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EDUCATION

Swarthmore College, B.A. 1953 (Phi Beta Kappa)
Columbia University, LL.B. 1954 (Columbia Law Review)

PROFESSIONAL APPOINTMENTS

Member, California State Bar, Pennsylvania Bar
Admitted to practice: Oregon, 1954; California, 1960; Connecticut, 1982; Pennsylvania, 1994
Practiced in Oregon, 1954-57; Deputy Legislative Counsel, State of Oregon, 1956-57; Executive
Secretary, Oregon Legislative Interim Committee on Judicial Administration, 1957-58
Executive Director, American Bar Foundation, 1964-70
Consultant, American Bar Association Special Committee on Code
of Judicial Conduct, 1970-72
Reporter, American Bar Association Special Commission on
Standards of Judicial Administration, 1971-77
Reporter, American Law Institute, Restatement of Judgments, Second, 1973-81
Reporter, American Bar Association Special Commission on
Evaluation of Professional Standards, 1978-83

Reporter, Committee on Ethical Standards, National Association of Bond Counsel, 1983-84
Director, American Law Institute, 1984-1999
Reporter, American Law Institute and International Organization
for Unification of Private Law, Principles of Transnational Civil Procedure, 1999-2005
Member and Consultant, Standing Committee on Rules of
Practice and Procedure, Judicial Conference of the United States, 1994-
Member, Judicial Conference Ad Hoc Committee on Mass Torts, 1997-99
Member, American Bar Association Resource Team for High Profile Trials 1996-1998
Member, American Bar Association Commission on Ethics 2000, 1997-2002
Member, Associazione Italiana fra gli Studiosi del Processo Civile, 1998-

ACADEMIC APPOINTMENTS

Trustee Professor of Law, University of Pennsylvania, 1994-
Miller Professor of Law, University of California Hastings College of the Law, 2005-
Professor of Law, Yale University, 1971-94; Sterling Professor of Law Emeritus 1994-
Associate Professor of Law, University of California, Berkeley, 1958-61; Professor of Law,
1961-64
Visiting Professor, University of Michigan, 1963
Professor of Law, University of Chicago, 1964-71
Visiting Professor, Stanford University, 1974
Acting Dean, Yale School of Organization and Management,
1980-81; Associate Dean, 1979-80; Deputy Dean, 1981-82
Visiting Professor, Universite d'Aix-Marseille, 1982
Visiting Professor, Harvard University, 1983
Visiting Professor, University of Arizona, 1997-2001

TEACHING SUBJECTS

Civil Procedure, Legal Ethics, Federal Jurisdiction

BOARD MEMBERSHIPS

Board of Trustees, Supreme Court Historical Society, 1989-
Board of Directors, Avatar Holdings, Inc., 1980-94 Board of Directors, Smyth, Sanford &
Gerard Professional Liability, L.L.C. 1995-97
Member, Board of Directors, Friends of the Library of the Supreme Court of Israel 1998-
Board of Governors, International Insolvency Institute, 2004-

PROFESSIONAL ACTIVITIES

Member, Administrative Conference of United States, 1972-78
Adviser, American Bar Association, Standing Committee on Ethics and Professional Responsibility, Subcommittee on Code of Judicial Conduct, 1988-89
Member, Board of Overseers, Institute for Civil Justice, RAND Corp., 1985-90
Advisory Council, Trinity Church (New York) Center for Ethics and Corporate Policy, 1983-1990
Legal Advisory Committee, New York Stock Exchange, 1989-92
Member, American Bar Association Committee on Professional Discipline, 1985-91
Member, American Bar Association, Committee on Lawyers' Responsibility for Client Protection, 1991-1994
Member, National Association of Corporate Directors, Blue Ribbon Commission, 2005
Member, Pennsylvania Bar Ass'n, California State Bar, American Bar Ass'n, American Law Institute, American Judicature Society, National Legal Aid and Defender Ass'n, Fellows of American Bar Foundation, American Academy of Arts and Sciences, American Philosophical Society

PROFESSIONAL AWARDS

American Bar Foundation, Research Award, 1985
American Bar Foundation, William Keck Foundation Award, 1997
Columbia University School of Law Association, Medal for Excellence, 1999
American Judicature Society, Outstanding Contributions to Promoting Effective Administration of Justice. 1999
Ceremony of Salute, Superior Court of Pennsylvania, 1999
Gold Medal, International Insolvency Institute, 2004
American Bar Association Section of Legal Education, Kutak Award, 2005

