

CURRICULUM VITAE

University of Idaho

NAME: Beard, D. Benjamin

DATE: May 22, 2020

RANK OR TITLE: Professor of Law

DEPARTMENT: College of Law

OFFICE LOCATION AND CAMPUS ZIP: Menard Law Bldg.
Room 128, 2321

OFFICE PHONE: 208-885-6747

FAX: 208-885-5709

E-MAIL: beardb@uidaho.edu

DATE OF FIRST EMPLOYMENT AT UI: July 27, 1987

DATE OF TENURE: July 1, 1992

DATE OF PRESENT RANK OR TITLE: August 1, 1993

EDUCATION BEYOND HIGH SCHOOL:

Degrees:

J.D., Case Western Reserve University School of Law, Cleveland, Ohio, 1982

Awards: Guardian Title Award

Society of Benchers Award

Graduated first in class in law school

B.A. (Magna Cum Laude), University of Cincinnati, Cincinnati, Ohio, 1977, High Honors in History; Phi Beta Kappa

Certificates and Licenses:

Licensed to Practice Law in State of Ohio (currently inactive).

Paralegal Certificate, Institute for Paralegal Training, Philadelphia, Pennsylvania, 1977

EXPERIENCE:

Teaching and Research Appointments:

Professor of Law, University of Idaho, 1993-present

Associate Professor of Law, University of Idaho, 1987-93

Academic Administrative Appointments:

Interim Associate Dean, College of Law, March 2012-August, 2012

Associate Dean, College of Law, June 2000-2006

Acting Associate Dean, College of Law, Spring Semester, 1998

Non-Academic Employment:

Associate Attorney, 1982-87, Calfee, Halter & Griswold, Cleveland, Ohio

Paralegal, 1977-1979, Benesch, Friedlander, Coplan & Aronoff, Cleveland, Ohio

TEACHING ACCOMPLISHMENTS:**Areas of Specialization:**

Property and commercial law; electronic commerce; statutory reading and interpretation

Courses Taught:

University of Idaho:

Property I, Law 807: Fall, 1987-1999, 2003, 2006-2010 (1st semester of 6 credit course);
 Property II, Law 808, Spring, 1988-2000, 2004, 2006-2011 (2d semester of 6 credit course)
 Property Law, Law 807 (4 credit single semester course) 2011 – 2017, 2020
 Property Security, Law 925, Spring, 2014-2020; as course fka Secured Transactions, Summer, 1991, 1994, 1996, 1998.
 Sales, Law 924: Fall 1987-2010, Spring 2012 and 2013, Fall 2013; Spring, 2015 - 2020
 Contracts, Law 815, Fall, 2014-2016
 Legislation & Regulation (aka Statutory Reading and Interpretation), Law 820, Fall, 2011-2012, Spring 2014
 Suretyship and Guarantee (fka Principles of Suretyship), Law 911, Fall, 1991-2000, 2002-2010, Spring 2012
 Negotiable Instruments, Law 923, Spring, 1988-91, 1993, 1995, 1997-2011
 International Business Transactions, Law 915, Spring, 1992, 1994, 1996

Materials Developed:

Suretyship and Guarantee (fka Principles of Suretyship): Cases and Materials
 Statutory and Regulatory Supplement for Negotiable Instruments

Courses Developed:

Suretyship and Guarantee (fka Principles of Suretyship), Law 911
 College of Law Early Welcome Program, August 2005-2010 (with Seamon, and Luebbert); August 2011-2016 (with Albertson/Dodge, and Luebbert).

Teaching Workshops and Seminars attended :

Association of American Law Schools, Associate Deans Conference, June 4-5, 2004, Making Waves: Xers and Millenials in Law Schools. Workshop relating to new challenges in teaching to the new generations attending law schools.

University of Idaho Professional Development Workshop, Educating the Net Generation, June 7-9, 2005. Workshop for faculty relating to the needs of the net generation and how to redesign course and curricula for the net generation.

