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CURRICULUM VITAE

Professional Experience

Since 2003 — John F. Murray Professor of Law
1991-2003 — William G. Hammond Professor of Law
1981-1991 — Professor of Law
1986-1990 — University Faculty Scholar
1977-1981 — Associate Professor of Law, University of Iowa

Teaching Subjects: Contracts; Sales Transactions; Jurisprudence,
International Commercial Arbitration; Seminar on Advanced Problems
in Contract Law; Seminar on Law and Lawyers in Literature.

1973-1977 — Attorney-Adviser, Office of the Legal Adviser,
United States Department of State

Specialization: Oceans and International Environmental and Scientific
Affairs; Legal adviser and negotiator in numerous bilateral and
multilateral negotiations.

Grants and Awards

Finalist, University of Iowa College of Law Collegiate Teaching Award, 2010.

Distinguished Visiting Professor, University of Tulsa College of Law, 1999.

U.S. Department of Education, CICS Grant for International Law Curriculum
Development, International Commercial Arbitration, Summer 1993.

University Faculty Scholar Award, 1986-90 (three semesters of research leave over
four years, from the University of Iowa).

Fulbright Scholar (United Kingdom), 1987 (grant for travel, teaching and research at Oxford University).

Bush Distinguished Visitor, Hamline University Law School, September 4-6, 1986.

Burlington Northern Foundation Faculty Achievement Award, 1985-86 (cash prize for excellence in teaching, from the University Council on Teaching, University of Iowa).

American Council of Learned Societies Travel Grant, 1984.

Distinguished Visitor, European Community Visitor's Program, 1981.

Distinguished Visitor, U.S. Antarctic Research Program, McMurdo and South Pole Stations, Antarctica, 1976.

Publications and Activities

Contracts

PRINCIPLES OF CONTRACT LAW (4th ed.), work-in-progress, under contract with Thomson-West for its American Casebook Series.

Pluralism in Legal Theory and Critique of a Monist Theory of Contract Interpretation (submitted for publication).

CONTRACT LAW: SELECTED SOURCE MATERIALS ANNOTATED. (Thomson West 2011) (with Melvin A. Eisenberg) (Sixteenth annual edition) (in progress).

“The Objective Theory of Contract Interpretation,” Section on Contracts, Association of Law Schools Annual Meeting, San Francisco, California, January 6, 2011.

“Contract Interpretation: A Comment on Schwartz and Scott,” Sixth Annual International Conference on Contracts, St. Petersburg, Florida, February 18, 2011.

ELEMENTS OF CONTRACT INTERPRETATION, xiv, 238 pp. (Oxford University Press 2009).

“Elements of Contract Interpretation,” Faculty Seminar, University of Iowa College of Law, February 1, 2008.

PRINCIPLES OF CONTRACT LAW (3d ed.), xxiii, 664 pp. (Thomson West 2006) (American Casebook Series).

TEACHER’S MANUAL TO ACCOMPANY PRINCIPLES OF CONTRACT LAW (3d ed.), 201 pp. (Thompson West 2006).

TEACHER'S MANUAL TO ACCOMPANY PRINCIPLES OF CONTRACT LAW (2d ed.).203 pp. (Thomson West 2003).

PRINCIPLES OF CONTRACT LAW (2d ed.) xxiii, 693pp. (West Publishing Co. 2001) (American Casebook Series).

CONTRACTUAL GOOD FAITH: FORMATION, PERFORMANCE, BREACH AND ENFORCEMENT, xxiv, 464 pp. (Little, Brown & Co. 1995) (Practitioner Series) (with Eric G. Andersen).

PRINCIPLES OF CONTRACT LAW, xxiii, 699 pp. (West Publishing Co. 1995) (American Casebook Series).

TEACHER'S MANUAL TO ACCOMPANY PRINCIPLES OF CONTRACT LAW, 167 pp. (West Publishing Co. 1995).

Good Faith in Articles 1 and 2 of the Uniform Commercial Code: The Practice View, 35 *William & Mary Law Review* 1533 (1994) (Symposium Issue).

Default Rules, Legitimacy, and the Authority of a Contract, 3 *Southern California Interdisciplinary Law Journal* 115 (1993) (Symposium Issue).

