

W. Bradley Wendel
Associate Dean for Academic Affairs and Professor of Law

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EMPLOYMENT

Cornell Law School, Ithaca, New York.
Associate Dean for Academic Affairs, 2017-present.
Professor of Law, 2006-present.
Associate Professor of Law, 2004-06.

Regular Courses: Professional Responsibility; Torts; Products Liability.

Occasional Courses: Ethical Issues in Civil Litigation; Philosophical Perspectives on Legal Ethics (seminar); Ethics and Corporate Culture (co-taught behavioral ethics course for JD and MBA students); Jurisprudence/Philosophy of Law.

Washington and Lee University School of Law, Lexington, Virginia.
Associate Professor of Law, 2003-04.
Assistant Professor of Law, 1999-2003.

Columbia University School of Law, New York, New York.
Associate in Law, 1997-99.

U.S. Court of Appeals for the Ninth Circuit,
Honorable Andrew J. Kleinfeld, Fairbanks, Alaska.
Judicial Clerk, 1996-97.

Bogle & Gates, Seattle, Washington.
Product Liability Litigation Associate, 1994-96.

Admitted to practice in Washington State, 1994; New York, 2011.
Currently on active status in New York and inactive in Washington.

EDUCATION

Columbia University School of Law, New York, New York.
J.S.D. 2002, LL.M. 1998. Concentration: Legal Philosophy.

Duke University School of Law, Durham, North Carolina.
J.D. with Honors 1994.

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Rice University, Houston, Texas.
B.A. in Philosophy 1991.

PUBLICATIONS

Books: As Author

Ethics and the Law: An Introduction (Cambridge University Press 2014).

Lawyers and Fidelity to Law. (Princeton University Press 2010).

Paperback edition published 2012; Chinese translation by Prof. Chao Yin published in 2013 by China Renmin University Press.

Professional Responsibility: Examples and Explanations. (Wolters Kluwer, 6th ed., 2019).

Books: As Editor

Torts: Cases and Materials (with Aaron Twerski and James A. Henderson, Jr.) (Wolters Kluwer, 4th ed., 2017).

The Law and Ethics of Lawyering (with Geoffrey C. Hazard, Jr., Susan P. Koniak, Roger C. Cramton, and George M. Cohen) (Foundation Press, 6th ed., 2017).

Legal Ethics: Professional Ethics and Personal Integrity (with Tim Dare) (Cambridge Scholars Press 2010).

The Law Governing Lawyers: National Rules, Standards, and Statutes (with Susan R. Martyn and Lawrence J. Fox) (Wolters Kluwer 2005, with annual updates through 2019-20).

Articles and Book Chapters

Technological Solutions to Human Error and How They Can Kill You: Understanding the Boeing 737-Max Products Liability Litigation, 84 Journal of Air Law & Commerce v.3 (2019) (forthcoming) [[SSRN Link](#)].

Crossing the Bridge, in Tim Dare & Christine Swanton, eds., Perspectives in Role Ethics: Virtues, Reasons, and Obligation (Routledge 2020).

The Promise and Limitations of Artificial Intelligence in the Practice of Law, 72 Oklahoma Law Review 21 (2019) (symposium, *Lawyering in the Age of Artificial Intelligence*).

Fiduciary Law, in Oxford Handbook of New Private Law (Andrew Gold, John Goldberg, Daniel Kelly, Emily Sherwin, and Henry Smith, eds., 2019) (forthcoming).

The Problem of the Faithless Principal: Fiduciary Theory and the Capacities of Clients, ___ Penn State Law Review ___ (2019) (forthcoming).

Law and Nonlegal Norms in Government Lawyers' Ethics: Discretion Meets Legitimacy, 87 Fordham Law Review 1995 (2019) (symposium, *The Varied Roles, Regulation, and Professional Responsibilities of Government Lawyers*).

The Rule of Law and Legal-Process Reasons in Attorney Advising, 99 Boston University Law Review 107 (2019) [[SSRN Link](#)].

Autonomy Isn't Everything: Some Cautionary Notes on McCoy v. Louisiana, 9 St. Mary's Journal on Legal Malpractice & Ethics 82 (2018). [[SSRN Link](#)]

Lawyers' Constrained Fiduciary Duties: A Comment on Paul R. Tremblay, At Your Service: Lawyer Discretion to Assist Clients in Unlawful Conduct, 70 Florida Law Review Forum 7 (2018), available at <http://www.floridalawreview.com/issue/volume-70/>.

Paying the Piper But Not Calling the Tune: Litigation Financing and Professional Independence – The Miller-Becker Professional Responsibility Distinguished Lecture, 52 Akron Law Review 1 (2018).

Economic Rationality and Ethical Values in Design-Defect Analysis: The Trolley Problem and Autonomous Vehicles, 55 California Western Law Review 129 (2018) (symposium, *Artificial Intelligence and Real-World Ethics*) [[SSRN Link](#)].

The Ordinary Heroism of Lawyers: A Tribute to Roger Cramton, 103 Cornell Law Review 1345 (2018) (mini-symposium in tribute to Roger Cramton).

Truthfulness as an Ethical Form of Life, 56 Duquesne Law Review 141 (2018) (symposium, *Resurrecting Truth in American Law and Public Discourse: Shall These Bones Live?*) [[SSRN Link](#)].

Role Morality, Dirty Hands, and the Theology of Vocation, in Marie Failinger and Ronald W. Duty, eds., Lutheran Theology and Secular Law: The Work of the Modern State (Eerdmans 2018) [[Publisher's Link](#)].