Other Activities Related to Teaching Innovation:

Presentations by Information Technology Services, and faculty colleagues Spring, 2006, regarding the use of “clicker technology” in class.

As Associate Dean and Chair of the College of Law Facilities Committee, 2004-2006 - Active and continuing involvement in discussions with faculty, consultants, architects, facilities managers, and information technology specialists regarding renovations and technological improvements and installations in the College of Law Building, specifically the courtroom and largest classroom.

Non-credit Classes, Workshops, Seminars, Invited Lectures, and other Presentations:

- University of Idaho College of Law Early Welcome Program Teaching Fellow August, 2005-Present. An original organizer and teaching fellow for this pre-orientation program that provides and early start for select law students prior to Orientation the first year of law school.
- Moderator, Panel IV: Post-Kelo Legislation, part of the 2007 *Idaho Law Review Symposium, Getting Bigger Better: An analysis of Urban Growth Solutions*, March 30, 2007, Boise, Idaho.
- Contracting Seminar - *Basic Contract Law for Purchasing Professionals*, presented to Northwest Supply Management Association, March 23, 2007, Portland, Oregon. Including materials (50 pp) prepared for, and distributed to, participants.
- Panelist, American Bar Association, Section of Business Law, Committee on the Law of Cyberspace, Hot Topics Presentation, *Virtual Worlds - Real Laws*, March 17, 2007, Washington D.C. Including materials (7 pp.) Prepared for, and distributed to participants.
- Presentation to Idaho State Bar Commissioners regarding Current Scholarship Pursuits - Electronic Commerce and Virtual Gaming. November 7, 2006, Moscow, Idaho.
- Presentation to 2005 Supply Chain Managing Conference - Bridging Northwest Supply Chains, hosted by Northwest Supply Management Association, April 12-13, 2005, Portland, Oregon. *Current Developments in Contracting,: Electronic Contracting, International Perspectives, and Revised Ucc Article 2.* Including materials (24 pp.) Prepared for, and distributed to participants.
- Contracting Seminar presented to Conagra Foods, Pasco, Washington, February 18, 2005, *Contracting Basics - An Overview*. Including materials (41 pp) Prepared for, and distributed to, participants.
- Presentations to 61st Pacific Northwest Purchasing Conference hosted by National Association of Purchasing Management - Alaska, October 7-8, 2004, Anchorage, Alaska.
- a. UCC Contracts: Paper vs. Cyberspace
 - b. Buyer's Legal Rights and Remedies under the Uniform Commercial Code Including materials (27 pp.) Prepared for, and distributed to, participants.
- Presentations to 60th Pacific Northwest Purchasing Conference hosted by National Association of Purchasing Management - Columbia Basin, October 9-11, 2003, Kennewick, Washington.
- a. UCC Contract Formation on Paper vs. Cyberspace
 - b. Buyer's Legal Rights and Remedies under the Uniform Commercial Code Including materials (26 pp.) Prepared for, and distributed to, participants.
- Group Leader, Beginning Law Teaching after an Established Career. Association of American Law Schools, Candidates Workshop, Faculty Recruitment Conference, October 24, 2002, Washington, D.C., and October 18, 2001, Washington, D.C.
- Panelist, Banking and Commercial Lending Law-2001, ALI-ABA Course of Study Program, September 13-15, 2001, Washington D.C. Including materials (35 pp.) (Presentation canceled due to September 11, 2001 attacks, materials distributed to registrants.)
- Panelist, Preemption of State Electronic Signature Law by Federal E-Sign Legislation, Idaho Law Foundation and Idaho Law Review Symposium on Electronic Commerce, March 30, 2001, Boise, Idaho. Including materials (10 pp.) prepared and included in materials distributed to participants.
- Panelist, Banking and Commercial Lending Law - 2000, ALI-ABA Course of Study Program, August 17-19, 2000, San Francisco, California. Including materials (26 pp.) prepared and included in materials distributed to participants. Received highest evaluation among all faculty from participants.
- Panelist, Legislative Approaches to Validating Electronic Contracts, CPR Institute for Dispute Resolution Annual Meeting, June 6, 2000, Charleston, South Carolina.
- Panelist, An Introduction to E-Commerce, Idaho State Bar Association, Business and Corporate Law Section CLE Program, May 5, 2000, Boise, Idaho. Including materials (14 pp.) prepared and included in materials distributed to participants.
- Presenter, The Uniform Electronic Transactions Act, National Association of Purchasing Management - Spokane, April 18, 2000, Spokane, Washington. Including materials (13 pp.) prepared and included in materials distributed to participants.
- Panelist, Modifying State Law to Support Electronic Commerce, E-Business Strategies for the Insurance Marketplace, March 28, 2000, Scottsdale, Arizona