HONORARY DEGREES

M.A., Yale University 1971
LL.D., Gonzaga University, 1985
LL.D., University of San Diego, 1985
LL.D., Swarthmore College, 1988
LL.D., Illinois Institute of Technology, 1990
LL.D., Nova University, 1992
LL.D., Republica Italiana (faculta di Urbino), 1998

BOOKS

RESEARCH IN CIVIL PROCEDURE (1963; Walter E. Meyer Research Institute of Law).
LAW IN A CHANGING AMERICA (1968; editor).
QUEST FOR JUSTICE (1973; editor, American Bar Association).
GOING TO LAW SCHOOL? (1974; editor, with Thomas Ehrlich).
CIVIL PROCEDURE (5th ed. 2001, with Fleming James, Jr. and John Leubsdorf).
ETHICS IN THE PRACTICE OF LAW (1978).
PLEADING & PROCEDURE, STATE & FEDERAL (9th ed. 2005; with D. W. Louisell, Colin Tait and Wm. Fletcher).
MANAGING COMPLEX LITIGATION: A PRACTICAL GUIDE TO THE USE OF SPECIAL MASTERS (1983; with Wayne Brazil and Paul Rice).
THE LEGAL PROFESSION: RESPONSIBILITY AND REGULATION (3d ed. 1994; editor, with Deborah Rhode).
THE LAW OF LAWYERING: A Handbook on the Model Rules of Professional Conduct (3d ed. 2004 with William Hodes). PERSPECTIVES ON CIVIL PROCEDURE (1987; editor, with Jan Vetter).
BOARD GAMES: The Changing Shape of Corporate Power (1988; with Arthur Fleisher, Jr. and Miriam Z. Klipper).
THE LAW AND ETHICS OF LAWYERING (4th ed. 2005; with Susan Koniak, Roger Cramton and George Cohen)
LA GIUSTA CIVIL NEGLI STATI UNITI (1993; with Michele Taruffo)
AMERICAN CIVIL PROCEDURE: AN INTRODUCTION (1993, with Michele Taruffo)
AMERICAN CIVIL PROCEDURE: AN INTRODUCTION (Japanese ed., Tanabe Tr. 1997)
POKUS`ENT` SPRA`NI` CHI RAD (Prague, 1996; translation of BOARD GAMES, with Arthur Fleisher, Jr. and Miriam Z. Klipper)
PROFESSIONAL RESPONSIBILITY AND REGULATION (Foundation Press, 2002) (with Deborah Rhode)
LEGAL ETHICS: A COMPARATIVE STUDY (Stan. U. Press.2004)(with Angelo Dondi)

REPORTS

(as reporter or draftsman)

Oregon Legislative Interim Commission on Judicial Administration, Vol. I (Judicial Administration), Vol. II (Juvenile Code) (1958)
California Special Legislative Commission on the Insanity Defense, Report (1962).
American Bar Association, Code of Judicial Conduct (1972).
American Bar Association, Standards of Judicial Administration (3 vol., 1974-77).
Legal Services for the Average Citizen, Report of A.B.A. Consortium on Legal Services (1977).
American Law Institute, Restatement Second of Judgments (1982).
American Bar Association, Model Rules of Professional Conduct (1983).

National Association of Bond Lawyers, Function and Professional Responsibilities of Bond Counsel (1984).

American Law Institute and International Organization for Unification of Private Law, Principles of Transnational Civil Procedure (2005).

ARTICLES

May v. Anderson: Preamble to Family Law Chaos, 45 Va. L. Rev. 379 (1959)

Oregon Administrative Procedure Act -- Status and Prospects, 39 Ore. L. Rev. 97 (1960).

Indispensable Party: The Historical Origin of a Procedural Phantom, 61 Colum. Law Rev. 1254 (1961).

Insanity as a Defense: The Bifurcated Trial, 49 Calif. L.Rev. 805 (1961) (with D. W. Louisell).

Death, the State, and the Insane: Stay of Execution, 9 U.C.L.A. Rev. 381 (1962) (with D. W. Louisell).