Campaign Contributions and Risk-Avoidance Rules in Judicial Ethics, 67 DePaul Law Review 401 (2018) (Annual Clifford Symposium, *Dark Money and Judicial Elections*).

Government Lawyers in the Trump Administration, 69 Hastings Law Journal 275 (2017). [[SSRN Link](#)]

Philosophical Legal Ethics: An Affectionate History (with David Luban), 30 Georgetown Journal of Legal Ethics 337 (2017). [[SSRN Link](#)]

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Lanyming with Heart: A Warrior Ethos for Modern Lanymers (Reviewing Allan C. Hutchinson, [Fighting Fair: Legal Ethics for an Adversarial Age](#) (Cambridge University Press 2015)), 54 [Osgoode Hall L.J.](#) 1371 (2017).

The Limits of Positivist Legal Ethics: A Brief History, a Critique, and a Return to Foundations, 30 [Canadian Journal of Law & Jurisprudence](#) 443 (2017).

Sally Yates, Ronald Dworkin, and the Best View of the Law, [Michigan Law Review Online](#) (2017) [[SSRN Link](#)]

Third-Party Litigation Financing, in Sofia Androgué & Caroline Baker, eds., [Texas Business Litigation](#) (2016), with revisions for 2d ed. 2019.

Legal Ethics and the Rule of Law, in M.N.S. Sellers and Stephan Kirste, eds., [Encyclopedia of the Philosophy of Law and Social Philosophy](#) (Springer 2016).

Litigation Trolls, 12 [NYU Journal of Law and Business](#) 725 (2016) (symposium, *Litigation Funding: The Basics and Beyond*). [[SSRN Link](#)]

Coming to Grips with the Ethical Challenges for Capital Post-Conviction Representation Posed by Martinez v. Ryan (with John H. Blume), 68 [Florida Law Review](#) 765 (2016). [[SSRN Link](#)]

Whose Truth? Objective and Subjective Perspectives on Truthfulness in Advocacy, 28 [Yale Journal of Law and the Humanities](#) 105 (2016). [[SSRN Link](#)]

Monroe Freedman: Ethicist of the Nonideal, 44 [Hofstra Law Review](#) 671 (2016) (tribute issue to Monroe H. Freedman).

Pushing the Boundaries of Informed Consent: Ethics in the Representation of Legally Sophisticated Clients, 47 [University of Toledo Law Review](#) 39 (2016) (symposium in tribute to Susan R. Martyn).

Nomos and Narrative in Law and Theological Ethics, in Marie A. Failinger & Ronald W. Duty eds., [On Secular Governance: Lutheran Perspectives on Contemporary Legal Issues](#) (Eerdmans, 2016).

Radicalism and Realism in Legal Ethics, 17 [Legal Ethics](#) 313 (2014) (reviewing Robert K. Vischer, *Martin Luther King, Jr. and the Morality of Legal Practice: Lessons in Love and Justice*).

Foreword: The Profession's Monopoly and Its Core Values, 82 [Fordham Law Review](#) 2563 (2014) (annual ethics symposium, *The Legal Profession's Monopoly on the Practice of Law*).

In Search of Core Values, 16 [Legal Ethics](#) 350 (2014) (symposium on contemporary regulatory issues facing the American legal profession). [[SSRN Link](#)]

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Alternative Litigation Finance and Anti-Commodification Norms, 62 DePaul Law Review 655 (2014) (19th Annual Clifford Symposium, *Tort Law and Social Policy, A Brave New World: The Changing Face of Litigation and Law Firm Finance*). [[SSRN Link](#)]

A Legal Ethics Perspective on Alternative Litigation Financing, 55 Canadian Business Law Journal 133 (2014) (symposium, *Commercial Litigation Funding: Ethical, Regulatory and Comparative Perspectives*). [[SSRN Link](#)]

Duty in the Litigation Investment Agreement: The Choice Between Tort and Contract Norms When the Deal Breaks Down, 66 Vanderbilt Law Review 1831 (2013) (symposium, *The Economics of Aggregate Litigation*) (with Anthony J. Sebok). [[SSRN Link](#)]

The ABA Guidelines and the Norms of Capital Defense Representation, 40 Hofstra Law Review 635 (2013) (symposium, *The ABA Guidelines for the Appointment and Performance of Defense Counsel in Death Penalty Cases*) (with Russell Stetler) [[SSRN Link](#)]

Articles on *Legal Ethics* and *Adversary System of Justice* in Hugh LaFollette, ed., The International Encyclopedia of Ethics (Wiley-Blackwell Publishing, 2013) [also [available online](#)].

Virtue and Vice in Legal Advising, 39 New England Journal on Criminal and Civil Confinement 25 (2013) (symposium on Michael Meltsner's *In Our Name: A Play of the Torture Years*).

The Rule of Law and Political Culture: Comparing the United States and New Zealand, 12 Otago Law Review 663 (2012). [[SSRN Link](#)]

Putting Morality in Its Place, 15 Legal Ethics 175 (2012) (response to reviews of Lawyers and Fidelity to Law by Russ Pearce, Eli Wald, and Trevor Farrow).