- Program Chair and Panelist, UETA and UCITA: The ABC's of Electronic Commerce, American Bar Association, Section of Business Law, Spring Meeting, March 25, 2000, Columbus, Ohio. Including materials (w/Fry, 14 pp.), prepared and included in materials distributed to participants.
- Panelist, The Uniform Electronic Transaction Act, E-Commerce Program for Independent Insurance Agents of America, January 28, 2000, Palm Springs, California. Including materials (3 pp.) distributed to participants.
- Panelist, The Emerged and Emerging New Uniform Commercial Code, ALI-ABA Course of Study Program, November 11-13, 1999, New York, New York. Including materials (52 pp.) prepared and included in materials distributed to participants.
- Presentations to 55th Pacific Northwest Purchasing Conference hosted by National Association of Purchasing Management - Columbia Basin, October 12-13, 1998, Kennewick, Washington, Workshop on the UCC and Electronic Commerce. Including materials (13 pp) prepared for, and distributed to, participants.
- Panelist, The Electronic Transactions Act: The Byte That Binds, American Bar Association, Annual Meeting, August 4, 1998, Toronto, Ontario, Canada. Including materials (15 pp.) prepared (with Beattie) and included in materials distributed to participants.
- Panelist, Electronic Transactions Act Contracting in Cyberspace, Minnesota State Bar Association 1998 Business Law Institute, May 21, 1998, Minneapolis, Minnesota. Including materials (15 pp.) prepared (with Beattie) and included in materials distributed to participants.
- Program Chair and Panelist, Avoiding Career Ending Mistakes - Guaranties and the New Restatement of Guaranty and Suretyship, American Bar Association, Section of Business Law, Spring Meeting, March 30, 1996, Nashville, Tennessee. Including materials (8 pp.) prepared and included in materials distributed to participants.
- Program Co-Chair and Moderator, A Practitioner's Guide to the International Law of Sales, American Bar Association Annual Meeting, August 5, 1995, Chicago, Illinois.
- Presentations to 50th Pacific Northwest Purchasing Conference hosted by Columbia Basin Purchasing Management Association, October 21-22, 1993, Kennewick, Washington.
- a. Contract Formation Under the Uniform Commercial Code - Workshop on contract formation issues under Article 2 of the Uniform Commercial Code and at common law.
 - b. Legal Issues Relating to the Use of Electronic Data Interchange in Contracts for the Purchase/Sale of Goods under the Uniform Commercial Code: Workshop regarding legal implications of the use of EDI.
- Including materials (38 pp.) prepared for, and distributed to, participants.
- Program Chair and Moderator, Current Issues in Suretyship Program, American Bar Association Annual Meeting, August 10, 1992, San Francisco, California.
- Uniform Commercial Code Seminar presented to Columbia Basin Purchasing Management Association, May 10, 1991, Kennewick, Washington.
- a. Day-long seminar overview of Articles 2 and 2A of the Uniform Commercial Code, secured purchases and international sales of goods.
 - b. Dinner presentation concerning impact of Electronic Data Interchange on provisions of the UCC.
- Including materials (27 pp.) prepared for, and distributed to, participants.
- Update and Review of Current Trends Under Uniform Commercial Code, Articles 2, 3, 4, and 6, and Introduction to Article 2A - Leases, presented as part of Idaho Law Foundation Continuing Legal Education Program, "The UCC: An Update," June 2, 1989, Boise, Idaho. CLE materials (26 pp.) prepared and included in "The UCC: An Update" (Idaho Bar Foundation, 1989).
- Presentations to Columbia Basin Purchasing Management Association Workshop, May 4, 1989, Richland, Washington.
- a. Workshop on the contract formation provisions under Section 2-207 of the Uniform Commercial Code.
 - b. Dinner presentation concerning the terms of Article 2A, Personal Property Leasing, of the Uniform Commercial Code.
- Including materials (12 pp.) prepared for, and distributed to, participants.

