

ROBERT P. BURNS

Northwestern University School of Law
357 E. Chicago Avenue
Chicago, Illinois 60611
(312) 503-6613

PROFESSIONAL EXPERIENCE

- 1980 - William W. Gurley Memorial Professor of Law (2015), Northwestern University School of Law. Subjects taught: Evidence, Civil Procedure, Constitutional Criminal Procedure, Professional Responsibility, Administrative Law, Health Care Law, Jurisprudence, Negotiation, Trial and Pretrial Practice. Clinical Teaching: criminal and federal civil rights litigation. Dean Search Committee, Faculty Advisory Committee, Tenure & Promotion Committees, Curriculum Committee, Appointments Committee, Lectures & Workshops Committee
- National Institute for Trial Advocacy: Program Director and Section Leader. Distinguished Faculty Certificate.
- Mediator: Center for Conflict Resolution & Resolution Resources Corporation. Arbitrator: Circuit Court of Cook County.
- Consultant & Expert Witness on the Law of Professional Responsibility
- Consultant & Instructor: Illinois Supreme Court Advanced Judicial Academy, Commodity Futures Trading Commission, Legal Services Corporation, Legal Assistance Foundation of Chicago, Cook County Public Guardian, Cook County Public Defender, AALS Clinical Section and Illinois Attorney General continuing education programs. Instructor in Litigation Seminars: Cleary Gottlieb; Jenner & Block; Lord, Bissel & Brook, Winston & Strawn; Sonnenschein, Carlin, Nath & Rosenthal; Jones, Day, Reavis & Pogue; Keck, Mahin & Cate; Mayer, Brown, Rowe & Maw; Lyon & Lyon; White & Case; McDermott Will & Emory; Pennie & Edmonds; Porter Wright; Schiff Hardin.
- 1979 – 1980 General Counsel: Illinois Legislative Commission to Revise the Public Aid Code: Author of Proposed Code.
- 1974 – 1979 Legal Assistance Foundation of Chicago: Staff Attorney; Public Benefits Litigation Unit (1977); Supervisor of Attorney Continuing Education (1979).
- 1974 Governor's State University: Instructor in Administrative Law in Graduate School of Public Administration.

HONORS & AWARDS

Keynote Speaker: Loyola Law Journal Symposium (2016)

Choice Outstanding Academic Titles Award for

The Death of the American Trial (2009)

Phillip Corboy Annual Lecturer (2009)

Geoffrey Fieger Annual Lecturer (2006)

Dean's Teaching Award (2009, 2007 [Honorable Mention], 2005)

Robert Childress Award for Teaching Excellence (2002, 1998, 1996)

Rogers Visiting Scholar in Dispute Resolution and the Courts (2001)

Elected to Address Senior Class (1997)

Best Teacher of Smaller Classes (1997)

Class of 1940 Research Professorship (2002)

Sanford Clinton, Sr. Research Professorship

Perkins-Bauer Professorship

American College of Trial Lawyers Award for Excellence in Teaching Trial
Advocacy (co-recipient)

National Institute for Trial Advocacy Distinguished Faculty Certificate

University of Chicago: Ph.D. with honors

National Science Foundation Graduate Fellow in the History and
Philosophy of Science.

Danforth Foundation Kent Fellow in the Philosophy of Law

BAR ADMISSIONS & PROFESSIONAL ASSOCIATIONS

1974

Supreme Court of Illinois (1974); United States District Court for the
Northern District of Illinois (1974); United States Court of Appeals for the
Seventh Circuit (1977); Supreme Court of the United States (1978);
Northern District of Illinois Federal Trial Bar (1982); American Bar
Association.

EDUCATIONAL BACKGROUND

- 1982 UNIVERSITY OF CHICAGO: Ph.D. with honors, Graduate Division of the Humanities. Concentrations: philosophy of law, history of philosophy, logic. Danforth Foundation Kent Fellow in the philosophy of law.
- 1971 – 1974 UNIVERSITY OF CHICAGO LAW SCHOOL: J.D., 1974; Concentrations: Administrative Law, Social Welfare Policy and Law, Philosophy of Law.
- 1969 - 1971 UNIVERSITY OF CHICAGO: courses for Ph.D.; National Science Foundation Graduate Fellow in the History and Philosophy of Science.
- 1965 – 1969 FORDHAM UNIVERSITY: A.B., Magna Cum Laude, 1969; Majors: Philosophy and American History; Minor: Classical Languages and Literature.