Legal Ethics is About the Law, Not Morality or Justice, 90 Texas Law Review 727 (2012) (response to reviews of Lawyers and Fidelity to Law by Tony Alfieri, Kate Kruse, David Luban, Steve Pepper, and Bill Simon). [[SSRN Link](#)]

Should Law Schools Teach Professional Duties, Professional Virtues, or Something Else: A Critique of the Carnegie Report, 9 University of St. Thomas Law Review 497 (2012) (symposium, *The Lawyer's Role and Professional Formation*). [[SSRN Link](#)]

Lawyering in the Christian Colony: Some Hauerwasian Themes, Reflections, and Questions, 75 Law and Contemporary Problems 1 (2012) (symposium, *Theological Argument in Law: Engaging Stanley Hauerwas*). [[SSRN Link](#)]

The Craft of Legal Interpretation, in Yasutomo Morigiwa, ed., Interpretation of Law in the Age of Enlightenment: From the Rule of the King to the Rule of Law (Springer 2011). [[SSRN Link](#)]

Three Concepts of Roles, 48 San Diego Law Review 547 (2011) (memorial symposium in honor of Fred Zacharias). [[SSRN Link](#)]

Explanation in Legal Scholarship: The Inferential Structure of Doctrinal Legal Analysis, 96 Cornell Law Review 1035 (2011). [[SSRN Link](#)]

Razian Authority and Its Implications for Legal Ethics, 13 Legal Ethics 191 (2010). [[SSRN Link](#)]

Legal Ethics and Moral Character, 23 Georgetown Journal of Legal Ethics 1065 (2010) (with Alice Woolley) (with a response by David Luban). [[SSRN Link](#).]

- Anthologized in *Ashgate Library of Essays on Legal Ethics and the Enforcement of Law* (Abbe Smith, et al., eds. 2016) (forthcoming).

Methodology and Perspective in the Theory of Lawyers' Ethics: A Response to Professors Woolley and Markovits, 60 University of Toronto Law Journal 1011 (2010).

If Lifelong Learning is the Solution, What is the Problem?, 4 Canadian Legal Education Annual Review 45 (2010). [[SSRN Link](#).]

Legal Advising and the Rule of Law, in Kieran Tranter et al., eds., Reaffirming Legal Ethics: Taking Stock and New Ideas (Routledge 2010).

Personal Integrity and the Conflict Between Ordinary and Institutional Values, in Tim Dare and W. Bradley Wendel, eds., Legal Ethics: Professional Ethics and Personal Integrity (Cambridge Scholars Press 2010). [[SSRN Link](#).]

The Behavioral Psychology of Judicial Corruption: A Response to Judge Irwin and Daniel Real, 42 McGeorge Law Review 35 (2010).

The Torture Memos and the Demands of Legality, 12 Legal Ethics 107 (2009). [[SSRN Link](#).]

Government Lawyers, Democracy, and the Rule of Law, 77 Fordham Law Review 1333 (2009) (symposium, *The Lawyer's Role in a Contemporary Democracy*).

Executive Branch Lawyers in a Time of Terror, 31 Dalhousie Law Journal 247 (2009) (the 2008 F.W. Wickwire Memorial Lecture on Legal Ethics and Professional Responsibility). [[SSRN Link](#).]

Legal Ethics as "Political Moralism" or the Morality of Politics, 93 Cornell Law Review 1413 (2008) (reviewing David Luban, *Legal Ethics and Human Dignity*).

Impartiality in Judicial Ethics: A Jurisprudential Analysis, 22 Notre Dame Journal of Law, Ethics, and Public Policy 305 (2008) (symposium, *The Judiciary*).

Lawyers as Quasi-Public Actors, 45 Alberta Law Review 83 (2008) (symposium in honor of the 100th anniversary of the Law Society of Alberta). [[SSRN Link.](#)]

Moral Judgment and Professional Legitimation, 51 St. Louis University Law Review 1071 (2007) (symposium, *Teaching Legal Ethics*).

Lawyers, Citizens, and the Internal Point of View, 75 Fordham Law Review 1473 (2006) (symposium, *The Internal Point of View in Law and Ethics*). [[SSRN Link.](#)]

Institutional and Individual Justification in Legal Ethics: The Problem of Client Selection, 34 Hofstra Law Review 987 (2006) (symposium, *Lawyers' Ethics in an Adversary System*, in honor of Monroe Freedman). [[SSRN Link.](#)]

Ethical Lawyering in a Morally Dangerous World, 19 Georgetown Journal of Legal Ethics 299 (2006) (reviewing Milton C. Regan, Jr., *Eat What You Kill: The Fall of a Wall Street Lawyer*).

Articles on legal ethics issues in Paul Finkelman, ed., Encyclopedia of American Civil Liberties (New York: Routledge, 2006): *Bates v. State Bar of Arizona*, *Brotherhood of Railroad Trainmen v. Virginia ex rel. Virginia*, *Judicial Bias*, *Lawyer Advertising*, *Chicago Seven Trial*, *Disciplining Lawyers for Speaking About Pending Cases*, *Ineffective Assistance of Counsel*.

Legal Ethics and the Separation of Law and Morals, 91 Cornell Law Review 67 (2005). [[SSRN Link.](#)]

Professionalism as Interpretation, 99 Northwestern University Law Review 1169 (2005). [[SSRN Link.](#)]

- Anthologized in the second edition of *Enron and Other Corporate Fiascoes: The Corporate Scandal Reader* (Nancy B. Rapoport & Jeffrey D. Van Niel, eds.).

Symposium Introduction, *Economic Rationality vs. Ethical Reasonableness: The Relevance of Law and Economics for Legal Ethics*, 8 Legal Ethics 107 (2005) (review symposium on Randal Graham, *Legal Ethics*).

