  
(Review of Steven Levy, *Crypto: When the Code Rebels Beat the Government--  
Saving Privacy in the Digital Age*)  
Washington Post Book World- February 18, 2001

Initiator and Organizer (as Section Chair) of DotCom One, DotCom All: Legal Issues  
Faced and Created by Amateur Cybermerchants@  
Association of American Law Schools Annual Meeting  
San Francisco, CA- January 6, 2001

Organized and moderated, E-Mail: Evidence, Encryption & Employer Eavesdropping@  
Seminar of the WCL Program on Counseling Electronic Commerce Entrepreneurs  
Washington, DC- December 1, 2000

Delivered remarks (published in Symposium Issue) introducing the Hon. Lewis Kaplan  
American University Law Review Symposium,  
Beyond Napster: Debating the Future of Copyright on the Internet@  
Washington, DC- November 16, 2000

Navigating Through UCITA, UETA, and E-SIGN@  
Presentation at Unscrambling @lphabet Soup: Best Practices Under CyberStatutes@  
Seminar of the WCL Program on Counseling Electronic Commerce Entrepreneurs  
(also organized and moderated)  
Washington, DC- November 10, 2000

Organized and moderated, CyberSafeguards: Ensuring & Insuring DotCom Security@  
Seminar of the WCL Program on Counseling Electronic Commerce Entrepreneurs



Washington, DC- October 27, 2000

A Software Licensing Issues Under UCITA [Uniform Computer Information Transactions Act]@  
Presentation at Law Journal Seminar on A Legal and Business Aspects of E-Commerce@  
New York, NY- October 13, 2000

Organized and moderated, A Competitive Intelligence Online: Taking Full Legal Advantage of  
Publicly Available Information@  
Seminar of the WCL Program on Counseling Electronic Commerce Entrepreneurs  
Washington, DC- October 6, 2000

A Self-Regulation and System Crashes in E-Commerce: Lessons from the Airlines= History@  
Presentation at the 28<sup>th</sup> Annual Telecommunications Policy Research Conference  
Alexandria, VA- September 24, 2000

A Creating Litigation-Resistant Web Sites@  
Presentation at A 55 Contractual Keys to CyberSuccess@ Seminar of the  
WCL Program on Counseling Electronic Commerce Entrepreneurs  
(also organized and moderated)  
Washington, DC- September 15, 2000

A Representing Users & Consumers Under UCITA, UETA and E-SIGN@  
Presentation at A Current Developments in E-Commerce and Internet Law@ Program  
District of Columbia Bar Continuing Legal Education Program  
Washington, DC- September 14, 2000

A Breaking Into C And Breaking Out In C E-Commerce Law and Practice@  
Organized and moderated panel discussion of alumni for  
WCL=s Program on Counseling Electronic Commerce Entrepreneurs  
Washington, DC- September 6, 2000

AA Tight Scrape?: Bringing Online Aggregators to Account@  
Banking & Financial Services Policy Report  
Vol. 19, No.14- September 2000

Organized and moderated ABA Annual Meeting Program, A Clean Reputation, Clean Mailbox:  
Conquering Cyber-Slander and Spam@  
Contributed two essays, A Steam Heat, But False Light@ and AA Dressing-Down For Digital  
Drag@  
to the program materials  
New York, NY- July 9, 2000

A Fencing Off Cyberspace C and Fending Off Democracy?@

Testimony and written materials presented to the Democracy Online Project  
Washington, DC - May 22, 2000

A Trust Virtually No One, or Trust No One Virtually?: Legal Aspects of E-Commerce@  
Presentation to the International Monetary Fund=s Seminar on Current Issues in  
Monetary and Financial Law  
Washington, DC- May 12, 2000

A Zen and the Art of Operating Systems@  
(Review of Neal Stephenson, *In the Beginning. . . Was the Command Line*)  
Washington Post- March 8, 2000, p.C11

AA Popular Conundrum: Practical Elements of Web-Based Jurisdiction@  
Presentation to the National Alcohol Beverage Control Association-  
Symposium on Alcohol Beverage Law  
Alexandria, VA- March 7, 2000

A Legal Issues in Commercial Web Site Design and Operation@  
Presentation to the Online Communications Committee of the  
Federal Communications Bar Association  
Washington, DC- February 8, 2000

ANegotiating the Payments Systems Syllabus@  
Presentation at the Association of American Law Schools= Annual Meeting-  
Program of the Section on Commercial and Related Consumer Law  
Washington, DC- January 8, 2000

www.safeshopping.org  
Initiator and principal drafter of ABA Web site that advises consumers on  
how to shop safely online  
Launched October 26, 1999

A Internet Security in a Borderless World: Issues of Commercial Jurisdiction@  
LegalTech Conference  
New York, NY- September 27, 1999

A Foreplay vs. Foresight: Eight Half-Truths About Regulating the Internet@  
Telecommunications and E-Commerce Conference  
Washington, DC - September 24, 1999

ASeduction of the Affluent@  
(Review of Don Peppers and Martha Rogers, *Enterprise One to One*)  
Journal of Internet Banking and Commerce- September 1999

ACdnwC and Then@

(Review of Jason Olim et al, *The CDnow Story*)

Legal Times- August 9, 1999, p.54

AThe Virtual Death and Resurrection of Money, Agents and Institutions in Cyberspace@

Organized and moderated U.C.C. Committee panel presentation at ABA Annual Meeting

Panelists included: Mark Benerofe, Executive Vice President, Corporate Development, priceline.com; Diana L. Brown, Vice President and General Manager of Financial Services Business Unit, Scient; Paula Bruening, Director of Compliance and Policy, TRUSTe; Caroline H. Little, Vice President, Administration and General Counsel, Washingtonpost.Newsweek Interactive; and Glenn Weiner, Vice President/Technology Leader in Electronic Commerce Center of Excellence, American Express.