Comment on Professor Patterson's 'Pseudo Debate on Default Rules in Contract Law,' 3 *Southern California Interdisciplinary Law Journal* 303 (1993) (Symposium Issue).

"The Marginality Thesis and Revising Article 2 of the Uniform Commercial Code," Section on Contract Law, Association of American Law Schools Annual Meeting, January 6, 1993.

The World of a Contract, 75 *Iowa Law Review* 861 (1990) (Faculty Essays Issue) (with Eric G. Andersen).

"Racial Discrimination in Contract Performance," Faculty Workshop, New York University Law School, September 13, 1989.

"Material Breach and Express Conditions," Section on Contract Law, Association of American Law Schools Annual Meeting, January 8, 1990.

Racial Discrimination in Contract Performance: Patterson and a State Law Alternative, 25 *Harvard Civil Rights-Civil Liberties Law Journal* 431 (1990).

Comment on Linzer, 'Uncontracts: Context, Contorts and the Relational Approach', 1988 *Annual Survey of American Law* 199.

"Relational Contract Law," Conference on Contract Theory, New York University Law School, May 7, 1989.

More on Good Faith Performance of a Contract: A Reply to Professor Summers, 69 Iowa Law Review 337 (1984) [excerpt reprinted in P. Linzer, ed., *A Contracts Anthology* 337 (1989)].

Chair, American Association of Law Schools, Section on Contract, Commercial and Related Consumer Law, 1982 (Vice-Chair, 1981, 1984, Executive Committee, 1989).

Good Faith Performance of a Contract within Article 2 of the Uniform Commercial Code, 67 Iowa Law Review 1 (1981).

Breach of Contract and the Common Law Duty to Perform in Good Faith, 94 Harvard Law Review 369 (1980) [reprinted as *L'escuzione del Contratto Secondo Buona Fede* in *II Revista Critica del Diritto Privato* 13 (Italy, 1984); excerpts reprinted in R. Barnett, *Perspectives on Contract Law* 250 (1995) (2d ed. at 304, 2001); L. Mitchell & L. Solomon, *Corporate Finance and Governance: Cases, Materials and Problems* (1991)].

International Law

Member, U.S. Department of State Advisory Committee on Oceans Affairs, 1978-85.

Consultant and Special Adviser, U.S. Department of State, 1980-84 (maritime boundary case before the International Court of Justice).

"International Law in American Courts," in 1982 Proceedings of the American Society of International Law 262.

"Report on Circumstantial Factors in the Gulf of Maine Maritime Boundary Dispute Before the International Court of Justice," 77 pp. (to the U.S. Department of State) (1981).

"Report on Geological Aspects of the Gulf of Maine Maritime Boundary Dispute Before the International Court of Justice," 68 pp. (to the U.S. Department of State) (1980).

New Stresses on the Antarctic Treaty: Toward International Legal Institutions Governing Antarctic Resources, 65 Virginia Law Review 421 (1979).

Legal/Political Aspects of Antarctic Iceberg Utilization, in *Iceberg Utilization* 604 (Pergamon Press; A. Husseiny, ed. 1978).

Freedom of the Seas: International Law Applicable to Deep Seabed Mining Claims, 29 Stanford Law Review 1135 (1977) [Excerpt reprinted in B. Weston, R. Falk and A. D'Amato, *INTERNATIONAL LAW AND WORLD ORDER* 868 (1980)].

The 1976 Amendments to the Fishermen's Protective Act, 71 American Journal of International Law 740 (1977).

Adviser and Special Adviser, U.S. Delegation to the Third United Nations Conference on the Law of the Sea, 1974-76.

Chair, National Security Council Antarctic Policy Group Inter-Agency Working Party of Legal/Political Experts, 1974-77.

Legal Adviser, U.S. Delegation to the Eighth Antarctic Treaty Consultative Meeting, Oslo, Norway, 1975.

Jurisprudence

“Normative Legal Theories: The Case for Pluralism and Balancing,” (submitted for publication).

AN INTRODUCTION TO LAW AND LEGAL REASONING, 193 pp. (3d ed., Aspen Publishers, 2007).

THE PATH OF THE LAW AND ITS LEGACY, (Cambridge University Press, 2000) (editor) (Cambridge Series in Law and Philosophy) (Chinese translation, University of Peking Press, 2005).