Civil Obedience, 104 Columbia Law Review 363 (2004). [[SSRN Link.](#)]

- Selected for presentation at the 2003 Stanford-Yale Junior Faculty Forum.
- Anthologized in *Ashgate Library of Essays on Legal Ethics and the Enforcement of Law* (Abbe Smith, et al., eds. 2016) (forthcoming).

The Banality of Evil and the First Amendment, 102 Michigan Law Review 1404 (2004) (reviewing Alexander Tsesis, *Destructive Messages: How Hate Speech Paves the Way for Harmful Social Movements*).

The Deep Structure of Conflicts of Interest, 16 Georgetown Journal of Legal Ethics 473 (2003) (reviewing Andrew Stark, *Conflicts of Interest in American Public Life* and Michael Davis & Andrew Stark, *Conflicts of Interest in the Professions*).

A Moderate Defense of Hate Speech Regulations on University Campuses, 41 Harvard Journal on Legislation 407 (2004) (symposium, *Perspectives on Hate Speech and Hate Crimes*).

Conflicts of Interest Under the Revised Model Rules, 81 Nebraska Law Review 1363 (2003) (symposium, *Nebraska and the Model Rules of Professional Conduct*).

Symposium Introduction, *Our Love-Hate Relationship with Heroic Lawyers*, 13 Widener Law Journal 1 (2003) (symposium, *When a Lawyer Stood Tall: Sharing and Understanding Stories of Lawyer Heroes*).

Informal Methods for Enhancing the Accountability of Lawyers, 54 South Carolina Law Review 979 (2003) and *How I Learned to Stop Worrying and Love Lawyer-Bashing: Some Post-Conference Reflections*, 54 South Carolina Law Review 1037 (2003) (symposium, *Enhancing the Accountability of Lawyers for Unprofessional Conduct*).

Regulation of Lawyers Without the Code, the Rules, or the Restatement: Or, What Do Honor and Shame Have to do with Civil Discovery Practice?, 71 Fordham Law Review 1567 (2003) (annual ethics symposium, *Looking Back*).

Busting the Professional Trust: A Comment on William Simon's Ladd Lecture, 30 Florida State University Law Review 659 (2003).

Mixed Signals: Rational-Choice Theories of Social Norms and the Pragmatics of Explanation, 77 Indiana Law Journal 1 (2002).

"Certain Fundamental Truths": A Dialectic on Negative and Positive Liberty in Hate-Speech Cases, 65 Law and Contemporary Problems 33 (2002) (symposium, *Enduring and Empowering: The Bill of Rights in the Third Millennium*).

Ethics for Skeptics, 26 Journal of the Legal Profession 165 (2002) ("mini-symposium" on the panel presentations at the 2002 meeting of the professional responsibility section of the AALS).

Teaching Ethics in an Atmosphere of Skepticism and Relativism, 36 University of San Francisco Law Review 711 (2002) (symposium, *Teaching Values in Law School*).

Nonlegal Regulation of the Legal Profession: Social Norms in Professional Communities, 54 Vanderbilt Law Review 1955 (2001).

Professional Roles and Moral Agency, 89 Georgetown Law Journal 667 (2001) (reviewing Arthur Isak Applbaum, *Ethics for Adversaries*).

The Ideology of Judging and the First Amendment in Judicial Election Campaigns, 43 South Texas Law Review 73 (2001) (annual ethics symposium, *The Ethics of Judicial Selection*).

Motivation, Morality, and the Professionalism Movement, 52 South Carolina Law Review 557 (2001) (symposium, *Improving the Professionalism of Lawyers: Can Commissions, Committees, and Centers Make a Difference?*).

Free Speech for Lawyers, 28 Hastings Constitutional Law Quarterly 305 (2001).

Value Pluralism in Legal Ethics, 78 Washington University Law Quarterly 113 (2000).

Public Values and Professional Responsibility, 75 Notre Dame Law Review 1 (1999).

Rediscovering Discovery Ethics, 79 Marquette Law Review 895 (1996).

Lawyers & Butlers: The "Remains" of Amoral Ethics, 9 Georgetown Journal of Legal Ethics 161 (1995).

Other Publications

Rule of Professional Conduct, or Speech Code, or Both? (reviewing Stephen Gillers, *A Rule to Forbid Bias and Harassment in Law Practice: A Guide for State Courts Considering Model 8.4(g)*, 30 Geo. J. Legal Ethics 195 (2017)). Jotwell – Legal Profession (Feb. 2019).

Professional Responsibility, in Robert Glicksman, et al., Stay Ahead of the Pack: Your Comprehensive Guide to the Upper Level Curriculum (West Publishing 2018).

Are There Ethical Pitfalls in the Use of Third-Party Litigation Financing?, The Advocate (State Bar of Texas Litigation Section), Fall 2017, pp. 51-55.

Making Sense of the Fee-Splitting Rule (reviewing Anthony J. Sebok, *Unmatured Attorneys' Fees and Capital Formation in Legal Markets*, U. Ill. L. Rev. (2018)). Jotwell – Legal Profession (Feb. 2018).

Legal Ethics After Liberalism (reviewing Allan C. Hutchinson, Fighting Fair: Legal Ethics for an Adversarial Age (2015)). Jotwell – Legal Profession (Feb. 2017).

Is the Crisis in the Profession Good for Consumers? (reviewing Ben Barton, Glass Half Full (2015)). Jotwell – Legal Profession (Feb. 2016).

Not Business as Usual for In-House Counsel (reviewing the Valukas report on the General Motors ignition switch recall). Jotwell – Legal Profession (Feb. 2015).