Atlanta, GA- August 9, 1999

“Overcoming 10 Potential Pitfalls of Electronic Commerce@

Organized and moderated Cyberspace Law Committee Presidential panel presentation at ABA Annual Meeting

Panelists included: Professor Amelia H. Boss, Temple University Beasley School of Law; Brad Handler, Associate General Counsel, Director of Law and Public Policy, eBay; Professor Christina Kunz, William Mitchell College of Law; Caroline H. Little, Vice President, Administration and General Counsel, Washingtonpost. Newsweek Interactive; and Professor Jane Kaufman Winn, Southern Methodist University School of Law.

Atlanta, GA- August 8, 1999

A Secrets of Effective Electronic Commerce@

Presentation at Federal Communications Bar Association CLE Seminar,

ATechnical Primer on the Internet and E-Commerce@

Washington, DC - May 26, 1999

"2B, 2B II-- Strangers in the Night? Consumer Protection in Information Licensing"

Presentation at D.C. Bar=s Antitrust, Trade Regulation and Consumer Affairs Section and Computer and Telecommunications Law Section program, AConsumer Protection in the Information Age@

Washington, DC - May 26, 1999

AWeb Banking and Standardization of Legal Terms@

Presentation to the Study Group on Electronic Commerce of the U.S. Department of State=s Advisory Committee on Private International Law

Washington, DC - May 6, 1999

"Practical Legal Challenges in Electronic Commerce@

Presentation at the Telecom Legal & Regulatory Seminar Series  
Institute for International Research

Tysons Corner, VA- April 28, 1999

"Minimal Promises, Virtual Premises, Evolving Practices: Issues in Electronic Banking"  
Keynote speech at the Chief Counsel's Regulatory Conference  
Office of Thrift Supervision  
Arlington, VA - April 27, 1999

"2B, 2B II--- Strangers in the Night? Consumer Protection in Information Licensing"  
Presentation to the National Association of Attorneys General's Spring Consumer  
Protection Seminar  
Washington, DC - April 27, 1999

ACommercial Profiles vs. Suspect Classifications: Preparing, Preventing, and Parrying Public  
and Private Profiling@  
Presented at the Computers, Freedom + Privacy 1999 Conference  
Washington, DC - April 7, 1999

Organized and moderated full-day symposium on ARegul@tion\$.gov: Coming to Terms With  
On-Line Commerce@

(in conjunction with The Administrative Law Review, whose editors I advised on the  
organization of a special issue devoted to this topic).

Panelists: Keynote Address- Elliot Maxwell, Special Advisor to the  
Secretary of Commerce for the Digital Economy; Panel 1- James Harper, Counsel,  
House Judiciary Committee; Dean Henry H. Perritt, Jr., Chicago-Kent College of  
Law; John Reed Stark, Chief, Internet Enforcement Office, SEC; Thomas  
Vartanian, Esq., Managing Partner (DC), Fried Frank et al; Panel 2- Kawika  
Daguio, Consultant, American Bankers Association; Charles R. Merrill, Esq.,  
McCarter & English LLP (Newark); Professor Jane Kaufman Winn, Southern  
Methodist University School of Law; Luncheon Address- George Vradenburg, III,  
Senior Vice President for Global and Strategic Policy, America Online; Panel 3-  
Jeff Gillespie, Assistant Chief Counsel, Office of the Comptroller of the Currency;  
Stephen Kroll, Legal Counsel, Financial Crimes Enforcement Network, Treasury  
Department; Denis Rice, Howard Rice et al.(San Francisco); Robert Russell,  
Deputy to the Vice Chairman, FDIC; Panel 4- Michael del Rosso, Chief  
Technology Officer, iDEFENSE Inc.; Tony Rutkowski, Vice President, General  
Magic, Inc.; Lee Zeichner, Consultant, Critical Infrastructure Assurance Office;  
Panel 5- Professor Sarah Jane Hughes, Indiana University School of Law-  
Bloomington; David Medine, Associate Director, Bureau of Consumer Protection,  
FTC; Jonathan Rusch, Special Counsel for Fraud Prevention, Department of Justice  
Washington College of Law, Washington, DC - March 26, 1999

AA Web Site Checklist@

Legal Times, E-Commerce Supplement, p.S34  
March 1, 1999  
[Reprinted in *The Best In E-Commerce Law* (Bowne 2001)]

AThe Many Dimensions of Y2K Liability@  
Presented at the AReporting the Y2K Story@ Seminar  
Foundation for American Communications/The Media Studies Center  
New York, NY- February 23, 1999

APractical Considerations for Operators of Financial Services Web Sites@  
Presented at AFinancial Services Through the Internet: Best Practices and Emerging  
Legal Principles@ Conference, co-sponsored by WCL and Mayer, Brown & Platt  
Washington College of Law, Washington, DC - February 4, 1999

ASmile! People Like You Enjoy Being on Candid Camera!: Towards an Ethics of High-Tech  
Behavioral Profiling@  
Presented at the Joint Program of the Sections on Defamation and Privacy & Law and  
Computers  
Association of American Law Schools Annual Meeting  
New Orleans, LA- January 8, 1999

ASeamless Seaminess? Fake Nudes Are >Cropping= Up Online@  
Multimedia & Web Strategist  
December 1998  
[Published in the New York Law Journal, January 15, 1999, at p.5, as ANow, Fake Nudes  
Are >Cropping= Up On-line@]

AThe Case of the Cyber-Clueless@ (review of Nancy Drew #144, *The E-Mail Mystery*)  
Legal Times, November 30, 1998- p.54

"Kevin Kelly's Latest Brew" (review of Kevin Kelly, *New Rules for the New Economy: 10  
Radical Strategies for a Connected World*)  
Journal of Internet Banking and Commerce- Vol. 3, No. 3- November 1998

AA Link Too Far@ [discussing *Ticketmaster v. Microsoft* litigation]  
Intellectual Property Supplement to CCM,  
American Lawyer=s Corporate Counsel Magazine  
October 1998

ASex, Links and Videotapes@  
Multimedia & Web Strategist  
September 1998

ALegal Responsibilities of Virtual Storekeepers: Rules of the Road@  
New York Law Journal- August 17, 1998- p.S5