Early Evolution of the Common Law Writs: A Sketch, 6 Am. J. Legal Hist. 114 (1962).

An Historical and Critical Analysis of Interpleader, 52 Calif. L. Rev. 706 (1963) (with Myron Moskovitz).

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Reflections on Four Studies of the Legal Profession, in Law and Society, A Supplemental to Social Problems (Summer, 1965).

After the Trial Court -- The Realities of Appellate Review, in Jones, Harry W., ed., The Courts, the Public and the Law Explosion (1965).

A General Theory of State-Court Jurisdiction, 1965 Sup. Ct. Rev. 241.

Rationing Justice, 8 J. Law & Econ. 1 (1965).

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Challenges to Legal Education, in Sutherland, ed. The Path of the Law from 1967 (1968), pp. 185-194.

Epilogue to the Criminal Justice Survey, 55 A.B.A.J. 1048 (1969).

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Law Reforming in the Anti-Poverty Effort, 37 U. Chi. L. Rev. 242 (1970).

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Securing Courtroom Decorum, 80 Yale L. J. 433 (1970)(book review).

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Attorneys' Responsibilities and Duties Under the Securities Laws, in Goldberg, Stuart C., ed., Expanding Responsibilities Under the Securities Laws (1973).

The Effect of the Class Action Device Upon the Substantive Law, 58 F.R.D 299 (1973).

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Rethinking Legal Ethics, 26 Stan. L. Rev. 1227 (1974).

Conscience and Circumstance in Legal Ethics, in Hodges, ed., Social Responsibility: Journalism, Law, Medicine (Wash. & Lee Univ., 1975).

Administration of Supporting Services in the Trial Court, 1 Justice System Journal 3 (1975).

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The Tennessee Administrative Procedure Act: An Outsider's Perspective, 6 Memphis State U. L. Rev. 143 (1976).

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The Legal and Ethical Position of the Code of Professional Ethics, V Social Responsibility: Journalism, Law, Medicine (Wash. & Lee Univ., 1979).

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How Far May a Lawyer Go in Assisting a Client in Legally Wrongful Conduct?, 35 U. of Miami L. Rev. 669 (1981).

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A Question of Scale, Harvard Law School Bulletin, Winter, 1984 (review of Bok report on legal education).

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Rectification of Client Fraud: Death and Revival of a Professional Norm, 33 Emory L.J. 271 (1984).

Reflections on the Substance of Finality, 70 Cornell L. Rev. 642 (1985).

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Court Delay: Toward New Premises, 5 *Civil Justice Q.* 236 (1986), republished in Italian, *Costo e Durata del Processo in Italia e in U.S.A.*, 32 *Rivista di Diritto Civile* 271 (1986).

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A Lawyer's Privilege Against Self-Incrimination in Professional Disciplinary Proceedings, 96 *Yale L.J.* 1060 (1987) (with Cameron Beard).

Triangular Lawyer Relationships: An Exploratory Analysis, 1 *Georgetown J. Legal Ethics* 15 (1987).

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Four Portraits of Law Practice, 57 *UMKC L. Rev.* 1 (1988).

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Authority in the Dock, 69 Boston U. L. Rev. 469 (1989).

My Station as a Lawyer, 6 Georgia State U. L. Rev. 1 (1989).

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Swimwear for the Ethics Goldfish Bowl, 26 Int'l Soc'y of Barristers Quarterly 297 (1991).

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Doing the Right Thing, 70 Washington U.L.Q. 691 (1992).

Alvin B. Rubin: Man of the Law, 52 Louisiana L. Rev. 1481 (1992).

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Reflections on Judge Weinstein's Ethical Dilemmas in Mass Tort Litigation, 88 Northwestern U. L. Rev. 569 (1994).

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Azioni di Responsabilita Verso gli Amministratori di Societa Commerciali nel Diritto Statunitense, 39 *Rivista delle Societa* 441 (1994).

Conflict of Interest in Estate Planning for Husband and Wife, 20 The Probate Lawyer 1 (1994).

Equality and Selectivity in American Civil Litigation, in T. Kojima, T. Atsumi, H. Hokama, and M. Shimuzu, eds., *The Grand Design of America's Justice System*, Institute of Comparative Law in Japan (1995).