Defending Defending, with Integrity (reviewing Abbe Smith & Monroe H. Freedman, eds., How Can You Represent Those People? (2013)). Jotwell – Legal Profession (Feb. 2014).

Strategies and Techniques for Teaching Professional Responsibility (Wolters Kluwer 2012).

Anti-Avoidance Rules as an Argument for Inclusive Positivism: A Comment on John Prebble's Ectopia and Morality of Avoidance Claims. Presented at Victoria University-Wellington/Cornell Colloquium, "Jurisprudential Perspectives on Taxation Law."

Protection for Bad Work, New York Times "Room for Debate" feature on Torture and Academic Freedom (Aug. 20, 2009).

Deference to Clients and Obedience to Law: The Ethics of the Torture Lawyers (A Response to Professor Hatfield), Northwestern University Law Review "Colloquy" (online companion to Nw. U. L. Rev.) (Aug. 2, 2009).

Editorial, *The Methodology of Legal Ethics Scholarship: Perspective and Authority*, 9 Legal Ethics 229 (2007).

The Legalization of Legal Ethics: An Historical Perspective from the United States, 36 Dong-A University [South Korea] Law Review 269 (2005).

Editorial, *On International and Interdisciplinary Legal Ethics Scholarship*, 7 Legal Ethics 110 (2004).

Reason and Authority in Legal Ethics, American Philosophical Association Newsletter on Philosophy and Law (Spring 2003), at 171.

Hate and the Bar: Is the Hale Case McCarthyism Redux or a Victory for Racial Equality?, The Bar Examiner (May 2001), at 26. (This essay was the winner of the 2001 Joe E. Covington Prize for Scholarship in Bar Admissions Topics, awarded by the National Conference of Bar Examiners.)

SELECTED PRESENTATIONS

Public Lectures

"Paying the Piper But Not Calling the Tune," *Joseph G. Miller and William C. Becker Center for Professional Responsibility Distinguished Lecture*, University of Akron Law School. Akron, Ohio, April 13, 2018.

"Lawyering in the Age of Trump," *Thomas Feeney Annual Memorial Lecture*, University of Ottawa. Ottawa, Ontario, Canada, January 18, 2018.

"Ethics and Government Lawyering in the Age of Trump," Lecture sponsored by the Burns Center for Ethics in the Practice of Law, Cardozo Law School. New York City, November 13, 2017.

"Ethical Duties of Government Legal Advisors," *Public Lecture*. O.P. Jindal Global University. Delhi, India, April 7, 2017.

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“How to Think About the Panama Papers,” *Rice University Program on Law, Politics, and Society*. Houston, Texas, October 20, 2016.

“Lawyers and Fidelity to Law – An Overview,” *David Weiner Center for Lawyers’ Ethics and Professional Responsibility – 23d Israel Legal Ethics Teachers’ Workshop*. COMAS Law School, Rishon LeZiyyon, Israel, May 19, 2013.

“The Ethics of Legal Advising,” Lecture in the *Murer Professionalism Series*. Northern Illinois University College of Law. DeKalb, Illinois, November 14, 2012.

“‘Adversarialism’ and the Obligations of Lawyers,” Keynote Address. *Australia/New Zealand Legal Ethics Colloquium [ANZLEC]: Is Adversarialism Dead? New Foundations for Legal Process and Lawyers’ Ethics*. Legal Issues Centre, University of Otago Faculty of Law. Dunedin, New Zealand. February 9, 2012.

“Regulatory Reform and Professional Independence,” *Shine Lecture on Law*. University of Southern Queensland, Toowoomba, Queensland, Australia. September 28, 2010.

“The Role of Lawyers in Corporate Governance,” Formal lecture pursuant to the H.R.H. Princess Bajrakitiyahbha faculty exchange program. Bangkok, Thailand. November 7, 2008.

“Professional Responsibility for Government Lawyers,” *Dean’s Lecture on Professional Responsibility*. Yale Law School, New Haven, Connecticut. March 13, 2008.

“Lawyers in a Time of Terror,” *Wickwire Memorial Lecture in Legal Ethics and Professional Responsibility*. Dalhousie Law School, Halifax, Nova Scotia. February 21, 2008.

Lecture, “Law, Ethics, and Torture: The Roles of Government Attorneys and Lawyers Representing Detainees,” Florida Coastal School of Law, Jacksonville, Florida. March 8, 2007.

“The Legalization of Legal Ethics: An Historical Perspective from the United States,” Dong-A University Law School, Busan, South Korea. February 3, 2005.

Conference and Other Presentations

“Understanding the Complex Loyalty of Lawyers: Dual-Commission, Governance Mandate, and Intrinsic-Limit Analyses” *International Fiduciary Law Conference*. Cambridge Private Law Centre – University of Cambridge Faculty of Law. Cambridge, United Kingdom, December 16-17, 2019.

Commentator celebrating the publication of Lonnie T. Brown, Jr., *Defending the Public’s Enemy: The Journey of Ramsey Clark*. University of Georgia Law School. Athens, Georgia, October 3, 2019.

“Should Lawyers Be Loyal to Clients, the Law, or Both?” *Legal Ethics and Fiduciaries Workshop*. University of Notre Dame – Kylemore Abbey Global Centre. Connemara, County Galway, Ireland, June 20-21, 2019.

“Yoshimi Battles the Legal Robots,” *Lawyering in the Age of Artificial Intelligence*. University of Oklahoma Law Review Symposium. Norman, Oklahoma, February 8, 2019.