Introduction, in *THE PATH OF THE LAW AND ITS LEGACY* (Cambridge University Press, 2000).

AN INTRODUCTION TO LAW AND LEGAL REASONING, 174 pp. (2d ed., Little, Brown & Co. 1995) (Chinese translation, China University of Political Science and Law Press, 1998).

JUDGING IN GOOD FAITH, xviii, 279 pp. (Cambridge University Press 1992) (Cambridge Series in Law and Philosophy) (Paperback ed., 1994);

Particularism, Discretion, and the Rule of Law, in *NOMOS XXXVI: The Rule of Law 178*, I. Shapiro, ed., (New York University Press, 1994).

“Theories of Judicial Discretion,” Federal Judicial Center Workshop for Third and Fourth Circuit Judges, Charlottesville, Va., March 20-23, 1994.

“Particularism, Discretion, and the Rule of Law,” American Society for Legal and Political Philosophy Annual Meeting, New Orleans, January 2, 1992.

Law as Practical Reason, 62 *Southern California Law Review* 747 (1989) (Symposium issue).

“Judicial Duty and Judicial Discretion: The Good Faith Thesis,” Faculty Colloquium, Department of Philosophy, SUNY-Albany, February 15, 1989; Faculty Workshop, Cardozo Law School, March 6, 1989.

Adj. Professor of Philosophy, State University of New York at Albany, Spring Semester, 1989.

Organizer, *Symposium on Gorgias and the Law*, University of Iowa College of Law, February 3-4, 1989.

"The Jurisprudence of Skepticism," Faculty Colloquium, Duke University Law School, September 9, 1988.

"The Rhetoric of Legal Discourses," Project on the Rhetoric of Inquiry Faculty Seminar, University of Iowa, July 19, 1988.

Professor MacCormick's Claim Regarding Universalization in Law, in 2 Reason in Law 155 (Giuffrè, Milan; C. Faralli & E. Pattaro, eds 1988).

Judge Posner's Jurisprudence of Skepticism, 87 Michigan Law Review 710 (1988) (correspondence).

Book Review, *K. Greenawalt, Conflicts of Law and Morality* (Oxford University Press, 1987), 8 Canadian Philosophical Reviews 215 (1988).

Ronald Dworkin and Legal Positivism, Lecture and Faculty Seminars at Aberdeen, Dundee, and Edinburgh Universities in Scotland, April 22-29, 1987.

Member, Senior Common Room, University College, and Academic Visitor, Faculty of Law, Oxford University, Hilary and Trinity Terms, 1987.

Seminar on Precedent and Legal Interpretation, Oxford University, Hilary Term, 1987 (co-taught with Professor Joseph Raz).

"*Ontological*" *Natural Law?*, 82 Northwestern Law Review 843 (1988) (review of L. Weinreb, *Natural Law and Justice* (Harvard University Press, 1987)).

Ronald Dworkin and Legal Positivism, 73 Iowa Law Review 109 (1987) (Symposium issue).

Reaffirming Legal Reasoning: The Challenge from the Left, 36 Journal of Legal Education 358 (1986).

"Legal Reasoning: The CLS Challenge," Section on Jurisprudence, AALS Annual Meeting, New Orleans, January 5, 1986.

Law, Obligation, and a Good Faith Claim of Justice, 73 California Law Review 1956 (1985) (review essay).

AN INTRODUCTION TO LAW AND LEGAL REASONING, xiii, 241 pp. (Little, Brown & Co. 1985) [excerpt reprinted in *PHILOSOPHICAL PROBLEMS IN THE LAW*, D. Adams, ed. (Wellworth Pub. Co. 1991)].

“Professor MacCormick's Claim Regarding Universalization in Law,” Conference on Reason in Law, Bologna, Italy, December 15-16, 1984.

Arbitration and Expert Witness

Consultant, Sale of Goods Arbitration (cancelation and remedies), 2010-11 (New York law).

Consultant, Satellite Television Distribution Contracts (class action), 2008-10 (Colorado law).

AMERICAN ARBITRATION PRINCIPLES AND PRACTICE, (Practising Law Institute 2008) (co-editor with Robert B. von Mehren and George W. Coombe, Jr.) (updated, 2009).