Presentations to 45th Pacific Northwest Purchasing Conference hosted by Columbia Basin Purchasing Management Association, March 20-22, 1988, Pasco, Washington.

- a. Revisiting the Elements of Contract - Discussion of contract formation under Article 2 of the Uniform Commercial Code and at common law.
- b. Contractual Warranty Provisions - Discussion of express and implied warranties under Article 2 of the Uniform Commercial Code.

Including materials (4 pp.) prepared for, and distributed to, participants.

Honors and Awards:

Recipient, University of Idaho College of Law Professionalism Leadership Award, May, 2020

Recipient, University of Idaho Alumni Award for Faculty Excellence, December 5, 2020.

Nominee, University of Idaho Annual Teaching Award, December 2015.

Recipient, University of Idaho Alumni Award for Faculty Excellence, December 7, 2007.

Nominee, University of Idaho Annual Teaching Award, December 2006.

Nominee, University of Idaho Annual Advising Award, December 2002.

Recipient, University of Idaho College of Law Peter E. Heiser Teaching Award, May 18, 2002.

Recipient, University of Idaho Alumni Award for Faculty Excellence, December 6, 2001.

Recipient, University of Idaho Student Disability Services, Outstanding Faculty Award, May 8, 2001.

Recipient, University of Idaho Alumni Award for Faculty Excellence, November 30, 2000.

Recipient, University of Idaho Alumni Award for Faculty Excellence, December 1, 1993.

Recipient, University of Idaho Alumni Award for Faculty Excellence, December 4, 1991.

Included in Marquis *Who's Who Among America's Teachers*, 1998, 2000, 2002, 2003, 2004, and 2006.

SCHOLARSHIP ACCOMPLISHMENTS:

Publications:

Peer Reviewed/Evaluated:

Book Chapter and annual supplements, "Uniform Electronic Transactions Act," Volume 10 Hawkland, *Uniform Commercial Code Series*, (Thomson/West Pub., February, 2007), together with Annual Supplements 2008-Present

"The 2001 Symposium Edition." 37 *Idaho L. Rev.* 233-235 (2001) (3 pp.)

"What Hath Congress Wrought: E-Sign, the UETA, and the Question of Preemption." (with Meehan). 37 *Idaho L. Rev.* 389-414 (2001) (25 pp.)

"Unconscionability, Good Faith Purchaser, Cure, and Risk of Loss." *Commercial Law Annual 1995*, 185-194 (1995) (10 pp.).

"Suretyship on the Fringe: Suretyship By Operation of Law and By Analogy." 34 *William & Mary L. Rev.*, 1157-1194 (1993) (37 pp.).

"Effectuating the Customer's Right to Stop Payment of a Check: The Forgotten Section 4-401." 37 *Wayne L. Rev.* 1815-1847 (1991) (32 pp.).

"The Purchase Money Security Interest in Inventory: If It Does Not Float, It Must Be Dead!" 57 *Tenn. L. Rev.* 437-497 (1990) (60 pp.).

Other:

"Virtual Worlds Alongside the Real World; Do You Know Where Your Clients Are?," *Business Law Today* (Vol. 17:2, Nov/Dec 2007) (with Kunz)

“Waiver of Suretyship Defenses.” *UCC Committee Update* (March 1993), p. 3.