Panelist, “Defending Sexual Assault Cases”; Panelist, “Social Justice and Democracy: The Role of Lawyers”; Panelist, “The Duty of Confidentiality – A Comparative and Theoretical Perspective,” *Eighth International Legal Ethics Conference [ILEC 8]*. University of Melbourne Law School, Melbourne, Australia, December 6-8, 2018.

“Anti-Discrimination Norms and the Duty of Zealous Advocacy,” *#MeToo and the Legal Profession*. Jacob Burns Center for Ethics in the Practice of Law, Cardozo Law School. New York City, November 13, 2018.

“Continuing Duties of Trial Counsel in Post-Conviction Proceedings,” *2018 Western All-Star Conference and Confabulation*. Boise, Idaho, September 20, 2018.

“Fiduciary Theory and the Capabilities of Clients,” *Sixth Annual Fiduciary Law Workshop*. Washington University, St. Louis, Missouri, June 8-9, 2018.

“The Moral Agency of Clients and the Standard Conception of Legal Ethics,” *Australia/New Zealand Legal Ethics Colloquium [ANZLEC]*. Auckland, New Zealand, December 1-3, 2017.

“What Did Rod Rosenstein Do Wrong? The Rule of Law and Legal-Process Legal Ethics,” *Fourth Legal Ethics Schmooze*. UCLA Law School. Los Angeles, California, July 21-22, 2017.

“Does Deference to the President’s Policy Decisions Presuppose Commitment by the President to the Rule of Law?” *Realizing Rights 2017: Human Rights and Constitutionalism*. University of Ottawa. Ottawa, Ontario, June 8-10, 2017.

“Role Morality, Dirty Hands, and the Theology of Vocation,” *Council on Religion and Law (CORAL) Annual Meeting*. United Theological Seminary, Minneapolis, Minnesota, October 27-28, 2016.

“What’s Left to Say About Philosophical Legal Ethics?” *Southeast Association of Law Schools (SEALS) Annual Meeting*. Amelia Island, Florida, August 3-9, 2016.

“The Role of Fiduciary Duties in the American Law Governing Lawyers,” *International Legal Ethics Symposium – Tokyo (ILEST) 2016*. Tokyo, Japan, March 18-19, 2016.

“Crossing the Bridge,” *Workshop on Role Obligation*. University of Auckland Department of Philosophy. Auckland, New Zealand, January 3-6, 2016.

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“The Ethics of Snitching,” *Third Legal Ethics Schmooze*. Stanford Law School. Palo Alto, California, June 25-26, 2015.

Member of Discussion Group, “Ethics in Juvenile Defense,” National Juvenile Defenders Association. Georgetown Law School, Washington, D.C. May 20, 2015.

Panelist, *Prosecutorial Discretion: A Conversation with Judge Kozinski*, Cornell Law School. February 6, 2014.

Panelist, “Government Lawyers: Advocates or Ethical Watchdogs?” *Professional Ethics in National Security Law and Policy*. University of Pennsylvania, Center for Ethics and the Rule of Law. Philadelphia, Pennsylvania, October 4, 2013.

“Lawyers and Fidelity to Facts,” *Second Legal Ethics Schmooze*. Fordham Law School. New York, New York, June 17-19, 2013.

“Rights and Obligations in Alternative Litigation Financing” and “Ethical Issues in Alternative Litigation Financing,” *The Economics of Aggregate Litigation*, Institute for Law and Economic Policy (ILEP), 19th Annual Symposium. Naples, Florida, April 11-12, 2013.

Participant, *Ethics from Every Angle*, conference at University of New Hampshire Law School. Concord, New Hampshire, April 5, 2013.

Below the Line, podcast comments on Carol Rice Andrews, “Ethical Limits on Civil Litigation Advocacy: A Historical Perspective,” 63 *Case W. Res. L. Rev.* vol. 2 (2012).

“Political Cultures and Attitudes in Legal Ethics” and “Ethical Obligations and the Organization: Is There a Difference in the Fundamental Ethical Obligations Depending Upon the Nature of the Client? (Roundtable),” *Fifth International Legal Ethics Conference [ILEC V]*. Banff, Alberta, Canada. July 12-14, 2012.

Panelist, “The Ethics of Legislative Drafting,” *Canadian Institute for the Administration of Justice Drafting Conference*. Ottawa, Canada. September 13, 2010.

“The Global Law Firm: Relationships of Trust and Regulation of the Legal Profession in the 21st Century”; “A Modern Legal Ethics: Author Meets Critics”; “Comparative Judicial Ethics”; “Jurisprudence and Legal Ethics”. *Fourth International Legal Ethics Conference [ILEC IV]*. Stanford Law School. Palo Alto, California. July 16-17, 2010.

“Legal Ethics: Public or Personal?”, *International Legal Ethics Seminar*. Aksaray, Turkey. July 1, 2010.
“Guantanamo and the Rule of Law,” *International Legal Ethics Conference: Challenges to the Legal Profession in the U.S., Europe, and Turkey*. Ankara, Turkey. June 29, 2010.

Commentator and Panelist, "A Conversation About Ethical, Social, and Moral Issues Related to Alternative Litigation Finance," *Alternative Litigation Finance in the U.S.: Where Are We and Where Are We Headed with Practice and Policy?* RAND Institute for Civil Justice Conference. Arlington, Virginia, May 20-21, 2010.

"The Ethical Judge," *Judicial Ethics and Accountability: At Home and Abroad*. Symposium sponsored by University of the Pacific - McGeorge Law School. Sacramento, California, April 9-10, 2010.