Law, Morals, and Ethics, 19 So. Illinois U.L.J. 447 (1995).

La Nozione di "Substantial Evidence" nel Processo Civile Statunitense, 1-1996 *Rivista Trimestrale di Diritto e Procedura Civil* 251 (1996).

Conflict of Interest in the Classic Professions, in R. Spece, D. Shimm and A. Buchanan, *Conflicts of Interest in Clinical Practice and Research* (1996).

The Settlement Black Box, 75 *Boston Univ. Law Review*. 1257 (1996).

The Client Fraud Problem: A Justinian Quartet, 1 *J. Institute for Study of Legal Ethics* 43 (1996)

The Privity Requirement Reconsidered, 37 *So. Texas L. Rev.* 967 (1996).

Commentary: Policy Implications [of Lawyers Problems with Alcohol], 10 *J. Law and Health* 79 (1995-96).

Un Codice di Etica Professionale per gli Avvocati Italiani? *Rivista Trimestrale di Diritto e Procedura Civile*, Anno L Fasc. 4-1996.

An Examination Before and Behind the “Entire Controversy” Doctrine, 28 *Rutgers L.J.* 7 (1996).

A Lawyer’s Moral and Ethical Discretion, 8 *Researching Law* No.2 (1997).

Transnational Rules of Civil Procedure, 30 *Cornell Int’l. L.F.* 495 (1997, with M. Taruffo).

State Supreme Court Regulation of Professional Ethics, 72 *Notre Dame L. Rev.* 1177 (1997).

Protecting the Environment: Finding the Balance Between *Delaney* and Free Play, 18 *U. Penna. J. Of Int’l Economic Law* 487 (with H. Kunreuther, 1997).

Ethical Dilemmas of Corporate Counsel, 46 *Emory L.J.* 1011, 1053 (1997).

Professional Legal Education and Citizen Education, 25 *J. Japanese Institute of Int’l Bus. Law* 1181 (1997) (in Japanese, translation by Professor Koichi Miki).

Harmonization of Procedural Law, 44 *J. Of Civil Procedure* 70 (Japanese Ass’n of the Law of Civil Procedure) (translated into Japanese by Professor Koichi Miki).

Non-Silences of Professor Hazard on “The Silences of the Restatement”: A Response to Professor Menkel-Meadow.” 10 *Georgetown L. Legal Ethics* 1997).

Per L’Indipendenza Professionale Dell’Avvocatura, 1997 *Rivista Trimestrale di Diritto e Procedura Civile* 407.

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From Whom No Secrets are Hid, 76 *Texas L.Rev.* 1665 (1998).

The Duty or Option of Silence, 23 *Law & Social Inquiry* 139 (1998).

Reflections on Self-Study [of the American Law Institute], 23 *Law & Social Inquiry* 641 (1998).

The County Courthouse No Longer Looms Over the Community, 51 *SMU L. Rev.* 1559 (1998).

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An Historical Analysis of the Binding Effect of Class Suits, 146 *U. Penna L. Rev.* 1849 (1998) (with John L. Gedid and Stephen Sowle)

The Underlying Causes of Withdrawal and Expulsion of Partners from Law Firms, 55 *Washington and Lee Rev.* 1073 (1998)

Individual Justice in a Bureaucratic World, 7 *Tulane J. of Int'l and Comparative Law* 73 (1999)

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Globalization, National States, and the Rule of Law, in Jose Cipurut, ed., *Of Fears and Foes: Security and Insecurity in an Evolving Global Political Economy* (2000).

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Conflicts of Interest in Representation of Public Agencies in Civil Matters, 9 *Widener J. Public Law* 211 (2000).

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A New Player in the Boardroom: The Emergence of the Independent Directors' Counsel, 59 *The Business Lawyer* 1389 (with Edward Rock)

Humanity and the Law, 16 *Yale J. Law and the Humanities* 79 (2004).

“Announcement” by Federal Judicial Nominees, 32 *Hofstra L. Rev.* 1281 (2004)

Lawyer for the Situation, 39 *Valparaiso U. L. Rev.* 377 (2004).

Advertising and Intermediaries in Provision of Legal Services: *Bates* in Retrospect and Prospect, 39 *Ariz. State L.J.* 309 (2005).

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