PUBLICATIONS

KAFKA'S LAW: *THE TRIAL* AND AMERICAN CRIMINAL JUSTICE (University of Chicago Press, 2014).

THE DEATH OF THE AMERICAN TRIAL (University of Chicago Press, 2009); *Choice* Outstanding Academic Title Award in the Social and Behavioral Sciences for 2009; *second printing*, 2010; paperback & E-book, 2011.

A THEORY OF THE TRIAL (Princeton University Press, 1999; Paperback & E-book, 2001); *excerpted and reprinted* in Carl F. Stychin and Linda Mulcahy, LEGAL METHODS AND SYSTEMS, 3rd ed. (London: Sweet & Maxwell, 2007).

EVIDENCE IN CONTEXT: A TRIAL EVIDENCE COURSEBOOK (National Institute for Trial Advocacy, 2017, 2010, 2004, 2001, 1998) (with Steven Lubet & Richard Moberly).

EVIDENCE IN CONTEXT: TEACHER'S MANUAL (National Institute for Trial Advocacy, 2017, 2010, 2004, 2001, 1998) (with Steven Lubet & Richard Moberly).

PROBLEMS AND MATERIALS IN EVIDENCE AND TRIAL ADVOCACY (Vol. I): CASES (National Institute for Trial Advocacy, 2017, 2010, 2004, 2001, 1998, 1994) (with Steven Lubet & Richard Moberly).

PROBLEMS AND MATERIALS IN EVIDENCE AND TRIAL ADVOCACY (Vol. II): PROBLEMS (National Institute for Trial Advocacy, 2017, 2010, 2004, 2001, 1998, 1994) (with Steven Lubet & Richard Moberly).

PROBLEMS AND MATERIALS IN EVIDENCE AND TRIAL ADVOCACY: TEACHER'S MANUAL (National Institute for Trial Advocacy, 2017, 2010, 2004, 2001, 1998, 1994) (with Steven Lubet & Richard Moberly).

EXERCISES AND PROBLEMS IN PROFESSIONAL RESPONSIBILITY (National Institute for Trial Advocacy, 2001, 1994) (with Thomas Geraghty & Steven Lubet).

EXERCISES AND PROBLEMS IN PROFESSIONAL RESPONSIBILITY: TEACHER'S MANUAL (National Institute for Trial Advocacy, 2001, 1994) (with Thomas Geraghty & Steven Lubet).

CRANBROOKE v. INTELLEX (National Institute for Trial Advocacy, 1994; 4th ed. (NITA/WOLTERS KLUWER 2020); Arbitration Version, 2016) (with Steven Lubet et al.).

ILLINOIS TRIAL GUIDE, Vols. I-V (consulting editor) (1992).

REPORT TO THE ILLINOIS GENERAL ASSEMBLY ON CODE REVISION (with other members of the Commission staff) (1980).

“The Enfranchised Jury: Review Essay” [under review]

“Modernity and the Law: A Late Twentieth Century View,” _____NOTRE DAME JOURNAL OF INTERNATIONAL & COMPARATIVE LAW _____ (2020); <https://ssrn.com/abstract=3341431>.

“Law and the Modern Identity,” Northwestern Public Law Research Paper, No. 19-08 (2019)

“A Path to Self-Awareness,” 13 LAW & HUMANITIES 11 (2019)

“The Rule of Law in the Trial Court,” in Martha Merrill Umphrey ed., TRIALS (Routledge 2017), *reprinted from* 56 DEPAUL L. REV. 643 (2007).

“Jury Nullification and the Constituent Power of the People,” ___ LAW, CULTURE, AND THE HUMANITIES ___; <https://doi.org/10.1177/1743872117716132>

“Arendt’s Constitutional Thought” in ARENDT AND LAW, Mario Goldini & Christopher McCorkingdale (eds.) Routledge 2017 *reprinted from* AMOR MUNDI: PERSPECTIVES ON THE FAITH AND THOUGHT OF HANNAH ARENDT (Martinus Nijhof 1987).