The American Legal Environment, in *AMERICAN ARBITRATION PRINCIPLES AND PRACTICE*, (Practising Law Institute 2008) (Steven J. Burton, Robert B. von Mehren and George W. Coombe, Jr., eds.) (updated, 2009).

Expert Witness, Oil Royalties Arbitration, Australia (contractual good faith and interpretation), 1999-2005, 2008-2010 (New York law).

The New Judicial Hostility to Arbitration: Federal Preemption, Contract Unconscionability and Agreements to Arbitrate 2006 *Journal of Dispute Resolution*.469-500.

Expert Witness, Insurance Dispute (coverage), 2006-08 (California and Texas law).

American Arbitration Association/International Center for Dispute Resolution, ICDR International Symposium on Advanced Case Management Issues, November 2006 (trainee).

Sole Arbitrator, Sale of Goods Dispute, American Arbitration Association Commercial Arbitration Rules and Mediation Procedures, 2006-07 (Iowa law).

Member, American Arbitration Association/International Centre for Dispute Resolution Panel of Arbitrators, since 2006.

Expert Witness, Sale of Goods Dispute (force majeure clause), 2005-2006 (Minnesota law).

Expert Witness, Commercial Lease Dispute (audit), 2005-06 (Connecticut law).

“Federal and State Arbitration Law,” Iowa Judicial Institute, 2006.

Chair, Arbitral Tribunal, Sales Commissions Dispute, International Chamber of Commerce, 2003-04 (New York, Connecticut and California law).

Expert Witness, Consumer Class Arbitration against Health Insurer, Los Angeles, California, 2003 (California law).

Member, Committee on International Commercial Arbitration, International Law Association (American Branch), 1991-2002.

Symposium in Support of International Commercial Arbitration and Litigation: The Need for Federal Legislation, 8 *Transnational Law and Contemporary Problems* 1-109 (1998) (Guest Editor).

Introduction to Symposium, 8 *Transnational Law and Contemporary Problems* 1 (1998).

Expert Witness, Medical Technology Supply Contract Litigation, 1998 (Wisconsin law).

Expert Witness, Television Studio Services Contract Litigation, 1998 (New York law).

Expert Witness, Construction Supply Contract, International Chamber of Commerce Arbitration, London, England, 1996-97 (New York law).

Combining Conciliation with Arbitration in International Commercial Disputes, 18 *Hastings Journal of International and Comparative Law* 637 (1995) (Symposium issue).

The Conciliation Alternative, *International Commercial Litigation* 41 (July/August, 1995).

Book Review, WILLIAM W. PARK, *INTERNATIONAL FORUM SELECTION* (1995), 6 *AMERICAN REVIEW OF INTERNATIONAL ARBITRATION* (1995).

Book Review, Gary Born, *INTERNATIONAL COMMERCIAL ARBITRATION IN THE UNITED STATES*, 6 *AMERICAN REVIEW OF INTERNATIONAL ARBITRATION* 138 (1995).

Expert Witness, Commercial Lease Arbitration (audit), 1995 (California law).

“The Negotiation and Drafting of an International Commercial Arbitration Clause,” Section on Dispute Resolution, Annual Meeting, American Bar Association, August 8, 1994).

“What is ‘International’ About International Commercial Arbitration,” Section on Dispute Resolution, Association of American Law Schools Annual Meeting, January 9, 1993).

American Arbitration Association International Commercial Arbitrator Training, Coral Gables, Florida, October, 1993.

Impartiality in International Adjudication and Arbitration, 1989 Proceedings of the American Society of International Law 512.

Special Adviser to the U.S. Agent, Gulf of Maine Boundary Dispute, International Court of Justice, 1980-82.

Education

J.D., 1973 — University of Southern California Law Center

- Order of the Coif (Legal Honors Society).
- Note and Article Editor, Southern California Law Review.
- SBA Representative, Faculty Appointments Committee.
- Researcher and Writer, A.C.L.U. Brief as Amicus Curiae, *Furman v. Georgia*, U.S. Supreme Court, Summer, 1971.

B.A., 1970 — University of California at Los Angeles

- Degree in Political Science
- Concentration in International Relations, Political Theory
- National Chairman, Citizens' Committee of Inquiry

Personal

- Member (Inactive), California Bar

October 19, 2010