ALegal Considerations for Owners and Developers of Commercial Web Sites@  
Presented at ACounseling Clients Moving Into the Web@ program  
American Bar Association Annual Meeting  
Toronto, Canada - August 2, 1998

AThe Web of Contracts: Commercial Law Issues in Electronic Banking@  
Presented at (National) Conference of State Bank Supervisors  
San Diego, CA - July 16, 1998

AOn-Line Contracting Issues Under the Current and Emerging Uniform Commercial  
Code@  
Study Group on Electronic Commerce, Advisory Committee on Private  
International Law, United States Department of State  
Washington, DC - June 19, 1998

ASelf-Defense and Common Sense in Cyberspace@ (Review of Daniel S. Janal, *Risky Business:  
Protect Your Business from Being Stalked, Conned, or Blackmailed on the Web*)  
Journal of Internet Banking and Commerce  
June 1998

ABreaking the Chain: Legal Challenges to Unwelcomed Web-Linking@  
South Carolina Law Review Symposium, AConducting Business Over the Internet@  
Columbia, South Carolina- June 5, 1998

AConsumers and Stored Value Cards: An Unhappy Marriage of Convenience?@  
E-Money: The Journal of Electronic Commerce for the Financial Services Industry  
Vol. 1, No. 1 - May 1998

"Electronic Payments Developments and Privacy"- presentation  
AWaiting, Watching-- And Worrying?: Remarks on the Report of the Consumer  
Electronic Payments Task Force@  
International Monetary Fund Conference on "Current Legal Issues Affecting  
Central Banks"  
Washington, DC - May 15, 1998

ARewiring Regulations on Writings and Records@  
(Review of Benjamin Wright and Jane Kaufman Winn, *The Law of Electronic Commerce*  
(3<sup>rd</sup> Edition))  
BNA Electronic Commerce & Law Report - April 29, 1998 (Vol.3, No.17), p.542

AClicking for Cash, Linking for Loans: The Regulation of Banking Web Sites@  
Presented at Ohio Northern University Law Review Symposium,  
ARegulation of Transactions on the Internet: What Can and Should Be Done?@  
Ada, OH - April 17, 1998

AWeb-Mediated Commerce Under the Current and >New and Improved= U.C.C.@  
AJurisdiction and Choice-of-Law Issues on the World Wide Web@  
Materials distributed to the Study Group on Electronic Commerce,  
Advisory Committee on Private International Law, U.S. Department of State  
Washington, DC - April 16, 1998

AThe New Merchants and Law Merchant of the World Wide Web@  
Presentation and program materials for Subcommittee on Electronic Commerce  
ABA Business Law Section Spring Meeting  
St. Louis, MO - April 4, 1998

ALimiting Liability and Licensing Links: Issues of Concern to Web Site Owners@  
Presentation and program materials for Committee on Nonprofit Corporations panel  
discussion on ASizzling Nonprofit News: What=s New and Explosive@  
ABA Business Law Section Spring Meeting  
St. Louis, MO - April 2, 1998

AThe Regulation of Bank Web Sites@  
Presentation by teleconference from the FDIC=s Washington, DC office to officials in  
the agency's Atlanta, Boston, Chicago, Dallas, Jersey City, Memphis, and San  
Francisco offices- March 4, 1998

ADo You Need a License to Link?@  
Presentation at Eighth Annual Conference on Computers, Freedom & Privacy  
Austin, Texas - February 20, 1998

AThe Evolution of Electronic Contracts@  
Presentation at 2<sup>nd</sup> Annual Conference, AFinancial Services in an Electronic World@  
Co-sponsored by Mayer Brown & Platt / Washington College of Law  
Washington, DC - November 18, 1997

AProposed Article 2B Answers Commercial Problems@  
Computer Law Strategist- November 1997

∆The Ethics, Elusiveness, and Evolution of >Mass-Market Licenses=∆

Paper presented at Symposium on The Ethics of Electronic Information in the 21<sup>st</sup> Century, University of Memphis  
Memphis, TN - September 28, 1997  
(Symposium proceedings to be published by Purdue University Press)

Organized and Moderated Panel Discussion, ∆Cards, Chips, and Cash: Gambles in Regulating Electronic Money∆

Panelists: Thomas Baxter, General Counsel, The Federal Reserve Bank of New York; William Kroener, General Counsel, Federal Deposit Insurance Corporation; Stephen Kroll, Legal Counsel, Financial Crimes Enforcement Network, United States Treasury Department; James Doyle, Wisconsin Attorney General and President, the National Association of Attorneys General; and Bruce Cohen, Counsel to the Treasury Department=s Office of Tax Policy.  
American Bar Association Annual Meeting  
San Francisco, CA - August 3, 1997

∆The Future of Electronic Cash∆

Presentation and program materials for Electronic Commerce Fair >97  
(Conference of defense contractors, organized by Concurrent Technologies Corp.)  
Pittsburgh, PA - July 17, 1997

∆Stored-Value Card Regulations: Small Change?∆  
National Law Journal, April 28, 1997- p.B5

Organized and moderated full-day symposium on ∆The Electronic Future of Cash∆

(in conjunction with *The American University Law Review*, whose editors I advised on the organization of a special issue devoted to this topic).

Panelists: Panel 1- Dr. Clinton Brooks, National Security Agency; Steven Levy, Newsweek magazine; Robert Stankey, counsel, CyberCash, Gary Lorenz, Diebold, Inc.; Peter Wayner, author, *Digital Cash*. Panel 2- Prof. Mark Budnitz, Georgia State University College of Law; Prof. David Oedel, Mercer University Law School; Richard Field, Chair, Electronic Commerce Payment Committee of the American Bar Association; Simon Lelieveldt, Senior Policy Adviser, Dutch Central Bank; Professor Egon Guttman, WCL; Brian Smith, Mayer, Brown & Platt. Lunch Speaker- Daniel Eldridge, DigiCash. Panel 3- Thomas Baxter, General Counsel, The Federal Reserve Bank of New York; William Kroener, General Counsel, Federal Deposit Insurance Corporation; Jeff Gillespie, Counsel, Office of the Comptroller of the Currency; Stephen Kroll, Legal Counsel, Financial Crimes Enforcement Network, United States Treasury Department; Peter Toren, Computer Crime and Intellectual Property Section, Criminal Division, Department of Justice; John Lopez, Counsel, House of Representatives Subcommittee on Domestic and International Monetary Policy; Paul Glenn, Special Counsel, Office of Thrift Supervision; Lucy Morris, Assistant Director for Credit Practices, Federal Trade Commission.