“New Interest in Suretyship.” *UCC Committee Update* (November 1991), p. 3.

Grants and Contracts Awarded:

Faculty Course Development Stipend. \$5000 (2011)

Faculty Research Grant, University of Idaho, College of Law, \$12,000 (2007).

Faculty Research Grant, University of Idaho, College of Law, \$5,000 (1992).

Faculty Research Grant, University of Idaho, College of Law, \$5,000 (1989).

SERVICE:

Major Committee Assignments:

International:

National Correspondent for the United States - The United Nations Commission on International Trade Law (UNCITRAL), Case Law on UNCITRAL Texts (CLOUT) (Model Law on Electronic Commerce and United Nations Convention on the Use of Electronic Communications in International Contracts), 2017-2022

American Bar Association Representative to United Nations Commission on International Trade Law, Working group IV (Electronic Commerce), 2003-2006

a. Delegate to Working Group IV - Electronic Commerce, forty-second session, Vienna, Austria, November 17-21, 2003

b. Delegate to Working Group IV - Electronic Commerce, forty-third session, New York, New York, March 15-19, 2004

Law School Representative, American Bar Association, Central and

Eastern European Law Initiative, Balkan Law School Linkage, Ljubljana, Slovenia, December 7-9, 2000.

National:

Reporter, Uniform Law Conference Committee to Implement United Nations E-Commerce Convention, 2008-2010

Reporter, Uniform Electronic Transactions Act, Project of National Conference of Commissioners on Uniform State Laws, 1996-2000. Drafter of uniform law currently enacted by 47 states, including Idaho.

Regional and State:

Member, Idaho State Bar Association Committee on Continuing Legal Education, June 2000- May 2001.

Unpaid Consultant, Idaho State Legislature, Interim Committee on the Transfers of Personal Information, September 2000-December 2000.

University:

University Search Committee for Vice President for Research and Graduate Studies, Fall 2000-01

University Faculty Senate (fka Faculty Council), 2004-2007

Intellectual Property Faculty-Staff Handbook Revision Task Force - 2005-2006

Faculty Affairs Committee, Subcommittee on Promotion and Tenure - 2006-2007

University Research Council, Spring 1998, 2000-2004

University Ad Hoc Associate Deans Group, June 2000-June 2006
 University Safety and Loss Control Committee, 2003-04, 2012-2015
 University Promotions Committee, 1998, 1999
 University International Affairs Committee, 1991-97; Chair, 1995-96
 Faculty, Ukraine Land Privatization Training, Postharvest Institute for Perishables, September 14-28, 1996, Moscow, Idaho.
 University Dismissal Hearings Committee Panels, 1990-91

College:

Faculty Coordinator, “Electronic Commerce and the UETA,” a national symposium sponsored by the University of Idaho College of Law and the Idaho Law Review, March 30, 2001, Boise, Idaho.
 Faculty Co-Advisor, Idaho Law Review, 1995-2016.
 Faculty Advisor, College of Law Moot Court Board (fka Board of Student Advocates), 1994-2005, 2016-Present; Co-Advisor 2005-2016.
 Faculty Advisor, 1995 National Moot Court Regional Competition, November 16-18, 1995, Moscow, Idaho.
 Faculty Mentor for Victor N. Ukhvanov, visiting scholar from Belarus State University, Fall 1994.
 Faculty Coordinator, “Article 9 of the Uniform Commercial Code: Where Do We Go From Here,” a national symposium sponsored by the University of Idaho College of Law and the Idaho Law Review, March 22-23, 1993, The Coeur d’Alene Resort, Coeur d’Alene, Idaho.
 Law School Admissions Committee, 1988-93, 1997-98, 2000-2014 (Chair 2000-2006), 2015-2017, 2018-2020
 Law School Strategic Implementation Group (Moscow), 2018-2019
 Law School Promotion and Tenure Committee, 1987-88, 1988-91, 2016-2018 (Chair 2017)
 Law School Curriculum Committee, 1993-97; Chair 1998-2000; (ex officio, without vote, as associate dean 2000-2006); Chair, 2006-2011 and 2014-2016
 Law School Ad Hoc Committee for Future Planning, Chair, 2013-2014
 Law School 2011 Accreditation Self-Study Committee, Co-Chair, 2010-2011
 Law School 2005 Accreditation Self-Study Committee, 2004-2005
 Law School Faculty Appointments Committee, 2000-2003, 2005-2006
 Law School Search Committees for:
 Legal Writing and Analysis Assistant Professor, Moscow, 2017-2018
 Director of Admissions, Spring 2004
 Director of Career Services, Fall 2003
 External Program Director, Fall 2000
 Business Manager, Fall 2000
 Admissions Coordinator, Fall 2000
 Administrative Assistant, Fall 2000
 Law School 1998 Accreditation Self-Study Committee, Chair, 1996-98