"The Changing Role of the Lawyer and Professional Responsibility Education in North America," *International Symposium in Professional Responsibility: The Societal Role of the Jurist and the Standardization of Legal Education*. Kwansai Gakuin University Law School, Nishinomiya (Osaka - Kansai area), Japan, March 15, 2010.

"Cyberstalking Meets First Amendment Meets Character and Fitness," Panel Sponsored by Section on Women in Legal Education. *Association of American Law Schools Annual Conference*. New Orleans, Louisiana, January 9, 2010.

"The Role of Government Attorneys and the Global War on Terror," Professional Responsibility Panel Discussion, *Federalist Society National Lawyers' Convention*. Washington, D.C., November 12, 2009.

"Ethics in Government Lawyering: Detainee Interrogation and the Torture Memoranda," Panel Presentation sponsored by the ACLU and Federalist Society. University of Connecticut School of Law. Hartford, Connecticut, October 15, 2009.

"The Public Responsibilities of Judges in a Liberal Democracy: The Problem of Pluralism," Special Workshop: The Public Responsibility of the Judge in a Liberal System of Justice, *IVR World Congress of Philosophy of Law and Social Philosophy*. Beijing, China. September 19, 2009.

"The Institutional Architecture of Independence," *Advising the New U.S. President: How Legal Advice Will Reshape Foreign Policy in the Next Administration (Showcase Presentation)*. ABA Section of International Law, Fall Meeting. Brussels, Belgium. September 25, 2008.

"Legal Advising and the Rule of Law," Keynote Address. *Third International Legal Ethics Conference [ILEC III]*. Gold Coast, Australia. July 15, 2008.

"Why Can't Legal Advisors Be Formalists? Can They Be Positivists?" *(First) Legal Ethics Shmooze*. Fordham Law School, New York, New York. June 1-3, 2008.

"Ethical Obligations of the Capital Defense Team: Protecting Disabled Clients from Themselves," *National Seminar on the Development and Integration of Mitigation Evidence*. Habeas Assistance and Counsel Training Project, Baltimore, Maryland. May 29, 2008.

“Jurisprudence and Judicial Ethics,” *Special Workshop on Legal Ethics*, 23d World Congress of Philosophy of Law and Social Philosophy. Krakow, Poland, August 2, 2007. [[SSRN Link.](#)]

“Lawyers and Core Values: A Comparative Perspective,” *Symposium: The Forefront of American Legal Ethics: Social Change and the Role of Lawyers*, Japanese-American Society for Legal Studies. Hosei University, Tokyo, Japan. September 10, 2006.

“The Key Issues of Legal Ethics in the United States: A Synopsis and Analysis,” *Inaugural Public Lecture of the Aichi Legal Ethics Society*. Center for Asian Legal Exchange, Nagoya University, Nagoya, Japan. September 8, 2006.

“Normativity and Integrity in Professional Ethics,” *Legal Ethics: Professional Ethics and Personal Integrity [ILEC II]*, University of Auckland, New Zealand. June 23-25, 2006.

“Torture, Legal Ethics, and the Separation of Law and Morality,” Lecture at University of Sydney Law School. Sydney, NSW, Australia. June 14, 2006.

Commentator on Robert S. Summers, *Form and Function in a Legal System*, Cornell Law School Book Symposium. March 29, 2006.

“Litigation Funding,” *American Bar Association National Conference on Professional Responsibility*, Chicago, Illinois. June 1-4, 2005.

“Judicial Ethics: A Reprise of Recent Events,” Federalist Society Professional Responsibility Section. National Press Club, Washington, D.C. April 6, 2004.

“Pluralism and Preclusion,” *Religious Values and Corporate Decision Making*, Fordham University Law School. New York, New York. February 23, 2004.

Program Chair and Moderator, *When a Lawyer Stood Tall: Sharing and Understanding Stories of Lawyer Heroes*, Association of American Law Schools Annual Meeting. Atlanta, Georgia. January 6, 2004.

Invited Participant, *Moral Theory and Its Practical Application: An Interdisciplinary Seminar*, Center for the Teaching and Study of Applied Ethics, University of Nebraska – Lincoln. June 14-19, 1999.

Faculty Workshop Presenter at University of Akron Law School, University of Arizona Law School, University of Auckland Philosophy Department, Australian National University Research School of Social Sciences, Boston College Law School, Brooklyn Law School, Cardozo Law School, Cornell Law School, Dalhousie Law School (Halifax, Nova Scotia), University of Denver Law School, Duke Law School, Georgetown Law School, University of Houston Law School, University of Nevada - Las Vegas School of Law, New York University Law School Lawyering Faculty, Notre Dame Law School, University of Otago Law School (Dunedin, New Zealand), Queen’s University Faculty of Law (Kingston, Ontario), St. John’s University School of Law, St. Louis University School of Law, Suffolk University Law School, Texas A&M Law School, University of San Diego Law School,

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University of Southern California Law School, University of Texas Law School, Villanova Law School, University of Virginia Law School, University of Washington – Seattle School of Law, Washington University School of Law, Washington and Lee Law School, Washington and Lee Philosophy Department, Willamette University School of Law, Yale Law School Legal Theory Workshop.

OTHER PROFESSIONAL ACTIVITIES

Outside Ethics Counsel and Member of Advisory Board, Bentham IMF.

Vice Chair and Subcommittee Co-Chair, New York State Commission on Statewide Attorney Discipline. April – September 2015.

Multistate Professional Responsibility Exam (MPRE) drafting committee, 2007-present.