Washington College of Law, Washington, DC - April 18, 1997

From Cyberbucks to Cyberpunk: Tomorrow's Electronic Commerce on Today's Mean Streets  
Journal of Internet Banking and Commerce- Volume 2, No.2  
March 1997

Drafting and Interpreting Contracts  
Program materials and presentation (with Nicholas Karambelas, Esq.)  
District of Columbia Bar Seminar  
Washington, DC - February 19, 1997 and June 24, 1997

Limited Copyright Protection for Videogame Levels  
Multimedia & Web Strategist  
January 1997

Mechanisms, Mistakes, and Molasses: The Emerging Caselaw of Article 4A  
50 Consumer Finance Law Quarterly Report 251 (1997)  
Presented to Consumer Finance Law Conference  
Dallas, TX- October 25, 1996

Here There Be Tygers: Forays Into the Uncharted Territory of Article 4A  
Materials and presentation for meeting of Uniform Commercial Code Committee of  
Business Law Section of American Bar Association, at Section Spring Meeting  
Nashville, TN- March 28, 1996

Seminar Commentator for "The Revisions to New Jersey's 'Uniform' Commercial Code"  
New Jersey Institute of Continuing Legal Education  
Fairfield, NJ- May 6, 1995

Cookies, Contracts, Courts, and Computers: Issues Concerning Legal Practice on the Internet  
Program materials and presentation  
District of Columbia Bar Seminar, The Internet and Your Practice  
Washington, DC - November 8, 1996

Contact Through Internet Sufficient for Jurisdiction Over Nonresident  
Computer Law Strategist  
August 1996

*Vermont Microsystems*: 2d Circuit Finds Trade Secret Misappropriation  
Computer Law Strategist  
August 1996

Hanging Ten on the Wave of the Future: Obstacles and Opportunities for Lawyers on the  
Internet

Presentation and program materials for Law Practice Management Seminar  
Continuing Legal Education Committee, District of Columbia Bar  
Washington, DC- March 25, 1996

"Reverse, Play, Fast Forward: First Circuit Finds Menu Command Hierarchy Uncopyrightable"  
Computer Law Strategist  
May 1995

"Is the 'Manifesto' the Destiny of Software Protection?"  
[Analysis of "A Manifesto Concerning the Legal Protection of Computer Programs"]  
Computer Law Strategist  
February 1995

"Hackers at the Seamless Web: The Emerging Law and Literature of Cyberspace"  
Presented at the Seton Hall Law Review Symposium, "Traveling the Information  
Superhighway: Communications Law & Regulation in the 21st Century"  
Newark, NJ- November 17, 1994

"No More Bytes for Apple?: Copyright Suit is Rejected by 9th Circuit"  
Computer Law Strategist  
October 1994

"'Transmission' Fluid on the Information Highway"  
[Analysis of Draft Report on "Intellectual Property and the National Information  
Infrastructure" prepared by Working Group on Intellectual Property Rights]  
Computer Law Strategist  
July 1994

"Software-Patent Policy: No Fakes, No Surprises"  
New Jersey Law Journal Intellectual Property Supplement - 137 N.J.L.J. 1225  
July 25, 1994

"Copyright Basics: A Brief Overview of Copyright Law as it Relates to Computers and  
Computer Technology"  
(with Joel Miller and Myrna L. Wigod)  
Program materials for "The Departing Employee in a High Technology Environment,"  
panel presentation of Computer-Related Law Committee  
New Jersey State Bar Association Convention  
Atlantic City, NJ- May 20, 1994

"Fourth Circuit Ruling: Separating a Work From Its Derivatives"  
Computer Law Strategist  
April 1994

"5th Circuit: Software Infringes Copyright in Management Model"

Computer Law Strategist  
March 1994

"*Apple v. Microsoft: Windows of Vulnerability or Opportunity?*"  
Speech delivered to New Jersey Intellectual Property Law Association  
(with Myrna L. Wigod)  
Short Hills, NJ- October 14, 1993

"Legal Risks in Software Protection"  
New Jersey Law Journal, 134 N.J.L.J. 902  
July 12, 1993

"Software-Related Patent is OK'd: Federal Circuit Holds Use of Algorithm Not Fatal"  
Computer Law Strategist  
April 1992

"A Chip Off the Old Building Blocks: Original 'Architecture' Protected as Trade Secret"  
Computer Law Strategist  
March 1992

"Points to Ponder in Work Made for Hire Cases"  
Computer Law Strategist  
March 1992

"3d Cir: Consultants Can Keep Software Rights"  
New Jersey Law Journal, 130 N.J.L.J. 886  
March 16, 1992

"*CCNV v. Reid* Applied: Third Circuit Holds Consultant Owns Copyright"  
Computer Law Strategist  
February 1992

"*Texas Instruments* Case Analyzed: Proprietary Programs' 'Secret' Status Preserved by Proper Procedures"  
Computer Law Strategist  
January 1992

"Personal Computers, Personal Time: The 8th Circuit's Employee- Developed Software Case"  
Computer Law Strategist  
November 1991

"Box-Top License Limitations: 3d Circuit Limits 'Acceptance by Opening'"  
Computer Law Strategist  
September 1991

"Software a UCC Good, Not Service"  
New Jersey Law Journal, 127 N.J.L.J. 788  
March 21, 1991