“White Paper of Democratic Criminal Justice,” 111 NORTHWESTERN U. L. REV. 1693 (2017) (with coauthors).

“Is Our Legal Order Just Another Bureaucracy?” 48 LOY. U. CHI. L. J. 413 (2016).

“Social Science and the Ways of the Trial Court,” in TRANSLATING THE SOCIAL WORLD FOR LAW: LINGUISTIC TOOLS FOR A NEW LEGAL REALISM (Oxford University Press, 2016).

“Popular Sovereignty and the Jury Trial,” in *Symposium: Juries and Mixed Tribunals across the Globe: New Developments, Common Challenges and Future Directions*, Onati SocioLegal Series, 6 (2) (2016).

“Some Limitations of Experimental Psychologists’ Criticism of the American Trial,” 90 CHI-KENT L. REV. 899 (2015) ssrn.com/abstract=254879

“Some Realism (and Idealism) About the Trial,” in THEORETICAL FOUNDATIONS OF CRIMINAL TRIAL PROCEDURE, Paul Roberts, ed. (Hampshire: Ashgate, 2014) *reprinted from* 31 GEORGIA LAW REVIEW 715-69 (1997).

“Analyzing the Trial: Interdisciplinary Methods,” *with others* in THEORETICAL FOUNDATIONS OF CRIMINAL TRIAL PROCEDURE, Paul Roberts, ed. (Hampshire:

- Ashgate, 2014), *reprinted from* 31 POLITICAL & LEGAL ANTHROPOLOGY REVIEW 303-29 (2008)
- “What Will We Lose If the Trial Vanishes?” 61 DEFENSE LAW JOURNAL 1-23 [2012] *reprinted from* 37 OHIO N. L. REV. 575-95 (2011).
- “The Jury as a Political Institution: An Internal Perspective,” 55 WM. & MARY L. REV. 805 (2014),
- “The Withering Away of Evidence Law,” 47 GEORGIA L. REV. 691 (2013).
- “Advocacy in the Era of the Vanishing Trial, 61 KANSAS L. REV. 893 (2013).
- “The Dignity, Rights, and Responsibilities of the Jury: The Structure of Normative Argument,” 43 ARIZ. ST. L. REV. 1147 (2011).
- “Narrative and Drama in the American Trial,” *Postmodern Openings*, vol. 8, 101 (2011).
- “The Importance of Preserving and Revitalizing the Jury Trial,” *Voir Dire*, vol. 18, no. 2 (2011).
- “What Will We Lose If the Trial Vanishes?” 37 OHIO N. L. REV. 575 (2011), *reprinted in* 61 DEFENSE LAW JOURNAL 1-23 (2012).
- “Why America Still Needs the Jury Trial: A Friendly Response to Professor Dzur,” JOURNAL OF CRIMINAL LAW & PHILOSOPHY (2010)
- “A Critical Appreciation of the American Trial in (Current) Decline,” STUDIES IN LAW, POLITICS, AND SOCIETY, vol. 49 (2009).
- “The Tasks of a Philosophy of Law” in ON PHILOSOPHY IN AMERICAN LAW, Francis J. Mootz III ed. (Cambridge: Cambridge University Press, 2009).
- “Cross-Examination: Moving Up to the Next Level,” NITA NOTES (February, 2009).
- “A Short Meditation on Some Remaining Issues in Evidence Law,” 38 SETON HALL L. REV. 1435 (2008).
- “Analyzing the Trial: Interdisciplinary Methods: Why a Philosopher in the United States Might Study the Trial,” & “Discussion” 31 POLITICAL & LEGAL ANTHROPOLOGY REVIEW 303 (2008).
- “The Lawfulness of the American Trial,” in THE INTERNATIONAL LIBRARY OF ESSAYS IN LAW AND SOCIETY: TRIALS, Martha Merrill Umphrey, ed. (Hampshire: Ashgate 2008), *reprinted from* THE AMERICAN CRIMINAL LAW REVIEW.

“Some Philosophical Resources for the Study of Truth Practices in the American Trial,” in *THE ROLE OF SOCIAL SCIENCE IN LAW*, Elizabeth Mertz, ed. (Hampshire: Ashgate, 2008), *reprinted from* *THE POLITICAL AND LEGAL ANTHROPOLOGY REVIEW*.

