

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: E-Commerce Law & Drafting; Corporate Bankruptcy; Business Associations;
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: 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-
Member, Consultative Group on Intellectual Property, 2004-

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

Developed “E-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; and taught it annually at WCL since 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

Internet Law & Regulation, 1999-
E-Commerce Law & Strategy, 1999-
International Journal of Electronic Commerce, 1996-
American Bankruptcy Institute Journal, 1995-
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

Contributing Author, Collier on Bankruptcy (15th 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-

District of Columbia Bar

Lecturer on contract law and intellectual property law, 1995-
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-
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, "Consumer 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:

Law Review Articles

"Owning Enlightenment: Proprietary Spirituality in the 'New Age' Marketplace"
51 Buffalo Law Review 483-678 (Summer 2003)

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

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

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

- “Notes 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)
- “Withdrawal of the Reference: Rights, Rules and Remedies for Unwelcomed Web-Linking”
49 South Carolina Law Review 651-693 (Spring 1998)
- “Cyber-Banking Gains Currency— And Interest: A Review of Thomas P. Vartanian, Robert H. Ledig & Lynn Bruneau, *21st Century Money, Banking & Commerce*”
49 South Carolina Law Review 943-949 (Spring 1998)
- “Bright Lines or Blurry Labels?: Interpreting the ‘Fuzzy Logic’ of Bankruptcy Law”
6 American Bankruptcy Institute Law Review 141-176 (Spring 1998)
- “High-Tech Heroes, Virtual Villains, and Jacked-In Justice: Visions of Law and Lawyers in Cyberpunk Science Fiction”
45 Buffalo Law Review 931-974 (1997)
- “Putting 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)
- “Privacy, 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

Book Chapters

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

"Elusiveness 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)

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

"Paper Chase"- chapter 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)

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

Electronic Commerce / Computer Law / Uniform Commercial Code

"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”
 Presentation at plenary session of Federal Judges Association Quadrennial Meeting program (which I organized) on “The Law of Cyberspace”
 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

“Software Licensing Issues Under UCITA [Uniform Computer Information Transactions Act]”

Presentation at Law Journal Seminar on “Legal and Business Aspects of E-Commerce”

New York, NY- October 13, 2000

Organized and moderated, “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

“Self-Regulation and System Crashes in E-Commerce: Lessons from the Airlines’ History”

Presentation at the 28th Annual Telecommunications Policy Research Conference

Alexandria, VA- September 24, 2000

“Creating Litigation-Resistant Web Sites”

Presentation at “55 Contractual Keys to CyberSuccess” Seminar
WCL’s Program on Counseling Electronic Commerce Entrepreneurs
Seminar of the WCL Program on Counseling Electronic Commerce Entrepreneurs
(also organized and moderated)
Washington, DC- September 15, 2000

“Representing Users & Consumers Under UCITA, UETA and E-SIGN”

Presentation at “Current Developments in E-Commerce and Internet Law” Program
District of Columbia Bar Continuing Legal Education Program
Washington, DC- September 14, 2000

“Breaking Into— And Breaking Out In— 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

“A 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, “Clean Reputation, Clean Mailbox:
Conquering Cyber-Slander and Spam”

Published two essays, “Steam Heat, But False Light” and “A Dressing-Down For Digital Drag”
in program materials
New York, NY- July 9, 2000

“Fencing Off Cyberspace— and Fending Off Democracy?”

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

“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

“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

“A 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

“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

“Negotiating 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

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

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

“Seduction of the Affluent”
(Review of Don Peppers and Martha Rogers, Enterprise One to One)
Journal of Internet Banking and Commerce- September 1999

“Cdnw— and Then”
(Review of Jason Olim et al, The CDnow Story)
Legal Times- August 9, 1999, p.54

“The 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

“Secrets of Effective Electronic Commerce”

Presentation at Federal Communications Bar Association CLE Seminar,
“Technical 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, “Consumer
Protection in the Information Age”

Washington, DC - May 26, 1999

“Web 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

“Commercial 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 “Regul@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

“A Web Site Checklist”

Legal Times, E-Commerce Supplement, p.S34

March 1, 1999

[Reprinted in *The Best In E-Commerce Law* (Bowne 2001)]

“The Many Dimensions of Y2K Liability”

Presented at the “Reporting the Y2K Story” Seminar

Foundation for American Communications/The Media Studies Center

New York, NY- February 23, 1999

“Practical Considerations for Operators of Financial Services Web Sites”