## **Bankruptcy Law**

- AEveryone Out of the Pool?: Undercurrents, Cross-Currents and Riptides of >Deepening Insolvency= Actions@  
Presentation and material for American University Law Review Symposium,  
ABankruptcy 2.0(05): Chapters, Changes, and Challenges@  
(also served as faculty advisor, and as moderator of corporate bankruptcy panel)  
Washington, DC - February 10, 2006
- AAn Insolvency Itinerary: Bankruptcy Jurisdiction, Referral, Withdrawal, Removal, Remand, and Abstention in the Third Circuit@  
Presentation and material for Seventh Annual Hon. William H. Gindin Bankruptcy Bench-Bar Conference  
East Brunswick, NJ- April 1, 2005
- A*In Medias Res*: Correcting and Preventing Journalists= (and Public) Misconceptions About Bankruptcy@  
Presentation to the Eastern District of Pennsylvania Bankruptcy Conference  
Philadelphia, PA- May 21, 2003
- ACustomer Data and the Bankruptcy Process: After Toysmart, It=s Not Just a Game Any More@  
Presentation to Business Bankruptcy Committee-  
ABA Business Law Section Spring Meeting  
Philadelphia, PA - March 22, 2001
- AElectronic Estates, Cyber-Consumers and DotCom Dilemmas: 15 E-Merging Tools, Traps and Techniques for Bankruptcy Counsel@  
Presentation to the Eastern District of Pennsylvania Bankruptcy Conference  
Philadelphia, PA- November 2, 2000
- A10 Issues Raised by Dotcom Bankruptcies@  
Presentation in a panel on AThe State of the Law: Bankruptcy Today and Tomorrow@  
Views From the Bench 2000 - Georgetown University Law Center Program  
Washington, DC- September 16, 2000
- AEthical Issues for the Bankruptcy Practitioner@  
Presentation and program materials for American Bankruptcy Institute  
Attorney Certification Exam Review Course  
Washington, DC - May 1, 1998
- AFrom the Academy to the Judiciary: The Use of Bankruptcy-Related Law Review Articles in Written Judicial Opinions@  
Presented to the Judges= Roundtable Session, National Conference of Bankruptcy Judges

Philadelphia, PA - October 16, 1997  
Revised Chapter 28 (Professional Compensation) (October 1997)  
*Collier Bankruptcy Practice Guide*

"Personal Bankruptcy: A Legal Primer"  
New Jersey State Bar Foundation (for distribution to non-lawyers)  
August 1997

A Wise Men's Counters: Distinguishing Definitions of Insolvency@  
American Bankruptcy Institute Journal  
November 1996

A The Reliance Standard: Clarifying the Confusion@ (Speech)  
A Revisiting the Reliance Standard for Credit Card Fraud@ (Program materials)  
Credit Card Collections Conference V (Faulkner & Gray)  
New Orleans, LA - October 8, 1996

A Old Books and New Sciences: The Changing Standards of >Good Faith=@  
American Bankruptcy Institute Journal  
September 1996

For *Collier on Bankruptcy* (16th ed. 1997)  
Rewrote Chapter 542 - Turnover of Property to the Estate  
May 1996  
Rewrote Chapter 543 - Turnover of Property by a Custodian  
May 1996  
Rewrote Chapter 1122 - Classification of Claims or Interests  
June 1996  
Rewrote Chapter 1123 - Contents of Plan  
July 1996  
Rewrote Chapter 1124 - Impairment of Claims or Interests  
August 1996

A Discharge Developments: Double Jeopardy, Documentation of Dispositions, and  
Determination of >Insider= Status@  
American Bankruptcy Institute On-Line Newsletter,  
A Cracking the Code@  
July 1996

A Going Concern Concerns and Fair Market Values: Contexts and Methods for the  
Valuation of Businesses in Bankruptcy@  
Presentation and program materials for Fourth Annual New Jersey Bench/Bar  
Bankruptcy Conference  
New Brunswick, NJ- April 12, 1996

AChapter 11 of the United States Bankruptcy Code: Provisions, Policies, Parameters, and Problems@

Speech delivered to and materials prepared for Intradis Group seminar on Corporate Reorganization and Restructuring in Transitional Economies  
Washington, DC- February 27, 1996

AFull Faith and Credit? Justifiable Reliance and Non- Dischargeability@  
American Bankruptcy Institute On-Line Newsletter, ACracking the Code@  
February 1996

AOf Last Recourses and One-Eyed Horses: >Justifiable= Reliance Governs Non-Dischargeability for Fraud@  
American Bankruptcy Institute Journal  
February 1996

Chapter 110, *Collier on Bankruptcy* (15th ed.)  
Chapter for *Collier Bankruptcy Practice Guide*  
"Bankruptcy Petition Preparers"  
(Revised May 1996)

Revised Chapter 28 (Professional Compensation) (January 1996)  
*Collier Bankruptcy Practice Guide*

Revised Chapter 2016, *Collier on Bankruptcy* (15th ed.)  
"Compensation of Services Rendered and Reimbursement of Expenses"

ASupreme Court Solves >Banker=s Dilemma=@  
American Bankruptcy Institute Journal  
December/January 1996

ASupreme Court Denies Discharge Where Creditors >Justifiably Rely= on Fraudulent Misrepresentation@  
American Bankruptcy Institute Supreme Court Bulletin  
November 30, 1995

AThink Nationally, Act Locally: Confronting Bankruptcy=s >Solutions=@  
Business Law Today  
(American Bar Association Business Law Section publication)  
September/October 1995

Panelist, American Bankruptcy Institute Legislative Briefing on Bankruptcy for Congressional Staff

Rayburn Building - Washington, D.C.- September 8, 1995

"Federal Securities Laws and the Bankruptcy Code: Claims Trading and Vulture Investing in Bankruptcy"

Presentation and program materials for Third Annual New Jersey Bench/Bar Bankruptcy Conference

Princeton, NJ- April 21, 1995

"Interviewing and Counseling the Consumer Debtor" (presentation)