“On the Foundations and Nature of Morality,” 39 *HARV. J. LAW & PUB. POL.* 7 (2008).

“The Practice of Law in the Peaceable Kingdom.” 41 *GA. L. REV.* 761 (2007).

“The Rule of Law in the Trial Court,” 56 *DEPAUL L. REV.* 307 (2007).

“*Twelve Angry Men: A Jury Between Fact and Norm*,” 82 *CHI-KENT L. REV.* 643 (2007).

“Civil Trials,” *ENCYCLOPEDIA OF LAW AND SOCIETY: AMERICAN AND GLOBAL PERSPECTIVES* (London: Sage Publications) (2007).

“Fallacies on Fallacies: A Response,” 3 *INTERNATIONAL COMMENTARY ON EVIDENCE* No. 1 (2006)

“Teaching Evidence Law in the Context of Trial Practices,” 50 *St. LOUIS L. REV.* 1155 (2006) (2006).

“A Wistful Retrospective on Wigmore and His Prescriptions for Illinois Evidence Law,” 100 *Nw. L. REV.* 131 (2006).

“How Law Knows in the American Trial Court,” in *HOW LAW KNOWS*, Austin Sarat ed., (Stanford University Press, 2006).

“The Distinctiveness of Trial Narrative,” in *THE TRIAL ON TRIAL: TRUTH AND DUE PROCESS* [Hart Publishers, U.K., 2005].

“Evidence and Trial Advocacy Side by Side” in *TEACHING THE LAW SCHOOL CURRICULUM* (Carolina Academic Publishers, 2004).

“Using Dramatization and Simulation in Professional Responsibility Teaching” in *TEACHING THE LAW SCHOOL CURRICULUM* (Carolina Academic Publishers, 2004).

“Law and Rhetoric” in *A COMPANION TO RHETORIC & RHETORICAL CRITICISM* (Walter Jost & Wendy Olmstead, eds.) (Oxford: Blackwell Publishing, 2004).

“Some Philosophical Resources for the Study of Truth Practices in the American Trial,” 26 *POL. & LEG. ANTHRP. REV.* No. 2 (2003) *reprinted in* *THE ROLE OF SOCIAL SCIENCE IN LAW*, Elizabeth Mertz, ed. (Hampshire: Ashgate, 2008).

“Professional Responsibility in the Trial Court,” 44 *S. TEX. L. REV.* 81 (2003).

“A Conservative Perspective on the Future of the American Jury Trial” 78 CHI.-KENT LAW REV.1319 (2003).

“A Response to Four Readings of *A Theory of the Trial*,” 28 LAW & SOCIAL INQUIRY 523 (2003).

“The Distribution of Authority between Lawyer and Client: The Case of the Benevolent Otolaryngologist,” 2003 IL.L.REV. 1275 (2003) (with Steven Lubet).

“Commentary on the Texas Code of Judicial Conduct: Model Code Comparisons” (2003).

“Teaching Evidence from Complex Factual Materials” in Newsletter of the Section of Evidence of the AALS (Spring, 2002).

”Some Ethical Issues Surrounding Mediation,” 70 FORD.L.REV. 691 (2001), *excerpted and reprinted in* COOPER, NOLAN, & BALES, ADR IN THE WORKPLACE (West, 2004) and in SPENCER & BROGAN, MEDIATION LAW AND PRATICE (Cambridge, 2006).

“The Lawfulness of the American Trial,” 38 AM. CRIM. L. REV. 205 (2001) *reprinted in* THE INTERNATIONAL LIBRARY OF ESSAYS IN LAW AND SOCIETY: TRIALS, Martha Merrill Umphrey, ed. (Hampshire: Ashgate 2008).

“Notes on the Future of Evidence Law,” 74 TEMPLE L. REV. 69 (2001).

“Report on Settlement Week in the United States District Court” (2001).

“Professional Responsibility in Trial Practice: Problems and Materials,” in LITIGATION ETHICS, American Bar Association Section of Litigation (2000) (with Donald B. Hilliker).

“Professional Responsibility in Trial Practice: Teacher’s Manual,” in LITIGATION ETHICS, American Bar Association Section of Litigation (2000) (with Donald B. Hilliker).