Law School Ad Hoc Outreach Task Force, 2000-2006

Law School Strategic Planning Committee, 1999-2013

Law School Faculty Secretary, 1987-88, 1998-99

Law School Class Scheduler 2012-2018

Professional and Scholarly Organizations:

American Law Institute, Elected Member, 1993-2017, Lifetime Member, 2018-Present

Members Consultative Groups:

Restatement of Restitution, 1999-2008

Revision of Article 2, 1993-2001

Revision of Article 9, 1993-1998

Restatement of Property (Servitudes), 1993-2000

Restatement of Property-Security (Mortgages), 1993-2000

Restatement of Suretyship and Guaranty, 1993-95

American Bar Association, 1983-present

Section of Business Law, 1983-present

Committee on the Uniform Commercial Code, 1990-present

Subcommittee on General Provisions and Relation to Other Law, Co-Chair, 2004-2006

Subcommittee on Scope of the UCC, 1990-present, Chair 1999-2004

Joint working Group to Update Model Trading Partner Agreement, Co-Chair 2001-2005

Joint Subcommittee on Domestic and International Business Transactions, Co-Vice -Chair, 1994-99

Task Force on Suretyship, Chair, 1991-96

Subcommittee on Sales, 1990-present

Task Force on Revision of Article 2, 1992-2000

Subcommittee on Electronic Commercial Practices, 1990-96

Co-Chair, Working Group on Writings and Notices, 1995-96

Subcommittee on Payments, 1991-present

Subcommittee on Secured Transactions, 1991-present

Subcommittee on International Commercial Law, 1991-present

Committee on Cyberspace Law, 1996-present

Radio Frequency Identification Tags (RFID) Task Force, co-chair, 2009-2011

Subcommittee on Electronic Commerce, 1996-present, co-chair 2006-2009

Co-Chair, Task Force on Writings and Notices, 1996-97

Executive Committee Section on Canadian-American Cooperation of the Association of American Law Schools, 1990

Order of the Coif, 1982-present

Phi Beta Kappa, 1978-present

Ohio Bar Association, 1982-87

Cleveland Bar Association, 1982-87

Community Service:

Moscow School District, Moscow, Idaho

Member, Budget Committee, 1994-97

Member, Consensus 2000 Steering Committee, 1992-94

Lena Whitmore Elementary School, Moscow, Idaho

Member, Parent Advisory Team, 1989-95

Emmanuel Lutheran Church, Moscow, Idaho

Pastor Call Committee, Chair, 2012-2013

President, 2000-2001, 2008-2009, 2017-2019

Vice President, 1991, 1992

Secretary, 2001-02

Member, Church Council, 1990-92, 1998-2002, 2006-2009, 2017-19

Member, Executive Committee, 1991, 1992, 1999-2002, 2006-2009, 2017-19

Member, Worship and Music Committee, 1990, 2003-2006

Member, Finance Committee, 1992-93; Chair, 1992

Coventry Youth Center (nka Heights Youth Center), Cleveland Heights, Ohio

President, 1985-87, Board of Trustees, 1983-87