"The Chapters Before 7 and 13: Suggested Reading for Pro Bono Bankruptcy Practitioners" (program materials)

New Jersey Pro Bono Bankruptcy Project Training Session

New Brunswick, NJ- January 12, 1995

"The Bankruptcy Reform Act of 1994: Something for Everyone"

American Bankruptcy Institute Journal

December 1994 - January 1995 issue

[Reprint of two-part article in New Jersey Law Journal]

"Close Readings, Creditors' Rights and Clerical Reimbursements: The Third Circuit's Bankruptcy Decisions of 1994"

Newsletter of Bankruptcy Section, New Jersey State Bar Association

November 1994

"Bankruptcy Reform Act Lowers Risk of Insider Guaranties"

(with Bart J. Colli, Hayden Smith, Jr., and Curtis A. Johnson)

New Jersey Lawyer (newspaper), 3 NJL 2242

November 21, 1994

"Bankruptcy's Babies and Bathwaters: The Reform Act's Implications for Third Circuit Precedent and Practice"

Speech and program materials for New Jersey Bankruptcy Inn of Court

Newark, NJ- November 7, 1994

"Code Changes Will Cause New Legal Controversies"

[Part 2 of Analysis of Bankruptcy Reform Act of 1994]

New Jersey Law Journal, 138 N.J.L.J. 975

November 7, 1994

"Amendments Sweep Key Code Provisions"

[Part 1 of Analysis of Bankruptcy Reform Act of 1994]

New Jersey Law Journal, 138 N.J.L.J. 894

October 31, 1994



- "Bright Lines or Blurry Labels?: Interpreting the 'Fuzzy Logic' of Bankruptcy Law"  
Presented (at invitation of Hon. Richard L. Bohanon, Chief Bankruptcy Judge,  
Western District of Oklahoma) at 1994 Southwest Bankruptcy Law Institute Program,  
"Does the Bankruptcy Code Need Reformation? If So, Why and How?"  
Dallas, TX- October 27, 1994
- "Stripping Home Mortgage Liens in Chapter 13"  
New Jersey Law Journal Real Estate Supplement, 138 N.J.L.J. 484  
October 3, 1994
- "Beyond *Collier*: Some Suggestions for the Inn of Court's Bankruptcy Bookshelf"  
Program materials for the New Jersey Bankruptcy Inn of Court, September 1994
- "Consumer Bankruptcy: Substantive Law, Procedural Background, and Client Counseling  
Techniques"  
Training lecture and program materials for Consumer Law Clinic, Center for Social  
Justice, Seton Hall University School of Law  
Newark, NJ- August 27, 1994
- "Another Vote for Legislative History? New Justice Breyer's Bankruptcy Decisions"  
American Bankruptcy Institute Journal  
July/August 1994
- "'Essential State Interest' in Regulating Foreclosure Upheld"  
New Jersey Law Journal Real Estate Supplement, "Tied Up in Knots: Foreclosure Rules  
in Tax Sales and Bankruptcy"  
June 27, 1994
- "Shutting Off the Rental Stream: Assignment of Rents-- New York Style"  
(with Theodore D. Moskowitz)  
Newsletter of Creditor/Debtor Relations Section, New Jersey State Bar Association  
June 1994
- "Bankruptcy and Beyond: The Resurrection of General Electronics"  
(with Walter J. Greenhalgh)  
Hypothetical Fact Pattern for participants in New Jersey Bankruptcy Inn of Court,  
1994-95 Session  
June 1994
- "The *Swedeland Development* Saga Continues"  
New Jersey Law Journal, 137 N.J.L.J. 347  
May 23, 1994

"Adequate Protection Boosted for Prepetition Lenders"  
New Jersey Law Journal, 137 N.J.L.J. 219  
May 16, 1994

"Language, Logic and Literalism: The Supreme Court's 'Plain Meaning' Approach to the  
Bankruptcy Code"  
The 1994 Bankruptcy Yearbook and Almanac  
New Generation Research, Inc.- May 1994

"Adrift Again? Construing CERCLA's Secured Creditor Exemption After Kelley v. EPA"  
Included in program materials for American Bar Association Satellite Seminar,  
"Hazardous Waste & Superfund 1994: The Clinton Administration's New Directions for  
EPA"  
May 12, 1994

"Leading Issues and Recent Developments in Bankruptcy"  
Panel presentation of Creditor/Debtor Relations Section and Banking Law Section  
New Jersey State Bar Association Convention  
Atlantic City, NJ- May 20, 1994

Organizer, lecturer, and author of program materials

"The Bankruptcy Code: Fifteen Years Later"  
Panel presentation with Hon. Joseph E. Irenas; Hon. William H. Gindin; Hon. Rosemary  
Gambardella; Hugh M. Leonard; and Frank Vecchione.  
New Jersey Institute for Continuing Legal Education Seminar  
New Brunswick, NJ - May 14, 1994

Program materials prepared:

"The Evolution of the Bankruptcy Code, 1978-1994"

"The Supreme Court's Interpretations of the  
Bankruptcy Code: How Loose a Canon?"

"Debtors, Disputes, and Decisions: Third Circuit  
Precedent Interpreting the Bankruptcy Code"

"The Picture's Colorful, But Lacks Definition:  
An Un-Dictionary of the Code"

"Good Money After Bad?: Post-Petition Financing After  
the *Swedeland* Saga"

"Eggs, Apples, and Statutory Recipes: Preserving Tax Certificates in Bankruptcy Proceedings"  
Presentation and program materials  
Second Annual New Jersey Bench/Bar Bankruptcy Conference  
Princeton, NJ- April 29, 1994

"Proposals Set for Code Reform"  
[Analysis of "Bankruptcy Amendments Act of 1993" (S.540)]  
New Jersey Law Journal, 136 N.J.L.J. 194

January 17, 1994

[Reprinted- "Bankruptcy Reform, *Circa* 1994" (Parts I and II)  
American Bankruptcy Institute Journal  
March 1994 and April 1994]