“Review: James Boyd White, *From Expectation to Experience: Essays on Law and Legal Education*,” 50 J. LEGAL ED. 147 (2000).

“The Practices of the American Trial,” 4 BUDHI: A JOURNAL OF IDEAS & CULTURE 97 (Manilla) (2000).

“Review: Charles Taylor, *A Catholic Modernity?*, 127 COMMONWEAL: A REVIEW OF RELIGION, POLITICS, AND CULTURE 27 (2000).

“The Purpose of Legal Ethics and the Primacy of Practice,” 39 WM. & MARY L. REV 327 (1998).

“Some Realism (and Idealism) About the Trial,” 31 GA. L. REV. 715 (1997).

- "Legal Ethics in Preparation for the Practice and Profession of Law," 75 NEB. L. REV. 684 (1997).
- "Teaching the Basic Ethics Course Through Simulation: The Northwestern Program in Advocacy and Professionalism," 58 L. & CONTEMP. PROBS. 37 (1996).
- "The History and Theory of the American Jury: Review Essay," 83 CAL. L. REV. 1477 (1995).
- "Forward: Bright Lines and Hard Edges: Anatomy of a Criminal Evidence Decision," 85 J. CRIM. LAW & CRIMINOLOGY 843 (1995).
- "When the Owl of Minerva Takes Flight at Dawn: Radical Constructivism in Social Theory," in ESSAYS ON UNGER'S POLITICS (Cambridge University Press, 1989).
- "Simulation: The Other Side of Clinical Teaching," (with Steven Lubet), 87 Northwestern Reporter (Fall 1989).
- "Rawls and the Principles of Welfare Law," 83 Nw. L. Rev. 184 (1989).
- "The Appropriateness of Mediation: A Case Study and Reflection on Fuller and Fiss," 4 OHIO ST. J. DIS. RES. 2 (1989).
- "Enforceability," (with co-authors) in A STUDENT'S GUIDE TO MEDIATION AND THE LAW (1988 Winner of Council on Public Resources Annual Book Award).
- "Hannah Arendt's Constitutional Thought," in AMOR MUNDI: PERSPECTIVES ON THE FAITH AND THOUGHT OF HANNAH ARENDT (Martinus Nijhof, The Hague, 1987).
- "The Enforceability of Mediated Agreements: An Essay on Legitimation and Process Integrity," 2 OHIO ST. J. DIS. RES. 93 (1986).
- "A Lawyer's Truth: Notes for a Moral Philosophy of Litigation Practice," 3 J. LAW & REL. 229 (1985).
- "Blackstone's Theory of the Absolute Rights of Property," 54 CIN. L. REV. 67 (1985).
- "The Federalist Rhetoric of Rights and the Instrumental Conception of Law," 79 Nw. U.L. REV. 949 (1985).
- "Judicial Enforcement of the Illinois Administrative Procedure Act's Rulemaking Provisions," 55 CHI.-KENT L. REV. 383-406 (1979).
- "Behavior Modification as a Punishment," 22 AM. J. JURIS. 19 (1977).
- "Review of H. Jones, *Kant's Principle of Personality*," THEOLOGICAL STUDIES (1973).
- "Review of H. Marcuse, *Counterrevolution and Revolt*," AMERICA (1973).

WORKS IN PROGRESS

“Rules and Justice”

“The Law and the Modernity Identity”

I am working toward a theory of legal procedure. This would involve an exploration of the actual details of the law of civil, criminal, and administrative procedure and the philosophical and political commitments they reflect.

PRESENTATIONS

Panelist: Chicago-Kent Manuscript Conference on Citizens and Jurors (2019)

Panelist: Clifford Continuing Education Program, The New World of Litigation (2018)

Panelist: “Developments Concerning the Jury,” American Political Science Association Midwest Convention

Panelist: “The Legal Ethics of Witness Preparation,” AFL-CIO Conference (2016).

Panelist: American Bar Association Conference on Professional Responsibility in representing disabled persons (2016).

Keynote Speaker: Loyola Law Journal Conference (2016).

Panelist and Coauthor of Materials: Clifford Continuing Legal Education Program: The Ethics of Pre-trial and Trial Work.” (2016).

Panelist: Loyola Chicago Law School Corboy Lecture (2015).