Visiting Professor, Tel Aviv University, Buchman Faculty of Law, Zvi Meitar Center of Advanced Legal Studies. Tel Aviv, Israel, May 10-29, 2013.

2012 Sanford D. Levy Memorial Award from the New York State Bar Committee on Professional Ethics.

Visiting Fellow, Legal Issues Centre, Faculty of Law, University of Otago. Dunedin, New Zealand. February – June 2012.

Visiting Professor, University of Auckland Philosophy Department, Summer Term 2012.

Co-Reporter, ABA Commission on Ethics 20/20, Alternative Litigation Finance Working Group, 2011-12.

Dean's Distinguished Visitor, University of Southern Queensland (Law School, Faculty of Business). Toowoomba, Queensland, Australia. September 20 - October 1, 2010.

Guest lecturer in legal ethics, torts, cyberspace law, and introduction to American law, at the faculties of law of Chulalongkorn and Thammasat Universities. Pursuant to Bajrakityabha Faculty Exchange Program. Bangkok, Thailand, November 2008.

SERVICE ACTIVITIES

Internal

Associate Dean for Academic Affairs, 2017-present.

Faculty Appointments Committee, 2006-07, 2007-08, 2008-09, 2009-10 (chair), 2012-13, 2013-14, 2014-15, 2015-16.

Academic Program and Curriculum Committee, 2015-16, 2016-17 (chair), 2017-18 (*ex officio*), 2018-19 (*ex officio*).

Law School Self-Study Committee (chair), 2015.

Professional Development Committee, 2015-17, 2017-18 (chair), 2018-19.

Faculty Advisor, Christian Legal Society, 2014-present.

Lectures on torts and legal ethics for the Cornell Prison Education Program, Auburn State Prison, Auburn, N.Y.

Editor, *American Legal Ethics Library*, Cornell Legal Information Institute, 2003-12.

Cornell Law School representative to the International Ph.D. Program in Institutions, Economics, and Law, administered by the Università di Torino (Turin, Italy), École Polytechnique (Paris, France), Universiteit van Gent (Ghent, Belgium), and Cornell Law School, 2004-07. Faculty in Program Seminar, “Comparative Perspectives on the Legal Profession,” Ph.D. program in Institutions, Economics, and Law. Real Collegio Carlo Alberto, Moncalieri, Italy. March 20-23, 2006.

“Comparative Legal Systems: Different Perspectives, Different Emphases,” Summer Law Institute, Suzhou, China. A program of Kenneth Wang School of Law, Soochow University; Cornell Law School; Bucerius Law School. Summer 2007.

External

Treasurer (2016 – 2018) and Vice-President (2018 – present), International Association of Legal Ethics (IALOE).

Co-Chair, Evangelical Lutheran Church in America (ELCA) Task Force on Women and Justice, 2011-19. *Faith, Sexism, and Justice* Social Statement was adopted at the 2019 Churchwide Assembly.

Prize Committee Member, American Inns of Court – Warren E. Burger Prize for scholarship in the areas of professionalism, ethics, civility, and excellence, 2019 -.

Editor, *Legal Ethics and Professional Responsibility*, published by the Social Science Research Network (SSRN).

Co-founder (with John Dzienkowski and John Steele) of *LegalEthicsForum.com*, a weblog dedicated to legal ethics and professional responsibility issues.

Book Reviews Editor, *Legal Ethics* (Hart Publishers, Oxford, U.K.), 2003-10.

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Selection committee for AALS Professional Responsibility Section, Fred Zacharias Memorial Prize for the outstanding paper in professional responsibility, 2010-17.

Planning committee for ABA Center for Professional Responsibility Annual Meeting, 2006-07.

Executive committee of AALS Professional Responsibility Section, 2003-05, and nominating committee, 2007-08.

Peer reviewer for Oxford University Press, Princeton University Press, NYU Press, Stanford University Press, *Legal Theory*, *Legal Ethics*, *Journal of Empirical Legal Studies*, *McGill Law Journal*, *Political Studies*, *Law and Social Inquiry*, *Journal of Law and Religion*, *Journal of Legal Education*. Member of editorial board of the Korean Journal of Law and Society.

Continuing Legal Education (CLE) faculty in legal ethics for the North Carolina Bar Association annual meeting (“Truth or Consequences: A Lawyer's Responsibility to Be Truthful,” December 8, 2017); Capital Region Bankruptcy Bar Association, Ohio Association of Criminal Defense Lawyers, Practicing Law Institute, Lawline, American Corporate Counsel Association, Washington State Society of Healthcare Attorneys, New York State Bar Association, NYSBA Committee on Women and the Law, Finger Lakes Women’s Bar Association, and Tompkins County Bar Association, as well as at Cornell Law Alumni Association meetings in Albany, Buffalo, New York City, Chicago, Philadelphia, San Francisco, Los Angeles, Seattle, and reunion CLE in Ithaca.

Pro Bono

Pro bono activities include expert witness and legal advising services to the Cornell Death Penalty Project and capital defense lawyers around the country; national CLE seminars in Atlanta, Baltimore, Charlotte, Chicago, Miami, New Orleans, New York City, Philadelphia, Pittsburgh, Seattle, and Washington, D.C., on the duties of lawyers in capital defense, habeas corpus, and mitigation practice; CLE presenter at specialized and regional bar association gatherings in Boise, Columbus, and Cooperstown; volunteer legal advisor, Loaves and Fishes, Ithaca.

INTERESTS

I am an instrument-rated private pilot, the drummer in a roots-rock/alt-country/Americana band, and an enthusiastic home cook.