"Doctrines, Decisions, and Developments: Recent Trends in Bankruptcy Law"  
Speech delivered to New Jersey Bankruptcy Inn of Court  
Newark, NJ- November 8, 1993

"Counsel Connect: The Electronic Campfire"  
American Bankruptcy Institute Journal  
November 1993

"Environmental Considerations in Bankruptcy: From Discharge to  
Dischargeability"  
New Jersey Institute for Continuing Legal Education  
Materials for "How to Handle Bankruptcy Cases Involving Real Estate" Seminar  
Fairfield, NJ- October 27, 1993 (lecturer)

Chapters on: The Debtor Estate; Exemption; Claims; Discharge; and Environmental  
Considerations  
New Jersey Bankruptcy Law Manual  
New Jersey Institute for Continuing Legal Education  
October 1993 [Updated 1995-96]  
[Chapter on Environmental Considerations updated, with Rachel Lehr, 2005]

"Third Circuit's View on Isolating Deficiency Claims"  
New Jersey Law Journal, 134 N.J.L.J. 482  
June 7, 1993

"Forgive Us Our Predecessors: Bankruptcy Sales and the Product Line Exception"  
(with David R. Kott)  
4 Products Liability Law Journal 123  
May 1993  
[Cited in *Lefever v. K.P. Hovnanian Enterprises, Inc.*, 160 N.J. 307 321, 734 A.2d 290, 298  
(1999) (A Respected commentators find that. . . .@; though the Court ultimately disagreed with the  
position of this article.)]

"Lenders Face New Standards of CERCLA Liability"  
The 1993 Bankruptcy Yearbook and Almanac  
New Generation Research, Inc.  
May 1993

"Constructing and Construing CERCLA's 'Owner or Operator' Liability for Secured Lenders"  
Included in program materials for American Bar Association Satellite Seminar,  
"Hazardous Waste & Superfund 1993: The Latest Directions From a New Administration@  
May 13, 1993

- "Navigating by *Landmark*: Judicial Evaluation of Discount Rates in Bankruptcy"  
(with Richard W. Hill)  
Program materials for First Annual New Jersey Bench/Bar Bankruptcy Conference  
April 30, 1993
- "New Local [Bankruptcy] Rules Streamline Court Procedures"  
New Jersey Law Journal, 133 N.J.L.J. 1483  
April 19, 1993
- "The Right to a Jury in Bankruptcy Court"  
New Jersey Law Journal, 133 N.J.L.J. 631  
March 1, 1993  
[reprinted as "Are There Jury Trials in Bankruptcy?" - Legal Times, June 14, 1993, p.38]
- "The 'Broken Bench' of Bankruptcy Law"  
Harvard Law Bulletin  
February 1993
- "Perfection, Priorities and Predictability: The Third Circuit's Bankruptcy Decisions of 1992"  
Newsletter of Creditor/Debtor Relations Section, New Jersey State Bar Association  
January 1993
- "Walking the Toxic Tightrope: The Definition, Evolution and Implications of Secured Lenders'  
Liability Under CERCLA"  
New Jersey Institute for Continuing Legal Education Materials for  
"Perils and Pitfalls of Secured Lending-1992" Seminar (organizer and lecturer)  
New Brunswick, NJ- October 3, 1992
- "Debtor's Interest in ERISA Plans Exempt from Estate"  
New Jersey Law Journal, 131 N.J.L.J. 759  
July 6, 1992
- "The Toxic Risk and 'the Public Fisc'"  
New Jersey Lawyer (newspaper), 1 NJL 945  
June 29, 1992
- "EPA Clarifies CERCLA Liability for Lenders"  
New Jersey Law Journal, 131 N.J.L.J. 394  
June 8, 1992
- "Trustee's Right to Object: Use It or Lose It!"  
New Jersey Law Journal, 131 N.J.L.J. 335

June 1, 1992

"Supremes Endorse 'Date of Honor' Check Rule"  
New Jersey Law Journal, 131 N.J.L.J. 6  
May 4, 1992

"The Lender's *Scylla v. Charybdis*: Accepting Insider Guarantees in the 1990's"  
(with Bart J. Colli; Hayden Smith, Jr.; and Debra S. Groisser)  
Bankruptcy Law Review (Faulkner & Gray), Vol. 4, No. 1  
Spring 1992

"ERISA Meets Title 11: The *Looking-Glass* Logic of Pension Benefits in Bankruptcy"  
New Jersey Institute for Continuing Legal Education Materials for  
"Emerging Bankruptcy Issues of the 90's" Seminar (organizer and lecturer)  
Edison, Fairfield, and Mt. Laurel, NJ- March 1992

"Presumptions, Plain Meanings and Pragmatism: The 3rd Circuit's Bankruptcy Decisions of 1991"  
Newsletter of Creditor/Debtor Relations Section,  
New Jersey State Bar Association, March 1992

"Debtors Stripped of 3d Cir. Right to Strip Liens"  
New Jersey Law Journal, 130 N.J.L.J. 707  
March 2, 1992

"Reevaluating Conflicts of Interest Under *BH&P*"  
New Jersey Lawyer (newspaper), 1 NJL 47  
February 3, 1992

"Actual vs. Apparent Influence: Towards a Standard for Lenders' CERCLA Liability"  
New Jersey Lawyer (magazine)  
November/December 1991

"Foreclosing Fraudulent Conveyances"  
New Jersey Law Journal, 129 N.J.L.J. 70  
October 24, 1991

"*Kroh Brothers*: The New Value Defense and the Third Man Theme"  
Norton Bankruptcy Law Adviser  
September 1991

"Doorway to *Deprizio*?"  
Newsletter of Creditor/Debtor Relations Section, New Jersey State Bar Association  
November 1990

"Broad View of Conflict Limits Choice of Counsel"  
New Jersey Law Journal, 126 N.J.L.J. 1200

November 1, 1990

## **Law and Literature**

AHigh Tech Heroes, Virtual Villains, and Jacked-In Justice: Visions of Law and Lawyers in  
Cyberpunk Science Fiction@

Presented at SUNY-Buffalo School of Law Symposium on ACyberlaw: Legal Doctrine  
& Practice in the Age of Cyberspace@

Buffalo, NY- March 8, 1997

Organized and moderated panel, @Novel Perspectives on Professionalism: Law and Literature for  
Today=s Practitioner@ April 4, 1996.