“The Death of the American Trial?” Clarence Darrow Society annual celebration at the Museum of Science and Industry (2014).

“The Nature of Reasoning at Trial,” Northwestern Economic Theory Luncheon (2014).

“Experimental Psychologists’ Criticism of the Trial” Juries and Lay Participation: American Perspectives and Global Trends,” Chicago-Kent School of Law (2014).

“Popular Sovereignty and the Jury,” Onati, Spain, Conference on Lay Participation in Trials from a Global Perspective (2014).

“The Jury as a Political Institution: An Internal Perspective,” William & Mary Law School Conference on the Civil Jury as a Political Institution (2013).

“The Withering Away of Evidence Law,” University of Georgia Law School Conference on Reform in Evidence Law (2013).

“Advocacy in the Era of the Vanishing Trial,” University of Kansas Symposium on the SeventyFifth Anniversary of the Adopting of the Federal Rules of Civil Procedure (2012).

“Hope and Hopelessness in Kafka,” Northwestern University Humanities Conference (2012).

“Why We Shouldn’t Let the Jury Vanish,” American Board of Trial Advocates National Jury Summit (2011).

“Experiential Methods of Teaching Professional Responsibility Law,” Pacific McGeorge School of Law Conference on Future Directions on the Teaching of Ethics (2011).

“Alternative Dispute Resolution: A Solution or More of the Same,” Illinois Supreme Court Advanced Judicial Academy (2011).

“Kafka’s *Der Prozess*” Illinois Supreme Court Advanced Judicial Academy (2011).

“Social Science and the Ways of the Trial Court,” Cornell Law School Faculty Workshop (2011).

“What Will We Lose if the Trial Vanishes,” Ohio Northern Law Review Symposium on Crises in the Legal Profession (2011).

Response to Paper, “A Pluralist Post-Secular Legitimation of Law” by Mark Modak-Truran; Conference: Politics as a Moral Question, University of Chicago (2010).

“The Ethics of Witness Preparation,” Panelist, American Bar Association Section on Professional Responsibility Annual Meeting (2010).

“Legal Ethics and the Duke LaCrosse Prosecution,” (Panelist) DRI Annual Convention (2009).

“The Death of the American Trial,” Phillip Corboy Annual Lecture at Loyola Law School (2009).

Howard Trienens Visiting Judicial Scholar Program: A Discussion with Justice Ginsburg at Northwestern Law (2009).

“Integrating Trial Theory and Practice into Evidence Law,” AALS Conference on the Law of Evidence (2008).

“Qualitative Empirical Methods: Why a Legal Philosopher Would Study the Trial,” Law & Society Annual Meeting (2008)

“The Philosophy of the American Trial,” Rutgers Camden Law School Faculty Seminar (2007).

“The Philosophical Significance of Trial Practices,” Oxford University Jurisprudence Group (2007)

“The ‘Foundations’ and Nature of Morality” Federalist Society Annual Student Meeting (2007).

“A Jury Between Fact and Norm,” AALS National Convention Special Section (2007).

“Ethical Issues in the Employment Context,” Chicago Bar Association (2006).

“Litigation Ethics: Immediate Trial Preparation and Trial Advocacy,” Ungaretti & Harris Workshop (2006).

“How Juries Know,” The Geoffrey Fieger Annual Lecture at the Michigan State University College of Law (2006).

“Wigmore the Reformer and the Conservative: His Illinois Experience,” The Centennial Celebration of the Northwestern Law Review. (2006).

“Aspects of the Ethics of Internal Investigations,” ABA Section on Environment, Energy, and Refining Law (2005).

“The ABA’s Principles for the American Jury Trial, Accomplishments and Missed Opportunities”. Law and Society Annual Convention (2005).

“The Trial’s the Thing: The Dependence of the Law of Evidence on a Philosophy of the Trial,” AALS Section of Evidence: Annual Luncheon Speaker (2004).

“The Ethics of Negotiation,” Wisconsin Office of the Attorney General Annual Continuing Legal Education Conference (2003).

“The Law of Evidence and Basic Principles of Scientific Evidence,” at Northwestern Short Course for Prosecutors and Defense Attorneys (2003).