Presented at “Financial 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

“Smile! 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

“Seamless 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 “Now, Fake Nudes Are ‘Cropping’ Up On-line”]

“The 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

“A Link Too Far” [discussing *Ticketmaster v. Microsoft* litigation]

Intellectual Property Supplement to CCM,

American Lawyer’s Corporate Counsel Magazine
October 1998

“Sex, Links and Videotapes”

Multimedia & Web Strategist

September 1998

“Legal Responsibilities of Virtual Storekeepers: Rules of the Road”

New York Law Journal- August 17, 1998- p.S5

“Legal Considerations for Owners and Developers of Commercial Web Sites”

Presented at “Counseling Clients Moving Into the Web” program

American Bar Association Annual Meeting

Toronto, Canada - August 2, 1998

“The Web of Contracts: Commercial Law Issues in Electronic Banking”

Presented at (National) Conference of State Bank Supervisors

San Diego, CA - July 16, 1998

- “On-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
- “Self-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
- “Breaking the Chain: Legal Challenges to Unwelcomed Web-Linking”
South Carolina Law Review Symposium, “Conducting Business Over the Internet”
Columbia, South Carolina- June 5, 1998
- “Consumers 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
- “Waiting, 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
- “Rewiring Regulations on Writings and Records”
(Review of Benjamin Wright and Jane Kaufman Winn, The Law of Electronic Commerce (3rd Edition))
BNA Electronic Commerce & Law Report - April 29, 1998 (Vol.3, No.17), p.542
- “Clicking for Cash, Linking for Loans: The Regulation of Banking Web Sites”
Presented at Ohio Northern University Law Review Symposium,
“Regulation of Transactions on the Internet: What Can and Should Be Done?”
Ada, OH - April 17, 1998
- “Web-Mediated Commerce Under the Current and ‘New and Improved’ U.C.C.”
- “Jurisdiction 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

- “The 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
- “Limiting Liability and Licensing Links: Issues of Concern to Web Site Owners”
Presentation and program materials for Committee on Nonprofit Corporations panel
discussion on “Sizzling Nonprofit News: What’s New and Explosive”
ABA Business Law Section Spring Meeting
St. Louis, MO - April 2, 1998
- “The 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
- “Do You Need a License to Link?”
Presentation at Eighth Annual Conference on Computers, Freedom & Privacy
Austin, Texas - February 20, 1998
- “The Evolution of Electronic Contracts”
Presentation at 2nd Annual Conference, “Financial Services in an Electronic World”
Co-sponsored by Mayer Brown & Platt / Washington College of Law
Washington, DC - November 18, 1997
- “Proposed 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 21st
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”

Presentaton 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

“Everyone Out of the Pool?: Undercurrents, Cross-Currents and Riptides of ‘Deepening Insolvency’ Actions”

Presentation and material for American University Law Review Symposium,

“Bankruptcy 2.0(05): Chapters, Changes, and Challenges”

(also served as faculty advisor, and as moderator of corporate bankruptcy panel)

Washington, DC - February 10, 2006

“An 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

“*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

“Customer 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

“Electronic 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

“10 Issues Raised by Dotcom Bankruptcies”

Presentation in a panel on “The State of the Law: Bankruptcy Today and Tomorrow”

Views From the Bench 2000 - Georgetown University Law Center Program

Washington, DC- September 16, 2000

“Ethical Issues for the Bankruptcy Practitioner”

Presentation and program materials for American Bankruptcy Institute

Attorney Certification Exam Review Course

Washington, DC - May 1, 1998

“From 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

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

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

"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

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

"Going Concern Concerns and Fair 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

“Chapter 11 of the United States Bankruptcy Code: Provisions, Policies, Parameters, and Problems”

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

“Full Faith and Credit? Justifiable Reliance and Non- Dischargeability”

American Bankruptcy Institute On-Line Newsletter, “Cracking the Code”
February 1996

“Of 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"

“Supreme Court Solves ‘Banker’s Dilemma’”

American Bankruptcy Institute Journal
December/January 1996

“Supreme Court Denies Discharge Where Creditors ‘Justifiably Rely’ on Fraudulent Misrepresentation”

American Bankruptcy Institute Supreme Court Bulletin
November 30, 1995

“Think 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) ("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

“High 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 “Cyberlaw: 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

“Law 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

“Hate Crimes As a Precursor to War Crimes”

Lecture and materials for The National Judicial College

Seminar, “When 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 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

"Zen 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)

"Staying 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 Efron, 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