Panelists: Professor Michael Ambrosio, Seton Hall School of Law; Len Becker,  
District of Columbia Bar Counsel; Professor Maxwell Bloomfield, Catholic  
University; Dean Harry Haynsworth, William Mitchell College of Law; Judah  
Lifschitz, Shapiro & Lifschitz; Robert MacCrate, Sullivan & Cromwell; Professor  
Kathryn Temple, English Department, Georgetown University; Professor Richard  
Weisberg, Benjamin N. Cardozo School of Law, Yeshiva University.

Washington College of Law, Washington, DC - April 4, 1996

ALaw and Literature@

Organized, moderated, and prepared program material for Seminar for D.C. Bar  
Continuing Legal Education Program

Panelists: Justice Stephen Breyer, Hon. Helen W. Nies, Hon. Giles S. Rich, Dean  
Claudio Grossman, Professor Kathryn Temple

Washington, DC- June 13, 1996

"Reading, Writing and Rhetoric"

(Review of Richard Weisberg's *Poethics and Other Strategies of Law and Literature*)

Business Law Today (ABA magazine)

November/December 1992

## **Hate Crimes**

AHate Crimes As a Precursor to War Crimes@

Lecture and materials for The National Judicial College

Seminar, AWhen Justice Fails: Threats to the Independence of the Judiciary@

Washington, DC - February 15, 1999

"New Jersey's Law of Hate Crimes"

Lecture and materials for Race Relations class, Rutgers University

New Brunswick, NJ- November 29, 1994

"The 'Good News' and the 'Bad News': The New Jersey Supreme Court's Decisions in *Mortimer* and *Vawter*"

Program materials for the Annual Regional Advisory Board Meeting of the  
Anti-Defamation League of B'nai B'rith  
Short Hills, NJ - June 21, 1994

"Between Civil Rights and Civility: Should 'Hate Speech' Be Free?"

Hypothetical developed for Socratic dialogue presentation by the  
Hate Crimes Education Committee, New Jersey State Bar Foundation  
New Brunswick, NJ- April 14, 1994

"The Year and the Reasoning Between *R.A.V.* and *Mitchell*: From Hate Speech to Hate Crimes"

Speech delivered at the Annual Regional Advisory Board Meeting of the Anti-Defamation  
League of B'nai B'rith  
West Orange, NJ - June 23, 1993

"One in Five?: Confronting Today's Anti-Semitism"

Speech delivered to the Jewish Community Relations Council of the Jewish Federation of  
Greater Middlesex County  
Highland Park, NJ- February 24, 1993

"Hate Crime Laws: The New Jersey Challenge"

Speech delivered to the New Jersey Regional Advisory Board of the Anti-Defamation  
League of B'nai B'rith  
East Brunswick, NJ- January 27, 1993

## **Other**

"Ten Tips for Landing J.D. Jobs for Law Students and Graduates"

National Law Journal  
July 15, 2013

AZen and the Art of Corporate Governance: Special Considerations in Counseling

Spiritual/Religious Institutions@  
American University Washington College of Law Business Law Brief  
Volume 1, No. 1- p.25 (2004)

AStaying on Track in a Fuzzy Nonlinear World: Strategies for Streamlining Law Office

Operations@

Program material for "Starting Small, Thinking Big: Building Your Own Practice in the District of Columbia"  
D.C. Bar Law Practice Management Section/Lawyer Practice Assistance Committee  
Washington, DC - October 15, 1996

Organized and moderated panel discussion, "Close Encounters with the Fourth Estate:  
Responding to and Contacting the Media"

Panelists: The Honorable Stanley Sporkin, Federal District Court, District of Columbia; George Anders, Reporter, Wall Street Journal; Eric Effron, Editor and Publisher, Legal Times; Lance Morgan, President (Washington Office), Bozell Sawyer Miller Group; Jeffrey Sandman, Executive V.P. and General Counsel, The Kamber Group; Tom Sherwood, Reporter, WRC-TV Channel 4; Wesley Williams, Jr., partner, Covington & Burling. (Broadcast by C-SPAN)  
Washington College of Law, Washington, DC - September 17, 1996

Chapter, "New Jersey Public Contracting Law"  
(with Richard C. Cooper and Kathleen Keating)  
*Public Contracting Law of the 50 States*  
(Wiley Law Publications 1995)

Editor, *New Jersey Products Liability Law*  
(with authors John L. McGoldrick and Frederick T. Smith)  
New Jersey Law Journal Press  
October 1994

"Emerging Standards on Discrimination in Lending: Principles, Policies & Practices"  
(with William S. Greenberg)  
Program materials for Annual Convention of New Jersey Bankers Association  
Southampton, Bermuda- May 17, 1994

"Common-Law Principles Help Analyze Contracts"  
(with Scott A. Kobler)  
New Jersey Law Journal, 135 N.J.L.J. 91  
September 6, 1993

"New Jersey's Franchise Act Throws Computerized Learning a Curve"  
Posted on Counsel Connect  
(Electronic bulletin board of American Lawyer)  
June 7, 1993

"Individual Morality and Legal Practice: Can They Be Reconciled?" (Moderator)  
Fifth Reunion Panel, Harvard Law School Class of 1987  
Cambridge, MA- October 24, 1992



"Side Effects of Poison Pill Hard to Swallow"  
New Jersey Law Journal, 129 N.J.L.J. 1179  
December 23, 1991

"The Environmental Expert After *Rubanick* and *Christophersen*: Beware the Jabberwock!"  
(with Lanny Kurzweil and Joseph O'Keefe)  
in Practising Law Institute Coursebook, *Strategies for Litigating Contaminated Property  
Disputes*  
December 1991