“Pragmatism and the Social Scientific Study of the Trial,” Cornell University School of Law (2003)

“Narrative and Rhetoric in the Trial,” University of Edinburgh, Scotland: Conference on Truth and Due Process in the Criminal Trial (2003).

“The Evidentiary Terrain of Effective Cross Examination.” All-Star Cross Examination Conference of the Seventh Circuit Bar Association (2002).

“Professional Responsibility in the Trial Court,” South Texas Law School Litigation Ethics Conference (2002).

“*A Theory of the Trial: The Author Meets His Critics*,” Law & Society Annual Meeting, Vancouver (2002).

“Ethics 2000 Symposium” at the University of Illinois School of Law (2002).

“The Languages of the Trial,” Kaplan Center for the Humanities (2001).

“Lawyers, Philosophers, and Social Scientists,” Law & Society Chicago Meeting (2001).

“Bureaucratic Decision Making and the Trial,” Chicago-Kent School of Law (2000).

“The Forms of Argument in the Trial,” Northwestern Argumentation Workshop (2000).

“The American Trial Between Facts and Norms,” Northwestern Domain Dinner (2000).

“Professionalism and the Law School,” ABA Annual Meeting, New York City (2000).

“Theories of the American Jury Trial,” Bartlett Center Annual Program (2000).

“Simulation in a Clinical Program,” Association of Canadian Law Schools, Ontario (2000).

Moderator of the Panel in Legal Ethics at the Garrett Corporate Counsel Institute, Chicago, Illinois. (2000).

“Simulation in a Clinical Program,” Association of Canadian Law Schools, Ontario (2000).

Panelist on the Panel on Legal Ethics at the Corporate Counsel Institute, San Francisco, California.

“The Purposes of Legal Ethics and Experiential Learning,” WILLIAM & MARY CONFERENCE ON LEGAL ETHICS (1997).

“Litigation Ethics After the Amendments to Rule 11,” WIGMORE INNS OF COURT WORKSHOP (1997).

“What I Is Hearsay These Days?” ILLINOIS ATTORNEY GENERAL’S OFFICE CONTINUING EDUCATION PROGRAM (1996).

“Integrating Practicing Lawyers into the Professional Responsibility Curriculum,” American Bar Association Committee on Legal Education Annual Meeting (1996).

“Legal Ethics in the American Law School.” Presentation to Visiting African Judges and Officials.

“Northwestern’s Program in Advocacy and Professional.” Duke University School of Law Conference on the Teaching of Legal Ethics.

“A Program in Critical Professionalism.” ABA-NITA Conference on Teaching Trial Practice in the Nineties.

“Ethics and the Law of Evidence.” AALS Annual Meeting (1990).

“Experimental Therapies with Elderly Patients: Analogies from Legal Ethics.” Northwestern University Center on Aging.

“Distribution of Legal Services.” Northwestern University Medical School Program in Medical Ethics.

“The Language and Truth of Trial and Cross-Examination.” Northwestern Undergraduate Linguistics Seminar.

“Mediated Agreements: Contract Law and Codification.” Ohio State University Law School.

“Administration and the Constitution: A Philosophical Response to Three Papers.” American Political Science Association Annual Convention.

“Centralism and the Truth of Theory.” Northwestern University Law School Bicentennial Workshop.

“The Conceptual Dilemmas and Political Paralysis of Welfare Reform.” Northwestern Law School Welfare Litigation Seminar.

“Logistic Methods, Legal Positivism and the Judge’s Role: Response to Professor Mashaw.” Rosenthal Lectures.

“A Civil Rights Litigator’s Perspective on Federal Jurisdiction.” Northwestern University Law School Federal Jurisdiction Course.

“Public Welfare Law in America.” Northwestern University Department of History Undergraduate Seminar.

“Administrative Rules and Illinois Agencies.” Sangamon State University Seminar on the Illinois Administrative Procedures Act.

EDITORIAL REVIEWS

Harvard Law Review

Yale Law Journal

Oxford University Press

Cambridge University Press
University of Chicago Press
Stanford University Press
Temple University Press
University of Missouri Press
University of Kansas Press
International Commentary on Evidence
Law, Probability, and Risk
Criminal Law & Philosophy
Law & Philosophy
Law and Social Inquiry
Law, Culture, and the Humanities
Social Theory and Practice

DOCTORAL COMMITTEES

Northwestern University School of Law
University of Illinois-Chicago, Department of English

SUMMARY OF LITIGATION EXPERIENCE

The following is designed to give, in summary form, a description of the litigation in which I have participated as lead counsel or in a major role. They are in addition to many individual administrative hearings and to civil and criminal trials.

Youakim v. Miller, 440 U.S. 125 (1979) (United States Supreme Court) (unanimously affirming class-wide injunction that required the payment of foster care benefits to children placed with relatives); Pasha v. Gonzales, 433 F.3d 530 (2005)(reversing the judgment of an immigration judge on evidentiary grounds); Pressley v. Haeger, 977 F.2d 295 (7th Cir. 1992) (affirming a jury verdict in race discrimination case and ordering a recalculation of fees); Pressley v. Haeger II, (United States District Court)(enjoining prior restraint on officer's public criticism of police department); Benzies v. Illinois Department of Mental Health, 810 F.2d 146 (7th Cir. 1987), cert. den. 107 S.Ct. 3231 (1989) (refusing to reverse a judgment of the district court for the defendant in an employment discrimination case); United States ex rel. Miller v. McGinnis, 744 F.2d 819 (7th Cir. 1985) (reversal of district court order denying a new trial); McKeever v. Israel, 689 F.2d 1315 (7th Cir. 1982) (reversing the dismissal of a prisoner's civil rights suit); Stokes v. United States II, 703 F.2d 572 (7th Cir.), cert. den. 464 U.S. 836 (1983) (refusing to reverse a judgment of the district court holding that the petitioner was competent); Stokes v. U.S.A. I, 652 F.2d 1 (7th Cir. 1981) (reversal on procedural grounds of the district court's denial of the federal prisoner's habeas petition); Anderson v. Thompson, 658 F.2d 1205 (7th Cir. 1981) (refusal to reverse a decision of the district court holding that only injunctive relief, was available to parents of a handicapped child); People v. Hennon, 228 Ill. App. 3d 759 (1992) (refusal to reverse murder conviction); Boris v. Blaisdell, 142 Ill. App. 3d 1034 (1986) (upholding the constitutionality of statutory child support guidelines); Johnson v. State Employees Retirement System, 155 Ill. App. 3d 616 (1987) (holding that even jurisdictional appeals periods would not run against a claimant denied due process right to adequate notice of such time limits); People v. Miller, 107 Ill.App.3d 1078 (1982) (refusal to reverse murder conviction, but reducing sentence); Fisher v. Holt, 52 Ill.App.3d 164 (1st Dist. 1978 (expanding tenant's warranty of habitability to include counterclaims for more than the rent due); Spaulding v. Howlett, 59 Ill.App.3d 249 (1978) (affirming trial court ruling restricting the use of hearsay in administrative hearings); Lucien v. Doria (Federal District Court)(class settlement requiring the construction of new county jail); Hanley v. Health Care

Service (Blue Cross) (Federal District Court) (class settlement for 15,000 persons whose hospitalization benefits were denied on the grounds that the hospital stays were not "medically necessary"); King v. Quern (Federal District Court) (summary judgment for plaintiff class of work-study students whose welfare benefits were wrongfully reduced); Custom v. Trainor, 74 F.R.D. 409 (N.D. Ill. 1977) (class settlement of constitutional claim that failure to timely process General Assistance applications violates the due process clause); Custom v. Trainor II, 482 F.Supp 1000 (N.D. Ill. 1980) (holding that legal services attorneys are entitled to full fees under the Civil Rights Attorney's Fee Act); Barnes v. Trainor (Federal District Court) (class settlement requiring expedited processing of administrative appeals; Boddie v. Trainor (Federal District Court) (summary judgment on class claim that Department of Public Aid had not given adequate notice of its dispositions of recipient's requests for additional benefits); Illinois Health Care Association v. Quern (Federal District Court) (class settlement of claim that nursing home reimbursement structure violated the Social Security Act); Estep v. Illinois Department of Public Aid (Circuit Court of Cook County) (class preliminary injunction prohibiting the reduction of General Assistance benefits); Anderson v. Bilandic (Federal District Court) (class injunction entered after federal trial prohibiting expanded penalties for appealing occupational license decisions).